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Proposal under section 383 of the *Local Government Act 1993:* merger of the County Councils

Rous Water

Richmond River County Council

Far North Coast Weeds



Overview of merger proposal

Principal objectives

The principal objective of the proposal is to effect the dissolution of Far North Coast County Council ('FNCW') and Richmond River County Council ('RRCC') and to amend the constitution of Rous County Council to incorporate the functions of those former Counties.

Proposed achievement of objectives and operation of the change

It is proposed to achieve the objectives of the reform by proclamation under the *Local Government Act 1993*. This would include the making of facilitating provisions to give effect to the proclamation and ensure the seamless transition and continuity in service delivery of both existing and new services of Rous County Council. Recognising the local government election cycle, among other things, it is proposed that the timing of any change would take effect on 1 July 2016.

Background material

Overview of the Counties

The three Counties are co-located in the Rous Water Administration Centre in Lismore. The operation of the three County Councils is overseen by Mr Kyme Lavelle, General Manager.

In accordance with sections 334, 338 and 395 of the *Local Government Act 1993* Mr Lavelle is appointed and employed as General Manager of each County Council. Consequently three standard contracts, in the form approved by the Director-General, are in place with each Council having provided consent under section 353(1) for Mr Lavelle to engage in paid private employment with the other Counties.

Administrative, governance and financial services are provided by Rous County Council to FNCW and RRCC on a 'fee for service' basis in accordance with a Service Level Agreement. This arrangement has been in place with RRCC since 1982 and FNCW since 2002.

Rous County Council (Rous Water)

- Bulk water supply authority for the local government areas of Lismore (excluding Nimbin), Ballina (excluding Wardell), Byron (excluding Mullumbimby) and Richmond Valley (excluding land to the west of Coraki).
- Includes over 33,000 connections within the reticulation areas of the constituent Councils, and around 2,000 retail connections to the trunk main system.
- Servicing a population of around 95,000.
- 8 Councillors representing 4 local government areas.
- 10 Council meetings per year.

As at 30 June 2014, Council had 71.8 full time equivalent permanent positions (including 4 unfilled), with 70 permanent staff, and an additional 10 staff engaged on term contracts constituting 7.8 full time equivalent temporary positions. Salaries and wages for the year were approximately \$4.2M.

Council's operating expenditure for 2013/14 was approximately \$20.9M (including depreciation and excluding capital expenditures).

Richmond River County Council

- Flood mitigation authority for the local government areas of Ballina, Lismore and Richmond Valley.
- Smallest County Council in NSW.
- Provides a coordinating role in floodplain management, working with constituent Councils, State and Commonwealth agencies, university researchers, and floodplain industries to develop long-term effective natural resource management strategies for the Richmond River floodplain and estuary.
- Undertakes routine maintenance of its various canals and floodgate structures including the construction and replacement of flood mitigation infrastructure.
- 6 Councillors representing 3 local government areas.
- 5 Council meetings per year.

As at 30 June 2014, Council had 6 full time equivalent permanent positions, with 6 permanent staff, and 1 full time equivalent term contract. Salaries and wages for the year were approximately \$402K.

Council's operating expenditure for 2013/14 was approximately \$2.6M (including depreciation and excluding capital expenditures).

Far North Coast County Council

- Administers the *Noxious Weeds Act 1993* for the local government areas of Ballina, Byron, Kyogle, Lismore, Richmond Valley and Tweed.
- Area of operations is approximately 10,290km² which borders Queensland to the north, Tenterfield Shire to the west and Clarence Valley Council to the South.
- 6 Councillors representing 6 local government areas.
- 5 Council meetings per year.

As at 30 June 2014, Council had 10 full time equivalent permanent positions (including 5 unfilled), with 5 permanent staff. Salaries and wages for the year were approximately \$532K.

Council's operating expenditure for 2013/14 was approximately \$1.5M (including depreciation and excluding capital expenditures).

External reviews: structural arrangements of the County Councils

In 2010 the UTS Centre for Local Government was engaged to undertake a cost - benefit analysis of the structural arrangements for the three Counties. This included investigating and identifying potential reform opportunities with recommendations in relation to a solution that, on balance, had long-term strategic operational, administrative and environmental benefits.

A copy of the Final Report is attached for information (Attachment A).

An independent review of the Final Report commissioned by FNCW and RRCC was also undertaken. The Final Report contained seven reform options and a copy of that report is attached for information (Attachment B).

The proposal to effect the merger of FNCW and RRCC into Rous County Council reflects a combination of Option 2 and Option 7 from the Final Report:

Option 2: Amalgamation of the three County Councils into a single entity controlled by only four of the six constituent Councils removing both Kyogle Council and Tweed Shire Council from elected representation; this option would require a new constitution; this option involves the dissolution of the three existing County Councils, and relies on service agreements to provide ongoing weeds services to Kyogle Council and Tweed Shire Council.

Option 7: Regional option: Create a new county council that incorporates all the existing functions of the current three County Councils (Rous Water, Far North Coast County Council and Richmond River County Council) with a new constitution that provides the flexibility to accommodate the management and delivery of regional initiatives; the governance structure would include representation from only four of the current six constituent Councils (excluding Tweed Shire Council and Kyogle Council).

Note: The Final Report identified Option 7 as the preferred option based on enhanced strategic capacity/coordination, rationalisation of and efficiency in governance, service delivery benefit to the community/customer, identified risk/contingent liability and the capacity to adequately manage/mitigate it, financial benefit and workforce retention and security.

While the merger proposal is not identical to either Option 2 or Option 7 it does substantially comply with the intent of each. The points of difference are as follows:

1. Merger of the two smaller Counties into Rous County Council in preference to the creation of a new single County Council.
2. Absence of provision for the management and delivery of regional initiatives.

The purpose and intent of the merger proposal is to effect change predominantly in the governance and administration areas of the Counties; not to expand the scope of current service provision.

Existing proclamations

It is recognised that a review of the operative provisions of each proclamation that is currently in force will be required to ensure that the nature and extent of all existing powers and functions are preserved. A copy of the proclamations made under the *Local Government Act 1919* and the *Local Government Act 1993* are attached (Attachment C).

Legal implications and difficulties

Area of operations

With the exception of FNCW, the intention is to preserve the area of operations of each County Council under the merged County Council.

It is proposed that the footprint of the merged County Council will consist of:

1. The existing Rous County Council area of operations with respect to the services provided by that County. This means **part** of the local government areas of Ballina, Byron, Lismore and Richmond Valley (refer to general information about Rous Water on page 2).
2. Four of the six local government areas of FNCW; with respect to the services provided by that County. This means the **whole** the local government areas of Ballina, Byron, Lismore and Richmond Valley. It is proposed that service level agreements will be implemented for Kyogle and Tweed.
3. The existing RRCC area of operations with respect to the services provided by that County. This means the **whole** the local government areas of Ballina, Lismore and Richmond Valley.

Service level agreement arrangements

It is proposed that the delivery of noxious weeds related services by the merged County Council to the constituent councils of Kyogle and Tweed occur by arrangement. It is anticipated that this arrangement would be modelled on existing financial contribution levels.

Detailed merger proposal

It is proposed that the merger of FNCW and RRCC into Rous County Council will be effected under the *Local Government 1993* whereby:

- (1) Pursuant to section 383 a proposal by Rous County Council with the support of FNCW and RRCC, is made to the Minister for Local Government to dissolve FNCW and RRCC and amend the constitution of Rous County Council to incorporate the functions of those Counties.
- (2) Pursuant to sections 384-386, where the Minister for Local Government decides to proceed with the proposal, public notice will be given seeking representations from anyone affected by it. The Minister will then consider all representations made and recommend a course of action to the Governor.
- (3) Subject to the Minister for Local Government recommending to the Governor that the proposal be implemented either with or without modification and pursuant to sections 397 and 398, the Governor by proclamation will, among other things:
 - (a) Dissolve FNCW and RRCC, and
 - (b) Amend the proclamation constituting Rous County Council to vary its functions to include the functions of the former FNCW and RRCC, and
 - (c) Amend the proclamation constituting Rous County Council in relation to the area of operations, and
 - (d) Make any such other provision as necessary or convenient for giving effect to the proclamation.

The intention is for Rous County Council to wholesale absorb FNCW and RRCC. Apart from expanding Rous County Council's functions to incorporate the functions of the two smaller Counties, it is proposed that Rous County Council would be largely unaffected by the merger and continue operations on a 'business as usual' basis. It is therefore important that the amendment of Rous County Council's proclamation does not inadvertently impact existing or future operations and arrangements. For example, decisions of Rous County Council, the General Manager and staff, real property rights, instruments issued by it or to it under primary or subordinate legislation, contracts and other legally binding arrangements. Savings and transitional arrangements may be required in this regard.

Name of the county council

It is proposed that the name 'Rous County Council' will extend to cover the merged County Council. The arrangements with the trading names of 'Rous Water' and 'Far North Coast Weeds' would require review as part of the transition process.

Description of the county council's area of operations

The area of operation of the merged County Council is proposed as:

1. The existing Rous County Council area of operations with respect to the services provided by that County.
2. Four of the six local government areas of FNCW (excluding Kyogle and Tweed); with respect to the services provided by that County.
3. The existing RRCC area of operations with respect to the services provided by that County.

Name of each council within the county council's area of operations

The area of each of the constituent councils of Ballina Shire Council, Byron Shire Council, Lismore City Council and Richmond Valley Council each lie either in part or in whole within the merged County Council's area of operations.

Number of persons to be elected by each constituent council to the county council's governing body

The number of persons to be elected by each constituent council to the governing body of the merged County Council is two councillors from each of the four member constituent Councils. This will provide a governing body of eight.

Description of the county council's function

The merged County Council will be responsible for the functions as currently described separately in each County Council's constituting proclamation. In general, the merged County Council will be responsible for:

- (a) The supply of water in bulk,
- (b) Noxious weeds matters (principally as a local control authority under the *Noxious Weeds Act 1993*), and
- (c) The prevention or mitigation of menace to the safety of life or property from floods (including natural resource management in relation thereto).

It is not proposed that a detailed review of the functions of each County Council be considered at this time. The merger is simply intended to combine the existing functions of each County 'as is'.

County Council resolutions: making of a reform proposal

Far North Coast County Council meeting of 24 June 2014

22/14 RESOLVED (Houston/Sullivan) that Council endorse the making of an application to the Minister for Local Government proposing the integration of the three County Councils into a single County Council with representation by elected members from the constituent Councils.

Richmond River County Council meeting of 25 June 2014

34/14 RESOLVED (Marks/Morrissey) that Council endorse the making of an application to the Minister for Local Government proposing the integration of the three County Councils into a single County Council with representation by elected members from the constituent Councils by 1 July 2016.

Rous County Council meeting of 20 August 2014

67/14 RESOLVED (Mustow/Johnson) that Council:

1. Note the June 2014 resolutions of Far North Coast County Council and Richmond River County Council with respect to merging the Counties.
2. Endorse the making of a proposal to the Minister for Local Government under the *Local Government Act 1993* as follows:
 - (i) Rous County Council incorporate the functions of Far North Coast County Council and Richmond River County Council, and that the two smaller Counties be subsequently dissolved.
 - (ii) That the area of operations of the merged County Council be the existing area of operations of the three Counties (excluding Tweed and Kyogle local government areas).
 - (iii) That the merged County Council provide noxious weeds services to Tweed and Kyogle Shire Councils by service level agreement.
 - (iv) That the number of persons to be elected by each constituent council to the governing body of the merged County Council be two councillors from each of the four member constituent Councils.
 - (v) That the commencement of the merged County Council align with the financial year commencing 1 July 2016.
 - (vi) That any such other provision be made as necessary or convenient for giving effect to the merger.



**Rous Water
Richmond River County Council
Far North Coast Weeds**

STRUCTURAL REFORM BUSINESS CASE

FINAL REPORT TO THE GENERAL MANAGER

Prepared by:

Melissa Gibbs and Kevin Hough
Associates of the UTS: Centre for Local Government

07 May 2012

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Acknowledgements

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EXECUTIVE SUMMARY

Rous Water, Richmond River County Council (RRCC) and Far North Coast Weeds (FNCW) engaged the UTS Centre for Local Government to undertake a cost and benefit analysis of the current structural arrangements of the three organisations. This report represents the results of that analysis.

METHODOLOGY

The methodology used to undertake the study was directed towards engaging constituent council stakeholders and key county council staff. It was undertaken in a series of stages:

- Desktop review of key documents to identify the key challenges facing the three organisations
- Briefings with the General Manager and senior county council staff
- One-on-one interviews with the Chairs, General Manager and senior managers of the three county councils
- A workshop with the senior staff of the three county councils to further explore issues and themes raised in the initial interviews
- A mixture of face-to-face and telephone interviews with the mayor of each constituent council and a number of general managers
- Discussions with senior officers of the NSW Division of Local Government (DLG) Department of Premier and Cabinet
- Review of financial statements, policy documents, annual reports, work sheets
- Presentation of an interim overview report to the Chairs, councillors and senior management team of the three county councils and separate briefings with the Chairs
- Preparation of this report.

KEY FINDINGS FROM RESEARCH

The key findings from the workshops, interviews and review of financial statements are outlined below:

Key points from discussions

- FNCW and RRCC have insufficient capacity to respond adequately and appropriately to the various reporting requirements under the Local Government Act 1993 without the support provided by Rous Water
- With a ratio of elected representatives to staff of 1:1 in the case of RRCC and 1:2 for FNCW, the two organisations have an excessively heavy governance structure
- The triplication of annual and other reporting to meet statutory compliance are inefficient, resource intensive and costly
- The General Manager currently has too many direct reports
- An executive team should be established to drive cross-departmental and major projects, provide strategic leadership and improve communication

Perceptions and views about reform

- There are mixed views in the region about the need for reform, with some suggesting sweeping changes while others opposed the initiation of the review process
- A number of perceived barriers to amalgamation or reform have been identified

Administrative Agreements

- The level of service provided by Rous Water to FNCW and RRCC under the Administrative Agreements is quite high

- Should either FNCW or RRCC withdraw from the existing administrative agreement with Rous Water, the costs for both organisations would exceed the existing cost outlays to Rous Water by a minimum of 32% for FNCW and 76% for RRCC

Staffing and assets

- There are opportunities for some sharing of staff and equipment between the three organisations
- There are no identified shortfalls in the capacity or competencies at the management level within Rous Water
- The primary deficiencies for RRCC and FNCW resource shortfalls relate to the provision of governance and administrative support

Natural resource management

- A number of natural resource management (NRM) models have been explored, including: the existing NRM functions; more integrated catchment approaches; an enhanced NRM role; and a single river authority

Merge options and risks

- A number of merge options are explored; the factors and risks of each option assessed; and costs and savings identified

Selecting to the most appropriate structural model

- A number of criteria are put forward for consideration when selecting the most appropriate structural arrangement. They include:
 - Enhanced strategic capacity
 - Governance and engagement
 - Optimal service delivery
 - Risk liability
 - Financial benefit
 - Workforce.

STRATEGIC CONTEXT

A number of new initiatives and references are canvassed that are of interest to the local government reform agenda generally in NSW. These include:

- Destination 2036
- Local Government Review Panel
- Recent research into consolidation undertaken by the Australian Centre of Excellence for Local Government (ACELG)
- Discussions with the DLG.

Each of these initiatives are important to take into account when structural reform. The Destination 2036 initiative and the establishment of the Local Government Reform Panel are particularly relevant to the business case deliberations.

STRUCTURAL REFORM OPTIONS

Based on the analysis and inputs to the review, the organisation reform options to be considered are linked to the following factors:

- Governance
- Constitution and change
- Maintaining existing service levels

- Constituent council approval
- Representation
- Specific focus outcome
- Staffing impacts.

The structural reform options examined in this report settle into three broad categories:

- Options that involve structural reform that reside within the three counties (localised county council options)
- Options that enhance the capacity to attract subsequent initiatives to provide improved benefits to the broader regional local government community (broader regional options)
- Options that provide more rigorous management and control, operating under either state or federal legislative frameworks.

Potential localised county council options include:

- Option 1. Amalgamation of the three county councils into a single entity controlled by the six constituent councils and with a new constitution; this option involves the dissolution of the three existing county councils.
- Option 2. Amalgamation of the three county councils into a single entity controlled by only four of the six constituent councils removing both Kyogle Council and Tweed Shire Councils from elected representation; this option would require a new constitution; this option involves the dissolution of the three existing county councils, and relies on service agreements to provide ongoing weeds services to Kyogle and Tweed shires.
- Option 3. Amalgamation of the three county councils into a single entity through the merge of the two smaller county councils into the larger Rous Water Council, with a modified constitution and the dissolution of the two smaller county councils; this option retains all six constituent councils.
- Option 4. Retain the three existing county councils including their organisation structure, constitution and governance structure, however with the consolidation of the management of all assets and service delivery functions to the largest county council, Rous Water.
- Option 5. No structural changes [‘Do nothing’ option].

Potential regional options include:

- Option 6. Create a new county council that incorporates all the existing functions of the current three county councils (Rous Water, FNCW, RRCC) with a new constitution that provides the flexibility to accommodate the management and delivery of regional initiatives; the governance structure would include representation from all six constituent councils.
- Option 7. Create a new county council that incorporates all the existing functions of the current three county councils (Rous Water, FNCW, RRCC) with a new constitution that provides the flexibility to accommodate the management and delivery of regional initiatives; the governance structure would include representation from only four of the current six constituent councils (excluding Tweed and Kyogle shire councils).

Potential corporation options include:

- Option 8. Create a new entity (outside the Local Government Act) that has ownership (part or whole) by the constituent councils and incorporates all the existing functions of the current three county councils (Rous Water, FNCW, RRCC); the new entity would operate under either a NSW or federal act as a Company, a Company State Owned Corporation, or a Statutory State Owned Corporation.

THE WAY FORWARD AND DRAFT ACTION PLAN

The Centre for Local Government recommends the adoption of Option 7. The primary elements leading to improved efficiency and operational outcomes are:

- Adoption of the consolidated county council model
- Reduced governance costs
- Reduced statutory reporting costs
- Increased capacity to pursue external funding sources and grants
- More effective organisational management enabling a concentration on services efficiency and improvements
- More cohesive functional approach to service delivery and NRM strategies.

1 BACKGROUND

Three County Councils: Rous Water (RW), Richmond River County Council (RRCC) and Far North Coast Weeds (FNCW), collectively sought to explore opportunities for improving their business efficiency and invited quotations to undertake a cost and benefit analysis of the current structural arrangements for the three county councils.

The catalyst for this review was the NSW Government's *Report of the Independent Inquiry into Secure and Sustainable Urban Water and Sewerage Services for Non-Metropolitan NSW*. The findings of the review prompted an internal discussion about the future of Rous Water and its relationship with RRCC and FNCW. Restructuring of the three entities into a single authority is one of the reform options to be considered as part of this business case review.

The project brief outlines the scope of the work required, specifically:

- Undertake a comprehensive cost benefit analysis of the current structural arrangements for Rous Water, Richmond River County Council and Far North Coast Weeds (the counties)
- Investigate and identify potential reform opportunities based on that analysis
- Include recommendations for a solution that will deliver long term strategic, operational, administrative and environmental benefits.

Following a review of the quotations received, the counties appointed the UTS Centre for Local Government to undertake the review.

1.1 The UTS Centre for Local Government Team

The UTS Centre for Local Government (CLG) is an autonomous unit within the University of Technology, Sydney. It was established in 1991. The Centre is also leading the establishment of the Australian Centre of Excellence for Local Government (ACELG).

Senior CLG Associates Melissa Gibbs and Kevin Hough comprised the project team undertaking the review.

1.2 The proposal

The Centre presented a proposal which outlined:

- The Centre's understanding of the brief
- The methodology to be applied in undertaking the review
- Profiles of the project team
- Professional fees and charges
- Details of insurances and referees.

2 METHODOLOGY

The Centre adopted a methodology aimed at engaging constituent council stakeholders and key county council staff. Specifically, the submitted methodology involved a staged approach, namely:

- Stage 1 – Inception
- Stage 2 – Benchmark primary areas for analysis
- Stage 3 – Preparation of reform case
- Stage 4 – Preparation of draft report
- Stage 5 – Preparation of final report.
- Stage 6 – Presentation of final report.

This methodology reflects the project brief as provided to the Centre.

2.1 Modified study methodology

At the start of the project, the Centre’s review team conducted the following tasks:

- Review of key documents to gain an initial appreciation of the background and key challenges facing the three counties and constituent councils
- Briefings with the General Manager
- One-on-one interviews with the Chairs, General Manager and senior managers of the three county councils.

To consolidate the views, comments and issues raised by those in the initial discussions, it was agreed that the review team would conduct a workshop with the senior staff from the three county councils. The workshop allowed the team to further explore the issues raised in the initial interviews and gain a clearer picture of the challenges facing the three organisations.

The review team also conducted a mixture of phone and face-to-face interviews with the mayor of each constituent council and a number of general managers. The interviews sought to canvass the views of the constituent councils about the business case review. To assist with an understanding and the application of legislative requirements, a number of discussions were also held with senior officers of the NSW Division of Local Government (DLG) Department of Premier and Cabinet.

In subsequent discussions with the General Manager, it was agreed that the Centre would produce an interim report to provide an update on findings to date – including the consolidated feedback from interviews with mayors and some general managers of constituent councils – and to seek direction regarding further work under this project study.

Feedback on the interim report has been taken into account in the initial draft report adopted as the base document from which to prepare a “Report Overview” for presentation to the Chairs, councillors and senior management of the three county councils. The brief was modified and accordingly, two additional workshops were held: one with Rous Water councillors on the 21st December, 2011; and a separate workshop held on the 8th February 2012 for both RRCC and FNCW councillors. It should be noted that the Chairs of the three county councils were briefed at separate

meetings on the 21st December, 2011. The Report Overview was also submitted to NOROC in February.

Feedback from the December 2011 and February 2012 workshops have been incorporated into the Final Report to be submitted to NOROC in April 2012 by the General Manager, Rous Water.

NOROC has sought the presentation of this report to the May, 2012 meeting of NOROC at Ballina.

3 KEY ISSUES FROM RESEARCH AND DISCUSSIONS

As noted in the methodology, the Centre conducted a series of face to face and telephone interviews with key staff and chairs of the three county councils and mayors and General Managers of constituent councils. The key points arising from those interviews are highlighted in section 3.1 below.

The Centre also reviewed key documents and made independent inquiries with external bodies. Our findings from this research are outlined below in section 3.2.

3.1 Key points from discussions

For ease of reference, we have summarised the key feedback points from the various discussions into the following key themes:

- Management and governance
- Structure and culture of the three entities
- Administrative (service) agreement with Rous Water
- Organisation models and reform options
- Implementation issues
- Perceived barriers to reform.

3.1.1 Management and governance

It is clear from our discussions and review of financial statements that FNCW and RRCC have insufficient capacity to respond adequately and appropriately to matters of governance – particularly compliance with the various reporting requirements under the *Local Government Act, 1993* – without the administrative and operational support provided by Rous Water.

With a ratio approximating 1:1 of elected representatives to staff in the case of RRCC and 1:2 for FNCW, these raw ratios lead to a perception of an overblown governance structure. The smallest general purpose council in NSW in terms of council staffing numbers is [Urana Shire Council](#), its website indicating six permanent councillors that provide governance direction for its thirty (30) staff (refer Table 3.1 of the “[Comparative Information on NSW Local Government Councils 2009/10](#)”, prepared by the Division of Local Government, Department of Premier and Cabinet). This indicates a ratio of one councillor to five staff for the smallest general purpose council in NSW.

The councillor and full-time staffing figures for the three county councils from 2010 reports are summarised in **Table 3-1**.

Table 3-1 Ratio of councillors to staff of each County Council

Council	Councillors	Full-time staff
Rous Water	8	77
Richmond River County Council	6	7
Far North Coast Weeds	6	11
Total	20	95

The requirements of Section 390 of Part 5 of the Local Government Act (refer section 3.2.11 of this report) requires that “A county council must have a governing body elected by its constituent councils. Provisions concerning the membership of a county council's governing body are to be as prescribed by the proclamation establishing the county council.” The low ratios for the smaller county councils raise questions about the suitability of the county council model for FNCW and RRCC with its heavy elected representative governance structure and attendant cost burdens compared to general purpose councils.

The comparative ratios of RRCC and FNCW compared to the smallest general purpose council in NSW suggests a cost burden for governance of the two county councils that exceeds that expected of general purpose councils (refer **Table 3-2**). The details included in **Table 3-2 Comparison of Expenses** were extracted from published annual reports. The purpose of the collation of this information was to assess the impact of organisation size (measured in ‘expenses from continuing operations’). The DLG Comparative Information report defines ‘Other expenses’ in this table to include “councillor and mayoral fees, bad and doubtful debts, revaluation decrements, electricity, telephone, contributions, donations and levies”.

Table 3-2 Comparison of Expenses

EXPENSES ACTIVITIES FROM CONTINUING OPERATIONS	Lismore Shire [Group 4] Dissection 2010/11 Expenses, Actual		Kyogle Shire [Group 10] Dissection 2009/10 Expenses, Actual		Urana Shire [Group 8] Dissection 2009/10 Expenses, Actual		RRCC Shire Dissection 2009/10 Expenses, Actual [7 EFT]		FNCW Dissection 2009/10 Expenses, Actual [11 EFT]	
Employee costs	\$25,159 K	26.3%	\$6,297 K	26.7%	\$1,808 K	32.0%	\$420 K	19.4%	\$735 K	50.2%
Materials and contracts	\$39,268 K	41.0%	\$7,865 K	33.4%	\$1,503 K	26.6%	\$773 K	35.6%	\$404 K	27.6%
Borrowing costs	\$3,662 K	3.8%	\$173 K	0.7%	\$28 K	0.5%	\$39 K	1.8%	\$0 K	0.0%
Depreciation	\$23,203 K	24.2%	\$7,579 K	32.2%	\$1,724 K	30.6%	\$739 K	34.1%	\$86 K	5.9%
Impairment	\$0 K	0.0%	\$0 K	0.0%	\$0 K	0.0%	\$0 K	0.0%	\$0 K	0.0%
Other expenses.	\$4,446 K	4.6%	\$1,634 K	6.9%	\$579 K	10.3%	\$198 K	9.1%	\$239 K	16.3%
TOTAL EXPENSES FROM CONTINUING OPERATIONS:	\$95,738 K	100.0%	\$23,548 K	100.0%	\$5,642 K	100.0%	\$2,169 K	100.0%	\$1,464 K	100.0%
Mayoral/Chairperson Fees	\$48 K	13.9%	\$23 K	16.2%	\$14 K	16.3%	\$8 K	16.3%	\$5 K	16.1%
Councillors' Fees & Allowances	\$176 K	50.9%	\$86 K	60.6%	\$62 K	72.1%	\$28 K	57.1%	\$17 K	54.8%
Councillors' (incl Mayor/Chair) Exp	\$122 K	35.3%	\$33 K	23.2%	\$10 K	11.6%	\$13 K	26.5%	\$9 K	29.0%
Sub-total Expenses:	\$346 K	100.0%	\$142 K	100.0%	\$86 K	100.0%	\$49 K	100.0%	\$31 K	100.0%
Balance of 'Other Expenses':	\$4,100 K		\$1,492 K		\$493 K		\$149 K		\$208 K	
Ratio of 'Councillor Expenses : Other Expenses'	7.8%		8.7%		14.9%		24.7%		13.0%	
Ratio of 'Councillor Expenses : TOTAL Expenses'	0.361%		0.603%		1.524%		2.259%		2.117%	

Examination of **Table 3-2** indicates the following trends:

- As council size (measured by total expenses from continuing operations) decreases, the percentage of ‘Other expenses’ to ‘Total expenses’ increases

- The ratio of ‘Councillor expenses’ to ‘Total expenses’ increases as the size of the organisation diminishes (measured by ‘Total expenses’).

Again, it is recognised that the number of councillors, and the consequential expenses, originate from the requirements under Section 390 of the Local Government Act. This means that small councils can have disproportionately larger governance cost burdens than larger entities.

In this regard, perhaps the most inefficient aspect of the current arrangement is the triplication in annual and other reporting, specifically, the need to produce three sets of documentation to satisfy governance and statutory obligations. These reports are prescribed under the Local Government Act, and the production of each report consumes resources and presents costs to the councils.

Under a service agreement, Rous Water is contracted to each of the other two councils through an Administrative Agreement to provide administrative support as well as the services of the General Manager (see below for further detail). Members of Rous Water staff, working on behalf of the three county council entities, have expressed their frustration at having to produce three sets of council business papers each month, three management plans, and three annual reports, amongst other documents. They indicated that these requirements create duplication in documentation, are inefficient and time wasting.

The appropriateness of the ongoing “stand-alone” county council model is questionable for both FNCW and RRCC, particularly given their limited roles, high staff to elected representation ratio and reporting issues that county council status confers under statutory and other obligations. All of the issues raised above point to the need to examine options for reform of these two counties.

3.1.2 Structure and culture of the three entities

3.1.2.1 Management and reporting structure

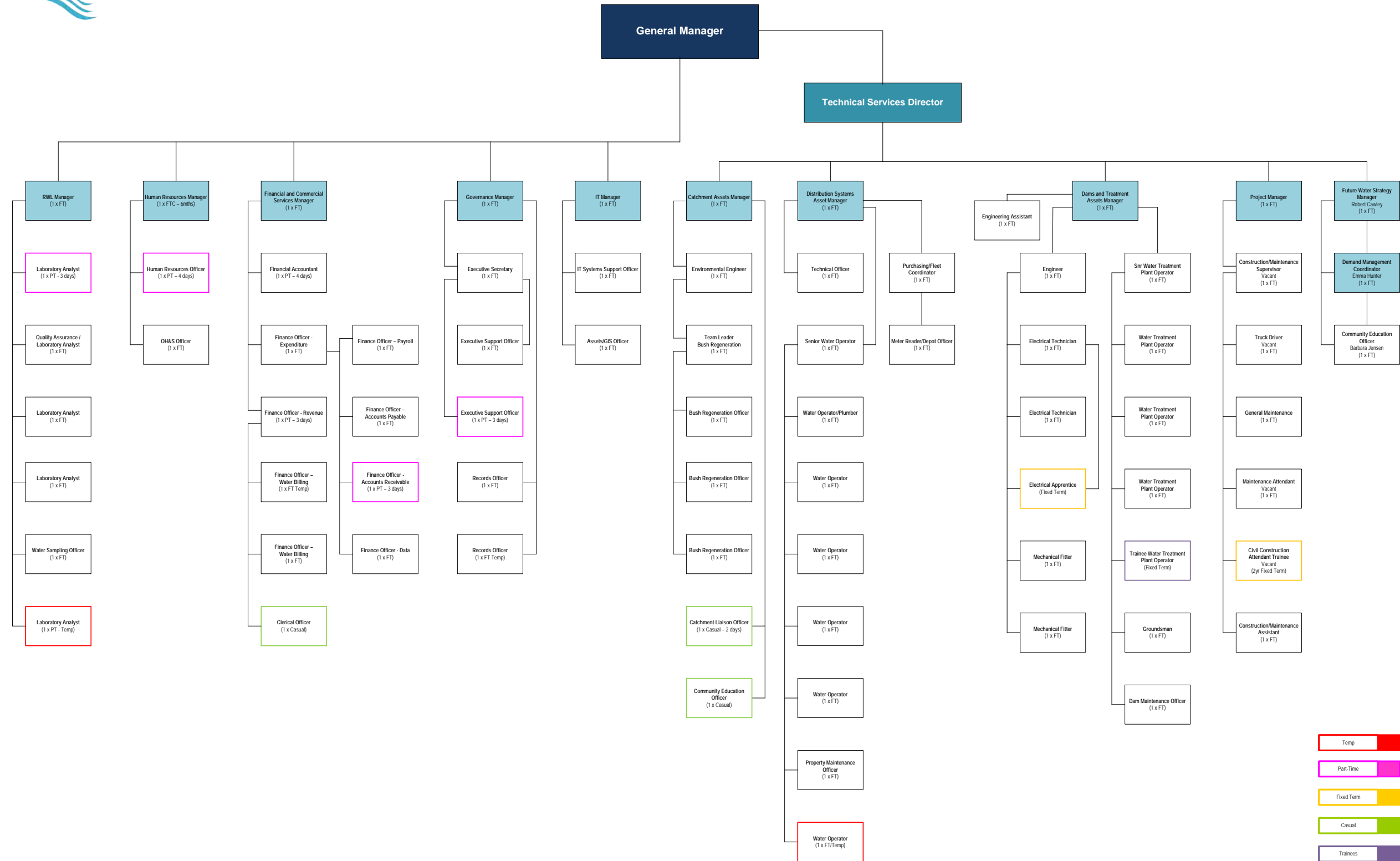
The General Manager of Rous Water, who is also the General Manager of RRCC and FNCW, currently has six direct reports, being:

Rous Water

- Technical Services Director
- Human Resources Manager
- Financial and Commercial Services Manager
- IT Manager
- Manager Governance,
- RWL Manager.

The Rous Water organisation chart is included in Figure 3-1.

Figure 3-1 Current Rous Water Organisation Chart



Far North Coast Weeds

- Manager, Weed Services.

Figure 3-2 Existing FNCW Organisation Chart



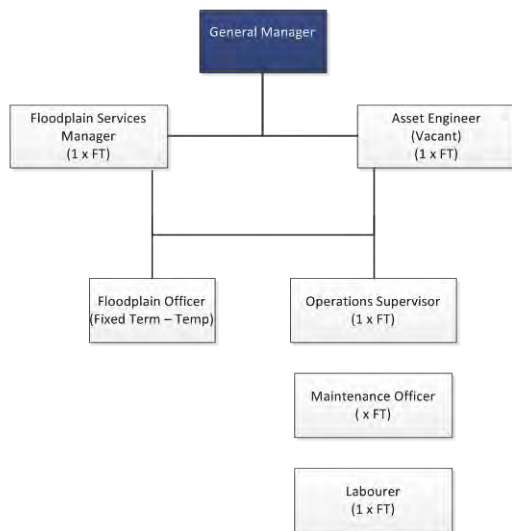
Overlay of Constituent Boundaries



Richmond River County Council

- Floodplain Services Manager.

Figure 3-3 Existing RRCC Organisation Chart



Overlay of Constituent Boundaries



Management theory and practice suggests that a chief executive officer (CEO) ideally should have no more than five to six direct reports. A large number of direct reports can distract or divert the CEO's attention away from strategic planning and organisational leadership, imposing a commitment to deal with day-to-day operational management issues. The Centre is concerned that the large number of direct reports impacts on the General Manager's ability to devote sufficient time to the two smaller entities.

At the start of the review process, the General Manager had seven direct reports, including an additional Director having the responsibility for special projects. While the number of direct reports to the General Manager at the commencement of this project runs counter to management theory and trends in other councils, the current structure appears to be working, albeit with excessive effort required of the General Manager in both commitment and time. Indeed, the managers currently reporting to the General Manager, as well as the General Manager himself, have remarked that the arrangement is working well, and is an improvement on the previous structure, where a number of Rous Water managers were reporting to a Director who had oversight only of Rous Water matters, yet the managers were required to support and service issues for all three counties.

Notwithstanding this, we question whether it is in the long-term interest of the three organisations to continue with the current span of control for the General Manager, and we recommend a review of the current structure in the coming months to ensure that the best interests of the three organisations are served.

Each of the county councils has such a small staff and resource base, and in our experience do not warrant reporting direct to a General Manager notwithstanding the requirements of the Local Government Act. Even in the smallest rural councils within New South Wales, the functions and processes of smaller entities would report to either a senior supervisor or technical manager.

3.1.2.2 Principal activities of FNCW and RRCC

Principal activities of FNCW and RRCC are:

Far North Coast Weeds

- *Regulatory* – inspection of land, compliance activity and production of Section 64 certificates under the Noxious Weeds Act 1993
- *Weed management on public lands* – development of weed management plans, mapping, carrying out control works
- *Strategic control of high-priority, high-risk weed species* – mapping, inspections, collaborative control activities, development of strategies for identified species, review and prioritisation of weed management programs to ensure appropriate resource deployment
- *Education, extension and community engagement* – developing community education programs, provision of advice on best practice control methods, provision of technical support to key stakeholders, community engagement.

Richmond River County Council

- *Principal activity* – to provide floodplain services to the communities of the constituent councils.
- *Subsidiary activities* – flood protection, provision of advice in relation to floodplain management issues, provision of a program to balance maintenance of drainage

infrastructure whilst managing environmental impacts, work in partnership with stakeholders to address environmental issues, co-ordination through Floodplain and Estuary Management Committees, assist the State Emergency Service with flood warning advice, manage floodplain issues.

As these functions are operational in nature, we are of the view that the responsible line managers do not necessarily require direct reporting to a General Manager. In the event that no structural consolidation takes place and the three county councils remain without change, we suggest that the RRCC Floodplain Resource Manager and the FNCW Coordinator Weed Control Services report to the General Manager through another senior manager role, equivalent to a Director, at Rous Water. This would assist the service delivery functions and development of strategies.

Senior staff of the three counties reported that employees operate in silos (which is certainly not unusual in local government) but is a luxury that the three organisations can ill afford. In particular, in Rous Water there is limited collaboration across departments on major projects and initiatives affecting the whole organisation, and project management generally needs to improve across the three county councils.

During the early phases of this review, under the current structure, the senior managers of the three organisations met once each month, and while the team was working harmoniously, it had not been set up to function as an executive team. The group as currently constituted was too large and meetings too infrequent to provide the strategic leadership normally expected of an executive leadership team.

Regardless of whether there is any consolidation of the organisations, the Centre believes that an executive leadership group of no more than five (including the general manager) should be formed to provide strategic direction and leadership to the organisation/s and to drive cross-departmental and major projects. The executive team would also be responsible for improving internal and external communication, driving business efficiency, avoiding duplication, ensuring resources are shared across the organisation/s and improving cross-departmental teamwork.

3.1.2.3 Culture

During the staff workshops, the following comments were raised about the culture of the three organisations.

3.1.2.3.1 Rous Water

- Office staff generally have a positive approach and try to respond equally to the issues that arise from each of the three county council entities
- Rous Water is seen by staff as an employer of choice
- Function-based silos are seen as effective and necessary to enable a focus on continuing governance and statutory matters
- Function-based silos are seen as effective and necessary to enable delivery of corporate projects
- When there are conflicting demands from each of the three entities, there is a tendency to gravitate towards the Rous Water issues rather than the other two counties

3.1.2.3.2 FNCW

- The mix of current staff reflects a progressive attitude towards the provision of services and management and control of weeds
- Weeds staff can see the benefits in providing education to the community and agricultural land holders, rather than their historical role of trying to manage, contain and control weeds
- Weeds staff are positive, co-operative and readily accept advice that would improve the level of services
- Staff suggest that there is a poor commitment to natural resource management (NRM)
- Current staff are overcoming an historical level of distrust with Rous Water and its management
- Some staff resist, while others embrace the support and services provided by Rous Water.

3.1.2.3.3 RRCC

- An apparent staff preference for the provision of services by staff labour, rather than considering supplemented services from contractors and external agencies
- Committed to the provision of flood mitigation services by direct control
- Insufficient resource capacity allocated to educate the broader community and all land owners to the requirements and strategies of flood mitigation.

3.1.3 Administrative Agreements with Rous Water

As noted above, Rous Water provides administrative, operational and governance services to FNCW and RRCC under an Administrative Agreement. The intention of the agreement is to enable the rationalisation of administrative cost overheads in order to maximise the level of financial resources available to be applied to the direct management of primary service delivery functions: flood mitigation in the case of RRCC, and the management of noxious weeds in the case of FNCW.

The agreement (as updated) has been in place with RRCC since 1982 and with FNCW since 2002. The current agreements were established for the period 1 July 2006 to 30 June 2010, but have been extended by two years and now expire on 30 June 2012.

Under the terms of the agreement, Rous Water provides the resources necessary to fulfil the administrative functions required in the exercise of responsibilities, separately for each of FNCW and RRCC as independent authority constituted under the Local Government Act, and to ensure that records and finances are managed to satisfy legislated access, reporting and accountability requirements.

In addition, both RRCC and FNCW separately agree, for the time being, for the appointment of the General Manager of Rous Water as the General Manager for each of RRCC and FNCW, and with this appointment include the responsibility for all functions in Section 335 of the Local Government Act, 1993.

The Agreement acknowledges that the General Manager remains an employee of Rous Water, but the position maintains the accountability separately for both RRCC and FNCW to include objectives generic to each of RRCC and FNCW, including:

- Development of policy

- Working with councillors
- Employee/industrial management
- Future planning
- Financial management
- People management
- Community interaction
- External relationships
- Specific targets and objectives to be negotiated annually between each council and the General Manager.

The Agreements state that Rous Water will provide the following specific services to each of RRCC and FNCW:

- The services and functions of General Manager
- A front office and reception facility in the Rous Water Centre, Lismore
- A physical presence in the Lismore office identified through signage, telephone, fax and e-mail contact points
- Meeting room and councillor facilities
- Management of records including archiving, minutes, correspondence and reports
- Maintenance of full accounting records to meet AAS27 standards and to satisfy the requirements of the Local Government Act, 1993
- Preparation of annual Management Plans and Quarterly Reviews
- Preparation of annual Budgets and Quarterly Reviews
- Collection of all revenues receivable and payment of all accounts payable
- Full personnel management and payroll administration
- Management of meetings including arranging meeting venues, issuing meeting agendas and business papers
- Recording minutes and implementing decisions arising from such meetings
- Implementation of all other activities of an administrative nature.

The terms of the agreement include the option for termination either at the expiry date or subject to any mutual agreement in writing by the parties as to earlier termination or extensions.

Under Clause 7 of the Agreement, an annual fee shall be paid by four equal quarterly instalments, with the fee comprising labour, overhead costs and rent. The Agreement allows for an annual review of the fee in July of each year of the term, with such a review being based on any percentage increase in salaries during the preceding twelve months or any percentage increase in the Consumer Price Index during same period (whichever is the greater).

The Agreements also include several assumptions which we assume formed the basis for the estimated annual administrative support costs. The acknowledged Agreement assumptions are:

Table 3-33-4

RRCC – Agreement Assumptions	FNCW – Agreement Assumptions
<ul style="list-style-type: none"> ▪ That each of RRCC conducts its ordinary meetings bi-monthly 	<ul style="list-style-type: none"> ▪ That FNCW conducts its ordinary meetings bi-monthly

RRCC – Agreement Assumptions	FNCW – Agreement Assumptions
<ul style="list-style-type: none"> ▪ That RRCC comprises four Councillors and one Administrator elected from the Councils of Ballina, Lismore and Richmond Valley 	<ul style="list-style-type: none"> ▪ That FNCW comprises five Councillors and one Administrator elected from the Councils of Ballina, Byron, Kyogle, Lismore, Richmond Valley and Tweed
<ul style="list-style-type: none"> ▪ That the administrative needs of RRCC will be adequately met by a shared General Manager and one full-time staff equivalent 	<ul style="list-style-type: none"> ▪ That the administrative needs of FNCW will be adequately met by a shared General Manager and one full-time staff equivalent
<ul style="list-style-type: none"> ▪ That Rous Water will be responsible for the labour and employment overhead costs arising from the delivery of all administration and accounting services 	<ul style="list-style-type: none"> ▪ That Rous Water will be responsible for the labour and employment overhead costs arising from the delivery of all administration and accounting services
<ul style="list-style-type: none"> ▪ That RRCC will retain directly responsibility for all other employment and corporate costs 	<ul style="list-style-type: none"> ▪ That FNCW will retain directly responsibility for all other employment and corporate costs
<ul style="list-style-type: none"> ▪ That RRCC has a staff establishment not exceeding five (5) 	<ul style="list-style-type: none"> ▪ That FNCW has a staff establishment not exceeding twelve (12)
<ul style="list-style-type: none"> ▪ That the projected 2006/2007 RRCC Revenue is \$1,742,500 	<ul style="list-style-type: none"> ▪ That the projected 2006/2007 FNCW Revenue is \$1,078,000

3.1.4 Organisational models and reform

In our discussions with mayors and general managers, it was suggested that the administrative model proposed by Lismore City Council for the provision of regional library services is a potentially replicable model to this review. We understand that Lismore City Council has requested Ballina, Byron and Tweed Councils to consider three models for the provision of regional library services:

- A county council model;
- An administrative model auspiced by Lismore City Council; and
- A shared service model.

In our discussions with a number of mayors and senior staff, it became apparent that the administrative model initially appeared to have the widest support amongst councils. However, it appears that progress on selecting the most appropriate model has stalled, as there is no unanimous view about the preferred way forward. It is not clear if this is because the model itself is out of favour or if there are other matters at play. The library precedent suggests that structural reform in the Northern Rivers region is not likely to be without its challenges.

In relation to this current review, there were mixed views about the need for reform, with a number of constituent councils keen for the review process to take its course, with a full examination of the benefits and constraints of amalgamation, so an informed decision could be made. Some expressed a strong view that amalgamation of the three organisations should be pursued, pointing to the successful amalgamations of general purpose councils in the region (Clarence Valley and Richmond Valley Councils). Others raised the question of local government reform more generally in the region, questioning whether it was appropriate and sustainable in the long term for the Richmond Valley to have five general purpose councils and three county councils. There were others passionately opposed to the initiation of the review process in the first place, let alone any hint of

amalgamation – even if the business case was compelling. Others were ambivalent, not expressing a view either way.

It is clear from this diversity of views and that the region will have a difficult time grappling with reform options, but this is no excuse to do nothing. The current structural arrangements are not serving the region well and faced with this evidence, doing nothing is not a viable option. It is up to the region to manage the politics and allow councils to make rational and informed decisions in the broader community interest based on the available facts before them.

3.1.5 Implementation issues

Whatever reform option is ultimately agreed on, it is clear from our discussions that there is a strong preference for staged implementation of any agreed reform. The current council term expires in September 2012, allowing time for the three county councils and the constituent councils to debate the merits of the various options presented in this report and agree on a preferred option, with the new arrangement taking place in the incoming council term. There also needs to be a strong change management strategy, and good communications with key stakeholders throughout the reform process. Issues around implementation are canvassed further in section 3.2 below.

3.1.6 Perceived barriers to amalgamation or reform

From our research so far, and arising from discussions with councillors, management and staff, a number of perceived barriers to amalgamation have been identified. The following points summarise the rationale presented by a combination of elected representatives and staff for the failure of any amalgamation reform:

- The footprint for each of the three counties is different, with no common overlays for each area
- As noted in section 3.1.4, there is some entrenched opposition to the suggestion of any type of reform, and we are not convinced that there is sufficiently strong leadership in the region to drive any process that does not have unanimous support
- It is unlikely that unanimous agreement between all the county councils and their constituent councils will be achieved
- Unanimous agreement is unlikely in the absence of external influences on councillors and their decision-making
- Although councillors are supposed to vote on issues to the benefit of the county council, in reality they carry their parochial and general purpose council issues into the decision-making process,
- An amalgamation may result in the perception that the absence of direct councillor representation may result in a reduction in levels of service, diminished access to those services and questions about fairness in the allocation of resources across all constituent councils
- The inability of any reform outcome to provide a structure and services that meet existing services to each of the constituent councils funding both RRCC and FNCW
- RRCC has a major liability associated with the Lismore Levee and formal legal obligations relating to its maintenance and flood prevention capacity. With its major financial current and ongoing liability, this is likely to become a major issue in any negotiations for an amalgamated model

- The triplication in reporting and other frustrations with the county council model experienced by staff may not be fully appreciated by constituent councils, and may not be seen as a strong enough argument to tackle a difficult reform process
- The views of community stakeholders is not known at this stage, and our discussions with staff of the three counties and constituent councils suggest that the community is unlikely to have an appreciation of the role and function of the three organisations, unless they have direct contact (such as farmers in contact with officers of FNCW). In a letter to the General Manager of Rous Water, the Chief Executive Officer of the DLG made it clear that appropriate community consultation needs to be undertaken, and this is yet to occur.

3.2 Key points from review analysis

3.2.1 Funding and sources

Rous Water is operating as a water supply authority that has its income generated from the sale of water to the constituent councils and to other industrial users. It is not reliant on any subsidies or grants.

In the financial year FY 2009-10, the following income sources were declared:

Table 3-5 Income sources - Rous Water

Income source	\$Million
1. User charges and fees	\$12.010
2. Interest and investment revenue	\$0.526
3. Other revenues	\$1.606
4. Grants and contributions for operating purposes	\$0.197
5. Grants and contributions for capital purposes	<u>\$4.414</u>
Total:	\$18.753

Far North Coast Weeds is the county council authority that undertakes weed management on public lands and provides strategic control of high priority, high risk weeds species. In the financial year FY 2009-10, the following income sources were declared:

Table 3-6 Income sources - Far North Coast Weeds

Income source	\$000,000s
1. User charges and fees	\$0.048
2. Interest and investment revenue	\$0.055
3. Other revenues	\$0.579
4. Grants and contributions for operating purposes	\$0.501
5. Grants and contributions for capital purposes	<u>\$0.0</u>
Total:	\$1.183

The total value of grant funding is \$501,000. The total annual expenditure of \$1.2 million approximates 42% of the FY10 income. These figures show that FNCW is totally reliant on grant funding to maintain its operational capacity.

Richmond River County Council has the principal activity of providing floodplain services to the communities of the constituent councils. In the financial year FY 2009-10, the following income sources were declared:

Table 3-7 Income sources Richmond River County Council

Income source	\$'000,000s
1. User charges and fees	\$0.000
2. Interest and investment revenue	\$0.184
3. Other revenues	\$0.790
4. Grants and contributions for operating purposes	\$0.524
5. Grants and contributions for capital purposes	\$0.151
6. Net gain from the disposal of assets	<u>\$0.008</u>
Total:	\$1.657

The total value of grant funding approximates \$675 K of a total income source of \$1.66 million, or almost 40% of the FY10 income sources.

3.2.2 Analysis of agreements and costings

The basis of the administrative framework between the three county councils is outlined in section 3.1.3 of this report. This section examines the services in more detail and establishes a costed valuation of the services provided under the current agreement.

In our discussions with the General Manager, county council staff and elected representatives, there was general acknowledgement that the level of service provided by Rous Water to FNCW and RRCC under the Administrative Agreements is quite high. However, there was no unanimous agreement, especially from elected representatives, that the management and administrative support provided by Rous Water represented value for money.

As part of this review, we examined the services provided in comparison to those identified in the Agreements, and assessed our costings for those support functions.

Rous Water management developed a costing base for the cost allocation against RRCC and FNCW from a listing of the primary Rous Water resources involved in governance and administrative functions. Two further elements are included to reflect the office accommodation costs and associated power and ancillary services. The primary costing elements that continue to be adopted for administration cost re-allocation are [square brackets indicating EFT]:

- General Manager's office [1.0]
- Governance Manager [1.0]
- Finance staff [8.4]
- Front counter receptionist [1.0]
- Information technology [3.0]
- Human resources (Systems, Safety) [1.6]
- Corporate Business Director [1.0]
- Administrative support / records [3.6]
- Office accommodation / leasing, and

- Cleaning, power, garbage, office maintenance costs.

The above listing indicates the equivalent of 18.2 EFT involved in the governance and administration functions provided by Rous Water. The gross cost for each of the above listed elements was extracted from the forecast annual budget. These gross costs were amended to include the direct costs associated with five motor vehicles used by senior staff.

As part of this review process, we have examined Rous Water's development of the gross costs associated with the provision of governance and administrative support and accept the cost base for subsequent redistribution analysis.

Subsequent to the development of the cost base and considering the activities of the 18.2 EFTs listed above, Rous Water has assessed an individual percentage of time for each individual EFT or grouping of staff resources for allocation against each of Rous Water, RRCC and FNCW.

For the 2010/2011 financial year, the administrative cost reallocation indicates that Rous Water is meeting 81.7% of the total of the gross governance and administrative costs incurred by Rous Water. The same analysis process indicates that RRCC is incurring 8.8%, and FNCW incurring 9.5% of the gross governance and administrative costs incurred by Rous Water. However, the current agreement only allows recovery of 57% and 78% of the true administrative costs to RRCC and FNCW respectively and the difference being borne by Rous Water.

There are many models and scenarios that could be adopted for the development of appropriate governance and administrative cost reallocations between organisations or entities. One of those provides for the simple allocation of costs as a proportion of the gross operating expenses. The Rous Water financial statements for the year ending 30 June 2010 indicate \$23.267 million in actual expenses from continuing operations, compared to the total expenses from continuing operations for both RRCC and FNCW that combine to approximate \$3 million. The application of this 'gross expenses' model approach would seek to reallocate 12.9% of the total administrative costs across the two smaller county councils. This model would reduce the cost allocation from the existing 8.8% and 9.5% (totalling 18.3%) for RRCC and FNCW respectively, to approximately 13%. The application of this model would disadvantage Rous Water by not compensating for actual resource time consumed on governance and administrative functions supporting RRCC and FNCW functions.

There is a multitude of differentiated options and models that could be used to assess the reallocation of governance and administrative costs from Rous Water to the other two entities. We have examined many other approaches to this cost distribution issue and consider that, in this instance, the use of assessed allocated resource time is the most appropriate, because of fluctuating resource demands from the two supported entities, the ability to be able to respond to changing legislative and organisational demands, and through its review on an annual basis.

The following table provides presents an assessment for each of the elements included in the gross costs used as a basis for redistribution:

Table 3-8 Analysis of gross cost elements

Resource \ Expense	Comments
General Manager's office [1.0]	<ul style="list-style-type: none"> ▪ This position is required for each county council entity under the Local Government Act ▪ There is no requirement that the position be full-time ▪ The salary package for a General Manager to adopt the responsibilities for either RRCC will FNCW could reduce to a nominal 60% of the salary package for the GM of Rous Water ▪ We anticipate that it would be difficult to find a part-time GM for the two small county council entities ▪ We suggest that the marginal premium applied through the choice of the Rous Water GM provides access to a more experienced GM with an extensive network of colleagues, and knowledge of legislative and political imposts
Governance Manager [1.0]	<ul style="list-style-type: none"> ▪ This role oversees policy delivery, corporate procedures and meeting compliance and regulatory requirements ▪ This role provides the project management role for all three county councils to meet IPR
Finance Staff [8.4]	<ul style="list-style-type: none"> ▪ Finance section had been independent of the Corporate Business Director, but during 2011 has incorporated those functions through the engagement of an additional 1.6 EFTs ▪ Resourcing includes Finance Manager [1.0]; Financial Accountant [0.8 EFT]; expenditure personnel [4.0] including the Expenditure Officer, Accounts Payable, Payroll, Data Entry; Revenue Officers [1.6]; Reception [1.0] ▪ Revenue functions include investment management short, medium and long-term; GST and BAS preparation, submission and management; management of grants and acquittal; debtor management, receipting and bank reconciliation
Front Counter Receptionist [1.0]	<ul style="list-style-type: none"> ▪ This position provides telephony and front counter services for the community to access each of the three county councils ▪ The role includes the other associated administrative support functions during periods of low demand
Information Technology [3.0]	<ul style="list-style-type: none"> ▪ This group provides the software and hardware and systems development associated with the needs for each of the three county councils ▪ Functions include assistance and support and maintenance for three county councils as well as the needs and access for the elected representatives ▪ Increased demand for GIS, particularly for FNCW, has enabled Rous Water to engage a full-time GIS resource rather than the part-time resource, previously at 3 days per week, and particularly for the implementation of "Weed Map Pro" ['rapidmap' management system to assess noxious weed management for regional land managers, particularly using mobile computers and PDAs] ▪ Other functions include management of e-mail accounts, telephone systems, intranet and internet, asset management systems.

Resource \ Expense	Comments
Human Resources (Systems, Safety) [1.6]	<ul style="list-style-type: none"> These resources attended to HR issues and exclude financial and payroll functions Provides services associated with recruitment, workers compensation claims and management, return to work strategies, and the management of organisational and staff training
Corporate Business Director [1.0]	<ul style="list-style-type: none"> This role provided corporate direction and business strategies aligned to financial management This role has since been deleted and replaced by 1.6 EFT resource positions in the finance section of Rous Water The original role generally focused on the business management associated with Rous Water and only to a smaller extent to RRCC and FNCW
Secretarial Support / Records [3.6]	<ul style="list-style-type: none"> These Rous Water resources, service and support functions of the General Manager and principal organisational elements listed above in this table
Office Accommodation / Leasing	<ul style="list-style-type: none"> The whole building in Molesworth Street is occupied by Rous Water, RRCC, FNCW and other tenants The whole building is subject to a commercial lease The gross lease cost is based on the floor footprint area occupied by Rous Water, RRCC and FNCW The assessed cost allocation reflects the relative cost per square metre for the office and common areas occupied by RRCC and FNCW
Cleaning, Power, Garbage, Office Mntnce Costs	<ul style="list-style-type: none"> The nominated gross costs represents the cost to Rous Water of all associated power, heating, services and maintenance costs for the occupation of the Molesworth Street building by Rous Water, RRCC and FNCW.

We consider that the above listed services do not represent an overservicing to either Rous Water or to the smaller county councils, RRCC and FNCW. The resource mix and the associated costs are considered reasonable for the type of works and functions provided for county councils within New South Wales.

The following tables present an assessment of the minimum salaried and contracted staff needed to support the ongoing functions for each of RRCC and FNCW for those governance and administrative issues required of a County Council:

Table 3-9 FNCW – Assessed annual administration costs (no Rous Water administrative support)

FNCW								
Position	Annualised Full-Time Equivalence	QTY	Hrs / Wk	\$Rate / Hr	Yearly %	Package	Assessed Ann Cost	
General Manager	60% of time [3 days per week]	1			60%	\$120,000	\$72,000	Package
Manager, overseeing policy, compliance, legislative requirements, IPR,	40%- Full-time	1			40%	\$80,000	\$32,000	Package
Contracted HR and Payroll services	Part-Time 40% of Full time equivalence	1	16	\$45		\$37,440	\$37,500	Hourly
Financial Services - Investments, oversee Annual Accounts, Audits, Grants Management	Equivalent 1 day per week for whole year	1	7	\$60		\$21,840	\$21,800	Hourly
Off-site Clerical Support Services	Part-Time 10 hrs per week	1	10	\$35		\$18,200	\$18,200	Hourly
Information Technology Support	Notional 8 hrs per week	1	8	\$45		\$18,720	\$18,700	Hourly
	Assessed Minimum Annual Cost:						\$200,200	

Table 3-10 RRCC – Assessed annual administration costs (no Rous Water administrative support)

RRCC								
Position	Annualised Full-Time Equivalence	QTY	Hrs / Wk	\$Rate / Hr	Yearly %	Package	Assessed Ann Cost	
General Manager	60% of time [3 days per week]	1			60%	\$120,000	\$72,000	Package
Manager, overseeing policy, compliance, legislative requirements, IPR,	40%- Full-time	1			40%	\$80,000	\$32,000	Package
Contracted HR and Payroll services	Part-Time 20% of Full time equivalence	1	8	\$45		\$18,720	\$18,800	Hourly
Financial Services - Investments, oversee Annual Accounts, Audits, Grants Management	Equivalent 1+ day per week for whole year	1	12	\$60		\$37,440	\$37,400	Hourly
Off-site Clerical Support Services	Part-Time 6- hrs per week	1	6	\$35		\$10,920	\$10,900	Hourly
Information Technology Support	Notional 4- hrs per week	1	4	\$45		\$9,360	\$9,400	Hourly
	Assessed Minimum Annual Cost:						\$180,500	

As indicated in the above table, we assess that each of RRCC and FNCW could be subject to an annual management costs approximating \$200,000 for governance and administration. It should be noted that the costs listed above exclude any rental or cost of assets including computing or software and associated maintenance agreement services. For FNCW, we suggest that the recent implementation and support of the 'rapidmap' "Weed Map Pro" would be significantly more expensive to FNCW if not using the services and expertise of the Rous Water IT manager and staff.

As an outcome of our review of the administration agreements and our analysis above, we conclude that both RRCC and FNCW are being provided with value for money from Rous Water for the existing administrative agreements.

Should either RRCC or FNCW withdraw from their existing administrative agreement with Rous Water, we also conclude that the costs for each of RRCC and FNCW to engage resources, manage and support all governance and administrative services needed to function as a county council and in accordance with legislative and other requirements, would exceed the existing cost outlays to Rous Water by a minimum of 32% for FNCW and 76% for RRCC. Based on the current methodology adopted in the agreements, FNCW would be expected to increase its current contribution to Rous Water from the existing \$152,000 to the assessed minimum cost of \$200,000, and increase of 32%. Similarly, RRCC would need to fund the difference from the current \$103,000 to our assessed

minimum annual outlay of \$181,000, representing an increase of \$78,000 or 76% increase in administration costs.

Other than governance and administrative cost savings, the following benefits arise from the mutual supporting relationship between Rous Water and the other two counties:

- Using the experience base of Rous Water to assist the implementation of the Integrated Planning and Reporting (IPR) reforms introduced by NSW DLG
- Expanded IT demands from the smaller county councils provide Rous Water with the opportunity to engage full-time GIS resources, to the benefit of all three councils
- RRCC access to legal support services and associated with potential levee claims
- The benefits of a larger organisation being better placed to provide a broader range and scope of services, and access to specialist services with a more cost effective outcome.

There have been some comments from Rous Water that the true costs to support the Administrative Agreement are not being met by the two smaller county councils. We have not examined this issue in detail although anecdotally and from our observations, it is likely that the Rous Water true costs are understated in the current Agreement, as updated.

3.2.3 Examination of physical assets

This section examines the physical assets of each county and assesses whether there is opportunity for a more efficient, effective and economical service through the rationalisation of assets.

3.2.3.1 Rous Water physical assets

The Balance Sheet and Notes to the Accounts, as at 30 June 2011, summarises the physical assets:

Table 3-11

Asset Type	Book Value, WDV [\$'000]
Inventories (Current Assets)	
Real Estate	\$1,935
Stores and Materials	\$100
Non-Current Assets:	
Inventories	\$2,308
Infrastructure, property, plant and equipment	
Plant and Equipment	\$2,058
Office Equipment	\$227
Furniture and Fittings	\$87
Land – Operational	\$9,578
Infrastructure – Water Supply Network [Treatment, Distribution and Catchment]:	\$297,949
Work in Progress	\$3,308
TOTAL Physical Assets:	\$319,156

Council's Annual Statement advises that assets have been progressively revalued to fair value to their classes of Infrastructure, Property, Plant and Equipment (IPPE):

- a. Operational land (External Valuation).
- b. Buildings – Specialised/Non Specialised (External Valuation).
- c. Water Networks (External Valuation).
- d. Plant and equipment (as approximated by depreciated historical cost).

The following list includes some assets and types that could provide opportunities for rationalisation between the three counties:

- Buildings, operational sheds
- Depot site and buildings
- Computing hardware and software
- Richmond Water Laboratories
- Office furniture, fittings
- Office electronic equipment, including multi-function printers
- Major plant, heavy vehicles and equipment, runabout boat, punt; tractor, mowers
- Motor vehicles

3.2.3.2 Richmond River County Council

The Balance Sheet and Notes to the Accounts, as at 30 June 2011, summarises the physical assets:

Table 3-12 RRCC physical assets as at 30 June 2011

Asset Type	Book Value, WDV [\$'000]
Inventories – Stores and Materials (Current Assets)	83
Non-Current Assets:	
Infrastructure, property, plant and equipment (IPPE)	
Plant and Equipment	\$219
Office Equipment	\$3
Furniture and Fittings	\$0
Land – Operational	\$40
Buildings	\$299
Infrastructure – Flood Mitigation:	\$102,268
Work in Progress	\$0
TOTAL Physical Assets:	\$102,912

The following list includes some assets and types that could provide opportunities for rationalisation between the three counties:

- Motor vehicles
- Plant (tractor), mower
- Boat and Trailer
- Minor office furniture, equipment.

3.2.3.3 Far North Coast Weeds

The Balance Sheet and Notes to the Accounts, as at 30 June 2011, summarises the physical assets:

Table 3-13 FNCW physical assets as at 30 June 2011

Asset Type	Book Value, WDV [\$'000]
Inventories – Stores and Materials (Current Assets)	16
Non-Current Assets:	
Infrastructure, property, plant and equipment (IPPE) \$559K	
Plant and Equipment	\$280
Office Equipment	\$21
Furniture and Fittings	\$0
Land – Operational	\$60
Buildings	\$198
Infrastructure:	\$0
Work in Progress	\$0
TOTAL Physical Assets:	\$575

The following list includes some assets and types that could provide opportunities for rationalisation between the three counties:

- Motor vehicles
- Punt, dingy
- Office furniture, fittings
- Office electronic equipment, including multi-function printers
- Depots: Wyrallah Road, Monaltrie [2116 sqm]; Mullumbimby [585 sqm].

3.2.3.4 General analysis and comment

There are some common asset elements across either two or three of the county councils that could be considered to provide benefits if either the management is rationalised or the provision of some sharing arrangement between the three entities.

Outer-lying depots

There are some outer-lying depots across the three county councils. The opportunities that arise from these assets include:

- Co-location of stores and inventory
- Use to house IT backup facilities
- Co-location of operations bases.

The two FNCW depots could provide a source for co-location of resources, plant and equipment. Without examining each of the depots and their layout, we are not in a position to comment further on the formal assessment of costed outcomes associated with these depots and other real estate holdings of the other entities.

We have not examined the Disaster Recovery Plans (DRP) for each of the three county councils. However, the DRP should include provision for off-site data storage for systems particularly for the functions conducted at the Molesworth St premises in Lismore. Opportunities exist to use depot and land facilities for common purposes, but have not been examined in detail or costed.

Motor vehicles

Examination of the financial statements and attached Notes indicate a large quantity of vehicles of gross vehicle mass less than 2.5 tonnes (typically from Toyota Land Cruiser to the smaller sedans). There could be opportunities for a rationalisation of the light vehicle fleet for use and access across all three county councils if such an agreement or consolidation was to occur.

The benefits of any such vehicle rationalisation would be expressed in a combination of a one-off cash inflow from sale of 'surplus' vehicles, as well as recurrent cash flow savings in operational, maintenance and servicing costs.

The roles of each of the county councils is relatively diverse, and the resource demands for each of the three entities are required to meet the challenges of the geographic spread associated with the respective responsibilities. The rationalisation of the motor vehicle pool is a potential consideration that may provide cost efficiencies in the use of motor vehicle assets.

We also note that any consideration of motor vehicle rationalisation should be undertaken with due regard to existing conditions of employment, position descriptions and internal agreements.

Emergency support capabilities

The review of assets from each of the entities indicates some common resources, including dinghies, boats and punts that could provide inter-council support during emergency incidents or periods, rather than being totally self-reliant. Although this suggestion may provide some rationalisation of assets, or an improved sharing arrangement, the emergency demands will vary by incident and no doubt assisted by staff and resources from General Purpose Councils.

3.2.4 Staff structure analysis

3.2.4.1 Rous Water

We have examined the staff structure at management level to assess the capacity of the existing staff structure to meet the stated operational and management plan objectives. There are no identified shortfalls in capacity or competencies at the management levels analysed. As an outcome of this review, we offer the following comments. The existing staff structure, to manager level, is presented in **Figure 3-1**.

General Manager

- The General Manager has a span of control extending to two directors and five managers (direct report); we suggest that this is tending towards the limit within an organisation structure.
- The General Manager, under the Administration Agreements with RRCC and FNCW extends the span of control, not only to the two entities, but also the first level of manager, effectively increasing the span of control by an additional two, stretching the direct reports to nine (9).

- The General Manager works for the Rous Water Council as well as for the other two county councils, increasing the number of Councillors from Rous Water's eight (8) councillors (two from each of the four constituent councils), by the six (6) Councillors from RRCC (two from each constituent council), and a further six (6) councillors from FNCW (one from each of its constituent councils).
- Based on our observations and discussions, we assess that the support functions for the other two county councils consumes between 25% and 40% of the available time for the General Manager.

Technical Services Director

- Five (5) functions report to this position and include a combination of assets management, strategy development and operations management.
- This position also provides a primary support role during absences by the General Manager.

Senior Management Team

- The Rous Water 'Senior Management Team' effectively includes all managers in a direct reporting role to the General Manager.
- The size of the team ensures a broader level of input to issues and matters affecting Rous Water, producing a more comprehensive consideration and analysis for decisions.
- The large team size reduces the capacity to discuss and analyse confidential matters that are not ordinarily the domain of operations or strategy managers.
- We are aware that managers are selected, depending on the issue or topic, to attend the 'Senior Management Team' meetings, allowing sensitivity in the analysis of issues and staffing matters.

3.2.4.2 Richmond River County Council

The primary deficiency for RRCC resource shortfalls relates to the provision of governance and administrative support. However, this issue is addressed through the Administrative Agreement between RRCC and Rous Water. In the event that either Rous Water or RRCC withdraw from this Agreement, RRCC has no internal staffing capacity to provide these governance or administrative functions, including the provision of financial services or the provision of the legislated annual reports.

To assist and develop strategies for the management of the levee systems and mitigation strategies, RRCC engages a consultant engineer on a part-time basis (in the capacity as the Assets Engineer) and presents a shortfall in the capacity of the full time organisation resources.

Rous Water separately engages technical specialists to address and satisfy asset and operational needs. This leads to the potential for the consolidation or rationalisation of technical specialists to satisfy the ongoing design, development and implementation of engineering issues. This reliance by RRCC is not a staff capacity shortfall, since the external resource is engaged for specific projects, but presents an opportunity for both Rous Water and RRCC to consider mutual support for technical elements of ongoing operational activities and projects.

There is a significant focus on natural resource management (NRM) from within RRCC, as there is within FNCW and Rous Water. The collective capacity to enhance the development of strategies to achieve the management plan objectives for each of the county councils could be improved through staff NRM resource rationalisation and mutual support between the three entities. The outcome

would provide an increased capacity and competency of available NRM resources across the three entities.

3.2.4.3 Far North Coast Weeds

As with RRCC, the primary deficiency for FNCW resource shortfalls relates to the provision of governance and administrative support. However, this issue is addressed through the Administrative Agreement between FNCW and Rous Water. In the event that either Rous Water or FNCW withdraw from this Agreement, FNCW has no internal staffing capacity to provide these governance or administrative functions, including the provision of financial services or the provision of the legislated annual reports.

Close working relationships between entities allows a cross-fertilisation of ideas and the access and exposure to potential improvements in operational efficiency. The strong 'filial' relationship between the management of FNCW and Rous Water provides opportunities to review, improve and enhance the operational effectiveness of FNCW field activities.

We understand that council has had a strong support role for local agriculture through the provision of fee-for-service weed control activities. However, we assess that there should be a stronger focus on delivering the weed control services to crown lands and eliminate the provision of 'private works'.

We understand that the current manager of FNCW is realigning the services to focus on community education and preventative control measures, rather than a stronger direct and interventionist role responding to blooms and infestations. This approach moves the management of weeds towards 'best practice' and indicates strong leadership and innovative approaches in this role on behalf of the community.

The revised strategic and operations approaches by management continue to be bedded into place. However, there is opportunity to use the experience and expertise from Rous Water operations managers to assist and refine with systems and service delivery approaches, and improved outcomes through efficiency enhancements.

3.2.5 Natural resource management models

The three county councils conduct three distinct and separate NRM functions which have few synergies other than the management of water flows and the impacts on the natural environment to the outcomes of the specific management responsibilities.

Each county council has quite distinct operational objectives and direct the application of NRM principles. Each county council has technical staff that are focussed on the outcomes specific to their business goals and objectives. However, with an altered approach that strengthens the opportunities for the application of NRM initiatives, both the constituent councils and the northern region of the state would benefit. We consider that this could be attained through the increased collective partnering and functioning of the technical specialists and strategy development for the three county councils. To this end, the colocation or consolidation of technical experts would assist the integration of strategies and a more cohesive application of implementation processes and resultant outcomes.

However, these resource considerations, state government NRM objectives, actions and strategies from the constituent councils and other factors should be understood in the development of NRM recommendations.

3.2.5.1 Existing natural resource management functions

Rous Water has many elements of its functional responsibilities that impact on NRM. The Rous Water catchment assets have a strong dependency on a high level of natural resource management. This dependency is particularly strong on the riparian zones for all the watercourses feeding into the catchment reservoirs.

The processes associated with the supply of water to communities affect both present and future generations. Council has and continues to develop its disciplines in the management of natural resources.

Far North Coast Weeds has a history of responding to current issues rather than being proactive to preserve the environment for both future and present generations. However, recent staff changes have led to a major change of focus from a reactive organisation to a proactive, education-based county council in its approach to the control and reduction of weeds.

With its limited staff, FNCW typically provided weed removal services to agricultural and other land owners. With a realigned strategic approach to the management of weeds, to education programs and the use of the web, it is embracing, developing and pursuing the necessary disciplines for more effective management of natural resources.

Over the geographic footprint for FNCW, land ownership and management has drifted from agricultural land to 'hobby farms', with less sustained involvement by landowners than in the past. This change in land use will provide major challenges for natural resource management by FNCW.

The identified two main focuses for the functioning of **Richmond River County Council** are:

- Management and maintenance of the Lismore Levee, and
- Flood mitigation services, generally associated with the management of flood gates within rural lands properties.

Through a research relationship with Southern Cross University, RRCC has assisted in the development and part funding of catchment-based restorative works (e.g. Tuckean Barrage Floodgate Trial - to assess the effects of active floodgate management using controlled tidal flushing on water quality, fish passage and aquatic weed control upstream of the Barrage).

Changing land-use by owners, including the increasing conversion to 'hobby farming', presents an ongoing challenge to natural resource management. We assess that the smaller parcels of land, often with temporary occupancy, are not managed as effectively as commercially operated farms and are less predictable in their use and control of chemicals and additives incorporated into catchment runoff. To reduce NRM impacts, these changing land uses would increase resource demands on RRCC. With no likely increased staffing levels in the short term, there would be competing demands for the primary function of RRCC staff and that of NRM management. The approach to NRM appears to be limited to the county council's day-to-day operations.

The main floodplain involvement to satisfy NRM objectives is provided either through co-funded projects or project-based works.

3.2.5.2 NRM principles

The brief sought comment on alternate models associated with the natural resource management roles and responsibilities addressed by the three county councils. This report focuses on four (4) models for consideration.

The principle functions of local government in relation to NRM particularly for county councils include:

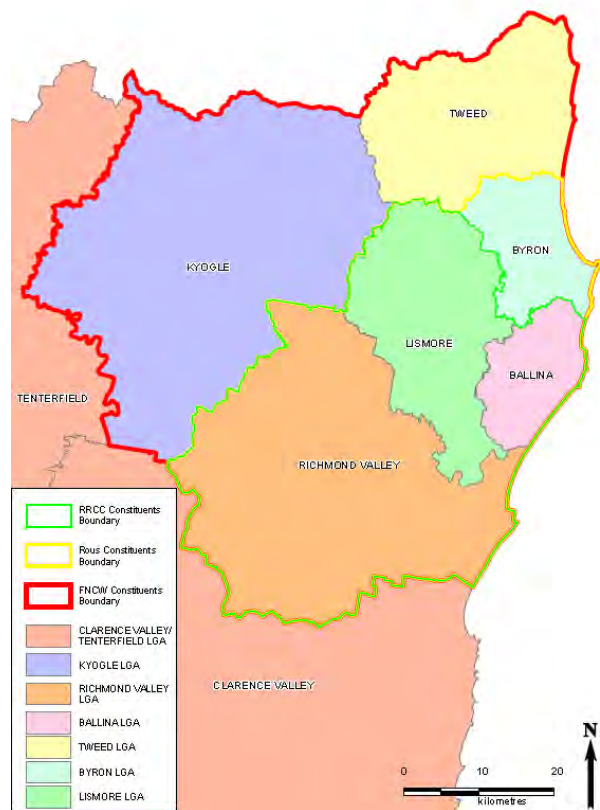
- Management of community lands
- Vegetation management (roadside vegetation, noxious weeds)
- Biodiversity and landscape management (threatened species conservation, rehabilitation of degraded sites)
- Flood mitigation and floodplain management
- Estuary and coastal management
- Pollution control and environmental management of land, water and air
- Water supply.

The Local Government Act 1993 Charter, which states that councils are obliged ‘... to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible’ and ‘... have regard to the long term and cumulative effects of its decisions’. In addition to working under the Local Government Act, councils are required to also work under the Environmental Planning and Assessment Act, Protection of the Environment Operations Act, Contaminated Land Management Act, Threatened Species Act, and the Noxious Weeds Act.

The application of all principles outlined in legislation and the conformance to all intentions of NRM would require a significant increase in resources of all county councils and general purpose councils. The county councils generally restrict their activities to the primary purpose of the council, but are required to apply the NRM principles above and within respective pieces of legislation and their amendments.

The spatial footprint for each of the county councils is not common across the six constituent council local government areas and is presented in **Figure 3-4**. This mismatch of county council and constituent council overlays present impediments to the implementation of NRM strategies.

Figure 3-4 Overlay of Constituent Boundaries



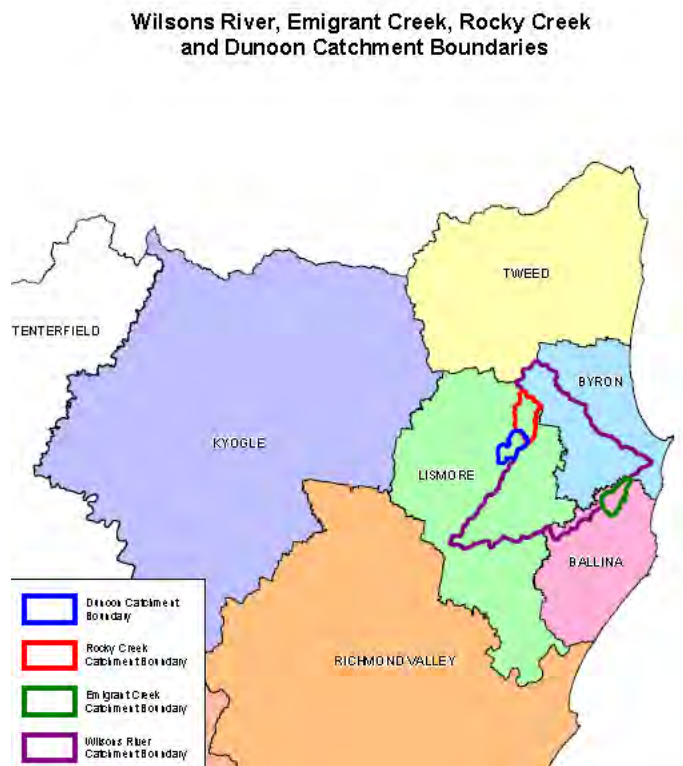
3.2.5.3 Single Discipline Focus

The single discipline focus is essentially the ‘status quo’ option associated with natural resource management, roles and responsibilities.

Rous Water

The Rous Water supply network has over 33,000 connections within the reticulation areas of the four constituent councils, excluding the retail connections to the trunk main. The principle sources of the supply network are Rocky Creek Dam (located near Dunoon), the Wilsons River source, Emigrant Creek Dam, Convery’s Lane and Lumley Park bores, as well as three bores near Woodburn.

Figure 3-5 Rous Water Sub-Catchments



The **Figure 3-5** indicates the sub-catchment areas that provide the main source for potable water. This figure also provides an indication of the footprint of Rous Water area of control as compared the Richmond River catchment as presented in **Figure 3-6 Richmond River Catchment Boundary**

The NRM roles and responsibilities are generally restricted to those areas providing the source waters and also such infrastructure works associated with the reservoirs from which the general purpose councils draw their potable water supplies.

The upper reaches and headwaters for the catchments associated with Rous Water operations, functions and responsibilities are in a relatively confined area of the Richmond River valley catchment.

Richmond River County Council

As referenced in Section 3.2.5.5 'Richmond River County Council – enhanced role', the primary focus of RRCC is with the lower Richmond River sub-catchment. However, the LGA boundary changes since the 1959 proclamation have presented RRCC with a broader footprint that now reflects the whole of the Lismore, Richmond Valley and Ballina Councils.

The focus of RRCC has expanded from the original “prevention or mitigation of menace to the safety of life or property from floods” purpose and currently encompasses the broader elements that reflect the ideals and goals of NRM.

Far North Coast Weeds

This council has a significant role in NRM, and has a clear function to administer the Noxious Weeds Act 1993 for the Council areas of Ballina, Byron, Kyogle, Lismore, Richmond Valley and Tweed.

The functions of Far North Coast Weeds are funded from each of the constituent councils in the amount of \$608,000 for the current financial year based on a fee assessment that includes 'static' data (population, area, length of roads and the number of rural holdings) and variable data (including the number of property inspections per year, and weed control costs), as well as from grants and other contributions.

The organisation focus has shifted from heavily reactive to a proactive style involving more community involvement, engagement and education to assist in the identification and management of noxious weeds. FNCW works in partnership with communities and broader stakeholders using a proactive approach to weed management across all land tenures. Its success is being developed through relationships and working collaboratively with agricultural land owners.

There is a strong level of autonomy in its strategic direction and operational activities that differentiate FNCW from both Rous Water and Richmond River County Council.

Excluding the need for governance and administrative services support, and assuming the continuity of constituent council and grant funding, this county council could continue to operate as a single discipline council.

In the worst case scenario, the functions of this county council could revert to the funding constituent councils and the FNCW county council de-proclaimed. However, there would be a significant loss of management, district and catchment control over noxious weeds and their infestation across local government areas. The combination of services into a single county council provides the economies of scale through resource consolidation to develop, manage and implement strategies across the district and catchments, as well as the ability to ensure a high visibility of education and information to the rural communities. This approach should not alter the primary objectives of each of the three county councils.

3.2.5.4 More integrated catchment approaches

The 'single discipline' focus is a continuation of existing functions or the 'do-nothing' approach. The outcome of this insular focus is that NRM is not significantly integrated, nor do the outcomes provide the best benefit for the catchments.

As a minimum, the integration of NRM strategies across the three entities would improve NRM outcomes across the catchments, but each county council would be subject to internal resourcing and funding restrictions that would impact on the application of the NRM strategies.

The above discussion of the catchments produces other issues to be considered. Richmond River County Council has the primary role for 'the prevention or mitigation of menace to the safety of life or property from floods'. As indicated in Figure 3-6 Richmond River Catchment Boundary, RRCC has the responsibility for the lower catchment area. The majority of the upper reaches are within the Kyogle Shire Council LGA.

Of the three county councils, FNCW has coverage across six constituent councils. However, a more integrated catchment approach would retain five of the six councils in the Richmond River catchment, with Tweed Shire Council being in the adjoining Tweed River catchment. This also raises the issue of whether the control of noxious weeds should form part of the catchment-based approach in the management of NRM. The management of vegetative growth that may affect the ecology of the catchment should form part of the NRM strategic approach for the catchments.

Both Rous Water and Richmond River County Council are located about the lower Richmond River catchment area. But as also indicated in Figure 3-6 Richmond River Catchment Boundary, the north-eastern corner of the Clarence Valley is also within the Richmond River catchment area.

A catchment-based approach would imply the following general split:

Table 3-14 Shire Council by Catchment

Richmond River Catchment		Tweed River Catchment	Clarence Valley Catchment
Whole LGA	Partial LGA	Whole LGA	Partial LGA
Richmond Valley Shire Council	Byron Shire Council	Tweed Shire Council	
Lismore City Council	Kyogle Shire Council (approximately 50%)		Kyogle Shire Council (approximately 50%)
Ballina Shire Council	Clarence Valley Shire Council		Clarence Valley Shire Council

A catchment-based approach for the management of weeds and the provision of services only within the catchment could isolate Tweed Shire Council. This approach would present Tweed Shire Council with the option of being serviced by the Richmond River catchment weeds management resources or Tweed Shire may choose to withdraw from the county council and provide their own weed control services.

As a minimum, a more integrated functioning of the three existing county councils would improve the NRM outcomes for all catchments. This report suggests:

- A more collegiate staff relationship between the three county councils
- Shared governance and administrative services
- The cooperative development of strategies, programs and projects, and
- Stronger focus on increased efficiency in service delivery functions.

3.2.5.5 Richmond River County Council – enhanced role

Richmond River County Council commissioned the Centre for Coastal Management (CCM) to prepare a report aimed at identifying appropriate options and actions to enhance the involvement of RRCC in natural resource management. The report indicates that the Council was constituted and vested the various powers and duties under section 494 of the Act in relation to “the prevention or mitigation of menace to the safety of life or property from floods” and arising as a reaction to the 1954 floods, which caused loss of life and property within the Richmond River catchment.

The CCM report indicates that the original proclamation area was over lands contained within the City of Lismore and the Shires of Gundurimba, Tintenbar and Woodburn, as existing as at 1959. However, through subsequent boundary adjustments, the Richmond River valley sits within three shire councils and being Ballina Shire Council, Lismore City Council, and Richmond Valley Shire Council.

The report also notes that the county council’s area of authority is restricted to the lower section of the Richmond River catchment, and not the whole catchment extending into the upper reaches located within the Kyogle Shire LGA.

The proclamation dated 25th November 1959 provides the delegated power to exercise or perform the powers or duties relating to “... the prevention or mitigation of menace to the safety of life or property from floods”, and provides associated powers to levy charges or rates, borrow moneys, issue securities and various income cash-flow mechanisms.

As the CCM report outlines, the “...Council continues to operate under a limited and restrictive charter in terms of role and jurisdictional area. These limitations are now at odds with the regional focus of coordinated catchment management, as well as with the expanded natural resource management responsibilities of general and specific purpose councils”.

Figure 3-6 Richmond River Catchment Boundary



The diagram presented in Figure 3-6 presents the outline of the whole Richmond River catchment area. The catchment commences in the upper reaches contained in the Kyogle Shire Council area, with the waters flowing mainly through the Lismore, Richmond Valley and Ballina council areas.

However, the RRCC area of responsibility is an area limited by constitution, and extends from Lismore to the eastern coastline.

The functions of RRCC extend beyond the original role in relation to "...the prevention or mitigation of menace to the safety of life or property from floods" and now include:

- Roles in floodplain and estuary management committees
- Management of floodgates, trials and related projects
- Management of the Lismore flood levee
- Rehabilitation projects including improvements to drainage and water quality
- Studies and advisory services associated with acid sulphate soils and disturbance impacts
- Involvement in biodiversity management, land use planning and water management, and
- Support and advisory roles in research projects including deoxygenating processes on the floodplain.

The above list of current activities indicates a strong involvement in NRM within the Richmond River floodplain and a significant expansion of activities and services beyond the original proclamation role. In particular, the lower Richmond has a high degree of connectivity between surface water features such as streams, wetlands and drains and their underlying groundwater systems. In acid sulfate soil environments, the role of fluctuating water-tables and discharge of shallow groundwater into drains is central to the generation and export of highly acidic waters. This problem has been more pronounced in recent months with major 'fish kills' occurring within the lower catchment. This type of issue further extends the role of RRCC management and resources, particularly with the adoption of a conjunctive approach to water management, where the management of the surface water and groundwater systems has to be coordinated.

In addition to these functions, the increasing requirements of the general purpose councils to implement integrated planning and reporting guidelines will demand a stronger involvement by councils such as RRCC. This involvement is particularly strong in the development of strategic and statutory planning instruments for individual councils, relating to acid sulphate soils.

The 2006 Australian Government website, [Connected Water](#), refers to the Lower Richmond catchment as "...an example of the level of complexity in water management with the interplay of multiple government agencies and policies as well as the involvement of non-government bodies such as industry groups, Landcare groups, and environmental organisations. Water management in the catchment spans water allocation, ecosystem requirements, contamination, acidity and flooding. This means there is a wide range of stakeholders". It includes that some of the stakeholders "...focus on a particular issue relating to water management mandated by legislation, while others such as community groups are representative of key water users".

This broader involvement reflects a draft model for natural resource management within the Northern Rivers Region developed by the Northern Rivers Region of Councils (NOROC). This model would strengthen the partnerships between existing organisations and State and local government.

As outlined above, the current RRCC activities and assumed responsibilities have expanded well beyond the original intention of the vested powers included in the 1959 proclamation. The functional role has expanded to the assistance of general purpose councils in the development of planning instruments and management strategies, as well as the additional functions required of councils under the Local Government Act.

However, it should be noted that the county council operates as a local government authority but does so with a catchment focus that extends across local government boundaries that are beyond the Richmond River catchment.

Of relevance to this report, there are two options presented by CCM that relate to spatial increases for a modified RRCC:

- 7.3 Scenario 3 – Lower Richmond LGAs, and
- 7.4 Scenario 4 – Richmond River Catchment.

Scenario 3 involves the increase in footprint area to expand into the whole of the Lismore, Richmond Valley and Ballina Councils addressing the LGA boundaries anomaly of the 1959 Proclamation. This scenario maintains a limited focus only on the lower Richmond River sub-catchment.

Scenario 4 extends the footprint to incorporate the whole of the catchment, as indicated in Figure 3-6 Richmond River Catchment Boundary

. The CCM report suggests that this would complement the regional catchment management initiatives and allows the coordinated hydrological management for the catchment.

3.2.5.6 Single river authority (NOROC)

The Northern Rivers Regional Organisation of Councils (NOROC) espouses a 'single river authority' as outlined in its submission dated April 20, 2009 on the 'Report of the Independent Enquiry into Secure and Sustainable Urban Water Supply and Sewage Services for Non-Metropolitan NSW'. In its submission, NOROC proposed that future entities should be based on catchment boundaries as much as possible. The submission suggested entities for the NOROC area:

- a) Tweed Shire Council as a single entity with an unchanged geographic footprint covering all of the Tweed River Valley.
- b) Clarence Valley Council working alone or possibly working with Coffs Harbour Shire Council with the current alliance on Shannon Creek Dam being the basis for future cooperative ventures.
- c) The Councils of Kyogle, Ballina, Byron, Lismore City, Richmond Valley and Rous Water develop an entity to cover all of the Richmond Valley Catchment, Brunswick River Catchment, Evans River Catchment plus that small part of the Clarence River Catchment that is currently part of Kyogle Council.

The NOROC submission limited its comments to the enquiry elements of water supply and sewerage services. In relation to water supply and bulk water, NOROC proposed a new entity, using the assets and facilities of Rous Water, but revoking the existing proclamation for Rous County Council, and a new proclamation prescribing functions and boundaries of a new entity to reflect the servicing of the proposed constituent councils within the Richmond Valley Catchment.

NOROC has also developed a draft model for NRM within the Northern Rivers Region through the establishment of a "Northern Rivers Natural Resource Council" (NRNRC). The model proposed more strategic approach, primarily associated with consultation, advisory services and strategic direction. The creation of this new council would impact on the responsibilities of Richmond River County Council requiring a rationalisation of functions and modifications to its charter.

The NRM roles adopted and pursued by RRCC would be blurred through the creation of an additional overarching council. The new council would require its own governance structure with its

associated costs and interaction with both constituent councils and existing county councils, imposing further resource demands on the councils within the Northern Rivers.

3.2.5.7 Integration with other agencies (state and local government)

3.2.5.7.1 Catchment Management Authority

The Northern Rivers Catchment Management Authority (CMA) is one of 13 CMAs established in NSW under the NSW Catchment Management Authorities Act 2003. The CMA's role is to engage regional communities in natural resource management priorities and direct investment into activities that will restore and protect the natural resources.

The objectives outlined in the Northern Rivers CMA Strategic Plan (as indicated in the 2010-11 Annual Report) are to:

- Improve, protect and sustainably manage the environmental assets of the Northern Rivers region
- Strengthen the region's community based NRM model,
- Support and enhance the regional model for NRM delivery,
- Improve the effectiveness, efficiency and impact of programs and performance, and
- Operate as an effective organisation that maintains good corporate governance.

It was interesting to note that the only reference to Richmond River County Council, in the Annual Report 2010-11, was in reference to "Other Matters" and provided a specific reference to a project grant in the amount of \$55,000 for "Coastal Floodplain & Acid Sulphate Soil BMP". It appears that the CMA provides an oversight role, and not directly or actively involved in the Richmond River catchment management.

Our discussions with stakeholders attempting to pursue NRM across the Richmond River catchment indicate that there seems to be resistance associated with governance matters from the constituent councils. The key resistance factor associated with general purpose councils is that of governance.

3.2.5.7.2 NSW Department of Primary Industries – Office of Water

The NSW Office of Water initiated an inquiry into secure and sustainable urban water supply and sewerage services for non-metropolitan New South Wales. The inquiry objectives were:

- To identify the most effective institutional, regulatory and governance arrangements for the long term provision of water supply and sewerage services in country NSW
- To ensure these arrangements are cost-effective, financially viable, sustainable, optimise whole-of-community outcomes, and achieve integrated water cycle management.

Included in the December 2008 report was a recommendation that three organisational structures should be considered for regional groups of local water utilities, these three models being:

- a) Binding alliance (for planning and technical functions)
- b) Council-owned regional water corporation; and
- c) Status quo for some large general purpose councils and county councils.

Submissions were presented by NOROC, Byron Shire Council, Kyogle Council, Tweed Shire Council, Rous Water, and Richmond Valley Council.

However, there has been no formal outcome of this Inquiry process or prescriptive outcome actions from the NSW State Government.

3.2.6 Managing environmental risk

The primary elements of risk management include risk identification, risk assessment and evaluation, development of mitigation strategies and the implementation of risk strategies.

The three existing county councils each undertake their risk management and strategies directly associated with their corporate and environmental objectives. However, the management of environmental risk is specific to each of the three organisations and, unless tightly coordinated, will not provide the optimal outcomes for the catchment environment.

We suggest that the management processes for the assessment of environmental risks is not uniform throughout the Richmond Valley catchment, with a county council focussing on NRM strategies at the lower catchment area, but a general purpose council with a multitude of competing strategies and programs managing the upper reaches of the river catchment. The outcome of this existing split responsibility is a non-uniform management approach to environmental risk along and within the river catchment.

The management of environmental risk would improve if the three county councils, working with the general purpose councils, developed and managed a 'whole of catchment' based strategy for the management of environmental risk for the catchment.

3.2.7 Risks assessment of merged county councils

The brief requests an examination of the major risks in the counties that would be shared if a merger occurred. However, there is not one single merge option; rather there are a few options that can be considered feasible for these county councils.

3.2.7.1 Merge of services, retaining three county councils

The Local Government Act allows councils and county councils to enter into co-operative arrangements that provide mutual benefits and is in the public interest. This merge option would enable each of the three county councils to retain their proclaimed duties and responsibilities and working within their constitution. By implication, each county council would retain its assets as well as its liabilities.

This model would extend the existing Administration Agreement arrangements and include organisational reporting changes.

Since Rous Water is the largest of the three county council entities, it would make sense for the two smaller county councils to have their staff, functions and duties merged into the Rous Water organisation. With this model, we would anticipate that both the FNCW Coordinator Weed Control Services and the RRCC Floodplain Resource Manager would not report directly to the General Manager, Rous Water, but rather the equivalent of the Technical Services Director of Rous Water.

However, the merge of services but not county councils would retain the obligations for each county council to satisfy the reporting requirements of the Local Government Act in the preparation and submission of annual reports and other details sought by the Department of Local Government as well as other legislative and regulatory requirements. This option would lead to the development of improved strategic documents because of access to more experienced resources from Rous Water. We would also anticipate improved efficiencies in service delivery as a result of working cooperatively with Rous Water resources.

This option would not generate significant net cost savings over the existing arrangements and costs.

3.2.7.2 Merge of Rous Water, RRCC, FNCW

The outcome of this merge would result in one county council entity through:

- a. Either by deproclaiming all three existing county councils and the creation of a new county council with a new constitution,
- b. Or select two of the county councils to be dissolved, and the remaining county council to continue operating under a new constitution that absorbs the pre-existing constitutional requirements for the two dissolved county councils.

We consider that it would be more appropriate to adopt the second merge option above by retaining one of the county councils as the base for the modified constitution and organisational functioning:

- If considering a 'catchment based' county council, RRCC may appear as the appropriate council to be retained, but it should be noted that its constitution reflects the responsibilities for the lower catchment area only; although the catchment-based merge option does not deny consideration of Rous Water being the anchoring county council.
- If considering a merged entity that draws benefit from a larger pre-existing entity, Rous Water would be the more obvious choice with its larger staff base, capacity to absorb other functions and services, and management expertise and capacity.

Prior to the development of the new constitution, though, the constituent councils would need to decide whether the functions ascribed to the new constitution should replicate existing functions or move towards a model that is catchment-based. As part of this decision-making process, it should be noted that Tweed Shire Council sits within its own Tweed River catchment. If the decision is to concentrate county council activities to the Richmond River catchment, the ongoing service support provided by FNCW to Tweed Shire Council would need to be reviewed in consultation with Tweed Shire Council.

If the decision is made to expand the functions into the whole of the Richmond River catchment, there will be an associated increase in strategic planning and documentation with the inherent increase in costs to the constituent councils. These costs are more likely to be experienced in the first year or two of the new county council and should reduce thereafter. However, the development of more detailed strategic and operational plans will identify new projects and programs that would be needed to address and accommodate NRM principles and values.

To progress the merge development for discussion with constituent councils, the following issues should be addressed:

1. Geographic basis for the merge, whether:
 - a. catchment-based, or
 - b. constituent Council based geographic area;
2. Whether to choose an anchoring county council from RW, FNCW, RRCC;
3. Likely increases in organisational costs associated with an expanded or adjusted area of responsibility;
4. Service levels expected from each of the constituent councils;
5. The impact of assets and liabilities of the existing county councils for any of the constituent councils that may wish to withdraw from the merged entity;
6. The impact of assets and liabilities of the existing county councils for the remaining constituent councils and the funding mechanisms for forward years;
7. The proposed governance structure, including the number of proposed elected representatives from each constituent council;
8. Confirm with NSW government that there are no new catchment-based or structural initiatives that may affect the merge proposal.

The following issues should be noted in the development of the proposed merged county council model:

- a. All merge proposals should ensure service continuity for each of the county councils;
- b. The NSW government does not currently have any preferred model for county council activities, although a DLG discussion paper is currently being prepared;
- c. Two smaller county council entities would incur lower net costs for any merge because of size, the number of staff, and their lower asset base;
- d. Three county councils significantly differ in their footprint, and they do they match and overlay any river catchment model;
- e. Since there are two existing river catchments (Tweed and Richmond), any catchment-based decisions would need to reflect the wishes of the constituent councils;
- f. The NSW Catchment Management Authority has no formal resolution for catchment-based management in the north-east of NSW;
- g. Because of its large staff number, management capacity, administrative services, and existing governance support functions, and being the largest of the three county councils, it would appear that Rous Water would be best suited as the anchoring county council;
- h. The naming of the new or modified county council would probably be a contentious issue, but given that the NSW Department of Fair Trading allows the transfer of trading names (refer section 3.2.12), this issue should be easily resolved.

The consideration of a 'merge option' should include an assessment of risks associated with any merge proposal associated with the three county councils. The included Table 3-15 lists and analyses the potential merge factors, their risks, and suggested mitigation measures.

Table 3-15 Merge Factors and Risks

ISSUE	COMMENT	RISK / IMPACT	MITIGATION
Governance	<ul style="list-style-type: none"> ▫ Need to reflect Local Government Act regarding ‘governance’ ▫ Councillors to be elected from Constituent Councils [Refer LGAct Part 5, S.390 in Section 3.2.11 of this report] ▫ Constitution to include the numbers of elected representatives from each constituent council 	<ul style="list-style-type: none"> ▫ Constituent councils wishing to have variable representation in the new county council constitution ▫ Dialogue and discussions with constituent councils expand the timeframe for consultation process 	<ul style="list-style-type: none"> ▫ Early commencement of consultation processes to minimise time delays ▫ Rationalise SLA outcomes and intervention mechanisms to demonstrate equity in application of business management and service delivery
Administration	<ul style="list-style-type: none"> ▫ Administrative services would be provided through one entity for all ▫ Consolidated administration functions should deliver minor savings for operational outcomes 	<ul style="list-style-type: none"> ▫ Constituent councils seeking lowering of the annual contributions, reflecting the reduction in duplicated services 	<ul style="list-style-type: none"> ▫ Demonstrate that savings are being distributed to all services to all constituent councils
Income Sources	<ul style="list-style-type: none"> ▫ Consolidated functions allow improved control and management of income and investments. ▫ Enables a stronger focus on the pursuit of grants with greater likelihood of increased grant sources over time 	<ul style="list-style-type: none"> ▫ Perception that a strong pursuit of grants would be weighted towards the larger asset based county councils 	<ul style="list-style-type: none"> ▫ Demonstrated strategies by management to pursue grants from all sources
Staffing	<ul style="list-style-type: none"> ▫ The net staff resourcing numbers would remain relatively constant. ▫ Staffing savings would be returned to program and operations outcomes ▫ A merge will result in changes to staff Position Descriptions Statements (PDS) 	<ul style="list-style-type: none"> ▫ Constituent councils seeking lowering of annual contributions arising from staff consolidation. ▫ There is potential for redundancies arising from modified PDS across the three county councils 	<ul style="list-style-type: none"> ▫ Implementation strategy to reflect the absorption of staff rather than merging into modified position descriptions

ISSUE	COMMENT	RISK / IMPACT	MITIGATION
Merge Costs	<ul style="list-style-type: none"> ▫ Costs will be incurred and associated with the development of merge option ▫ There will be a need for a strong commitment from elected representatives and management to resource the development and consultation processes for the merge ▫ Merge costs will occur in both real and 'in-kind' resource and expenses costs 	<ul style="list-style-type: none"> ▫ Councils may reject the merge process based on the Merge Costs ▫ Merge costs should be identified as well as their attribution to the county councils and constituent councils 	<ul style="list-style-type: none"> ▫ Seek external funding grants, eg from NSW State Government, for a proportion of identified expenses and costs ▫ Councils could provide a proportion of their contribution as 'in-kind'
NRM	<ul style="list-style-type: none"> ▫ The NSW stage government and CMA are seeking a greater commitment to and outcomes from NRM strategies ▫ Increasing NRM costs continue to increase cost burdens on local government 	<ul style="list-style-type: none"> ▫ Constituent councils may desire to fund only the lower catchment NRM initiatives 	<ul style="list-style-type: none"> ▫ Ensure early agreement to the NRM approach within the agreed county council area
Service Continuity	<ul style="list-style-type: none"> ▫ All merge options must maintain service continuity 	<ul style="list-style-type: none"> ▫ Implementation strategies are to ensure nil impact on service delivery 	<ul style="list-style-type: none"> ▫ Development of a detailed implementation strategy
LGA Coverage	<ul style="list-style-type: none"> ▫ FNCW covers 6 LGAs, RW covers 4 LGAs, RRCC covers 3 LGAs ▫ Richmond River catchment excludes Tweed Shire Council in the adjacent Tweed River Catchment ▫ RRCC covers only the lower Richmond River catchment area ▫ LGAct requires all constituent council agreement to modified constitution 	<ul style="list-style-type: none"> ▫ One or more councils feel disadvantaged by the proposed merge, losing LGA coverage by the merged entity ▫ Any council may feel disadvantaged from the proposed model and withdraw from the process 	<ul style="list-style-type: none"> ▫ Merge model is to ensure agreement from all constituent councils ▫ Early consultation with all councils

ISSUE	COMMENT	RISK / IMPACT	MITIGATION
Legislative Requirements	<ul style="list-style-type: none"> ▫ If merge results in only one county council, the remaining two councils to be dissolved ▫ Modified constitution proposals to be approved by the Minister 	<ul style="list-style-type: none"> ▫ One of the county councils may decide to not allow dissolving of its entity ▫ Minister may seek modifications to the proposal 	<ul style="list-style-type: none"> ▫ Early agreement and ongoing consultation ▫ Develop strategies for options that may arise during consultation if they appear real
Staff Support	<ul style="list-style-type: none"> ▫ The Merge should appear seamless to the county council staff ▫ Staff support and acceptance will be critical to the success of the merge 	<ul style="list-style-type: none"> ▫ Staff may resist the changes and cause some disruption to service continuity ▫ Need for strong HR management and support staff 	<ul style="list-style-type: none"> ▫ Ongoing staff involvement and engagement in the processes ▫ Manage the rate of change to suit the staff ability to respond
Community Support	<ul style="list-style-type: none"> ▫ Anticipated neutral impact to the community providing there is service continuity and no increase in cost 	<ul style="list-style-type: none"> ▫ Community may seek more aggressive changes including reduction of staff number 	<ul style="list-style-type: none"> ▫ Develop communications strategy to keep the community informed of actions, outcomes and progress
Council Support	<ul style="list-style-type: none"> ▫ Although each councillor holds an individual view, each constituent council will be required to take a position regarding any merge ▫ The CEO of DLG has indicated that any 'merge' proposal should have community support ▫ The LGAct generally requires the governing body of each council to agree to changes to constitution or proposals for change ▫ The Minister may propose to establish or dissolve a county council or to amend the constitution 	<ul style="list-style-type: none"> ▫ Any one constituent council could decide to not participate in the 'merge' ▫ The Minister could over-rule the decision of the constituent councils, but is unlikely 	<ul style="list-style-type: none"> ▫ Provide as much of the available facts to both the councillors and the community ▫ Ensure that the community is informed of details to satisfy the potential questions about cost ▫ Keep the DLG informed of progress of 'merge' considerations and actions

ISSUE	COMMENT	RISK / IMPACT	MITIGATION
Organisation Commitment	<ul style="list-style-type: none"> ▫ Both the constituent councils and the governing body of each county council would need to commit to the proposed actions to develop the 'merge' of county councils ▫ Council elections will occur in the latter half of 2012 	<ul style="list-style-type: none"> ▫ One or more of the constituent or county councils does not actively support the proposed actions ▫ The development of proposals for submission to the Minister could be substantially delayed or deferred ▫ Arising from the elections, one or more councils could adopt an alternate position that puts the proposed merge at risk of collapse 	<ul style="list-style-type: none"> ▫ Provision of as much information as practical to both the councillors and the community ▫ Frequent dialogue with all constituent councils and councillors ▫ Provision of options and outcomes details to ensure issues are addressed ▫ Develop an agreed strategy with all councils prior to the 2012 local government elections ▫ Development and provision of Q/A for the issues likely confront the process
Implementation Costs	<ul style="list-style-type: none"> ▫ 'Implementation Cost' is the total cost of necessary activities leading to the Proclamation, and the cost of modifying the county councils including organisational and staffing costs ▫ Notional implementation costs up to proclamation are indicated in Table 3-17 ▫ Implementation costs include resource and staff costs as well as 'in-kind' costs 	<ul style="list-style-type: none"> ▫ Councils may seek to require more preparatory works, reports and analysis (eg liabilities and associated ongoing funding mechanisms) increasing the 'merge' costs ▫ Extended timeframes would increase the cost base 	<ul style="list-style-type: none"> ▫ Ensure the process is managed as a project ▫ Keep councils informed of progressive costs ▫ Develop mechanisms to capture real and notional costs to enable transparent information to councils on resourcing and cost burdens

ISSUE	COMMENT	RISK / IMPACT	MITIGATION
Implementation Timeframe	<ul style="list-style-type: none"> ▫ Timeframes should be split into: Councils' agreement to the Preferred Option; Proposal Development for Minister; Minister's Approval Process; Implementation of Merge ▫ Notional timeframe is presented in Section 3.2.8.4 	<ul style="list-style-type: none"> ▫ One or more council may have internal problems conferring support and delay the timeframe ▫ With unanimous agreement, the timeframe to proclamation could be shortened, but could also be considerably extended ▫ Implementation timeframes are subject to the commitment by both constituent councils and the merged county council 	<ul style="list-style-type: none"> ▫ Management of the process as a formal project, with updates to all principal stakeholders ▫ Ensure 'buy-in' from all Councillors where possible
Modify Merge to 'Catchment' Basis	<ul style="list-style-type: none"> ▫ Councils may choose to retain the existing functions to replicate the existing proclamations and constitutions ▫ Prior to the development of the merge strategy, councils are to decide on either the preferred catchment option or clearly define the options and the potential outcomes 	<ul style="list-style-type: none"> ▫ During the process, any of the councils could adopt an alternate approach that is contrary to the 'preferred option' ▫ Any of the constituent councils or the county councils could push for a modified 'catchment' model during the proposal development process 	<ul style="list-style-type: none"> ▫ At the initial stages of the process, ensure complete agreement to the options and preferred option
Diluted Services	<ul style="list-style-type: none"> ▫ Earlier discussions with constituent council representatives indicated concerns and perceptions that the 'periphery' councils may be subject to diluted levels of service ▫ Services should be provided as outlined in proposed SLAs 	<ul style="list-style-type: none"> ▫ Reduced level of weed and floodplain services to outer lying communities because of a 'Lismore-centric' management ▫ Poor SLAs leading to reduced levels of service 	<ul style="list-style-type: none"> ▫ Creation of strong Service Level Agreements with constituent councils to minimise the opportunity for diminished services ▫ Develop and maintain a strong feedback loop for agreed services

Any proposal to merge the three county councils into a single entity or council should generate net recurrent budgetary savings to the 'expenses from continuing operations' from the consolidated entity. Table 3-16 summarises existing costs and develops an assessed recurrent cost savings in the amount of \$160,000 to the merged county councils.

Table 3-16 Gross recurrent savings from 'Merge Option'

ONE-OFF COSTS/SAVINGS - Merge the Three County Councils							
Ref	Category of Potential/Actual Savings	Rous Existing	RRCC Existing	FNCW Existing	Total Existing	NEW ENTITY	Existing less Proposed
a.	Chair & Members (incl travel) - Existing	\$82,000	\$41,000	\$27,000	\$150,000	\$122,000	\$28,000
b.	Delegates expenses	\$9,000	\$18,000	\$6,000	\$33,000	\$20,000	\$13,000
c.	Insurance - Public liability / Professional Indemnity	\$58,000	\$19,000	\$16,000	\$93,000	\$74,000	\$19,000
d.	Audit fees	\$19,000	\$11,000	\$9,000	\$39,000	\$26,000	\$13,000
e.	Subscription to NOROC / LGA / FMA	\$5,000	\$5,000		\$10,000	\$6,000	\$4,000
f.	Workers Comp	\$77,000	\$10,000	\$29,000	\$116,000	\$92,000	\$24,000
g.	Administration fee	-\$243,000	\$98,000	\$145,000			
h.	RRCC Engineer P/T		\$40,000		\$40,000	\$15,000	\$25,000
i.	Duplication: office expenses , bank charges, website		\$15,000	\$15,000	\$30,000		\$30,000
j.	Other	\$4,000	\$3,000	\$2,000	\$9,000	\$5,000	\$4,000
	TOTAL Assessed Recurrent Cost Savings:	\$11,000	\$260,000	\$249,000	\$520,000	\$360,000	\$160,000

It should be noted that this review has not apportioned the savings across the three county councils.

3.2.8 Costs and timings to merge the three entities

One of the options tabled during review discussions was for the three existing entities (Rous Water, Far North Coast Weeds, and Richmond River County Council) to be amalgamated into one single entity. This section of the report does not consider which entity would lead, the naming or other aspects of the merge. This section merely considers the potential cost and timing for any proposed merge into a single entity.

The 'merge' process would have to undergo five stages and activities:

- a. Constituent council agreement
- b. Approval processes
- c. Proclamation
- d. Implementation, and
- e. Costing.

3.2.8.1 Constituent Council agreement

We understand that the Division of Local Government has indicated that any proposed alterations to an existing county council constitution can be progressed without the formal agreement from each of the constituent councils.

There are six (6) general purpose council entities as constituent councils that have an involvement in at least one of the three county councils. One of the outcomes of the two workshops with elected representatives of the three county councils, and held in Lismore in December 2011 and February

2012, was that there does not appear to be any consensus or agreement amongst or between the constituent councils for significant change to the entities, and accordingly to their constitutions.

The first hurdle to be overcome will be that of obtaining an agreement from the constituent councils and also from the DLG to commence the process. Following is a list (not exhaustive) of activities to be conducted as part of the process:

- Meetings between constituent council councillors.
- Meetings between general managers and their senior staff, as well as between councils.
- Conduct audits of all council's books for the three county councils.
- Conduct assets review, and conditioning.
- Conduct asset valuations.
- Examine potential staffing outcomes.
- Draft framework for the proposed entity.
- Draft framework for service delivery, including associated costings.
- Develop framework for representation by elected representatives.
- Develop methods and resourcing for service delivery.
- Develop a communications framework for all stakeholders.
- Undertake initial community consultation.
- Undertake initial staff consultation.
- Assess the industrial implications for existing and proposed staff, potential risks and outcomes.
- Conduct meetings with the DLG.

3.2.8.2 Approval processes

The approval process takes the framework to the formal review and approval by each of the constituent councils and the county councils. The durations for this process will be influenced by the timings of constituent council meetings, requests for clarifications and any additional information. There would also be a level of negotiation as well as debate, particularly over financial and representation issues.

The approval processes would require substantial input documentation to be developed and presented to the Department of Local Government for their assessment prior to any subsequent release for consideration by the Minister. Following is a list of actions to be included in the approval process:

- Initial meetings by each constituent council to consider their formal position on the presented draft paper
- Several iterations of the content, services, costs, resourcing and representation reflected in the progressive draft papers, as presented to constituent councils.
- Present the interim and final drafts to the DLG.
- Meeting with DLG (including legal interpretation, analysis and comment).
- Review, incorporate and amend comments to reflect the issues raised by the DLG.
- Prepare the final draft (between constituent councils).
- Obtain agreement of constituent councils to the final submission.
- Present the submission to the DLG for comment and approval.
- Internally within the DLG - final review and amendments.
- DLG finalise and present to the Minister.
- Prepare a draft submission to the Minister for Local Government.

- Resource and attend a meeting between the Department and the Minister.
- Provision for legal advice, reviewing and drafting of the new constitution.

3.2.8.3 Proclamation

The proclamation process will include consideration by the Minister for Local Government. This phase of the proclamation process may involve a time period ranging from assessed two week period to six weeks as part of the approval for to present to the Governor for gazettal.

Once the Minister is content with the documentation, the submission would be presented to the Governor for gazettal, a formal activity of the process.

The proclamation process is not expected to extend beyond a six-week period.

3.2.8.4 Implementation

- Confirm that the implementation plan has incorporated all outcomes and conditions arising from the approval and the proclamation processes.
- Keep staff and stakeholders involved through consultation and advice.
- Finalise organisational structures, financial activities supporting the revised and/or amended and/new entity/entities.
- Advertise/fill key senior management positions.
- Either conduct new elections for the elected representatives or work to an agreement by constituent councils for representation as interim pre-election Councillor resourcing.
- Finalise the closure of all financial/accounting accounts, including asset valuations.
- Implement new/replacement of financial management systems.
- Accommodation modifications as needed.
- Advertise/fill all organisations positions.
- Review and provide feedback on the outcomes and issues encountered along the 'merge' path.

3.2.8.5 Costing

A notional costing has been generated to provide the order of magnitude for the potential costs to be met by the combined constituent and county councils.

Table 3-17 Notional Implementation Cost of Merged County Councils

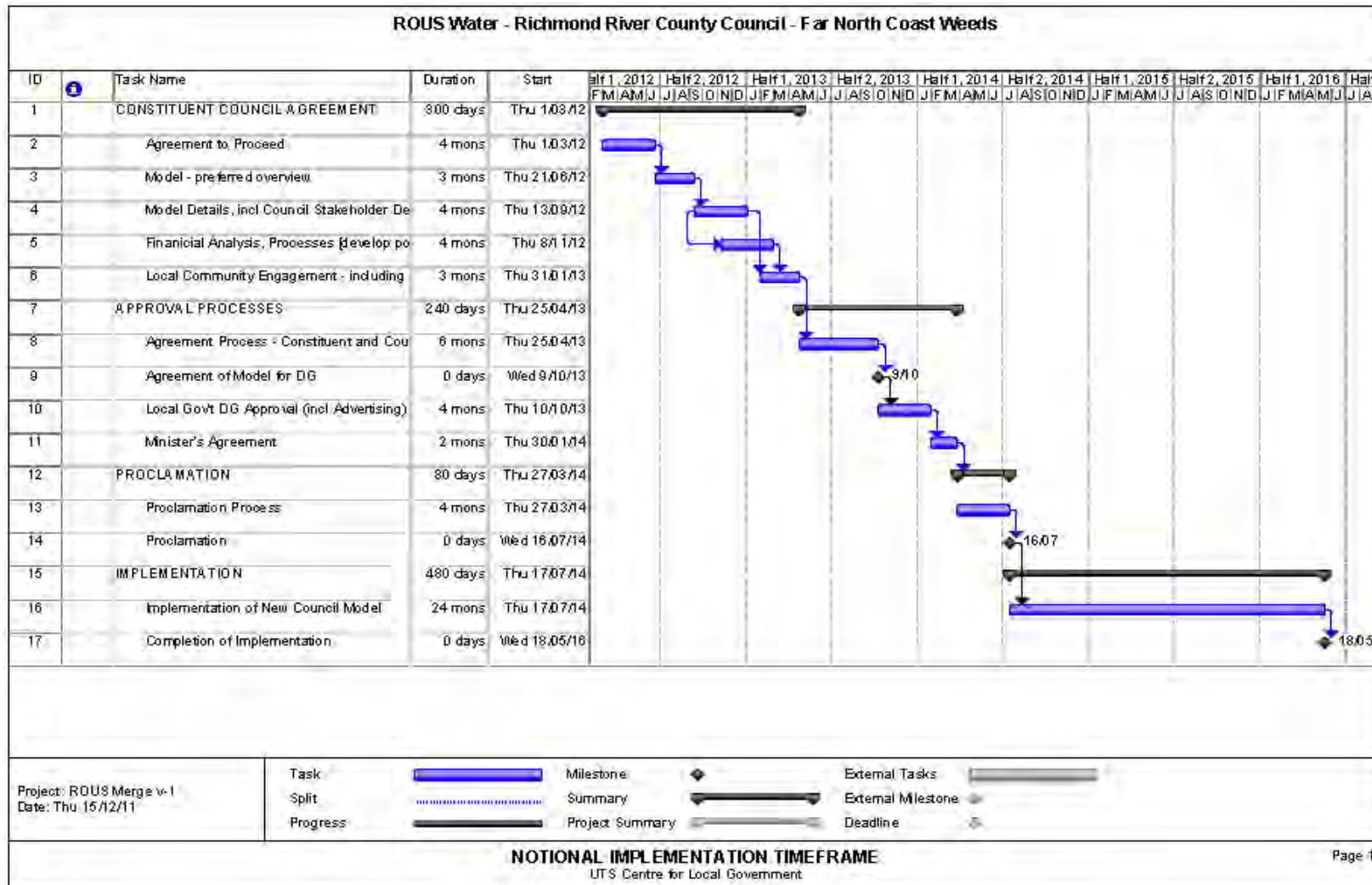
ACTIVITY	Cost Estimate
CONSTITUENT COUNCIL AGREEMENT	
Agreement to Proceed	\$20,000
Model - preferred overview	\$50,000
Model Details, incl Council Stakeholder Development	\$60,000
Financial Analysis, Processes [develop positions and statements]	\$25,000
Community Engagement - including CMA, DEP, others	\$25,000
APPROVAL PROCESSES	
Agreement Process - Constituent and County Councils	\$30,000
Agreement of Model for DG	
Local Gov't DG Approval	\$20,000
Minister's Agreement	\$15,000
PROCLAMATION	
Proclamation Process	\$5,000
Proclamation	
IMPLEMENTATION	
Implementation of New Council Model	TBA
Completion of Implementation	
TOTAL NOTIONAL COST TO START OF IMPLEMENTATION:	\$250,000

A Gantt chart with likely timings for key activities associated with a merge of the three county councils is reproduced as Figure 3-7. It should be noted that the CEO of the DLG would be expecting to see evidence of consultation with the constituent councils as well as key elements of the community. We would expect that this would extend to other NSW and federal government agencies involved in environmental and catchment management as a minimum.

To establish a time-line assessment of the 'merge' option, the principal activities were generated and an assessed duration placed against each activity. The total duration from the start of the activity of seeking constituent council approval, to the start of implementation has been notionally assessed at 2.5 years.

The implementation phase would typically take a two (2) year period as indicative program timing. The gantt chart and the notional durations are included to indicate the order of magnitude and do not represent a detailed programming analysis of the processes involved in a potential merge of county councils.

Figure 3-7 Indicative timeframe for merge of county councils



3.2.9 Criteria for selecting the most appropriate model

Based on discussions with senior staff of the three counties, the constituent councils, and the key elements sought to be addressed in the brief, the Centre proposes a number of key criteria to be considered when selecting the most appropriate structural arrangement. The criteria also respond to the themes from the experience of local government restructuring over the past decades, outlined in ACELG's recent research, which identifies two key goals of structural reform – “a search for economies of scale and more effective service delivery on the one hand; and the need for financial viability and strategic capacity to meet emerging challenges on the other”¹. The criteria also reflect the Minister for Local Government's desire to ensure a robust, financially sustainable local government sector, with the ability to deliver services and infrastructure efficiently.

With this in mind, the proposed selection criteria include:

- Enhanced strategic capacity
- Governance and engagement
- Optimal service delivery
- Risk liability
- Financial benefit
- Workforce.

These criteria are discussed in the following section.

3.2.9.1 Enhanced strategic capacity

The discussion in section 3.3.1 of this report is centred around the drivers for local government reform identified in recent research, in the current *Destination 2036* agenda (discussed in further detail in section 3.3) and in the brief.

One of the key drivers is the need for local government to strengthen its capacity to play an expanded role, to better plan for the future, to manage growth, and respond to community expectations. The Queensland local government reforms of 2007-08 were directed towards creating a more robust and capable system of local government equipped to respond to the varied challenges emerging in key locations in Queensland. The Local Government Reform Commission called for the establishment of organisations with the requisite “knowledge, creativity and innovation” as well as adequate financial capacity and skills both to deliver services efficiently and to plan effectively².

A recent survey carried out by the South Australian division of Local Government Managers Australia (LGMA) identified the benefits of increased strategic capacity by the use of terms such as: providing the resources to undertake projects on a larger scale; better placed to win grants and government funding; stronger negotiation positions and enhanced ability to lobby other tiers of government;

¹ Aulich, C., Gibbs, M., Gooding, A., McKinlay, P., Pillora, S., Sansom, G. (2011) *Consolidation in Local Government: A Fresh Look*, Australian Centre of Excellence for Local Government, Sydney p. 22

² Local Government Reform Commission (Queensland) 2007, report, Volume 1, at: <http://dlgp.qld.gov.au/sustainable-local-government/commission-s-recommendations-report.html> pp. 4-5.

ability to have more influence on the decisions made by other government bodies; being better equipped to deal with 'big picture' issues³.

For Rous Water, FNCW and RRCC, this is important, as the organisations must be ready to respond to the challenges of the future, such as the requirements of the new integrated planning and reporting legislation and other legislative reforms that will emerge from time to time.

3.2.9.2 Governance and engagement

The *Destination 2036* Draft Action Plan describes governance as “how the responsibilities of those in power are exercised, how decisions are made and how community members and stakeholders have their say in such decisions⁴”. Quality governance is critical to the sustainability of local government, as it enhances the ability of councils to develop good policy, community confidence in the performance of councils and systems underpinning council decision-making processes.

High performing organisations also have the capacity to effectively engage with key stakeholders, develop relationships government decision makers and non-government groups. This ability to form partnerships is important as the organisations need to be in a position to influence decision makers now and into the future.

3.2.9.3 Optimal service delivery

The Local Government Act rightly focuses on the importance of local government’s role as a service provider. However, the Act places local government’s service delivery role within a broad, strategic framework. With this in mind, councils must be aware of the local and global trends that impact on service delivery, and take steps to ensure service planning and delivery is able to quickly and appropriately respond. Some of these trends include: changing community expectations, monitoring demographic changes and catering to the needs of the ageing population; emerging challenges such as climate change, cost shifting, workforce shortages and technology; and alternative models of service delivery such as shared services and resource sharing.

This is backed up by the *Destination 2036* Draft Action Plan, which sets out a range of initiatives aimed at increasing the efficiency and effectiveness of service delivery, including providing councils with “greater flexibility to expand service delivery, increase opportunities for employees and enable new and innovative ways of doing things⁵”.

3.2.9.4 Risk liability

Understanding risks and ensuring that mitigation measures are in place is vital to any reform process.

³ 2010 Emerging Leaders *Amalgamation: Is it a dirty word?* Local Government Managers Australia, South Australia Division, <http://www.lgmasa.org.au/events/elp>

⁴ *Destination 2036 Draft Action Plan*, December 2011, p. 24

⁵ *ibid.*, p. 17

3.2.9.5 Financial benefit

Financial sustainability is vital to the long-term viability of councils. It was nominated by delegates to the *Destination 2036* workshop as the most important issue facing councils in NSW⁶. Maximising revenue potential, establishing a long-term financial plan, maximising opportunities to secure funding from other spheres of government, and strong asset and financial management all play a role in ensuring the financial sustainability of local government.

3.2.9.6 Workforce

Local government is competing with a range of other sectors in the economy to attract and retain a qualified workforce equipped to respond to current and future challenges. The new integrated planning and reporting framework places a high importance on workforce planning with an emphasis on increasing the diversity of skills of the local government workforce.

In order to compete, councils need to ensure they offer an attractive workplace, with career advancement and professional development opportunities and a range of flexible work practices to set them apart as an employer of choice.

3.2.10 Staffing benefits of alternative models

A merged county council model would provide sufficient scale to attract, retain and enable the training of skilled staff. This would also enhance the capacity to support traineeships and apprenticeships in recognition of local government responsibility to the local community and related industries. The organisation structures presented in Section 3-1 indicate a lack of depth for professional staff, especially in RRCC with reference to the Asset Engineer. Smaller organisations that include limited or a few professional positions (in particular, specialist engineers) are exposed and vulnerable to resignation and retirement. With limited professional staffing numbers, smaller organisations can be caught with a lack of professional capacity to apply engineering judgements and decisions to technical issues.

The recruitment of technical specialists and engineers in the NSW state's north east remains an issue for local government, and particularly for smaller councils, as the remuneration levels are not sufficient to attract the technical and specialist staff with the appropriate qualifications and skills.

Throughout the many reviews conducted by the Centre, we have observed that the larger councils have the greater capacity to attract and retain professional staff. Alternative organisation models that enable the 'pooling' of technical skills would present opportunities to increase the capacity to attract and retain more highly skilled professional staff, as well as the provision of a more sustainable capacity to internally resource all governance and administrative requirements, for which deficiencies were outlined in Section 3.2.4.

⁶ *ibid.*, p. 29.

3.2.11 The application of the Local Government Act

To assist in the analysis of options for the future operation of the three existing entities, the following extract is reproduced from the LGA 1993:

Part 1 – General

358 Restrictions on formation of corporations and other entities

- (1) A council must not form or participate in the formation of a corporation or other entity, or acquire a controlling interest in a corporation or other entity, except:
 - (a) with the consent of the Minister and subject to such conditions, if any, as the Minister may specify, or
 - (b) as provided by this Act.
- (2) This section does not prevent a council from being a member of a co-operative society or a company limited by guarantee and licensed not to use the word "Limited" in its name.
- (3) In applying for the Minister's consent under subsection (1) (a), the council is required to demonstrate, to the Minister's satisfaction, that the formation of, or the acquisition of the controlling interest in, the corporation or entity is in the public interest.
- (3A) The regulations may make provision for or with respect to the matters to be taken into account by the Minister in deciding whether to grant consent under this section and the conditions that may or must be specified by the Minister under this section.
- (4) In this section, "entity" means any partnership, trust, joint venture, syndicate or other body (whether or not incorporated), but does not include any such entity that is of a class prescribed by the regulations as not being within this definition.

The application of this section of the Act for the three county councils enables the consideration of any such proposed partnership, or other arrangement that is in the public interest, subject to the Minister's consent.

The following extract identified that a council is a 'body politic' and not a body corporate. The "*Local Government Amendment (Legal Status) Act 2008*" advises that "council" includes county councils.

Part 2 – Councils

Division 1 – Constitution

219 Constitution of councils

A council is constituted by this Act for each area.

220 Legal status of a council

- (1) A council is a body politic of the State with perpetual succession and the legal capacity and powers of an individual, both in and outside the State.
- (2) A council is not a body corporate (including a corporation).
- (3) A council does not have the status, privileges and immunities of the Crown (including the State and the Government of the State).
- (4) A law of the State applies to and in respect of a council in the same way as it applies to and in respect of a body corporate (including a corporation).

In relation to county councils, in particular governance, the following sections from the LG Act are reproduced:

Part 5 – County councils

383 Proposal to establish or dissolve a county council or amend its constitution

- (1) A council, a county council, a public authority or the Director-General may make a proposal to the Minister to establish or dissolve a county council or to amend the constitution of a county council.
- (2) The Minister may propose to establish or dissolve a county council or to amend the constitution of a county council.

388 Legal status of county councils

- (1) A proclamation establishing a county council operates to constitute the county council as a body politic of the State with perpetual succession and the legal capacity and powers of an individual, both in and outside the State.
- (2) A county council is not a body corporate (including a corporation).
- (3) A county council does not have the status, privileges and immunities of the Crown (including the State and the Government of the State).
- (4) A law of the State applies to and in respect of a county council in the same way as it applies to and in respect of a body corporate (including a corporation).

390 Who comprise the governing body?

- (1) A county council must have a governing body elected by its constituent councils.
- (2) Provisions concerning the membership of a county council's governing body are to be as prescribed by the proclamation establishing the county council.
- (3) A member of a county council is to be elected from among the councillors of the constituent councils in accordance with the regulations.
- (4) The governing body of a county council is responsible for managing the affairs of the county council.

397 Amendment and dissolution of county councils

- (1) The Governor may, by proclamation, amend or revoke a proclamation in force under section 387 for the purpose of amending the constitution of, or of dissolving, a county council.
- (2) A proclamation for the purpose of amending the constitution of a county council:
 - (a) may change the name of the county council, or
 - (b) may vary the county council's area of operations, or
 - (c) may vary the number of persons who comprise the county council's governing body, or
 - (c1) may vary the number of persons to be elected by each constituent council to the county council's governing body, or
 - (d) may vary the county council's functions.

The relevance of section 383 above is to indicate a county council can amend its constitution subject to the Minister's consent. Both section 383 and 397 allows for a council to be dissolved and proclamations addressing dissolution or amendments to the constitution.

The definition of a 'body politic' is reproduced below from the Australian Government's ['Australian Business Register'](#) (ABR):

The term 'body politic' is considered to cover any artificial legal entity having a separate legal personality. These entities have perpetual succession. They have the power to act, hold property, enter into legal contracts, sue and be sued in their own name, just as a natural person can.

The types of entities falling into these categories are broad and include:

- trading and non-trading

- profit and non-profit-making organisations
- government-controlled entities
- other entities with less or no government control or involvement.

The term 'body politic' includes the Crown in right of the Commonwealth, a state or territory. However, government departments are not bodies politic in their own right. Instead, they are part of the larger body politic of the Commonwealth, State or Territory. Bodies such as municipal councils are bodies corporate rather than bodies politic.

Notwithstanding the ABR definition above, NSW legislation has modified the definition with reference to sections 220 and 388 above.

The intention of including the above extracts from the Local Government Act and the ABR is to indicate that individual county council constitutions could be amended as could those of the constituent general purpose councils. Further, there is no absolute restriction on either the constitution, organisational structure, partnering arrangements, or other proposed modifications and where these can be demonstrated to be in the public interest.

The single issue that has potential constraints on the modified of organisational structure at all partnering arrangements is that "... county council must have a governing body elected by its constituent councils", refer section 390 above.

3.2.12 Trading and operations naming

The Proclamation of 5 June, 1940 was in response to the application of the Councils of the Shire of Byron and the Municipality of Lismore as a "... County District for local government purposes under the name of Rous County District". The Rous District has been recognised for decades and the word "Rous" is synonymous for most of the mid to upper reaches of the Richmond River catchment. Similarly, the name "Far North Coast Weeds" is recognised throughout the Richmond and Tweed river catchments.

The issue of continued use of existing trade names and organisational names may cause some enthusiastic dialogue during the discussions of county council and trading names.

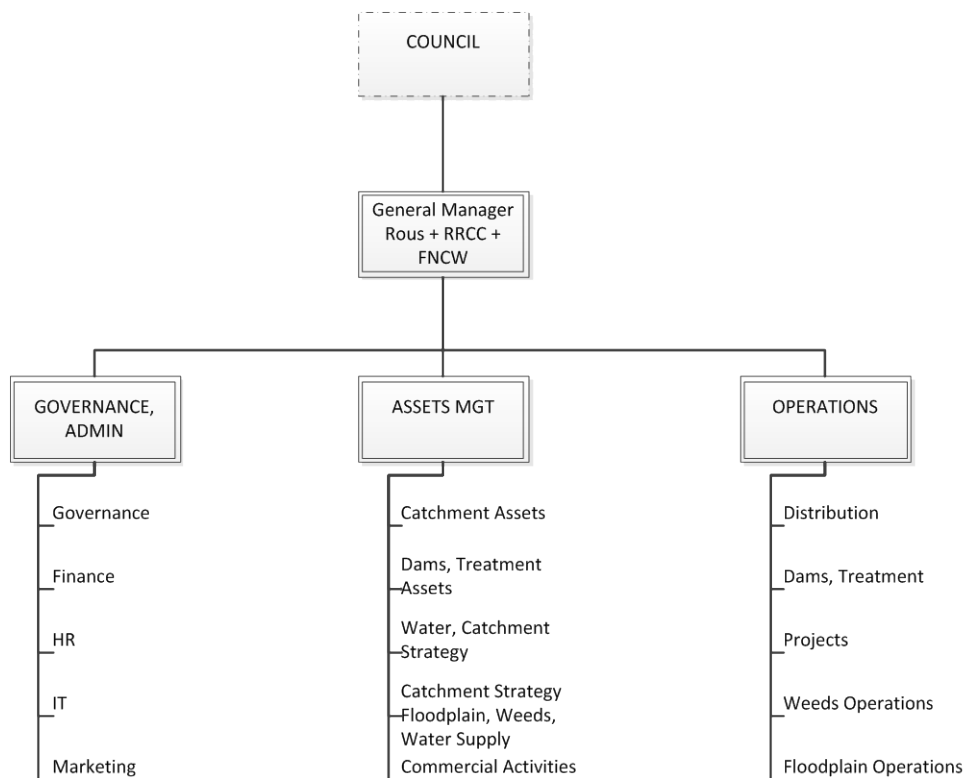
The Department of Fair Trading has advised that there is portability of trading names for continued usage of existing business functions. Both "Rous Water" and "Far North Coast Weeds" are trading names, registered in the name of proprietors 'Rous County Council' and 'Far North Coast County Council' respectively.

Subject to formal confirmation by Department of Fair Trading, all pre-existing trading names can be merged to any new or modified county council entity as the proprietor.

3.2.13 Proposed 'merge' structure for the three county councils

An organisational model that would provide the consolidation of all activities and enhanced management and operations control into a single entity is presented in Figure 3-8.

Figure 3-8 Consolidated County Council



The structure absorbs all functions of the three county councils and provides a stronger resource base of technical experts to apply broader NRM focus through the assets management division. All functions would be rationalised, but there would be an element of cost increase in the initial implementation years. Position description changes may also trigger cost increases and the potential for redundancy and related costs.

This proposed structure would include or require representation from each of the six county councils for the new entity. Constituent councils to the new entity would need to address the issue of appropriate representation. The new entity would have an overall budget approximating \$17 M of which approximately \$3 M reflects the turnover of FNCW and RRCC.

Because both Tweed Shire Council and Kyogle Shire Council do not draw any water from Rous Water, the issue of appropriate representative membership from each of the constituent councils would be in question.

These issues and other options are further discussed in Section 5 of this report.

3.3 Key points from research

In addition to speaking extensively with senior staff of the three organisations and mayors of constituent councils, we have reviewed a number of new initiatives and references that may be of interest and use to the reform process. These are:

- *Destination 2036* and the likely reform options that may arise from that process

- The findings of an extensive research report recently undertaken by the Australian Centre of Excellence for Local Government (ACELG) entitled *Consolidation in Local Government: A Fresh Look*
- The views of the NSW DLG.

These are canvassed in further detail below.

3.3.1 Destination 2036

The NSW Minister for Local Government, the Hon Don Page, MP has made it clear the NSW state government is interested in pursuing a partnership approach to local government reform, with a focus on improving the financial sustainability of local government. Underpinning the new relationship is the *Destination 2036* initiative, which began with a two-day forum convened in August 2011, involving the mayors and general managers of all NSW general purpose and county councils, the executive officers of all ROCs in NSW, and other local government leaders.

The aim of the forum was to begin the process of developing a “clear, achievable and shared path to a strong and resilient local government sector, responsive to the current and future needs of our communities⁷”.

One of the remarkable revelations of the *Destination 2036* process has been the strong support for regional co-operation and ROCs. In November 2011, the Minister reinforced his support for ROCs, announcing in a media release that they will have ‘an expanded and more important role to play in the future of local government’, stating that ROCs ‘are the primary model through which councils elect to identify, plan, manage and conduct their resource sharing arrangements and their collaborative programs⁸’.

Following the forum, a working group comprising the Presidents of the Local Government Association, the Shires Association and Local Government Managers Australia (NSW Division) developed and released in December 2011 the *Destination 2036: Draft Action Plan*. The draft Action Plan includes 16 new initiatives grouped into five strategic directions:

- **Efficient and effective service delivery:** establish frameworks that facilitate and encourage effective, responsive and innovative service delivery
- **Quality governance:** enhance the governance framework to ensure community confidence in councils and to further enable local government to meet community needs and challenges
- **Financial sustainability:** ensure the financial sustainability of councils
- **Appropriate structures:** develop a variety of local government structural models to suit different environmental contexts
- **Strong relationships:** Improve the relationship between the state and local government by working as partners, with a clear understanding of respective roles and responsibilities and for the benefit of our communities.

⁷ NSW Division of Local Government 2011, *Destination 2036: draft Action Plan, NSW, Nowra*

⁸ Page, D. 2011, *Regional Approach a Key to Council Reform*, media release from the office of the Minister for Local Government and the North Coast, NSW

Activities 11a and 11b have particular relevance to this current review of the three counties:

Activity 11a: Undertake research into alternative structural models of Local Government in Australia and other jurisdictions, identifying their key features and assessing their applicability to NSW

Activity 11b: Develop, with volunteer councils, a variety of models for the structure of councils in NSW.

There are also a number of actions identified in the plan supporting regional collaboration and resource sharing.

Should there continue to be an appetite for reform of the three county entities, the *Destination 2036* process could be the vehicle to drive the change. It is therefore important for Rous Water, FNCW and RRCC stand ready to contribute to this review, and perhaps even offer to assist in the development of alternative models.

3.3.2 Local Government Review Panel

On 20 March 2012, Minister Page issued a media release advising the establishment of an independent expert panel to examine structural arrangements in the context of the financial sustainability of councils across NSW. The Local Government Review Panel is the first initiative to be announced out of the *Destination 2036 Action Plan*. The panel will investigate ways to create stronger and better councils in the future.

The review will drive key strategic directions identified in the *Destination 2036* initiative and support the broader objectives of the state as outlined in *NSW 2021: A Plan to Make NSW Number One* (the State Plan).

The panel will investigate and identify options for governance models, structural arrangements and boundary changes for local government in NSW, taking into consideration:

1. Ability to support the current and future needs of local communities
2. Ability to deliver services and infrastructure efficiently, effectively and in a timely manner
3. The financial sustainability of each local government area
4. Ability for local representation and decision making
5. Barriers and incentives to encourage voluntary boundary changes.

In conducting the review, the panel will:

- Ensure recommendations meet the different nature and needs of regional, rural and metropolitan communities
- Consult widely with the broader community and key stakeholders
- Take into account the work completed, and future work to be completed, under the *Destination 2036* initiative
- Take into account the broader interests of the state including as outlined in the State Plan
- Consider the experiences of other jurisdictions in both the nature and implementation of local government reform
- Take into account the Liberal-National's 2011 election policy of no forced amalgamations.

The panel is expected to report to the Minister by 12 to 14 months from the start of the review.

3.3.3 Consolidation in Local Government: A Fresh Look

In May 2011, ACELG released a report entitled *Consolidation in Local Government: A Fresh Look*. It was undertaken as a collaborative research venture between ACELG, the Local Government Association of South Australia and Local Government New Zealand. Each wanted to take a fresh look at the issue of consolidation in local government, free from any current political or other pressures to recommend any particular approach towards structural reform.⁹

The research looks at four broad strands in the debate about reform:

- Efficiency
- Strategic capacity
- Service delivery
- Local democracy.

The researchers examined data from a range of sources:

- Desk analysis of literature
- On ground case studies
- Practitioner interviews.

The headline conclusions are presented below:

- **Ongoing change in local government is unavoidable**, and consolidation in its various forms will be a part of that process.
- As a general rule **benefits of some sort do accrue** when councils adopt mechanisms to collaborate or consolidate with other local authorities.
- Potential **benefits are reduced or lost when the process is flawed** due to inadequate planning and consolidation or a **failure to consider all the options** available and precisely what each could achieve.
- There is **little evidence** that *amalgamation* will automatically yield substantial **economies of scale**.
- **Efficiency gains** can be achieved through various forms of consolidation, but are unlikely to produce reductions in council rates and charges due to other expenditure needs.
- What is more obvious is that various forms of consolidation have the **capacity to yield economies of scope**, or to increase the capacity of councils to undertake new functions and deliver new or improved services.
- More importantly, consolidation offers opportunities to achieve **economies of scope** or enhanced **strategic capacity**. This effect may well be the strongest in the case of amalgamation into relatively large units.
- New services and/or **innovative approaches to service delivery** have been promoted through various forms of consolidation.
- In the case of **more remote councils** with small populations spread over large areas, consolidation (whether amalgamation or shared services) may not be feasible.

⁹ Aulich, C., Gibbs, M., Gooding, A., McKinlay, P., Pillora, S., Sansom, G. (2011) *Consolidation in Local Government: A Fresh Look*, Australian Centre of Excellence for Local Government, Sydney.

- **Concerns for any diminution of local democracy were muted**, suggesting that councils may be managing this issue well and/or that it is often not a major, ongoing factor in the eyes of the community.
- Underpinning any approach to consolidation is the **importance of political leadership, good governance and effective management arrangements**, both in managing change and establishing a sound basis for ongoing operations.
- There is a **continuing role for state (and national) governments and local government associations** in facilitating and supporting consolidation initiatives.
- **Too much attention is focused on institutional arrangements** of the local government system in each jurisdiction rather than on the fundamental issue of the societal functions performed by local government and its changing role.¹⁰

While most of these findings are relevant to this review, we particularly highlight the following:

- **The inevitability of ongoing change** – it is clear from our research and discussions to date that the current county council model is not appropriate for RRCC and FNCW, and some form of consolidation or reform is warranted.
- **Benefits accrue from consolidation** – our research to date indicates that there are benefits from a range of consolidation actions, whether it is consolidation, further collaboration or resource sharing between the three organisations.
- **Amalgamation may not yield economies of scale or rate cuts** – but in the case of Rous Water, FNCW and RRCC, consolidation is highly likely to achieve economies of scope, enhanced service delivery and improved strategic capacity (which has already been achieved to some extent with the additional resources provided through service level agreement).
- **Diminution of local democracy** – the two smaller counties are top heavy with elected representation. Although some will argue that a reduction in the number of councillors will reduce access to elected representation, diminution of local democracy is a difficult argument to sustain in this case, and the ACELG research indicates that this has either not been a factor in reform, or councils may be managing the issue well. These comments are made with recognition that governance requirements are prescribed in the Local Government Act.
- **Importance of political leadership** – this cannot be stressed highly enough. Political leadership, good management systems, good governance and communication are vital to the success of any reform initiative, particularly where there is opposition.

3.3.4 DLG research and discussions

The project brief prepared by Rous Water included copies of correspondence between the General Manager of Rous Water and the Deputy Director General, Local Government, Department of Premier and Cabinet in late 2009. In his letter to the Deputy Director General, the General Manager advised that the business case study to assess the merits of amalgamation of the three county councils in the Richmond Valley is proceeding, and sought advice as to the assistance the Division could provide to progress the initiative. In his response, the Deputy Director General noted the intention to develop the business case examining the merits of amalgamation. The other points of note in the Deputy Director General's correspondence include:

- The matter of amalgamation is a matter for council consideration

¹⁰ *ibid.*, pp. 7-8.

- As the NSW Government is still considering its final position on the review of local water utilities, the General Manager should discuss this further with the NSW Office of Water
- The DLG encourages initiatives that reduce duplication and build local government capacity
- Any proposal to merge the three county councils should be based on appropriate community consultation and be supported by evidence that clearly demonstrates that the constituent communities will receive an improved and cost effective service
- The support of each of the county councils should be gained with the development of the business case
- Alternate governance models that may meet the participating councils' strategic objectives should be considered in addition to the county council model
- Any change to the constitution, functions and membership of a county council will require a proclamation by the Governor.

With the change of government in March 2011, it is unclear if this is the current position of the DLG, although the Centre has been advised that the DLG is continuing to encourage shared services and regional collaboration between councils. The DLG is preparing an options paper canvassing a range of delivery models, and this paper will cover the county council model, although this paper will not be released until 2012.

4 MAJOR INFLUENCES ON ORGANISATION STRUCTURE

Comments from the review process interviews, including those from managers, executive managers and Mayors, varied markedly with no real uniformity or consistency apparent for any one organisational model, whether it be catchment based, NRM based or services based.

Outside of the broad management team from the three county councils, views of those interviewed varied markedly, with some advocating “do nothing” and others expressing equally strong views supporting amalgamation of the three counties. Others were ambivalent, preferring to wait until the business case analysis before forming a view either way.

It is clear from the Centre’s examination of financial statements and discussions with key stakeholders that there are opportunities for efficiency improvements, reduction in management overheads and a keener focus on organisational outcomes. However these are constrained by issues including variations in local government footprint for each county council, views of elected representatives ranging from rejection of amalgamation to a 'wait and see the facts' before making a decision.

The following points reflect the major issues identified during this review process:

- Both FNCW and RRCC have insufficient capacity to provide support to undertake all reporting and legislative requirements imposed by the Local Government Act (see section 3.1.1)
- Section 390 of Part 5 of the Local Government Act requires a county council to have a governing body elected by its constituent councils (see section 3.1.1)
- Smaller councils, in NSW, are subject to higher administrative and governance costs than larger councils; the costs and level of governance for the smaller county councils raises an issue about the suitability of the county council model for FNCW and RRCC (section 3.1.1)
- The span of control for the Rous Water General Manager is too broad, and should be reduced; this review suggests an executive leadership group of no more than five managers, including the General Manager (section 3.1.2)
- The Administrative Agreement between Rous Water and RRCC and FNCW was each based on 2006/2007 revenues as the base for the model (see section 3.1.3)
- There are many perceived barriers to amalgamation or reform (refer section 3.1.6)
- Costed analyses of the existing administrative agreements indicate value for money exceeding the annual charge sought by Rous Water (refer section 3.2.2)
- There are some opportunities for the rationalisation of assets across the three county councils but would only lead to very minor cost savings between the three entities (see section 3.2.3)
- Management structures are not optimal, but currently provide a reasonable level of support and management service delivery; some opportunities are available for improvement to management operational efficiency within and across the three county councils (see section 3.2.5)
- The six constituent councils that fund the three county councils are either fully or partially in four (4) river catchment systems.
- There is no single response associated with a request for a natural resource management outcome for the six constituent council local government areas; problems include overlapping local government areas across the county council areas, and even any proposed Richmond River Catchment model would disadvantage both Tweed Shire and the western half of Kyogle Shire; the eastern half of Byron Shire would also be affected; a 'single river authority' would have similar issues to that of the "catchment" model (see section 3.2.5)

- The risk analysis for a merge of the county councils indicates little opportunity to develop an outcome or solution that would be acceptable to all of the six councils as well as the overlapping areas covered by the three county councils (see section 3.2.7)
- The review assesses that there would be a minimum \$160,000 recurrent savings across the three county councils if merged (refer section 3.2.7)
- Any proposed merger of three county councils into one entity would involve considerable cost and timings, costs assessed at greater than \$0.25 million and with a duration approximating 2.5 years to the start of implementation, criteria for selection of the most appropriate model assessed/or developed for discussion and review (refer section 3.2.9)
- The Local Government Act provides major impediments on changes to the Constitution for the local government county council entities as they currently exist, also requiring a modified or new constitution to match any new or proposed framework (refer section 3.2.11)
- Research indicates that one of the approaches that could be adopted to improve efficiencies across the three county councils, and to reduce cost burdens, could be one of the outcomes of Destination 2036; there are indications that the current county council model may not be an appropriate model for smaller local government entities, to be reviewed (see refer section 3.3.1).

The major points listed above lead to a list of issues that will influence the options to be considered.

From the analysis and input of this review, the organisation reform options are linked to the following factors:

- Governance
- Constitution and change
- Maintaining existing service levels
- Constituent Council approval
- Representation
- Specific focus items
- Structure outcome, and
- Staffing impacts.

Governance

- Management of the entities or whether current or modified county councils
- Transparency of governance costs to the funding councils
- Mechanisms to ensure equity across the constituent councils funding the revised entity.

Constitution and change

- Department of Local Government approval
- Identify and draft the inclusions to the existing or re-written constitutions
- Modifications to existing constitutions (including examples: natural resource management.

Maintenance of service levels

- Identifying and capturing existing service levels
- Convert service levels to formal agreements
- Incorporate mechanisms to ensure service continuity and the delivery to agreed standards (incorporate measures)
- Establish dispute resolution processes
- Provision of a clear outline of the services and their value.

Constituent Council approval

- Mechanisms for constituent Council approval on the proposed constitution.

Representation

- Most appropriate model for representation for the constituent councils
- Equity in representation, including the ratio of councillors from each constituent Council for the proposed reform model entity(ies).

Specific Focus

- Includes handling specific issues for example Lismore levee, whether Lismore should take ownership of its levee and any associated liabilities (past, current and future including claims not yet lodged).

Structure Outcome

- Clear service delivery functions
- Mechanisms for resource and services "pooling" and provide access to common resources, and
- Identification of cost saving for the proposed structure.

Staffing Impacts

- Managing staff entitlements
- Handling reform processes over the duration of implementation
- Cost risks (including that of potential redundancies)
- The costs of the merged/reform process to complete implementation and review, and
- Skills audits to ensure the appropriateness of the skills base for the new entity or reformed organisational model.

The formal structural reform options proposed for consideration are outlined in Section 5 of this report.

5 STRUCTURAL REFORM OPTIONS

The focus of this review is the exploration of opportunities to improve business efficiency for the three county councils. The initial trigger for this study arose from a New South Wales government report prompting discussions about the relationships between the three county councils and the merits of restructuring the three entities into one.

The study period timeline now includes the "Destination 2036" forum held in August 2011 and the Draft Action Plan. Destination 2036 has stimulated discussion primarily about the future relationships and efficiency within local government, including county councils, and developing an action plan for how local government can best serve its communities. These issues will also be canvassed by the Local Government Review Panel recently established by the NSW Minister for Local Government.

The brief for this study requires consultation with key NSW Government agencies to record the issues that each agency identified as important, and to address each of these issues in the Business Case study. As a consequence, the organisation options have not been limited to the three county councils: Rous Water, FNCW and RRCC. In the context of this study, the local government area footprint is reflected in the areas of the six constituent councils.

The vision for NSW local government, and arising from the 'Destination 2036' workshop held in Dubbo in August, 2011, was summarised as "By 2036, all NSW community will be healthy and prosperous - lead and served by strong, effective and democratically elected Local Government" (refer Destination 2036 'Draft Action Plan', December 2011). The workshop's grouping of 'actions into initiatives' included efficient and effective service delivery, appropriate local government structures, and strong relationships. The summary of the initiatives (refer Draft Action Plan, page 10) strongly suggests improvements in local government outcomes through different structural models, improved resource sharing and co-operative arrangements, and alternative operating frameworks, among others.

We have considered the broad directions emanating from the Destination 2036 workshop and have incorporated these themes in our considerations for service delivery models.

A more rigorous model that would provide more aggressive business efficiency improvements lies within the creation of a new entity outside the Local Government Act. The move to a more formalised business model has inherent risks and obligations that may not be acceptable to the constituent councils or the communities in general. For these reasons, we have not examined this option.

The options examined settle into three broad categories:

- Options that involve structural reform that reside within the three county councils (localised county council options),
- Options that enhance the capacity to attract subsequent initiatives to provide improved benefits to the broader regional local government communities (broader regional options), and
- Options that provide more rigorous management and control, operating under either state or federal legislative frameworks (corporations options).

5.1 Localised county council options

The following list provides a collation of the general benefits identified from localised structural reform of the three county councils through organisational changes:

- Localised opportunities for efficiency improvements in service delivery
- Opportunities to increase the effectiveness of management support to program development and more effective pursuit of external funding sources
- Enhanced opportunities for improved strategic approaches and working collectively
- Financial benefits in the form of long-term recurrent cash-flow savings associated with localised reform within the three county councils
- A net reduction in governance demands through the removal of duplicated reports currently legislated from each county council entity
- More positive community perception that council reform and restructuring would lead to more efficient outcomes and service delivery
- Elimination of the volume of formal communications between the three entities with associated recurrent administrative savings to each county council
- Existing service functions that are provided to the constituent general purpose councils can be defined and reflected that in service agreement to ensure continuity of all existing services and functions.

There are several descriptions of potential structural reform options and include:

- Amalgamation of three county councils through the combination of the three county councils into a single integrated county council; the word 'amalgamation' can mean to merge, to combine, or to unite.
- Merging of the three county councils into a single entity, and has the observed perception that this would result in a 'takeover' by Rous Water, the largest of the three county councils.
- Consolidation of existing county council functions, and has the implication of a reliance on the functions rather than the net impact on and benefits to the community.

This report will adopt the word 'amalgamation' where the discussion involves a combination of three county councils into a single integrated county council. The word 'consolidation' will be used in associated with discussion of functions currently provided or potentially for consideration from the reform outcomes.

Potential localised county council options:

- Option 1. Amalgamation of the three county councils into a single entity controlled by the six constituent councils and with a new constitution; this option involves the dissolution of the three existing county councils.
- Option 2. Amalgamation of the three county councils into a single entity controlled by only four of the six constituent councils removing both Kyogle Council and Tweed Shire Councils from elected representation; this option would require a new constitution; this option involves the dissolution of the three existing county councils, and relies on service agreements to provide ongoing weeds services to Kyogle and Tweed shires.
- Option 3. Amalgamation of the three county councils into a single entity through the merge of the two smaller county councils into the larger Rous Water Council, with a modified constitution and the dissolution of the two smaller county councils; this option retains all six constituent councils.

Option 4. Retain the three existing county councils including their organisation structure, constitution and governance structure, however with the consolidation of the management of all assets and service delivery functions to the largest county council, Rous Water.

Option 5. No structural changes ['Do nothing' option]

With Rous Water having its corporate offices in Lismore, and being the largest of the three county councils, it is highly likely that a new amalgamated entity would operate from the Rous Water corporate building, owned by Rous Water. The proportion of the building that is not occupied by the three county councils is currently leased to external entities and government agencies on a commercial lease basis. This provides the flexibility to expand the floor footprint if necessary into the future.

The likely outcome, that the new entity be located in the Rous Water building at Lismore, may lead to three perceptions:

- Most business and operational decisions would favour the larger entity (Rous Water)
- Because of its geographic location, decision-making could be seen as 'Lismore-centric'
- Presenting difficulties for the governance and management functions to ensure equity and access across the whole region covered by the six constituent councils, particularly to the extremity of the consolidated county councils' boundaries.

Table 5-1 Localised Options Review Analysis

Option	Description	Constituent Councils	Key Advantages	Major Disadvantages
Option 1	<ul style="list-style-type: none"> ▪ Amalgamates three county councils into a new, single entity controlled by the six constituent councils; ▪ New constitution replicating existing functions and responsibilities; ▪ Dissolution of the three existing county councils 	Tweed; Byron Bay; Ballina; Lismore; Richmond Valley; Kyogle	<ul style="list-style-type: none"> a. Tangible cost savings with governance, administration and statutory reporting b. Continued representation and governance involvement by each of the six constituent councils. c. Stronger focus on organisational efficiency, effectiveness and service delivery. d. Increased focus on NRM 	<ul style="list-style-type: none"> a. Perceptions of greater control by Rous Water staff reducing functional priorities. b. Perception that flood mitigation and weeds functions would be subservient to the primary needs for bulk water supply c. Elected representatives from Tweed and Kyogle may be disinterested in flood mitigation and bulk water issues d. No constitution capacity to respond to regional initiatives
Option 2	<ul style="list-style-type: none"> ▪ Amalgamates the three county councils into a single entity ▪ Controlled by only four of the six constituent councils ▪ New constitution ▪ Dissolution of the three existing county councils ▪ Relies on service agreements to provide ongoing weeds services to Kyogle and Tweed shires 	Byron Bay; Ballina; Lismore; Richmond Valley	<ul style="list-style-type: none"> a. Relies on a measurable and enforceable service agreement to provide services to Tweed and Kyogle councils b. Strengthens a 'catchment based' model approach 	<ul style="list-style-type: none"> a. Removes constituent council representation from Tweed and Kyogle councils b. Both Tweed and Kyogle reliant on Service Agreements for weeds services c. No constitution capacity to respond to regional initiatives d. Potential for perception that bulk water will consume more resources, resulting in lower priority applied to weeds functions
Option 3	<ul style="list-style-type: none"> ▪ Amalgamates the three county councils into a single entity ▪ Merge of the two smaller county councils into the larger Rous Water Council ▪ Modified constitution to absorb the RRCC and FNCW functions ▪ Dissolution of the two smaller county councils ▪ Retains all six constituent councils 	Tweed; Byron Bay; Ballina; Lismore; Richmond Valley; Kyogle	<ul style="list-style-type: none"> a. Functions of both FNCW and RRCC are merged into Rous Water b. Recurrent cash savings with a reduced administrative burden and governance structure 	<ul style="list-style-type: none"> a. No constitution capacity to respond to regional initiatives b. Potential for perception that bulk water will consume more resources, resulting in lower priority applied to weeds functions

Option	Description	Constituent Councils	Key Advantages	Major Disadvantages
Option 4	<ul style="list-style-type: none"> ▪ Retain the three existing county councils including their organisation structure, constitution and governance structures ▪ Consolidate the management of all assets and service delivery functions to the largest county council, Rous Water 	Tweed; Byron Bay; Ballina; Lismore; Richmond Valley; Kyogle	<ul style="list-style-type: none"> a. Consolidates the management function of assets and service delivery, presenting opportunities for efficiency savings b. No impact on governance structure, including elected representation 	<ul style="list-style-type: none"> a. No constitution capacity to respond to regional initiatives b. Cost burden of statutory reporting and governance structure remains
Option 5	<ul style="list-style-type: none"> ▪ No changes to each of the councils ▪ No changes to the constitutions ▪ No administrative or governance changes 	Tweed; Byron Bay; Ballina; Lismore; Richmond Valley; Kyogle	<ul style="list-style-type: none"> a. No impacts on staff and management b. No impacts on elected representatives 	<ul style="list-style-type: none"> a. Cost burden of statutory reporting and governance structure remains b. No constitution capacity to respond to regional initiatives

5.2 Regional options

The brief required an exploration of opportunities to improve business efficiency for the three county councils. As a consequence of research and public papers arising from Destination 2036, there is another option that would lead to improved business efficiency for the three county councils, but also provides opportunities for improved business efficiency across the Region. The original option is presented and outlined below.

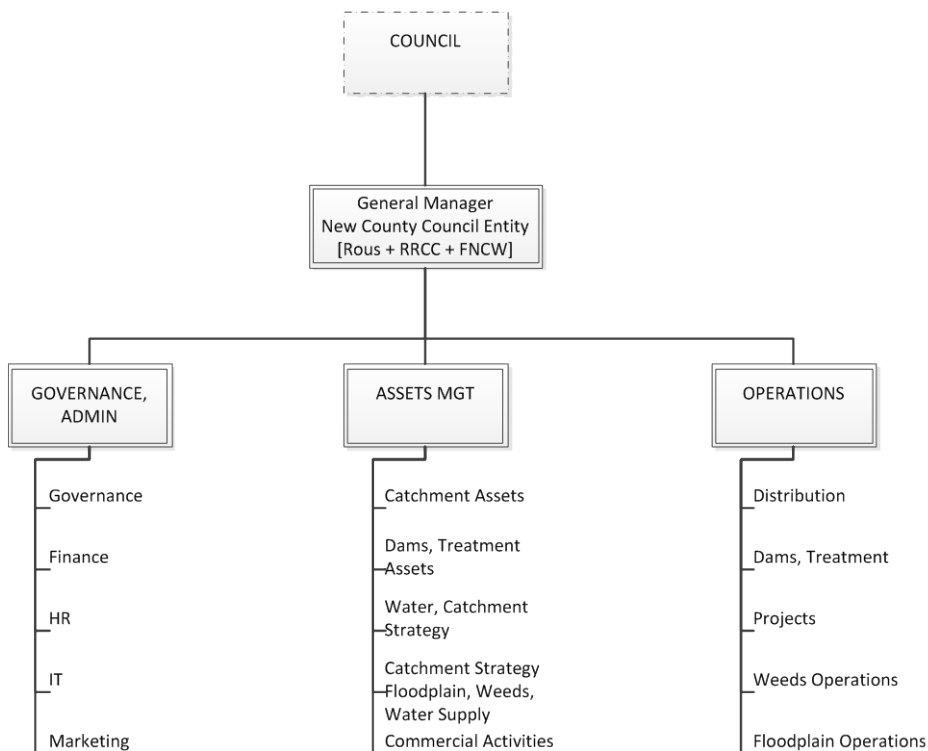
Potential regional option:

- Option 6. create a new county council that incorporates all the existing functions of the current three county councils (Rous Water, FNCW, RRCC) with a new constitution that provides the flexibility to accommodate the management and delivery of regional initiatives; the governance structure would include representation from all six constituent councils.
- Option 7. create a new county council that incorporates all the existing functions of the current three county councils (Rous Water, FNCW, RRCC) with a new constitution that provides the flexibility to accommodate the management and delivery of regional initiatives; the governance structure would include representation from only four of the current six constituent councils (excluding Tweed and Kyogle shire councils).

These options present governance models and structural arrangements that enable the creation of a vehicle to identify and oversee the management of unique regional priority activities. The existing consolidated activities could be expanded to include the delivery of regional strategies such as NRM initiatives and some regional based services that are provided across the local government areas of the constituent councils.

Consideration of these regional options raises the issue of the function of NOROC and the potential for confused and blurred responsibilities. The provision of these regional options ascribe their functions as more operational and service delivery as compared to NOROC, which provides the strategic advice and facilitates resource sharing functions within the region. As such, the functions of the new county council entity and NOROC are sufficiently different to ensure no blurring or confusion of the two distinct roles.

Figure 5-1 Regional County Council Option



The organisation structure presented in Figure 5-1 provides the flexibility to incorporate asset management and service delivery functions generated by the constituent councils or NOROC for the region.

Finance considerations for the new consolidated county council entity include:

- Re-creation of the declared business activities in the context of National Competition Policy either category 1 as is Rous Water (gross operating turnover over \$2 million) or category 2 for any other declared business activities (gross operating turnover less than \$2 million)
- Meeting Australian Tax Office requirements and associated activities for the winding up (dissolution) of entities
- Assessment and treatment of the liabilities, particularly superannuation, leave entitlements (including sick and holiday entitlements) for staff
- The legal transfer of liabilities from a dissolved county council to the new entity.

Table 5-2 Localised Options Review Analysis

Option	Description	Constituent Councils	Key Advantages	Major Disadvantages
Option 6	<ul style="list-style-type: none"> ▪ New county council that incorporates all the existing functions of the current three county councils (Rous Water, FNCW, RRCC) ▪ New constitution that provides updated functions of the three county councils and also the flexibility to accommodate the management and delivery of regional initiatives ▪ The governance structure would include representation from all six constituent councils 	Tweed; Byron Bay; Ballina; Lismore; Richmond Valley; Kyogle	<ol style="list-style-type: none"> a. Promote a more coordinated approach to pursue grant funding and financing for the new entity b. The amalgamated organisation would provide the opportunity to increase efficiencies and asset utilisation across the three county councils and the sharing of personnel within the three existing operational functions c. Creates opportunities to accommodate regional services initiatives across LGA boundaries in a way that binds the constituent councils to each other d. Maintains involvement having representation by each of the six constituent councils e. Demonstrates leadership by adopting a new county council model that supports the needs of the regional communities, strengthens the capacity to improve service delivery, and responds to the state government’s desire to create stronger and more sustainable local government f. Provides a flexible structure and constitution that can respond to regional service delivery initiatives, including water sharing arrangements g. Provides a more stable regional platform for integrated strategies of the group 	<ol style="list-style-type: none"> a. Presents a new county council model that has not been implemented previously in NSW b. Constituent councils will be more reliant on service agreements with the new county council entity. c. Elected representatives would each need to focus on the county council issues and not reflect a parochial position on policies and strategies

Option	Description	Constituent Councils	Key Advantages	Major Disadvantages
Option 7	<ul style="list-style-type: none"> ▪ New county council incorporating all the existing functions of the current three county councils (Rous Water, FNCW, RRCC) ▪ New constitution providing updated functions of the three county councils and also the flexibility to accommodate the management and delivery of regional initiatives ▪ The governance structure would include representation from only four of the constituent councils ▪ Provide services to Kyogle and Tweed through service agreements 	Byron Bay; Ballina; Lismore; Richmond Valley;	<ol style="list-style-type: none"> a. Promote a more coordinated approach to pursue grant funding and financing for the new entity b. The amalgamated organisation would provide the opportunity to increase efficiencies and asset utilisation across the three county councils and the sharing of personnel within the three existing operational functions c. Creates limited opportunities to accommodate regional services initiatives across LGA boundaries d. Maintains limited involvement having representation by only four of the current six constituent councils e. Demonstrates leadership by adopting a new county council model that supports the needs of the regional communities, and strengthens the capacity to improve service delivery f. Through the limited inclusion of only four of the current six constituent councils, the option provides limited flexibility in the structure and constitution restricting the response to regional service delivery initiatives, including water sharing arrangements g. Provides a regional platform with limited stability for integrated group strategies 	<ol style="list-style-type: none"> a. Presents a new county council model with limited constituent council representation b. Constituent councils will be more reliant on service agreements with the new county council entity, particularly Kyogle and Tweed. a. Elected representatives from the four constituent councils would each need to focus on the county council issues and not reflect a parochial position on policies and strategies

Under Section 355 of the Local Government Act 1993, a "... function of Council may be exercised:

- a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- b) by a committee of the council, or
- c) partly or jointly by the council and another person or persons, or
- d) jointly by the council and another council or councils (including by means of a Voluntary Regional Organisation of Councils of which the councils concerned are members), or
- e) by a delegate of the council (which may, for example, be a Voluntary Regional Organisation of Councils of which the council is a member)".

The application of Section 355 would enable the new county council entity to exercise functions by a committee of the Council. In service functions where all constituent councils cannot have a direct interest, such functions could be managed through a representative subset as a committee of the Council. Such committees could have the following representation:

- bulk water - the existing four general purpose councils (Byron Bay, Ballina, Lismore and Richmond Valley).
- flood mitigation - the existing three general purpose councils (Lismore, Ballina and Richmond Valley).

The structure, capacity and flexibility of the regionally focused Option 6 present a reform outcome that is aligned to the initiatives and direction of "Destination 2036".

5.3 Corporation options

Business structures are available that are outside the umbrella of the Local Government Act. These structures are aligned to 'corporations' that reduce the burden of legislated governance but demand significant liabilities, constraints and impositions on the company owner and a range of linked reporting regimes. This alternate style of organisation model would sit within either state or federal laws regarding the corporation's creation, functioning and responsibilities.

A corporation model would enable the provision of a stronger management approach to operations and increased opportunities to improve business efficiency for the functions of the three county councils. Ownership and direction would rest with the shareholders and could lead to a progressive departure from the pursuit of NRM and other strategies.

This section presents a brief overview of the option to become a corporation, and is presented and outlined below.

Potential Corporation option:

- Option 8. create a new entity (outside the Local Government Act) that has ownership (part or whole) by the constituent councils and incorporates all the existing functions of the current three county councils (Rous Water, FNCW, RRCC); the new entity would operate under either a NSW or federal act.

There are three styles of corporation that could be adopted:

- Option 8a. Company, under the Corporations Act 2011 (Commonwealth),

- Option 8b. Company State Owned Corporation, under the State Owned Corporations Act 1989 (NSW), and
- Option 8c. Statutory State Owned Corporation, under the State Owned Corporations Act 1989 (NSW).

Having three county councils and six constituent councils, we assess that it is unlikely that the nine councils would agree to consolidate all existing constitution requirements and associated services of the three county councils into a single Company, under the Companies Act 2011.

The combination of the three county councils into a State Owned Corporation (SOC) is a potential option that has been adopted for other service activities. Examples include Hunter Water Corporation, Landcom, State Water Corporation, and Sydney Water Corporation. These examples are generally considerably larger and provide an annual dividend to the State Government.

The governance of these three options would vary from a board of independent directors (Company), to the board comprising NSW government Ministers (for both Company SOC, and Statutory SOC).

There are many factors and issues to consider if any of the three options were to be pursued, and include:

- Membership of the corporation.
- Member liability associated with the formation and ongoing activities.
- Formation process, cost in setup, transition and maintenance of structure.
- Management structure.
- Legal status.
- Continued grant eligibility.
- Interaction (if any) with the Local Government Act 1993 tendering requirements.
- Current NOROC footprint.
- Current Rous Water, Richmond River County Council and Far North Coast County Council footprints.
- Industrial relations (ie. transition from a local government entity to a company or State Owned Corporation); transitional arrangements and future change in areas such as recruitment.
- Reporting requirements under the applicable legislation (ie. the Corporations Act 2001, the Local Government Act 1993, the State Owned Corporations Act 1989, Public Finance and Audit Act 1983).
- Transfer of ownership of property and assets and the associated costs.
- Requirements to provide a dividend or return to the 'owners' or the State.
- Loses any exemptions from any rate tax, duty or other impost imposed by or under any law of the State.
- Capacity to acquire property and assets under the new entity.
- Assets and liabilities belong to the corporation/company and not by the members;
- Effectiveness of future role in policy development and implementation.
- Disapplication of certain legislation such as GIPA.
- Loss of capacity as the 'Crown' for example in the development application process, land acquisition.

We are aware of some state government authorities and some councils the have attempted to create and run a business using a corporation structure; however, there are few successful examples that would provide the basis for our support of this corporation option.

This review does not support any direction towards the creation of a corporation structure to conduct the business of the three entities. Nor does this report support any proposal to expand the corporation option to include expanded functions that would benefit the NOROC group of councils.

The corporation model options are not in the spirit of the recent Destination 2036 and have not been canvassed with the Division of Local Government or the Minister. We assess that the Division (and the Minister) would not support a corporation model.

6 THE WAY FORWARD

6.1 Opportunities for the county councils

This review has considered the constitution, services and potential for improved business efficiency across the three county councils. The analysis has identified minor operational improvements that would generate efficiency cost savings, but these are of marginal cost benefit in nature.

More significant benefits would be achieved through reduction of administrative costs that reflect the legislative and governance imposts required of local government entities. The primary mechanism to access these administrative cost savings is a consolidation of the three entities into a single county council. Additional benefits accrue to this consolidation option through an enhanced capacity to pursue NRM strategies for the lower catchment.

Option 7 provides the opportunity for the Richmond River catchment base for county council support and catchment-oriented approach to issues. However, this option suggests membership by only the four downstream councils, and relies on service agreements to provide weeds services to Kyogle and Tweed shires. The key medium term benefit of this option is the opportunity to build on this proposed county council as the basis for regional services for constituent councils and any surrounding supporting councils.

6.2 Actions leading to improved outcomes

This review report recommends Option 7 that:

“create a new county council that incorporates all the existing functions of the current three county councils (Rous Water, FNCW, RRCC) with a new constitution that provides the flexibility to accommodate the management and delivery of regional initiatives; the governance structure would include representation from only four of the current six constituent councils (excluding Tweed and Kyogle shire councils)”.

The primary elements leading to improved efficiency and operational outcomes are:

- Adoption of the proposed consolidated county council model
- Reduced governance costs through rationalisation of constituent council elected representatives
- Reduced statutory reporting costs through restructuring of the three county councils
- Increased capacity to pursue external funding sources and grants
- More effective organisational management enabling a concentration on services efficiency and improvements
- More cohesive functional approach to service delivery and NRM strategies.

6.3 Action Plan

The following actions are necessary to establish the recommended new county council:

Table 6-1 Proposed action plan to create consolidated entity

Action	Timing timeline
Outcome Action 1. Formal dialogue with the constituent councils to agree the target outcome and process	0 to 3 months
Outcome Action 2. Prepare and present a proposal to the Division of Local Government for review and concurrence in principle from the Minister	3 to 6 months
Outcome Action 3. Develop and agree (between all constituent and county councils) the constitution and processes for consolidation, including financial considerations, assets and liabilities transfer, staffing, and governance structures	6 to 14 months
Outcome Action 4. Undertake a consultation process with the communities and other stakeholders	12 to 15 months
Outcome Action 5. Present outcomes including agreed constitution, governance structure, financial issues, transition and service continuity action plans	16 to 18 months
Outcome Action 6. Minister's agreement and new county council gazettal	18 to 19 months
Outcome Action 7. Implement new governance and staffing structures for the new organisation	20 to 28 months
Outcome Action 8. Service continuity and implementation of service agreements.	20 months onwards >>

7 CONCLUSION

It is clear from the matters canvassed in this review that there is a need for reform of the three northern rivers county councils. The current arrangements are not serving the region well, and the business case for reform outlined in this report is compelling.

We have expressed a preference for option 7 described in section 5.2. We understand that the region's local government leaders will need to weigh up a range of factors in arriving at a preferred position, and we have suggested a number of criteria that will assist in arriving at the ultimate decision. While it is clear there is some resistance to change in the region, it is our strong view that this is insufficient reason to retain the status quo, and we therefore conclude that 'do nothing' is not an option for the counties.

The findings of this business case review, coupled with Destination 2036 and the establishment of the Independent Review Panel, all suggest that reform is in the air. The three county councils, their constituent councils, NOROC and local government leaders in the region have a unique opportunity to be masters of their own destiny, and embrace and drive local government reform in the northern rivers.

Kevin Hough and Melissa Gibbs
Senior Associates
UTS Centre for Local Government

GOVERNANCE ARRANGEMENTS

PROJECT REPORT

Prepared for: RICHMOND RIVER COUNTY COUNCIL AND FAR NORTH COAST WEEDS

Prepared by: BRIAN WILKINSON

14 June 2012

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Actions Taken

In undertaking the research for this report the aim was to gather data for the various components of the project scope so that information and commentary could be provided on the findings of each part of the project scope. The following outlines the various actions taken for the project components:

- a. *Existing Arrangements and Documentation*; discussions held with personnel from ROUS, RRCC, FNCW. In addition information was provided and obtained that included the Structural Reform Business Case Report, the Structural Reform Discussion Paper (prepared by ROUS/ RRCC/FNCW General Manager), the Administration and Governance Services Schedule/ Service Level Agreements / Shared Technology Information/ Integrated Planning and Reporting documents for RRCC/ FNCW, Position Paper for RRCC's Capacity in Short, Medium and Long Term Delivery of Floodplain Services.
- b. *Legislative Requirements*; discussions held with officer from the Department Of Local Government, an Officer from The Local Government and Shires Association of NSW, and research undertaken of the Local Government Act.
- c. *Other County Councils*; contact made with and information obtained from five (5) County Councils, research made on their respective websites and comparisons made via public documentation of those entities.
- d. *Potential Office Space/ Accommodation*; discussions held with RRCC/ FNCW Managers on issue, search undertaken of local real estate "office vacancies" and also contact made with local Public Works Department Office.
- e. *Potential Service Providers*; contact made and information obtained from local constituent councils, local accounting firms, local providers of bookkeeping services, sought feedback from IT providers.
- f. *Summary of findings*: based on information obtained from components a - e, a summary of findings has been prepared.

Summary of Findings

The research undertaken for this report has covered the project scope; whilst the public documentation of other county council financial information has not provided for specific/ definitive comparisons between the costs of governance services currently provided to RRCC and FNCW, sufficient information has been obtained to provide the basis for the content of this report and provide RRCC and FNCW with data and other information that can assist their decision making in regard to the future governance arrangements for their organisations. All components of this report should be considered as part of future decision making as "isolating" individual components will not provide the full perspective of what is involved in the delivery and appropriateness of governance services.

Executive Summary

Project Scope

The purpose of this project was to prepare information in regard to potential alternative governance arrangements for Richmond River County Council (RRCC) and Far North Coast Weeds (FNCW). The following project outline was proposed and accepted:

1. Assess existing arrangements and requirements/ outputs (including discussions with ROUS/RRCC/FNCW General Manager and support staff)
2. Assess existing ROUS/RRCC/ FNCW documents, information and records that relate to and/ or are relevant to the project (including discussions with ROUS/RRCC/ FNCW General Manager and support staff)
3. Research legislative requirements (including telephone discussions with NSW Department of Local Government)
4. Research governance arrangements for other County Councils
5. Research costs of potential office space/ accommodation for core staff
6. Investigate potential service providers (including costs) for "organisational" tasks that cannot be provided by existing core staff
7. Prepare and present a report (to each organisation) on the outcome of findings from above.

The format of this report has been based on the seven points above.

The following are considered the relevant findings from the research and analysis undertaken:

1. The existing governance arrangements for RRCC and FNCW are well resourced, are defined via respective Service Level Agreements and are delivered at a reasonable cost. An important factor to recognise is that the various components of the existing services are delivered in an integrated and coordinated manner as a total package. Accordingly, the compliance levels of both RRCC and FNCW in regard to governance (administration) is high. It was noted that in researching other County Council websites that the presentation and range of RRCC and FNCW information was of a comparatively high standard
2. Whilst the existing Service Level Agreements are comprehensively documented it would seem that they are not well understood by the organisations receiving the services. Review of the Service Level Agreement documents by the respective parties would assist that understanding and could also identify areas of over servicing and/ or result in alternate service options being identified. Also, as indicated in other parts of this report there is an opportunity for the involvement of existing RRCC and FNCW staff in governance tasks
3. Whatever arrangement is in place for the delivery of governance services for RRCC and FNCW it is necessary that the "functions" or role of each organisation be a high rating factor i.e. the functions being delivered by each organisation needs to remain their focus and not get overtaken by other services/ functions
4. The current reform agenda for local government (and other State Government functions) should not be ignored. There is an ongoing need (and push) for local government to review how they undertake their functions; this requires strong governance resources to be in place that can readily respond to new challenges as they arise i.e. governance services need to be adequately resourced to contribute to the sustainability of any organisation. FNCW needs to monitor and be involved, if possible, in any proposed changes in delivery structure proposed by the State Government. RRCC is the only County Council of its type in NSW and accordingly has to be mindful of ensuring that its' governance arrangements are strong enough to respond to funding and compliance requirements
5. The Constituent Councils of both RRCC and FNCW need to be engaged in regard to future governance arrangements. It was evident from research undertaken that there are strong levels of support (other than via contributions) of constituent councils in the operations of other county councils i.e. constituent councils need to recognise and be recognised for their "interests" in the delivery of functions by RRCC and FNCW
6. There are no legislative impediments to RRCC and FNCW altering their governance arrangements provided that proclamation and function requirements are met. In that regard the Department of Local Government emphasised the need for the the General Manager to undertake the designated functions. This again reinforces the need for strong governance arrangements via adequate resources being in place
7. Governance arrangements undertaken by other county councils vary significantly. Most of the arrangements in place have been in place for some time and appear to have been developed on a "horses for courses" basis i.e. arrangements have been established to suit the various circumstances (resources available, needs being met, skills of personnel involved, service levels acceptable to respective County Councils and the constituent councils, etc). This part of the research indicated that the governance arrangements can be undertaken in various ways depending on what outcomes are required to be achieved (including those expected by the constituent councils)
8. The current office accommodation arrangements for RRCC and FNCW cater for all requirements and provide the necessary ancillary facilities such as Meeting Rooms, car parking, amenities, etc. Similar "one stop" facilities could not be

sourced from within the Lismore Commercial Sector unless co tenancies with government agencies or the like were established. In that scenario, or the tenancy of separate offices, savings on the costs currently charged for office accommodation and cleaning, power, security, etc would not be achieved. However, in the case of FNCW the opportunity exists to consider the provision of additional office facilities at their Lismore Depot. Any alternative scenarios for office accommodation will need to consider and take into account set up costs and also the establishment of stand alone Information Technology and other communication mechanisms/ infrastructure

9. There are potential service providers in Lismore that can provide bookkeeping services for basic financial transactions. However, there would need to be other financial transactions undertaken either within established staff arrangements or outsourced to other providers. This would be ad hoc and would need to be coordinated via the General Manager and/ or another financial/ administrative position. The support of Auditors for proposed processes would be needed as they have to sign off on financial processes and reports. In addition, it is possible that a constituent council may undertake financial processing and the like. However, it would need to be recognised that such arrangements would be completely different to the coordinated processes currently in place. Information Technology and other services could also be outsourced, however, those arrangements would have to resource licence and server arrangements, and also transfer/ set up costs. Again, the outcome would not be as coordinated and integrated as is currently the case
10. Before any outsourcing of governance arrangements is contemplated, the existing governance arrangements should be reviewed to ensure they are understood and provide what is required. As part of that review the opportunity to have some tasks undertaken by the respective County Councils could be undertaken. A follow up to those actions should include the involvement of the constituent councils on the issue.
11. Should outsourcing of governance arrangements be proposed then it will be necessary to fully scope and document the services that are required (for each of the components) so that accurate costings can be sought via expressions of interest and/ or tender / quotation processes
12. In considering the outsourcing of governance arrangements the significance of IT systems and processes (particularly GIS) to RRCC and FNCW should be a high priority area. In addition, issues such as stores procurement / issue/ recording and record keeping should be recognised as areas that need adequate processes to meet audit/ risk management requirements and retain the integrity of overall systems
13. Whilst it has been stated in this report that it is has not been possible to get a direct comparison of governance costs between what is currently charged to RRCC and FNCW, and that applying to other County Councils, the following "potential cost structures" have been prepared based on information gathered as part of the research undertaken. It needs to be noted that these are broad scenarios (based on each Council having a General Manager for 20 hours per week and a Financial /Administration employee(s) working a total of 32 hours/ week) , and need to be considered with all matters raised in this report. Commentary in respect to the basis for the amounts in the table are shown below and put the potential cost structures into context.

	RRCC	FNCW
GM's Office	31200	52000
Governance	4300	7200
Finance (Including procurement / stores)	27400	39000
Information Technology	15000	20000
Human Resources (Including WHS)	1800	3000
Secretarial/ Records	4400	7300
Office Accommodation	6000	6000
Cleaning, Power, Garbage, etc	4500	4500
	94600	139000

The basis for the above is as follows:

GM's Office- 20 hours per week (at \$50/ hour) for FNCW, which is less than the GM hours for Hawkesbury River CC and a less monetary amount than Upper Macquarie CC. The amount for RRCC is based on 60% of FNCW (linked to employee numbers for the respective organisations)

Governance- 5 hours per week by Financial/ Administration employee (at \$28/ hour) for FNCW with 60% pro rata for RRCC

Finance- 20 hours per week by Financial/ Administration employee for FNCW with 60% pro rata for RRCC. In addition an amount of \$10,000 per Council has been included to outsource financial reporting completion (as per other County Councils)

Information Technology- conservative amounts for these services have been included based on the Hawkesbury River CC computer and website expenses. Note: costs to transfer and set up alternate IT services / infrastructure are not included in the example cost structure

Human Resources- 2 hours per week provided for at the Financial/ Administration employee rate with 60% pro rata applying for RRC

Secretarial/ Records- 5 hours per week provided for at the Financial/ Administration rate with 60% pro rata applied to RRCC

Office Accommodation- similar amounts to current charges used

Cleaning, Power, etc- similar amounts to current charges used

The above conservative potential cost structures show governance arrangements for RRCC as \$94,600 and for FNCW as \$139,000. If those costs were to be achieved (and that is considered to be difficult) the savings compared to the current cost arrangements are \$26,400 and \$34,000 respectively. In particular, under alternative governance arrangements used as an example above, there would not be coordinated and integrated governance processes, it would be difficult to achieve and enhance information technology requirements at the amounts included and it is unlikely that office accommodation and associated costs can be sourced at the same and/ or an appropriate standard compared to what is currently being provided.

The purpose of the cost structure example is to relate governance costs to a similar structure to other County Councils and to show that even in a best case scenario savings would not be significant (if any) and that the arrangements would not be the coordinated complete package that is currently in place. Other potential cost structures could be derived from the information in this report (and from the research undertaken), however, the determination of required and acceptable service levels, how alternate arrangements are going to be structured, etc would need to be determined to allow more specific cost comparisons.

CONCLUSION

The governance arrangements for RRCC and FNCW are important to the current and future operations of both organisations. The current governance arrangements are being provided at a high standard and at a reasonable cost structure.

However, it is appropriate to review the governance arrangements to ensure that what is being provided is required and/ or whether alternative arrangements could be made to meet the requirements of the respective organisations. In that respect there are available alternatives and it is a matter of determining what alternative(s) could meet standards and requirements and whether moving from the current coordinated and integrated arrangement and/ or adjusting the arrangements with the existing provider, is warranted. The information in this report indicates that any potential savings in revised governance arrangements would be offset by lesser levels of service than that are currently being provided.

PROJECT DETAILS

The following outlines information in regard to the various project components.

1. EXISTING ARRANGEMENTS AND DOCUMENTATION

RICHMOND RIVER COUNTY COUNCIL (RRCC)- is a County Council constituted under the Local Government Act 1993 and has specific responsibilities under that Act (specifically Section 8). RRCC was constituted by proclamation in 1959 and is responsible for flood mitigation and natural resource management issues arising there from for the Constituent Councils of Lismore City, Ballina and Richmond Valley. There is considerable infrastructure (drainage canals, floodgates/ culverts, levees, pump stations, etc) involved with the operations of RRCC.

RRCC has 5 full time staff (Floodplain Services Manager, Operations Supervisor, Maintenance Officer, 2 Labourers) and a part time Engineer, with other temporary/ fixed term staff utilised from time to time (subject to grant funding). There is provision in the 2012/13 financial estimates for the employment of an Asset Engineer.

FAR NORTH COAST WEEDS (FNCW)- is a County Council constituted under the Local Government Act 1993 and has specific responsibilities under that Act (specifically Section 8). As a local control authority under the Noxious Weeds Act 1993, FNCW also has specific weed control functions (refer to Section 36 Noxious Weeds Act 1993). The coverage area of FNCW is some 10,290 square kilometres in the Tweed, Byron, Ballina, Lismore City , Richmond Valley and Kyogle Council areas.

FNCW has 11 full time staff (Manager Weed Services, 6 Noxious Weeds Inspectors, with 2 Team Leaders and 2 Operators undertaking Weed Control Activities).

CURRENT ARRANGEMENTS

Both FNCW and RRCC undertake specific functions on behalf of general purpose constituent councils. The arrangements for those specific functions, to be undertaken by the County Councils, have been in place for many years. If such functions were not being done via FNCW and RRCC the constituent councils would need to undertake same via their own and/ or alternative means.

As RRCC and FNCW are undertaking functions for the constituent councils their funding and operations is supported by annual contributions from the respective constituent councils. Therefore the constituent councils have an "interest" in the operation and activities of both RRCC and FNCW. That "interest" is not necessarily readily recognised by the constituent councils nor is it actually "sold" to the constituent councils.

The constituent council contributions are listed in the RRCC 2012/13 budget estimates as \$544,500 (\$181,500 per Council) and the FNCW 2012/13 budget estimates as \$629,900 (Ballina \$56,000, Byron \$95,500, Kyogle \$104,900, Lismore City \$125,600, Richmond Valley \$104,000, Tweed \$143,900). Accordingly, the "interests" of the constituent councils is not insignificant.

The current administrative, governance and financial services (including General Manager duties) for FNCW and RRCC are provided by Rous Water, via a Service Level Agreement and associated financial contributions.

The Management Services provided by Rous Water via the Service Level Agreement are defined in documents dated February 2012 for the respective County Councils. **Those documents should be viewed and considered as additional information with this report.**

The Administration and Governance Services Schedule (provided by Rous) for 2012/13 is included below:

	RRCC	FNCW
GM's Office	14,004	20,602
Governance	6,632	9,757
Finance (Including procurement / stores)	43,140	63,463
Information Technology	15,908	23,399
Human Resources (Including WHS)	14,732	21,673
Secretarial/ Records	15,965	23,486
Office Accommodation	6,120	6,120
Cleaning, Power, Garbage, etc	4,500	4,500
	121,000	173,000
Administration Payable	106,500	158,200
GIS	12,500	12,500
Travel	2,000	2,300
	121,000	173,000

Note: there are some additional Information Technology/ Communication costs incurred direct by RRCC and FNCW.

As both RRCC and FNCW are constituted under the Local Government Act, they are required to meet compliance and other statutory requirements that apply to general purpose councils.

Other issues that arose during the research of this project are as follows:

- whilst their administration and governance is undertaken by the one organisation (Rous Water) the functions of the three County Councils are different i.e. Rous functions has a service delivery focus, the RRCC functions are focussed on infrastructure and natural resource projects, and FNCW has a regulatory and preventative role
- as the management and governance of the three organisations is via Rous there appears to be some issue with the overlap of "management/ governance" with the operational functions of RRCC and FNCW

- there is a willingness in RRCC and FNCW to assess the establishment of alternative governance models on the basis that it would increase "operational" funds
- RRCC is the only County Council of its type in NSW with other County Councils being Weeds or Water focussed
- previous reports and considerations in regard to the operations of RRCC indicated a need to introduce risk management as part of the structure of that Council; this will place additional strain on the resources available for RRCC operations, hence the need for governance costs to be appropriate
- there has been recent state government action in respect to possible changes to how weed services are delivered. In that regard a recent report the "Ryan Review" and a current interdepartmental working group have raised, and are researching, the merits of a Regional Services Delivery arrangement that combines the services of the Livestock Health and Pest Authority, Catchment Management Authorities and Weeds County Councils. This issue is only in early stages of research, however it identifies that the issue of service delivery by local government is subject to scrutiny. It should be noted that an agency "Biosecurity Queensland" has been established by the Queensland Government to coordinate, prevent, respond to and recover from pest and diseases that threaten the economy and environment
- there is a strong reliance by both RRCC and FNCW on GIS / Mapping information and related services

2. LEGISLATIVE REQUIREMENTS

As mentioned above both RRCC and FNCW are constituted via the Local Government Act 1993 and accordingly are required to comply with same.

On 22 May 2012 contact was made with the Department of Local Government (DLG) NSW in regard to the reform agenda being undertaken and also regarding the operations of County Councils. Advice was provided that there are no comparative indicators (as there are for general purpose councils) available for County Councils. It was also advised that the reform agenda included all of local government.

No concerns or issues were advised in regard to the use of Part Time General Managers, however it was stated that they need to perform the functions identified by legislation. In that regard Section 335 of the Local Government Act states that the Functions of the General Manager are as follows:

1. The general manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council
2. The general manager has the following particular functions:
 - to assist the council in connection with the development and implementation of the community strategic plan and the council's resourcing strategy, delivery program and operational plan and the preparation of its annual report and state of environment report
 - the day-to-day management of the council

- to exercise such of the functions of the council as are delegated by the council to the general manager
- to appoint staff in accordance with an organisation structure and resources approved by the council
- to direct and dismiss staff
- to implement the council's equal opportunity management plan

3. The general manager has such other functions as may be conferred or imposed on the general manager by or under this or any other Act.

Section 395 of the Act confirms that the role of the general manager of a County Council is the same as that of a general purpose council.

The discussions with the DLG also included comment that whilst there are no specific issues highlighted in respect to County Council arrangements, they are old arrangements and the current reform agenda will look at all entities.

It also needs to be recognised that the elected Council are required by legislation to allocate resources for their respective council so that its' functions and requirements can be undertaken and fulfilled. Accordingly, any future governance arrangements needs to be considered for its appropriateness and ability to be able to get the required functions done.

3. OTHER COUNTY COUNCILS

Contact with other County Councils provided a broad scope of information. In that regard there are a range of governance arrangements being used by the various County Councils. The following summary is provided in regard to discussions held with various County Councils on how they operate:

- A. Castlereagh Macquarie; the GM arrangements have changed from time to time i.e. sometimes done by one of the Weeds personnel at a Higher Duties rate and at other times by a GM of a constituent council. The GM payment is in the order of \$13,000 per annum. The GM role has recently been returned to a constituent council. Clerical Assistance employed for 24 hours per week to do "financials" (using MYOB Software). Constituent councils assist with specialist assistance e.g. insurance, WHS. Information in regard to financial statements/ reports was not provided, although it was noted that same were not on the organisation website.
- B. New England Weeds Authority; the GM is employed on a 9 hour per week basis. There are seven Weed Officers with one doing financial transactions using MYOB Software. The Financial Statements and reports are outsourced (\$10k per annum). Arrangements exist with Armidale Dumaresq Council regarding IT Server, premises rental, depot use and plant maintenance. There is also part time administration assistance of 27 hours per week. It was indicated that regional collaboration is very strong with Weed Officers located in respective Council areas using office space, etc.
- C. Hawkesbury River; the GM is part time 28 hours per week, with part time administration assistance of 28 hours per week. There are a total of 11.5 EFT including a Grant/ Mapping Officer, Manager Weeds, Weeds Officers, Weed Inspectors, Trainees, Plant Supervisor and Plant Operator. Financial activities are undertaken in house utilising MYOB. An

Accountant/ Bookkeeper is used as required to assist with the preparation of financial reconciliations, reports, statements, etc. Correspondence, HR, IT are undertaken internally.

D. Upper Hunter; this County Council is operated through Muswellbrook Shire Council with the GM of Muswellbrook undertaking that same role for the County Council (5 hours per week). Muswellbrook Shire also provide some administration/ governance services for UHCC currently at \$32k per annum. UHCC also has a Coordinator and 4 mobile inspectors for the respective constituent council areas. This type of arrangement has been in place for ten years with ongoing cooperation from the constituent councils. GIS has been set up and is extensively used by the Coordinator to monitor inspections and processing the associated notices, etc. The formal correspondence is done via the GM . UHCC Meetings are hosted at Muswellbrook Shire with administration for same done through Muswellbrook Council.

E. Upper Macquarie; the GM is part time, with a part time administration person 20 hours per week. There are 6 Weed Officers with most of the administration operations undertaken internally.

As indicated in the above the way the various county councils operate (including their governance/ administration arrangements) is different and as such totally accurate comparisons between same would require more specific detail than is available in public documentation accessed as part of preparation of this report.

With regards to the costs involved for the General Manager roles there is a significant variation due to the different "structures" in place and the quantity of time expected of those roles. Undoubtedly the scope of duties covered by the position would vary from Council to Council depending on the resources they have in place i.e. some would be involved in "operational" tasks as well as the general manager functions. In some instances specialist staff (e.g. Weeds Officers) are involved with undertaking administrative / financial functions.

The following information was extracted from the respective annual reports in regard to the annual remuneration for General Managers:

Hawkesbury River \$81,816

New England \$23,984

Upper Macquarie \$71,095

Upper Hunter \$11,271

In addition verbal advice was provided that the General Manager allowance at Castlereagh Macquarie was \$13,000.

As per the information above the current arrangements for RRCC and FNCW include General Manager costs of \$14,004 and \$20,602 respectively. Despite the variances in arrangements between the various county councils the amount currently in place for RRCC and FNCW compares well with other County Councils.

4. POTENTIAL OFFICE SPACE/ ACCOMMODATION

As per the current arrangements with Rous Water an annual amount for office space of \$6,120 applies to each Council. The Service Level Agreement documents indicate that the following is included:

RRCC- approximately 25 square metres of office space, 2 car parks on site, access to and use of shared meeting and tea room facilities, and accommodation security

FNCW- approximately 25 square metres of office space, 1 car park on site, access to and use of shared meeting and tea room facilities, and accommodation security.

All of the "inclusions" above are relevant in assessing office space and accommodation. In that regard it needs to be recognised that the current arrangement includes a serviced reception/ display area and the meeting rooms/ staff facilities/ car parks are in the one location.

The research undertaken indicates that alternative office space/ accommodation could be sourced in Lismore, however, some clear definitions would have to be established to enable final costs (and specific comparisons) to be determined. Some examples of information obtained from local real estate web advertisements are as follows:

60 square metres of office space at street level (Keen Street)- \$220/ week (\$11,440/ year)

Office Space, tea room and toilet (Molesworth Street)- \$260/ week (\$13520/ year)

Boutique Office 87 square metres- four offices, reception, toilets (Molesworth Street)- \$23400/ year

47 square metres, 8 data points and 8 telephones (Rous Road)- \$168/week (\$8736/year)

80 square metres including 2 offices, reception area , kitchenette - \$759/ month (\$9,108/ year)

38 square metres (Dawson Street) - \$181/ week (\$9,412/ year)

There are some unknowns with the above and as per usual commercial tenancy arrangements it would be up to the tenants to pay for any required fit outs etc.

The applicability, economics and suitability of same would also need to consider whether RRCC and FNCW were seeking combined office accommodation or individual accommodation. In addition the issues of security, staff conditions, availability of car parking, the ability to connect communication services and meeting room facilities would need to part of considerations.

Contact was also made with the Public Works Department NSW regarding office accommodation available in Dalley Street, Lismore. However, that space is no longer available.

Whilst the current arrangements are based on 25 square metres of office space for each entity it is unlikely that you would be able to source the exact same quantity of area i.e. the current space is part of an overall office environment. Any alternative would need to be based on what was available or be "custom made".

Given the situation of Far North Coast Weeds having a depot in Lismore and that there is minimal face to face counter inquires for that entity, the opportunity to expand the existing depot facilities to accommodate the Manager Weed Services could also be undertaken. That would require specific costings to be done, with particular reference to communication/ technology requirements. In addition, the issue of a Council Meeting Room would need to be addressed.

RRCC could seek to establish office space for itself but it would be difficult to source what is already available in one package unless such accommodation was in conjunction with some other compatible organisation.

Considering the above, the existing office accommodation arrangements are of a good standard that more than cater for the respective requirements at a competitive cost structure. In that regard being part of a larger office environment cushions RRCC and FNCW from the impact of variables in market changes and tenancy/ landlord issues. Comparison of other County Council office rents (without knowing what specific infrastructure is provided) also indicates that the current arrangements are competitive e.g. the New-England Weeds-Authority budget indicates that the rental for their Armidale premises is \$9,000, and \$4,000 for lighting and power. Documentation for Upper Macquarie County Council indicates rent of \$4,305..

5. POTENTIAL SERVICE PROVIDERS

The use of potential service providers for financial services was researched by contacting those listed on the internet, contact with local general purpose councils and discussing the issue with accounting firms and providers of bookkeeping services.

Whilst there are a number of providers that could be utilised, it is evident that there is no "one stop shop" in the commercial field that could readily provide for the various financial services needs of each of the entities.

There are services available locally that can provide for the processing of payroll, accounts receivable and accounts payable processes. The specific costs for those services could only be determined when any full set of alternative arrangements was known and identified in a service specification. In that respect "bookkeepers" can be sourced to undertake the role of processing invoices, payments and payroll. Those processes need to meet audit standards and also have general ledger entries to account for funds to be received, paid , etc. The extent of those processes to be outsourced would need to be defined to determine accurate full costs, etc. In that regard there needs to be an understanding of the full financial processes involved, and it also needs to be noted that to comply with local government reporting, monthly reconciliations of the transactions outsourced, conversion of that information into local government quarterly reporting formats and annual statements is required.

As indicated earlier in this report other County Councils that have been contacted as part of this review do not outsource the complete financial transaction processes. This is most likely due to the need for internal controls, the cumbersome arrangement of having organisation letterheads (for invoices and the like) in the hands of external parties and the "gap" created between the organisation and the service provider i.e. the organisation would have the source documents, the service provider would have the transaction documents, so any inquiries from those receiving invoices / payments could become quite complex.

Inquiries with commercial service providers indicates that the hourly rate for competent "bookkeepers" ranges between \$35-\$50 per hour depending on what work is required to be undertaken. On the basis of 30 hours per month being required to process the accounts receivable, accounts payable and payroll transactions of each county council an amount in the order of \$15,000 per annum for each organisation would apply. That would be only processing and reconciling the transactions ; using the data for reporting would have additional costs and processes.

As indicated in the section relating to Other County Councils some of those organisations use Quickbooks or MYOB software for financial transaction processing. Similar products are used by commercial providers/ bookkeepers (to service small business needs). The research undertaken has indicated that a more versatile alternative to Quickbooks/ MYOB is evolving in the commercial sector. That alternative is a product called "Xero" which is based on internet/ cloud technology

and is aimed at increasing the linkages between various users i.e. in the case of County Councils their staff, their bookkeepers and their "accountants".

Part of the research undertaken also sought interest from some of the constituent councils to undertake the financial transaction processing. Similarly, those tasks (and others) could be undertaken by a constituent council, however, the cost involved could only be determined when what is required is defined more specifically. Indicative costs show that it is likely that the provision of financial transaction services by a constituent council could be undertaken more cost effectively than outsourcing to commercial services.

The above is reinforced by the contact made with the other county councils as part of this review. In that respect the arrangements for processing financial arrangements varied but can be summarised as follows:

- done in house via a clerical assistant, with reporting / statements put together via part time general manager and constituent councils
- financial transactions done through one of the Weeds Officers with reports/ statements done via contract
- financial transactions done in house via administration assistant with an accountant / bookkeeper used to prepare reconciliations, reports, statements
- financial transactions done via arrangements with the "administering" council

The discussions with other councils indicated that the arrangements for processing financial transactions and meeting requirements was based around making it work in the circumstances involved i.e. there are a variety of scenarios but the day to day financial transactions are undertaken internally utilising various arrangements depending on the skill/ resource base available. Most of the arrangements are historically based and have been in place for some years. This means that there are alternate ways of completing governance tasks with the use of existing "operational" staff resources.

As there are no comparative indicators available for county councils and also due to the varying ways in which the different county councils present their estimates and complete their financial statements, it is difficult from published information to get specific cost comparisons for the delivery of the financial services i.e. the public reporting information does not parallel information between councils and the various arrangements that the county councils have do not provide for easy comparison of expenditure just on financial processing (costs are in overall salary / wages information, etc).

The situation is similar for Information Technology, Human Resource and Secretarial services (i.e. those costs are not readily identifiable in public reporting information). In that regard the other county councils subject of research for this report do not have specific and dedicated Information Technology and Human Resource personnel for their organisations (except in the case of Upper Hunter where the services of Muswellbrook Shire are used). However, it should be noted that New England Weeds Authority documentation shows that for the regional services they have costs of \$40,000 and \$32,000 for a staff person and administration/ reporting costs respectively. This is in addition to General Manager costs.

As mentioned earlier in this report the Service Level Agreement prepared in February 2012 outlines the services and levels being made available by Rous Water. Those documents are relevant to any consideration of alternative arrangements that may be sought i.e. are they the service that are required and/ or needed, and can it be provided.

Given the arrangements in place at the other county councils it is likely that they do not have the specialised resources available in Human Resources and Information Technology that are available to RRCC and FNCW. However, they make do with the arrangements they have. For comparison purposes it is noted that Hawkesbury River County Council have indicated an amount of \$16,448 as computer and website expenses. Documentation from Upper Macquarie County Council indicates that recent budget estimates have provided for Information Technology improvements of \$69,000 and \$28,000 in consecutive years. However, the Information Technology services sourced by New England Weeds Authority from Armidale Dumaresq Council is listed as \$6,000.

It is apparent from discussions with Rous/ RRCC/FNCW personnel (and other County Councils) that GIS and Mapping Services are a crucial part of the current and future needs of RRCC and FNCW. In that regard Information Technology (IT) support services in general are only going to increase for organisations such as RRCC and FNCW. Therefore, the existing and future IT (and communication) arrangements for both organisations needs to be given high priority in assessing future arrangements.

Currently the Financial and Payroll Services infrastructure in place for RRCC and FNCW are licensed and hosted through Rous Water. There are similar linkages for the GIS/ Mapping Services and telephone systems. To change those arrangements would necessitate changed licence and server arrangements (depending on the alternative structure to be put in place).

Other considerations in the IT area for any alternative arrangements are the integration of and access to the various systems and databases, connectivity arrangements with Depots (including fibre optic service use and cost), security of systems and processes to protect information integrity and provide ongoing protection, and also the establishment of disaster recovery arrangements.

Attempting to define comparative costs for the governance/ secretarial /records charges in place for RRCC and FNCW is also not possible from the public information available from other county councils. Again the service levels listed in the Service Level Agreements would need to be considered as would the compliance levels of the respective organisations i.e. are requirements / standards being met in respect to reporting requirements, business paper preparation, correspondence timeframes, record keeping. The research undertaken in respect of this report did not indicate any issues in that regard.

A summary of the findings from the research and information outlined above is provided in the Executive Summary Section of this report.

The opportunity to undertake this project is appreciated and it is hoped that the information provided via this report is useful for your future considerations and decision making.

B A WILKINSON- 14 Lakeside Drive, Casino, 2470

ADDENDUM TO REPORT DATED 14 JUNE 2012- GOVERNANCE ARRANGEMENTS Richmond River County Council (RRCC) and Far North Coast Weeds (FNCW).

Following the presentation (on 18 June 2012) of the report referred to above, the additional information below is provided to ensure that the proper context of information in the report is readily understood.

Page 9 of the report provides the Administration and Governance Schedule (including costs) to be provided by Rous Water to RRCC and FNCW in the 2012/13 financial year. Those costs are reflected in the Integrated Planning and Reporting documentation that has been advertised by the respective County Councils. Those charges are similar to the "annual charges" applied in the previous financial year and have been used as the basis for the "potential cost structure" comparison referred to in the summary of findings (point 13) on pages 5 and 6 of the report.

It should be noted that in previous financial years there have been one off payments made by RRCC and FNCW for improvements and enhancements to components of the governance systems provided to RRCC and FNCW. For example in the 2010/11 financial year both RRCC and FNCW contributed an additional \$20,000 and \$30,000 for the introduction of a Risk Management Program and also the purchase of an IT Platform. Those contributions represented a small proportion of the costs incurred by Rous Water to undertake those projects. In addition FNCW has previously contributed \$15,000 as a one off payment for GIS enhancements which was relevant to the regional weeds program.

These one off payments were not included in the governance cost tables as they are not part of the usual annual contributions for core governance costs. It is understood the one off charges were subject of separate consideration by the respective County Councils. Whilst the one off charges were not included in the annual cost comparisons it was noted on page 16 of the report that Upper Macquarie County Council had provided via budget documents for \$69,000 and \$28,000 in consecutive years for Information Technology improvements. Accordingly, one off enhancement costs are regarded as a normal course of business (provided they have the concurrence of those receiving the service).

The review and understanding of the Service Level Agreements (as referred to in the Summary of Findings Point 2) should include and ensure an agreed process for future one off enhancements and associated costs.

Brian Wilkinson
19 June 2012.

Rous Water Attachment C



[Published in Government Gazette No. 110 of 1st July, 1988.]

LOCAL GOVERNMENT ACT 1919—PROCLAMATION

(L.S.) J. A. ROWLAND, Governor.

I, Air Marshal Sir JAMES ANTHONY ROWLAND, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 562 (4A) (b) of the Local Government Act 1919, proclaim that the redetermination by the Minister of the number of delegates authorised or fixed to be elected by the Lismore City Council to the Rous County Council as three shall be effective as from 1st July, 1988. (F. 81-216)

Signed and sealed at Sydney, this twenty-ninth day of June, 1988.

By His Excellency's Command.

DAVID HAY.

GOD SAVE THE QUEEN! (5304)

D. West, Government Printer, New South Wales—1988



[Published in Government Gazette No. 110 of 1st July, 1988.]

LOCAL GOVERNMENT ACT 1919—NOTIFICATION

I, DAVID ABERDEEN HAY, Minister for Local Government, in pursuance of the powers conferred upon me by sections 562 (3) and 562 (4A) (a) (i) of the Local Government Act 1919:

1. authorise the Ballina Shire Council to elect two (2) delegates to the Rous County Council; and
2. redetermine the number of delegates to the Rous County Council so that the number of delegates authorised to be elected by the Lismore City Council shall be three (3) instead of five (5). (F. 81-216)

Dated at Sydney, this twenty-ninth day of June, 1988.

(5306) DAVID HAY, Minister for Local Government.

D. West, Government Printer, New South Wales—1988



[Published in Government Gazette No. 113 of 14th July, 1950.]

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION.

(L.S.) J. NORTHCOTT, Governor.

5th July, 1950.

I, Lieutenant-General Sir JOHN NORTHCOTT, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of the Local Government Act, 1919, do hereby:—

- (1) alter the boundaries of the Rous County District, as constituted by Proclamation in Government Gazette No. 88 of 14th June, 1940, by adding thereto the whole of the Shire of Woodburn;
- (2) direct that the whole of the Shire of Woodburn shall be a county electorate; and
- (3) specify that the time within which the first election of delegates to the Council of the said Rous County District shall be held by the Council of the said Shire of Woodburn shall be a period of one month from the issue of this Proclamation.

(S. 50-1,924)

By His Excellency's Command,

J. J. CAHILL.

(4669) GOD SAVE THE KING!

Sydney: Alfred Henry Pettifer, Government Printer—1950.



[Published in Government Gazette No. 88 of 14th June, 1940.]

LOCAL GOVERNMENT ACT, 1919 (AS AMENDED
BY SUBSEQUENT ACTS).

PROCLAMATION.

(L.S.)

WAKEHURST,
Governor.

5th June, 1940.

ON the application of the Councils of the Shire of Byron and the Municipality of Lismore (which Councils are hereinafter referred to as the constituent Councils), I, the Right Honourable JOHN DE VERE, BARON WAKEHURST, Governor of the State of New South Wales, with the advice of the Executive Council, in pursuance of the Local Government Act, 1919, as amended by subsequent Acts, do hereby constitute the whole of the Shire of Byron and the whole of the Municipality of Lismore as a County District for local government purposes under the name of Rous County District.

I do with the like advice hereby delegate to the Council of the said Rous County District, as hereby constituted, the power to exercise or perform for the benefit of the County District so much of the following powers and/or duties, which by law the constituent Councils or either one of them may exercise or perform, as relates to the supply of water in bulk only:

- (a) The powers and/or duties, under section 382 of the aforesaid Act, as amended, relating to the construction, extension, protection, maintenance, control and management of works of water supply and any works incidental thereto, and the powers and/or duties under section 378, section 881, section 385, section 389, section 391, and section 392 of the aforesaid Act, as amended, relating to (i) the making and levying of charges by measure for all water supplied, for the maintenance and management of any work or service or any object which the Council of the said Rous County District, as hereby constituted, is authorised by law to construct, carry on, or effect, and for or towards repaying with interest any debt incurred or loan raised in respect thereof; (ii) contracts with adjoining Councils to supply water; (iii) the alteration, modification, and extension of, and addition to, works of water supply and any works incidental thereto; (iv) the use and sale of water; (v) cutting off supply of water; and (vi) the installing of, and charging hire for, meters or instruments for measuring the quantity of water supplied, and pipes and apparatus for the conveyance, reception, and storage of water;
- (b) the power to borrow any moneys from time to time for the purpose of any work or service or any object which the Council of the said Rous County District, as hereby constituted, is authorised by law to construct, carry on, or effect;

- (c) the power under and subject to the provisions of section 188 of the aforesaid Act, as amended, to issue debentures, mortgage deeds, or bonds, for securing the repayment of the principal and interest of any moneys so borrowed; and
- (d) the power and/or duty to levy from time to time a loan rate under and subject to the provisions of section 124 of the aforesaid Act, as amended, so far as applicable, in connection with any loan or loans so raised.

For the purpose only of the Council of the said Rous County District, as hereby constituted, exercising the powers and/or performing the duties hereinbefore delegated to it, I do, with the like advice, hereby further delegate to the Council of the said County District the power to exercise or perform for the benefit of the said County District (but subject to the operation of the provisions contained in Part XXIX of the said Act) the powers and/or duties contained in the following sections of the aforesaid Act, as amended, which by law the constituent Councils or any one of them may exercise or perform, that is to say—sections 139 to 141, both inclusive (making and levying rates), section 166 (right to charges and fees), sections 167, 169 and 172 (further as to charges and fees), sections 173 to 200, both inclusive (being Division 4 of Part VII of the said Act), section 383 (entering land—compensation), section 384 (taking land on lease), section 386 (temporary roads, etc.), section 387 (maps), section 482 (buildings for public purposes), section 506 (extension of works outside area), sections 516, 517 and 517A (being Division 2 of Part XXIV of the said Act), sections 518 to 520, both inclusive (being Division 3 of Part XXIV of the said Act), section 524 (entry and other powers), section 525 (powers in relation to works and undertakings), section 528 (power to insure), section 529 (power to do necessary acts), sections 531 to 536, both inclusive (being Part XXV of the said Act), sections 586 to 601, both inclusive (being Division 4 and part of Division 5 of Part XXX of the said Act), and section 615 (being Division 6 of Part XXX of the said Act): Provided that this delegation shall not prevent the constituent Councils from exercising the same powers in relation to any Shire or Municipal functions other than those specifically delegated to the Council of the said Rous County District in paragraph (a) above.

I do hereby specify that the time for the holding of the first general election of delegates to the Council of the said Rous County District, as hereby constituted, shall be a period of two (2) months from the date of the issue of this Proclamation.
(Mun. 40-1,892)

By His Excellency's Command,

L. O. MARTIN.

(1405)

GOD SAVE THE KING!



LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION
(L.S.) A. R. CUTLER, Governor.

19th November, 1975.

I, Sir ARTHUR RODEN CUTLER, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the Local Government Act, 1919, do hereby—

(1) Divide, on and from 1st January, 1976—

(a) the Municipality of Casino, as constituted by proclamation in Government Gazette No. 18 of 15th January, 1880, reconstituted by proclamation in Government Gazette No. 733 of 15th September, 1896, altered by the Casino Municipal Boundaries Act, 1901, and again altered by proclamation in Government Gazette No. 150 of 29th November, 1929;

(b) the Shire of Tomki, as constituted by proclamation in Government Gazette No. 121 of 7th March, 1906, and altered by proclamation in Government Gazette No. 150 of 29th November, 1929; and

(c) the Shire of Woodburn, as constituted by proclamation in Government Gazette No. 211 of 15th December, 1933, and altered by proclamation in Government Gazette No. 103 of 26th October, 1962;

into two areas, as described in Schedules "B" and "C" hereto, respectively.

(2) Constitute, on and from 1st January, 1976, the area as described in Schedule "B" as a municipality which shall be named the Municipality of Casino and the area as described in Schedule "C" as a shire which shall be named the Shire of Richmond River.

(3) Determine that the Council of the said Municipality of Casino as hereby constituted, shall consist of nine (9) aldermen and, pending the election of a council upon a date to be proclaimed, appoint as the Provisional Council of the said Municipality of Casino which shall have, pending such election, all the powers of a council of a municipality, the persons whose names appear in Schedule "D" hereto, and provide that (a) such appointments shall take effect as from the issue of this Proclamation; and (b) the Provisional Council may exercise prior to 1st January, 1976, the powers of a council for or in relation to the matters and things following, that is to say—

- (i) the election of a mayor;
- (ii) the provision of an office for the Council;
- (iii) the transfer and appointment of servants;
- (iv) the apportionment of assets, rights and liabilities;
- (v) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Provisional Council are necessary or expedient to enable that Council to exercise and discharge all or any of the powers of a council as from 1st January, 1976: Provided, however, that no arrangement with respect to the transfer and appointment of servants or to the apportionment of assets, rights and liabilities shall take effect prior to 1st January, 1976.

(4) Determine that the Council of the said Shire of Richmond River, as hereby constituted, shall consist of eleven (11) councillors and, pending the election of a council upon a date to be proclaimed, appoint as the Provisional Council of the said Shire of Richmond River which shall have, pending such election, all the powers of a council of a shire, the persons whose names appear in Schedule "E" hereto, and provide that (a) such appointments shall take effect as from the issue of this Proclamation; and (b) the Provisional Council may exercise prior to 1st January, 1976, the powers of a council for or in relation to the matters and things following, that is to say—

- (i) the election of a President;
- (ii) the provision of an office for the Council;
- (iii) the transfer and appointment of servants;
- (iv) the apportionment of assets, rights and liabilities;
- (v) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Provisional Council are necessary or expedient to enable that Council to exercise and discharge all or any of the powers of a council as from 1st January, 1976: Provided, however, that no arrangement with respect to the transfer and appointment of servants or to the apportionment of assets, rights and liabilities shall take effect prior to 1st January, 1976.

(5) Order (a) that the valuations of land and rolls of electors and ratepayers in force as at 31st December, 1975, in respect of the land comprised in the said areas, as at present constituted, so far as such valuations and rolls relate to or are applicable to the lands included in the Municipality of Casino or the Shire of Richmond River, as hereby constituted, respectively, shall, for the purposes of the said Act, continue in force in the Municipality of Casino and the Shire of Richmond River, as hereby constituted, as the case may be, as if made in respect of that Municipality and that Shire until fresh valuations and fresh rolls, respectively, come into force therein; and (b) that the Council of the Shire of Richmond River, as hereby constituted, in respect of the part of the Shire of Tomki, as at present constituted, included in the Municipality of Casino, as hereby constituted, shall immediately after 31st December, 1975, furnish to the Council of the said Municipality of Casino copies of or extracts from the valuation books and rolls of electors and ratepayers of the Council of the Shire of Tomki, as at present constituted, showing as at 31st December, 1975, the valuations and enrolments which relate to or are applicable to the lands so included.

(6) Order that all rights and liabilities acquired and incurred, and all contracts and undertakings entered into, all securities lawfully given and all applications, actions, suits and proceedings begun prior to 1st January, 1976, either by or on behalf of or against the Council of any of the said areas, as at present constituted, shall, on and from that date, in so far as they relate to or are applicable to the lands included in the Municipality of Casino or the Shire of Richmond River, as hereby constituted, respectively, be vested in and attached, and may be enforced, realized and carried on by or on behalf of or against the Council of the Municipality of Casino or the Council of the Shire of Richmond River, as hereby constituted, as the case may be, and shall not abate or be discontinued, or be prejudicially affected, by this division of areas.

(7) Order that where for the fulfilment of its obligations and undertakings with respect to its existing loans, the Council of any of the said areas, as at present constituted, is required by law to levy a loan rate, the Council of the Municipality of Casino or the Council of the Shire of Richmond River, as hereby constituted, as the case may be, shall continue to levy such rate or rates in so far as they are required to be levied on land included in such Municipality of Casino or Shire of Richmond River, as hereby constituted, as the case may be, until the loans in respect of which the rates are leviable are retired.

(8) Order that the Council of the Municipality of Casino or the Council of the Shire of Richmond River, as hereby constituted, as the case may be, shall, on and from 1st January, 1976, be vested with the power to levy all rates levied before that date by the Council of any of the said areas, as at present constituted, in so far as such rates relate to or are leviable upon any lands included in the Municipality of Casino or the Shire of Richmond River, as hereby constituted, respectively.

(9) Order that on and from 1st January, 1976, and until the issue of a Proclamation giving effect to an arrangement with regard to the apportionment of the assets, rights and liabilities of the Council of the Municipality of Casino, the Council of the Shire of Tomki and the Council of the Shire of Woodburn, as at present constituted, between the Council of the Municipality of Casino and the Council of the Shire of Richmond River, as hereby constituted—

(a) any land or building or other real property vested in or belonging to the Council of the Shire of Tomki and the Council of the Shire of Woodburn, as at present constituted, shall be deemed to be vested in the Council of the Shire of Richmond River, as hereby constituted; and

(b) all other assets, other than rates levied before 1st January, 1976, vested in or belonging to the Council of the Shire of Tomki and the Council of the Shire of Woodburn, as at present constituted, and all liabilities of the said Councils shall be deemed to be assets and liabilities of the Council of the Shire of Richmond River, as hereby constituted, so far as such assets and liabilities form part of the General Fund of the Council of the Shire of Tomki, as at present constituted, and the General Fund, Water Supply Local Fund, Broadwater Town Improvement Local Fund, Coraki Town Improvement Local Fund, Evans Head Town Improvement Local

Fund, Woodburn Town Improvement Local Fund, Coraki Sewerage Local Fund, Evans Head Sewerage Local Fund and Woodburn Sewerage Local Fund of the Council of the Shire of Woodburn, as at present constituted.

- (10) Order that on and from 1st January, 1976, all assets, rights and liabilities of the Council of the Municipality of Casino, as at present constituted, shall be assets, rights and liabilities, of the Council of the Municipality of Casino, as hereby constituted.
- (11) Order that any disallowance or surcharge which could have been made, continued, enforced or recovered if this Proclamation had not been made, may be made, continued, enforced and recovered notwithstanding the dissolution of the Council of the Municipality of Casino, the Council of the Shire of Tomki and the Council of the Shire of Woodburn, as at present constituted.
- (12) Order, without prejudice to the foregoing:—
 - (a) that any Inspector of Local Government Accounts may disallow in the books or accounts of the Council of the Municipality of Casino or the Council of the Shire of Richmond River, as hereby constituted, any expenditure, transfer or entry in the books or accounts of the Council of the Municipality of Casino, the Council of the Shire of Tomki or the Council of the Shire of Woodburn, as at present constituted, which has been incurred or made in contravention of any Act or any ordinance, regulation or by-law and shall surcharge the amount of any such disallowance upon the members or servants of the Council of the Municipality of Casino, the Council of the Shire of Tomki or the Council of the Shire of Woodburn, as at present constituted, as the case may be, by whom the expenditure, transfer or entry was incurred or made or ordered to be incurred or made;
 - (b) that all liability of any member or servant of the Council of the Municipality of Casino, the Council of the Shire of Tomki or the Council of the Shire of Woodburn, as at present constituted, as the case may be, in respect of any such expenditure, transfer or entry or of any deficiency or loss of such Council incurred by the culpable negligence or misconduct of such member or servant or by the failure to account for any sum by such Council, shall be a liability of such member or servant to the Council of the Municipality of Casino or to the Council of the Shire of Richmond River, as hereby constituted, as the case may be, whether the amount of any such disallowance, deficiency, loss or sum be surcharged before or after 1st January, 1976.
- (13) Charge the Council of the Municipality of Casino and the Council of the Shire of Richmond River, as hereby constituted, with the care, control and management of all public reserves in respect of which any of the Councils of the areas, as at present constituted, is charged with the care, control and management in so far as such public reserves are included in the Municipality of Casino or the Shire of Richmond River, as hereby constituted, respectively.
- (14) Order that the proclamation under section 309 of the Local Government Act, 1919, published in Government Gazette No. 121 of 6th July, 1934, declaring Residential District No. 1—Woodburn Shire, shall be in force in the Shire of Richmond River, as hereby constituted.
- (15) Apply the provisions of section 288A of the aforesaid Act to the Municipality of Casino and the Shire of Richmond River, as hereby constituted.
- (16) Apply Part XI of the aforesaid Act to the portions of the Shire of Richmond River, as hereby constituted, which comprise the Shire of Tomki, as at present constituted, and the portions of the Shire of Woodburn, as at present constituted, to which Part XI applies.
- (17) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 195 of 5th November, 1920, and No. 80 of 3rd August, 1945, constituting the whole of the Municipalities of Ballina, Casino, Lismore (proclaimed as a City on 30th August, 1946) and Mullumbimby, the Shires of Byron, Gundurimba, Kyogle, Terania, Tintenbar, Tomki, Tweed and Woodburn, and part of the Shire of Copmanhurst as the Richmond River County District or the proclamation in Government Gazette No. 139 of 4th December, 1959, altering the name of the Richmond River County District to Far North Coast County District, or the proclamation in Government Gazette No. 37 of 21st March, 1969, excluding the portion of the Shire of Copmanhurst as described in the Schedule to that proclamation from the Far North Coast County District, other than to substitute the Municipality of Casino and the Shire of Richmond River, as hereby constituted, for the Municipality of Casino and the Shires of Tomki and Woodburn, as at present constituted, and for such purposes and subject to the provisions of the aforesaid Act—
 - (a) order that Francis John Ellis, Esquire, being the gentleman at present in office as the delegate elected by the Council of the Municipality of Casino shall continue in office as such delegate; and
 - (b) specify that the time for the election by the Council of the Shire of Richmond River, as hereby constituted, of its delegate shall be a period of one month from 1st January, 1976.
- (18) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 99 of 9th May, 1952, and No. 129 of 30th November, 1956, constituting the whole of the Cities of Grafton and Lismore, Municipalities of Ballina and Casino, and Shires of Bellingen, Coffs Harbour, Copmanhurst, Gundurimba, Kyogle, Maclean, Nambucca, Nymboida, Terania, Tintenbar, Tomki, Ulmarra and Woodburn, as at present constituted, as the Northern Rivers County District, other than to substitute the Municipality of Casino and the Shire of Richmond River, as hereby constituted, for the Municipality of Casino and the Shires of Tomki and Woodburn, as at present constituted, and for such purposes and subject to the provisions of the aforesaid Act—
 - (a) order that Sidney Colin Humphreys, Esquire, being the gentleman at present in office as the delegate elected by the Council of the Municipality of Casino shall continue in office as such delegate;
 - (b) declare that the part of the Shire of Richmond River, as hereby constituted, comprising the portion formerly within the Shire of Tomki shall continue with the Shire of Terania to be a combined electorate of the Northern Rivers County District as notified in Government Gazette No. 82 of 28th July, 1967;
 - (c) order that George William Gawler Strong, Esquire, being the gentleman at present in office as the delegate of that combined electorate shall continue in office as such delegate;
 - (d) declare that the part of the Shire of Richmond River, as hereby constituted, comprising the portion formerly within the Shire of Woodburn shall continue with the Gundurimba and Tintenbar Shires to be a combined electorate of the Northern Rivers County District as notified in Government Gazette No. 82 of 28th July, 1967; and
 - (e) order that Ronald Thomas Cox, Esquire, being the gentleman at present in office as the delegate of that combined electorate shall continue in office as such delegate.
- (19) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamation in Government Gazette No. 139 of 4th December, 1959, constituting the whole of the City of Lismore and the Shires of Gundurimba, Tintenbar and Woodburn, as at present constituted, as the Richmond River County District, and for such purposes and subject to the provisions of the aforesaid Act—
 - (a) declare that the part of the Shire of Richmond River, as hereby constituted, comprising the portion formerly within the Shire of Woodburn shall continue to be a county electorate of the said County District; and
 - (b) order that George Edward Wagner, Esquire, and Charles Napier Yabsley, Esquire, O.B.E., being the gentlemen at present in office as the delegates elected by the Council of the Shire of Woodburn, as at present constituted, shall continue in office as such delegates.
- (20) Apply to the whole or portions of the Municipality of Casino and the Shire of Richmond River, as hereby constituted, the ordinances set out in Schedules "F" and "G" hereto, respectively.
- (21) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 88 of 14th June, 1940, and No. 113 of 14th July, 1950, constituting the whole of the Municipality of Lismore (proclaimed as a City on 30th August, 1946) and the Shires of Byron and Woodburn, as at present constituted, as the Rous County District,

and for such purposes and subject to the provisions of the aforesaid Act—

- (a) declare that the part of the Shire of Richmond River, as hereby constituted, comprising the portion formerly within the Shire of Woodburn shall continue to be a county electorate of the said County District; and
- (b) order that Eric John Chambers, Esquire, and Kenneth Robert Thomas, Esquire, being the gentlemen at present in office as delegates elected by the Council of the Shire of Woodburn, as at present constituted, shall continue in office as such delegates.
- (22) Order that Interim Development Order No. 1—Shire of Tomki shall continue in force in relation to the land described in Schedule "A" to this Proclamation and the Council of the Municipality of Casino shall be substituted for the Council of the Shire of Tomki for the purpose of exercising and discharging all powers, authorities, duties and functions conferred on and imposed on the Council of the Shire of Tomki by the said Interim Development Order but only in so far as the land included in the Municipality of Casino is concerned.
- (23) Order that (a) Interim Development Order No. 1—Shire of Tomki shall continue in force in relation to the land within the part of the Shire of Tomki included in the Shire of Richmond River by this Proclamation and the Council of the Shire of Richmond River shall be substituted for the Council of the Shire of Tomki for the purpose of exercising and discharging all powers, authorities, duties and functions conferred on and imposed on the Council of the Shire of Tomki by the said Interim Development Order but only in so far as the land included in the Shire of Richmond River is concerned; and (b) Interim Development Order No. 1—Shire of Woodburn shall continue in force in relation to the land within the Shire of Woodburn included in the Shire of Richmond River by this Proclamation and the Council of the Shire of Richmond River shall be substituted for the Council of the Shire of Woodburn for the purpose of exercising and discharging all powers, authorities, duties and functions conferred on and imposed on the Council of the Shire of Woodburn by the said Interim Development Order.
- (24) Fix, until the estimates for 1976 are published, the limit not exceeding which the Councils of the areas, as hereby constituted, may borrow and re-borrow by way of limited overdraft in respect of each of the funds transferred to or deemed to be vested in the Councils of the areas, as hereby constituted, respectively, at the amount which the Councils of the areas, as at present constituted, respectively, may, in respect of each such fund, borrow and re-borrow by way of limited overdraft as at 31st December, 1975.
- (25) Order that the provisions of Division 2 of Part III of the Library Act, 1939, as amended, shall apply to and in respect of the Council of the Municipality of Casino, as hereby constituted.
- (26) Substitute the Council of the Municipality of Casino and the Council of the Shire of Richmond River, as hereby constituted, for the Councils of the areas as at present constituted, so as to enable the Council of the Municipality of Casino or the Council of the Shire of Richmond River, as hereby constituted, as the case may be, to exercise or enforce on its own behalf any right or power formerly exercised or enforced under the provisions of any Act, rule, regulation or by-law by any of the councils of the areas, as at present constituted, so far as such rights or powers relate or are applicable to lands included in the areas of such Councils, as hereby constituted. (S. 75-1261)

By His Excellency's Command,

C. B. CUTLER.

GOD SAVE THE QUEEN!

SCHEDULE "A"

Land in the part of the Shire of Tomki included in the Municipality of Casino

Area about 7 516 hectares: Commencing on the southwestern boundary of portion 195, Parish of South Casino, County of Richmond, at its intersection with a line along the southern boundaries of portion 281 of that parish and portions 6 and 106, Parish of Wooroowoolgan; and bounded thence by that line westerly to the easternmost eastern boundary of portion 102; by part of that boundary, the easternmost southern, the westernmost eastern and the southernmost southern boundaries of that portion southerly, westerly, again southerly and again westerly; by the southern boundary and part of the western boundary of portion 103 westerly and northerly to

the prolongation easterly of the southern boundary of lot A25, Deposited Plan 5111; by that prolongation and that boundary westerly; by the southwestern boundary of that lot and the northwestern boundary and its prolongation northeasterly to the generally southern boundary of lot A21; by part of that boundary and part of the western boundary of that lot generally westerly and northerly to the generally northeastern side of the road shown in plan catalogued R. 2135-1603; by that side of that road generally northwesterly to the southeastern side of Bundock Crossing; by that side of that crossing northeasterly to the right bank of the Richmond River; by that bank upwards to the prolongation southerly of the western boundary of portion 144, Parish of Kyogle, County of Rous; by that prolongation, that boundary and the northern and westernmost northwestern boundaries of that portion northerly, easterly, and northeasterly; by the generally northwestern side of the road shown in plan catalogued R. 25944-1603 generally north-easterly; by a line across Trunk Road No. 83 (Summerland Way) northwesterly to the northwestern corner of lot 3, Deposited Plan 562738; by the southwestern boundary of that lot southeasterly; by a line along the southern boundaries of that lot, lot 2 and portions 298 and 145, Parish of North Casino, County of Rous, easterly to the southernmost corner of portion 292; by the southeastern boundary of that portion northeasterly; by the prolongation northerly of the westernmost western boundary of portion 154, that boundary, the westernmost southern and the easternmost western boundaries of that portion southerly, easterly and again southerly; by a line along the easternmost southern boundary of that portion and the southern boundary of portion 155 easterly to the western boundary of portion 254; by part of that boundary southerly to the southwestern corner of that portion; by the southern boundary of that portion and its prolongation easterly to the southwestern boundary of lot 1, Deposited Plan 555289; by part of that boundary and the southwestern boundary of lot 2 and its prolongation southeasterly to the generally southeastern side of the road forming the northwestern boundaries of portions 295 and 296, the northwestern and western boundaries of portion 297 and the westernmost western boundary of portion 130; by that side of that road southwesterly and southerly to the North Coast Railway at North Casino Railway Station; by that railway generally southerly to the prolongation northwesterly of the southwestern boundary of portion 306; by that prolongation, that boundary, the southeastern boundary of that portion and part of the southeastern boundary of portion 307 southeasterly and northeasterly to the prolongation northerly of the northernmost western boundary of portion 24; by that prolongation and part of that boundary southerly to its intersection with the northern boundary of the Suburban Lands of the Town of Casino notified in Government Gazette of 4th April, 1919; by part of that boundary and part of the generally eastern boundary of the said suburban lands easterly and southerly to the southwestern corner of portion 157, Parish of Tomki; by part of the southern boundary of that portion easterly to the prolongation northerly of the eastern boundary of lot 110, Deposited Plan 976658; by that prolongation, that boundary and the eastern boundaries of lots 112, 113 and 115 southerly; by the generally northern side of State Highway No. 16 to its intersection with a line along the western boundary of lot 25; by that line southerly to the northwestern corner of lot 8; by a line easterly to the northeastern corner of lot 6; by the northern boundary of that lot westerly; by a line across the Richmond River southwesterly to the right bank; by that bank downwards to the northeastern corner of lot 2, Deposited Plan 102292; by part of the generally southeastern boundary of that lot generally southwesterly to the northeastern corner of lot 3; by a line along the eastern boundaries of that lot and lot B1, Deposited Plan 976551, southerly to the southeastern corner of that lot; by the southern boundaries of that lot and lot D and its prolongation westerly to the eastern boundary of portion 32, Parish of South Casino, County of Richmond; by part of that boundary and the eastern boundary of portion 34 southerly; by the southern boundaries of portions 34 and 33 westerly; by the northern and northwestern sides of the road shown in plan catalogued R. 8899-1603 westerly and southwesterly; by the generally northeastern side of the road from Casino to Ellangowan northwesterly to the generally eastern boundary of the Municipality of Casino as proclaimed in Government Gazette No. 150 of 29th November, 1929; and by that boundary, the generally northern and part of the generally southwestern boundaries of that municipality generally northerly, generally westerly and generally south-easterly to the point of commencement.

SCHEDULE "B"

Municipality of Casino

Area about 9 115 hectares: Commencing at the southwestern corner of portion 195, Parish of South Casino, County of Richmond; and bounded thence by part of the generally southwestern boundary of the Municipality of Casino as proclaimed

in Government Gazette No. 150 of 29th November, 1929, northwesterly to a line along the southern boundaries of portion 281 of that parish and portions 6 and 106, Parish of Woorooloolgan; by that line westerly to the easternmost eastern boundary of portion 102; by part of that boundary, the easternmost southern, the westernmost eastern and the southernmost southern boundaries of that portion southerly, westerly, again southerly and again westerly; by the southern boundary and part of the western boundary of portion 103 westerly and northerly to the prolongation easterly of the southern boundary of lot A25, Deposited Plan 5111; by that prolongation and that boundary westerly; by the southwestern boundary of that lot and the northwestern boundary and its prolongation northeasterly to the generally southern boundary of lot A21; by part of that boundary and part of the western boundary of that lot generally westerly and northerly to the generally northeastern side of the road shown in plan catalogued R. 2135-1603; by that side of that road generally northwesterly to the southeastern side of Bundock Crossing; by that side of that crossing northeasterly to the right bank of the Richmond River; by that bank upwards to the prolongation southerly of the western boundary of portion 144, Parish of Kyogle, County of Rous; by that prolongation, that boundary and the northern and westernmost northwestern boundaries of the portion northerly, easterly and northeasterly; by the generally northwestern side of the road shown in plan catalogued R. 25944-1603 generally northeasterly; by a line across Trunk Road No. 83 (Summerland Way) northwesterly to the northwestern corner of lot 3, Deposited Plan 562738; by the southwestern boundary of that lot southeasterly; by a line along the southern boundaries of that lot, lot 2 and portions 298 and 145, Parish of North Casino, County of Rous, easterly to the southernmost corner of portion 292; by the southeastern boundary of that portion northeasterly; by the prolongation northerly of the westernmost western boundary of portion 154, that boundary, the westernmost southern and the easternmost western boundaries of that portion southerly, easterly and again southerly; by a line along the easternmost southern boundary of that portion and the southern boundary of portion 155 easterly to the western boundary of portion 254; by part of that boundary southerly to the southwestern corner of that portion; by the southern boundary of that portion and its prolongation easterly to the southwestern boundary of lot 1, Deposited Plan 555289; by part of that boundary and the southwestern boundary of lot 2 and its prolongation southeasterly to the generally southeastern side of the road forming the northwestern boundaries of portions 295 and 296, the northwestern and western boundaries of portion 297 and the westernmost western boundary of portion 130; by that side of that road southwestwardly and southerly to the North Coast Railway at North Casino Railway Station; by that railway generally southerly to the prolongation northwesterly of the southwestern boundary of portion 306; by that prolongation, that boundary, the southeastern boundary of that portion and part of the southeastern boundary of portion 307 southeasterly and northeasterly to the prolongation northerly of the northernmost western boundary of portion 24; by that prolongation and part of that boundary southerly to its intersection with the northern boundary of the Suburban Lands of the Town of Casino notified in Government Gazette of 4th April, 1919; by part of that boundary and part of the generally eastern boundary of the said suburban lands easterly and southerly to the southwestern corner of portion 157, Parish of Tomki; by part of the southern boundary of that portion easterly to the prolongation northerly of the eastern boundary of lot 110, Deposited Plan 976658; by that prolongation, that boundary and the eastern boundaries of lots 112, 113 and 115 southerly; by the generally northern side of State Highway No. 16 to its intersection with a line along the western boundary of lot 25; by that line southerly to the northwestern corner of lot 8; by a line easterly to the northeastern corner of lot 6; by the northern boundary of that lot westerly; by a line across the Richmond River southwestwardly to the right bank; by that bank downwards to the northeastern corner of lot 2, Deposited Plan 102292; by part of the generally southeastern boundary of that lot generally southwestwardly to the northeastern corner of lot 3; by a line along the eastern boundaries of that lot and lot B1, Deposited Plan 976551 southerly to the southeastern corner of that lot; by the southern boundaries of that lot and lot D and its prolongation westerly to the eastern boundary of portion 32, Parish

of South Casino, County of Richmond; by part of that boundary and the eastern boundary of portion 34 southerly; by the southern boundaries of portions 34 and 33 westerly; by the northern and northwestern sides of the road shown in plan catalogued R. 8899-1603 westerly and southwestwardly; and by the generally northeastern side of the road from Casino to Ellangowan northwesterly to the point of commencement.

SCHEDULE "C"

Shire of Richmond River

Area about 2 460 square kilometres: The Shire of Woodburn as proclaimed in Government Gazette No. 103 of 26th October, 1962, and the Shire of Tomki as proclaimed in Government Gazette No. 150 of 29th November, 1929, but exclusive of the Municipality of Casino.

SCHEDULE "D"

Provisional Council of the Municipality of Casino

John Lawrence Carrall, Esquire; John George Crooks, Esquire; Robert James Ellem, Esquire; Francis John Ellis, Esquire; Francis Bertie Grainger, Esquire; Ronald Howard, Esquire; Sidney Colin Humphreys, Esquire; John Charles David Lane, Esquire; John McKinnon, Esquire.

SCHEDULE "E"

Provisional Council of the Shire of Richmond River

Eric John Chambers, Esquire; Ronald Thomas Cox, Esquire; Mervyn Stanley Byron Gittos, Esquire; Francis Bertie Grainger, Esquire; Malcolm John Olive, Esquire; Barrie Wallace Collett Patch, Esquire; George William Gawler Strong, Esquire; Colin Joseph Sullivan, Esquire; Kenneth Robert Thomas, Esquire; George Edward Wagner, Esquire; Charles Napier Yabsley, Esquire, O.B.E.

SCHEDULE "F"

Ordinance applied to the Municipality of Casino:

No. 41.

Ordinances applied to portion of the Municipality of Casino:

Nos 30 (clause 9A), 30 (clause 9A (f) (i)), 39 (clause 21B), 51, 61 and 70 (clause 58.2) to the portion formerly comprised within the Municipality of Casino as constituted immediately before 1st January, 1976;

No. 48 (clause 20) to the following reserves: Oval Enclosures in Queen Elizabeth Park; golf course in Richmond Park; Swimming Pool Reserve; tennis courts enclosure in Memorial Park.

Ordinance applied to libraries in the Municipality of Casino:

No. 64.

SCHEDULE "G"

Ordinances applied to the Shire of Richmond River:

Nos 41 and 57.

Ordinances applied to portion of the Shire of Richmond River:

No. 30 (clause 67) to Bungawalbyn Bridge over Bungawalbyn Creek;

No. 35A to Broadwater Wharf; Kilgin Wharf; South Woodburn Wharf; Swan Bay Wharf; Malone's Wharf; Olive's Wharf; Robinson's Wharf; Sandy Creek Wharf;

Nos 35D, 37A, 39 (clause 21B), 61 and 75 to the portion formerly comprised within the Shire of Woodburn;

No. 48 (clause 20) to the following reserves: Evans Head Reserve (old and new portions); River Bank Park, South Woodburn; Reserve No. 54662, Coraki;

No. 51 to Evans Head Scavenging District (with boundaries as described in Government Gazette No. 70 of 15th July, 1966). Woodburn Scavenging District (with boundaries as described in Government Gazette No. 78 of 19th July, 1946). Coraki Sanitary Scavenging Area (with boundaries as described in Government Gazette No. 78 of 19th July, 1946). Broadwater Garbage Scavenging Area (with boundaries as described in Government Gazette No. 34 of 26th March, 1971); and

No. 70 (clause 58.2) to the Village of Evans Head formerly in the Shire of Woodburn. (4918)



[Published in Government Gazette No. 99 of 25th July, 1980.]

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION

(L.S.) A. R. CUTLER, Governor.

23rd July, 1980.

I, Sir ARTHUR RODEN CUTLER, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the Local Government Act, 1919, do hereby—

- (1) Unite, on and from 1st October, 1980, the Municipality of Mullumbimby as described by proclamation in Government Gazette No. 73 of 24th June, 1908, and the Shire of Byron as described in Government Gazette No. 162 of 30th December, 1977.
- (2) Constitute, on and from 1st October, 1980, the area formed by the union of the said areas, as a shire, which shall be named the Shire of Byron, with boundaries as described in the Schedule hereto.
- (3) Dissolve, on and from 1st October, 1980, the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted.
- (4) Order that the ordinary elections in the year 1980 of aldermen of the Municipality of Mullumbimby, as at present constituted, and of councillors of the Shire of Byron, as at present constituted, shall not be held.
- (5) Order that the office of each alderman of the Municipality of Mullumbimby, as at present constituted, and each councillor of the Shire of Byron, as at present constituted, holding office on 19th September, 1980, shall be continued until 30th September, 1980, or until the occurrence of an extraordinary vacancy in the office, whichever first happens.
- (6) Determine that the Council of the Shire of Byron, as hereby constituted, shall consist of ten councillors.
- (7) Order that—
 - (a) an election of councillors for the Shire of Byron, as hereby constituted, shall be held on 20th September, 1980, and, subject to subparagraph (b), this election shall be deemed to be an ordinary election of councillors for that Shire held on the day appointed under section 39 (1) (b) of the said Act; and
 - (b) each councillor so elected shall assume his office as councillor on 1st October, 1980.
- (8) Order that—
 - (a) subject to subparagraph (b), the provisions of section 25A of the said Act shall be deemed to apply to the Shire of Byron, as hereby constituted, between the issue of this Proclamation and the day before the next ordinary election of councillors after the year 1980; and
 - (b) the President elected in accordance with the provisions of section 25A of the said Act shall assume his office as President on 1st October, 1980, and such office shall cease on the day appointed by the said Act for the next ordinary election of councillors after the year 1980.
- (9) Order that, for the purposes of the elections held in accordance with paragraphs (7) and (8)—
 - (a) the Shire of Byron, as hereby constituted, shall be deemed to be constituted as from the issue of this Proclamation;
 - (b) the provisions of the said Act and the Ordinances relating to elections of councillors and presidents by electors of areas shall apply to the extent to which they are not inconsistent with the provisions of paragraphs (7), (8) and (9);
 - (c) the Shire Clerk of the Shire of Byron, as at present constituted, shall be the Returning Officer and the Town Clerk of the Municipality of Mullumbimby, as at present constituted, shall be the Substitute Returning Officer;
 - (d) the said Shire Clerk shall, on the issue of this Proclamation, prepare a list of electors for the Shire of Byron, as hereby constituted, from the current rolls of electors of the Municipality of Mullumbimby, as at present constituted, and the Shire of Byron, as at present constituted, and shall thereupon certify such list as the roll of electors for the Shire of Byron, as hereby constituted;
 - (e) the Returning Officer may make use of the services of any of the servants and any of the records of the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted;
 - (f) the powers, functions and duties of the clerk referred to in section 36A of the said Act shall be held and performed by the said Shire Clerk, who may, for the purpose of performing these functions and duties, make use of the services of any of the servants and any of the records of the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted;
 - (g) each Council referred to in subparagraphs (e) and (f) and every officer and servant of such Councils shall furnish such information and afford such assistance as the Returning Officer or the said Shire Clerk, as the case may be, may require;
 - (h) the powers, functions and duties of councils referred to in clause 2 of Ordinance No. 9 shall be held and performed by the Returning Officer;
 - (i) any reference to the office of the council in Ordinances Nos 8 and 9 shall be a reference to the office of the Council of the Shire of Byron, as at present constituted;
 - (j) the electoral officers appointed in connection with the said elections shall be paid fees in accordance with the current scale of electoral fees recommended by the Shires Association of New South Wales; and
 - (k) the expenses of the said elections shall be paid from the General Fund of the Council of the Shire of Byron, as at present constituted.

(10) Order that—

- (a) the person elected to the office of President in accordance with paragraph (8) shall convene the first meeting of the Council of the Shire of Byron, as hereby constituted, and this meeting shall be held on 1st October, 1980, at such place and at such time of commencement as that person shall determine.
 - (b) the business to be transacted at this meeting shall be as follows:
 - (i) the appointment of a person temporarily to take the minutes of the meeting;
 - (ii) the fixing of the allowance payable by the said Council to its President for the forthcoming year;
 - (iii) the appointment of the principal servants;
 - (iv) the fixing of the place and time of the next meeting;
 - (v) any other business, the introduction of which is approved by a majority of the members present.
- (11) Substitute the Council of the Shire of Byron, as hereby constituted, for the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted, so as to enable the Council of the Shire of Byron, as hereby constituted, to exercise or enforce on its own behalf any right or power formerly exercised or enforced under the provisions of any Act, ordinance, rule, regulation or by-law, by the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, respectively.
- (12) Order that all rights and liabilities acquired and incurred, and all contracts and undertakings entered into, all securities lawfully given and all applications, actions, suits and proceedings begun prior to 1st October, 1980, either by or on behalf of or against the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, shall, on and after that date, be vested and attached, and may be enforced, realised and carried on by or on behalf of or against the Council of the Shire of Byron, as hereby constituted, and shall not abate or be discontinued, or be prejudicially affected by this union of areas.
- (13) Order that nothing in this Proclamation shall abrogate or affect any existing agreement between the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, and the Council of any other area in any way except to substitute the Council of the Shire of Byron, as hereby constituted, for the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, as the case may be.
- (14) Order that all the property, assets, rights and liabilities of the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted, shall be the property, assets, rights and liabilities of the Council of the Shire of Byron, as hereby constituted.
- (15) Order that the Council of the Shire of Byron, as hereby constituted, shall, on and from 1st October, 1980, take over, complete and retain all certificates, deeds, documents and records relating to, or to be executed in, the Municipality of Mullumbimby or the Shire of Byron, as at present constituted.
- (16) Order that the valuations in force as at 30th September, 1980, in respect of the land comprised in the Municipality of Mullumbimby and the Shire of Byron, as at present constituted, shall, for the purposes of the said Act, continue in force in the Shire of Byron, as hereby constituted, as if made in respect of that Shire, until fresh valuations come into force therein.
- (17) Order that the list of electors referred to in paragraph (9) (d) shall be in force in the Shire of Byron, as hereby constituted, as from 1st October, 1980, and shall continue in force in that Shire until a fresh list comes into force therein.
- (18) Order that where for the fulfilment of its obligations and undertakings with respect to any existing loan, the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, is required by law to levy a loan rate, the Council of the Shire of Byron, as hereby constituted, shall continue to levy such rate until the loan, in respect of which the rate is leviable, is retired.

- (19) Order that all rates levied by the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, shall be continued after 1st October, 1980, and that the proceeds thereof shall be disposed of for the purposes of discharging the obligations in respect of which such rates were respectively levied.
- (20) Order that the Council of the Shire of Byron, as hereby constituted, shall, on and from 1st October, 1980, be vested with the power to levy all rates made before that date by the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted.
- (21) Order that any disallowance or surcharge which could have been made, continued, enforced, or recovered if this Proclamation had not been made, may be made, continued, enforced and recovered notwithstanding the dissolution of the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted.
- (22) Order, without prejudice, to the foregoing—
- (a) that any Inspector of Local Government Accounts may disallow in the books or accounts of the Council of the Shire of Byron, as hereby constituted, any expenditure, transfer or entry in the books or accounts of the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, which has been incurred or made in contravention of any Act or any ordinance, regulation or by-law and shall surcharge the amount of any such disallowance upon any member or servant of the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, by whom the expenditure, transfer or entry was incurred or made, or ordered to be incurred or made;
 - (b) that all liability of any member or servant of the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, in respect of any such expenditure, transfer or entry or of any deficiency or loss of such Council incurred by the culpable negligence or misconduct of such member or servant or by the failure to account for any sum to such Council shall be a liability of such member or servant to or to account therefor to the Council of the Shire of Byron, as hereby constituted, whether the amount of any such disallowance, deficiency, loss or sum be surcharged before or after 1st October, 1980.
- (23) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamation in Government Gazette No. 195 of 5th November, 1920, constituting the Far North Coast County District (under the name of the Richmond River County District), or the proclamations in Government Gazettes No. 80 of 3rd August, 1945, and No. 37 of 21st March, 1969, altering the boundaries of the said County District; and for such purposes and subject to the provisions of the said Act—
- (a) declare that the Shire of Byron, as hereby constituted, shall be a county electorate of the said County District;
 - (b) order that the determination of the Minister that the Council of the Shire of Byron, as hereby constituted, shall be entitled to elect one delegate shall be effective for the purposes of the election hereunder; and
 - (c) declare that the delegates of the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted, to the Far North Coast County Council as at 30th September, 1980, shall continue to hold office on the said County Council until a delegate to that County Council is elected by the Council of the Shire of Byron, as hereby constituted, and that upon such election the office of the firstmentioned delegates shall become vacant.
- (24) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamation in Government Gazette No. 99 of 9th May, 1952, constituting the Northern Rivers County District, or the provisions of section 3 (5) of the County Districts Reconstitution Act, 1979, and the proclamation in Government Gazette No. 184 of 21st December,

1979, reconstituting the said County District by altering its boundaries; and for such purposes and subject to the provisions of the said Act—

- (a) declare that the Shire of Byron, as hereby constituted, shall be a county electorate of the said County District; and
 - (b) declare that the delegates of the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted, to the Northern Rivers Mullumbimby Council as at 30th September, 1980, shall continue to hold office on the said County Council until the Council of the Shire of Byron, as hereby constituted, participates in the next general election of delegates to that County Council and that upon the election of any delegate to the said County Council by the Council of the Shire of Byron, as hereby constituted, the office of the first-mentioned delegates shall become vacant.
- (25) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamation in Government Gazette No. 88 of 14th June, 1940, constituting the Rous County District or the proclamation in Government Gazette No. 113 of 14th July, 1950, altering the boundaries of the said County District; and for such purposes and subject to the provisions of the said Act—
- (a) declare that the Shire of Byron, as hereby constituted, shall be a county electorate of the said County District;
 - (b) order that the determination of the Minister that the Council of the Shire of Byron, as hereby constituted, shall be entitled to elect two delegates shall be effective for the purposes of the election hereunder; and
 - (c) declare that the delegates of the Council of the Shire of Byron, as at present constituted, to the Rous County Council as at 30th September, 1980, shall continue to hold office on the said County Council until two delegates to that County Council are elected by the Council of the Shire of Byron, as hereby constituted, and that upon such election the office of the first-mentioned delegates shall become vacant.
- (26) Declare that the Bangalow Urban Area as described by notification in Government Gazette No. 143 of 13th November, 1907, and the Byron Bay Urban Area as described by notification in Government Gazette No. 146 of 20th November, 1907, shall be urban areas in the Shire of Byron, as hereby constituted.
- (27) Order that—
- (a) the provisions of any Interim Development Order made under Division 7 of Part XIIA of the said Act applying to any land in the Municipality of Mullumbimby or the Shire of Byron, as at present constituted, immediately before 1st October, 1980, shall continue to apply to such land;
 - (b) the Council of the Shire of Byron, as hereby constituted, shall be substituted for the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted, for the purposes of exercising and discharging all powers, authorities, duties and functions conferred on those Councils by any such Interim Development Order; and
 - (c) any act, matter or thing done or omitted to have been done under or in accordance with Part XIIA of the said Act in respect of any land within the Municipality of Mullumbimby or the Shire of Byron, as at present constituted, by the Councils of those areas shall be deemed to have been done or omitted to have been done by the Council of the Shire of Byron, as hereby constituted.
- (28) Order that any proclamation under section 309 of the said Act declaring a portion of the Municipality of Mullumbimby, as at present constituted, to be a Residential District, shall be in force in the Shire of Byron, as hereby constituted.
- (29) Charge the Council of the Shire of Byron, as hereby constituted, with the care, control and management of all public reserves in respect of which the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, is charged with the care, control and management.
- (30) Apply Part XI of the said Act to the Shire of Byron, as hereby constituted.

(31) Apply the provisions of section 288A of the said Act to that portion of the Shire of Byron, as hereby constituted, formerly comprised within the Shire of Byron, as at present constituted.

- (32) Apply—
- (a) to the whole of the Shire of Byron, as hereby constituted, any Ordinance or any portion of any Ordinance which immediately before 1st October, 1980, applied to the whole of the Municipality of Mullumbimby and the whole of the Shire of Byron, as at present constituted; and
 - (b) to the corresponding part of the Shire of Byron, as hereby constituted, any Ordinance or any portion of any Ordinance which immediately before 1st October, 1980, applied to the whole or part of the Municipality of Mullumbimby or the whole or part of the Shire of Byron, as at present constituted.

(33) Order that the provisions of Division 2 of Part III of the Library Act, 1939, shall apply to and in respect of the Council of the Shire of Byron, as hereby constituted. (S. 80-328)

By His Excellency's Command,

H. F. JENSEN.

GOD SAVE THE QUEEN!

SCHEDULE

Shire of Byron

Area about 561 square kilometres: Commencing on the low water mark of the South Pacific Ocean at its intersection with a line along the southern boundary of portion 64, Parish of Mooball, County of Rous; and bounded thence by that low water mark generally southeasterly to its intersection with a line along the southern boundary of portion 71, Parish of Newrybar; by that line and the western boundary of that portion westerly and northerly to the southern boundary of portion 72; by part of that boundary and part of the western boundary of that portion westerly and northerly to the south-eastern corner of portion 73; by the southern and part of the western boundaries of that portion westerly and northerly to its intersection with a line parallel to and about 225 metres rectangularly distant southerly from the northernmost northern boundary of lot 5, Deposited Plan 573855; by that line westerly to its intersection with a line along the western boundary of portion 56 and part of the western boundary of lot 3, Deposited Plan 583053; by that line northerly to its intersection with a line along the easternmost northern boundary of portion 64; by that line, the northernmost eastern and northernmost northern boundaries of that portion and the northern boundary of portion 52 westerly, northerly and again westerly; by a line along the western boundaries of portions 14 and 20 northerly to the southern boundary of portion 336, Parish of Byron; by a line along part of that boundary westerly to the north-eastern corner of portion 134, Parish of Newrybar; by part of the generally southern boundary of the Parish of Byron generally westerly to Skinners Creek; by that creek downwards to the generally northeastern boundary of lot 2, Deposited Plan 559856; by part of that boundary and the northern and western boundaries of that lot generally northwesterly, westerly and southerly to the said Skinners Creek; by that creek, Pearces and Wilsons Creeks downwards to the southwestern corner of portion 206, Parish of Bexhill; by a line along the western boundary of that portion northerly to the southwestern corner of the land in Deposited Plan 372678; by the western boundary of that land, the western and northwestern boundaries of lot 1, Deposited Plan 523341 and part of the generally northern boundary of lot 2, Deposited Plan 544881 northerly, north-easterly and generally easterly to its intersection with a line along the western boundary of portion 32, Parish of Clunes; by that line northerly to the southeastern corner of portion 1; by part of the generally southern boundary of the Parish of Clunes westerly and generally northerly to Bennys Creek; by that creek downwards to Coopers Creek; by that creek upwards to the northern boundary of lot 3, Deposited Plan 249043; by a line along that boundary, the northern boundary of lot 4 and part of the northern boundary of portion 33, Parish of Whian Whian westerly to Nightcap Range; by that range generally northwesterly to the range dividing the waters of the Richmond and Tweed Rivers; by that range generally northeasterly to a messmate tree marked broad-arrow over C over 90 shown on plan catalogued Ms. 276 Gfn; by a line northeasterly to the generally southwestern boundary of lot B, Deposited Plan 409339; by part of that boundary, the generally western boundary of that lot and part of the generally western boundary of portion 23, Parish of Toolond generally northwesterly and generally northerly to the southernmost southwestern corner of portion 138, Parish of Nullum; by the generally western and northern boundaries of that portion, a line along the northern boundaries of portions 139, 219, 220 and the land in Deposited Plan 445738 and the generally northern boundary

of lot 2, Deposited Plan 555089 generally northerly, easterly and generally easterly to the western boundary of portion 267, Parish of Billinudgel; by part of that boundary northerly to the southwestern corner of portion 265; by boundaries of that portion northerly, easterly, again northerly and again easterly; by a line along the northernmost northern boundary of portion 280 easterly to the western boundary of lot B, Deposited Plan 377124; by part of that boundary, the southern boundary of that lot and a line along the southern boundary of lot A southerly and easterly to the westernmost southwestern corner of portion 398; by boundaries of that portion easterly, southerly, again easterly and northerly; by the southern and part of the western boundaries of portion 119 easterly and northerly to the southwestern corner of portion 134; by the southern and

easternmost eastern boundaries of that portion and part of the eastern boundary of portion 120 easterly and northerly to its intersection with a line along the southern boundary of portion 156; by that line easterly to the western boundary of portion 149; by part of that boundary and the southern and part of the easternmost eastern boundaries of that portion southerly, easterly and northerly to the southwestern corner of portion 222; by the southern boundary and a line along the easternmost eastern boundary of that portion easterly and northerly to the generally southern boundary of the Parish of Mooball; by part of that boundary generally easterly to the southwestern corner of the said portion 64, Parish of Mooball; and by the said line along the southern boundary of that portion easterly to the point of commencement. (2824)

HOUSING ACT 1976**Dedication of Land as Public Reserve**

THE New South Wales Land and Housing Corporation by its delegate declares pursuant to the provisions of sections 15 (3) and 15 (4) of the Housing Act 1976 that the land described in the Schedule below is dedicated as Public Reserve and vested in the Council of the City of Blacktown.

Dated this 14th day of September 1999.

B. JAMIESON, General Manager,
Resitech.

SCHEDULE

The Public Reserve shown as Lot 107 on the plan of land at Tregear in the City of Blacktown, Parish of Rooty Hill, County of Cumberland, registered in the Land Titles Office as Deposited Plan No. 241853.

LOCAL GOVERNMENT ACT 1993**PROCLAMATION**

(L.S.) G. SAMUELS, Governor.

I, the Honourable GORDON SAMUELS, A.C., Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 397 of the Local Government Act 1993, hereby amend the Proclamations in force constituting or varying the constitution of the Rous County Council as constituted under the said Act by:

- (1) varying the number of persons that comprise the County Council's governing body from nine to eight so that each of the constituent councils shall have two representatives on the County Council; and
- (2) declaring that the change is to be effective as from the date of issue of this Proclamation; and
- (3) declaring that any election by the Lismore City Council of members to the County Council's governing body held after the ordinary elections of councillors on 11 September 1999 and before the issue of this Proclamation ceases to have effect.

Signed and sealed at Sydney, this 29th day of September 1999.

By His Excellency's Command,

HARRY WOODS, M.P.,
Minister for Local Government

GOD SAVE THE QUEEN!

LOCAL GOVERNMENT ACT 1993**PROCLAMATION**

(L.S.) G. SAMUELS, Governor.

I, the Honourable GORDON SAMUELS, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 218B of the Local Government Act 1993, do hereby alter the boundaries of the Areas of Dumaresq and Guyra as described by Proclamation in *Government Gazette* No. 94 of 19 June 1998,

and the boundaries of the Areas of Uralla and Walcha as described by Proclamation in *Government Gazette* No. 66 of 4 June 1999, by:

- (a) taking the part of the Area of Dumaresq described in Schedule "A" hereto and adding it to the Area of Guyra;
- (b) taking the part of the Area of Guyra described in Schedule "B" hereto adding it to the Area of Dumaresq;
- (c) taking the part of the Area of Uralla described in Schedule "C" hereto and adding it to the Area of Dumaresq; and
- (d) taking the part of the Area of Walcha described in Schedule "D" hereto and adding it to the Area of Dumaresq;

so that the boundaries of the Areas of Dumaresq, Guyra, Uralla and Walcha shall be as respectively described in Schedules "E", "F", "G" and "H" hereto. (FF99/0127).

Signed and sealed at Sydney, this 29th day of September 1999.

By His Excellency's Command,

HARRY WOODS, M.P.,
Minister for Local Government

GOD SAVE THE QUEEN!

SCHEDULE A

Land to be transferred from Area of Dumaresq
to Area of Guyra

Area about 26.55 hectares. Being Portions 110 and 156.
Parish of Exmouth, County of Sanden.

SCHEDULE B

Land to be transferred from Area of Guyra
to Area of Dumaresq

Area about 10.06 hectares. Being that part of Lot 5, D.P.
878309 within the Area of Guyra.

SCHEDULE C

Land to be transferred from Area of Uralla
to Area of Dumaresq

Area about 58.98 hectares. Being Lot 51, D.P. 657847.

SCHEDULE D

Land to be transferred from Area of Walcha
to Area of Dumaresq

Area about 201.64 hectares. Being that part of Lot 13,
D.P. 704004 within the Area of Walcha.

SCHEDULE E

Area of Dumaresq (as altered)

Area about 4170.76 square kilometres: Commencing at the confluence of Macleay River and Blue Mountain Creek; and bounded thence by that river downwards and Kunderang Brook, Fitzroy Creek and Trap Creek upwards

LAND TAX MANAGEMENT ACT 1956**LAND TAX RETURNS FOR THE 1997 TAX YEAR**

THIS order is made under section 12 of the Land Tax Management Act 1956

Requirement to lodge an "initial return"

An Initial Return for the 1997 tax year is required to be lodged by a person:

- (a) who was not liable for land tax in respect of the 1996 tax year but is liable for the 1997 tax year; or
- (b) who has not previously lodged a land tax return nor received an assessment, and is liable for land tax in respect of the 1997 tax year; or
- (c) who is liable for land tax for the 1996 and 1997 tax years and did not receive a notice of assessment for the 1996 tax year; or
- (d) who receives notice that a return is required to be lodged.

Copies of the blank "Initial Returns" are available from the Office of State Revenue at Parramatta or its Regional Offices located in Sydney, Newcastle and Wollongong.

Requirement to lodge a "variations only return"

A "Variations Only Return" is required to be lodged by a person:

- (a) who receives a 1997 Notice of Assessment describing incorrect details of land holding; or
- (b) whose liability for land tax in respect of the 1997 tax year changed compared with the 1996 tax year, due to a change in the person's ownership of or interests in land, a change in the use of the land, a change in legislation or for any other reason.

A "Variations Only Return" will be attached to each notice of assessment.

Persons who are liable for land tax

The following summary of liability for land tax is provided to assist owners to understand their liability to lodge a return in 1997.

A person who owned land at midnight on 31 December 1996 is liable for land tax in respect of the 1997 tax year if that person is:

- (i) an owner of land, not being exempt land, having a total value of \$160,000 or more; or
- (ii) an owner, being a company, where the total value of land owned when aggregated with a related company or companies totals \$160,000 or more; or
- (iii) an owner of land subject to a Special Trust which has a land value of \$6,061 or more.

Time and place for lodgement of returns

Initial Returns are required to be lodged by 28 February 1997.

Variations Only Returns are required to be lodged by the first instalment date shown on the notice of assessment or as otherwise required by the Chief Commissioner of Land Tax.

Returns are to be lodged with the Chief Commissioner of Land Tax, Office of State Revenue, Land Centre cnr Hunter and Marsden Streets, Parramatta, N.S.W. 2150, or at any of the Regional Offices.

B. BUCHANAN
Chief Commissioner of Land Tax

11th December, 1996.

LOCAL GOVERNMENT ACT 1993**PROCLAMATION**

(L.S.) G. SAMUELS, Governor.

I, the HONOURABLE GORDON SAMUELS AC, Governor of the State of New South Wales, with the advice of the Executive Council, do hereby amend on and from 1 January 1997 the constitution of the Rous County Council, established by the proclamation of the Rous County District in *Government Gazette* No. 88 of 14 June 1940 and taken by virtue of clause 45 of Schedule 7 to the Local Government Act 1993 to be constituted under that Act, by varying the County Council's area of operations by taking the land described in Schedule "A" hereto and adding it to the Rous County Council so that the boundaries of the Rous County Council shall be as described in Schedule "B" hereto.

(FF96/0271)

Signed and sealed at Sydney this 18th day of December, 1996.

By His Excellency's Command,

ERNIE PAGE B.E., B.Comm., M.P.,
Minister for Local Government.

GOD SAVE THE QUEEN!

SCHEDULE "A"

Land added to Rous County Council

Commencing at the intersection of the generally southern boundary of the Parish of Ballina and the generally eastern boundary of the Parish of Tuckombil, County of Rous: and bounded thence by the latter boundary generally northerly, the generally northern and part of the generally western boundaries of that parish generally westerly and generally southerly to the generally north-western side of Lindendale Road; by that side of that road generally north-easterly and the generally north-eastern side of the road through Portions 76 and 77, Parish of Tuckombil, and a line generally south-easterly to the northern boundary of Lot 1, D.P. 549448; by part of that boundary, the western boundary of that Lot westerly and southerly and the southern boundary of Lot 2 of that D.P. westerly to the left bank at Marom Creek; by that bank downwards to the north-western boundary of Lot 1, D.P. 390972; by that boundary, the north-eastern and south-eastern boundaries of that D.P. north easterly, south easterly and south-westerly, the northern boundaries of Lot A, D.P. 106849 and Lot 1, D.P. 918318 and a line easterly, part of the western, the southern and part of the eastern boundaries of Portion 182, southerly, easterly and northerly, the northern and part of the eastern boundaries of Lot 5, D.P. 788808 easterly and southerly, the southern and the eastern most eastern boundaries of Lot 2, D.P. 116700 easterly and northerly and part of the southern boundary of Portion 84 easterly to Ellis Lane; by that lane easterly and the Proposed Alstonville Bypass generally south-easterly to the western boundary of Lot 11, D.P. 582621; by part of that boundary, the western boundary of Lot 10 of that D.P. and a line southerly, the western and part of the southern boundaries of Lot 3, D.P. 734901 southerly and easterly, the western and southern boundaries of Lot 11, D.P. 772177 southerly and easterly, a line south-easterly, the north eastern and eastern boundaries of D.P. 706226 south-easterly and southerly, part of the northern, the generally north-eastern and part of the generally south eastern boundaries of Lot 2, D.P. 553224 easterly, generally south-easterly and generally south-westerly, the northern prolongation of the western boundary of Lot 375, D.P. 729060, that boundary, part of the southern boundary of that D.P. southerly and easterly, the west most eastern, and the north-eastern boundaries of Portion Pt68, southerly and south-easterly, the northern and part of the eastern boundaries of Portion Pt50 easterly and southerly, the western prolongation of the southern boundary of Portion 145, that boundary, the southern boundary of Portion 146 easterly, the generally south western and part of the western boundaries of D.P. 838237 generally south easterly and northerly, the generally south-western and generally south-eastern boundaries of Lot 5, D.P. 771593 generally south-easterly and generally north-easterly to Duck Creek; by that creek downwards to the western prolongation of the northern boundary of Lot 7, D.P. 223268; by that prolongation, boundary and the eastern boundary of that D.P. easterly and southerly, a line south-easterly to the western boundary of Lot 2, D.P. 223269, the western and southern boundaries of Lot 2, D.P. 223269, aforesaid, southerly and easterly, the southern boundary of Lot 1, D.P. 779969 easterly, the southern and eastern boundaries of D.P. 572345 easterly and northerly and its prolongation northerly to the generally southern boundary of the Parish of Ballina, aforesaid and by that boundary generally north-westerly to the point of commencement.

SCHEDULE "B"

Rous County Council (as altered)

Commencing at the intersection of the generally northern boundary of Byron Shire with the shore of South Pacific Ocean: and bounded thence by that boundary and the generally north-western boundary of that shire generally westerly and generally south-westerly, part of the generally northern and the generally western boundaries of the Parish of Whian Whian, County of Rous generally westerly and generally southerly, the western prolongation of the generally southern boundary of that parish westerly to Konorigan Range; by that range generally southerly to the generally southern boundary of the Parish of Nimbin; by part of that boundary and the generally western boundary of that parish and the generally western boundary of the Parish of Terania generally westerly and generally northerly, the generally north-eastern, the generally western and part of the generally south-western boundaries of the City of Lismore generally north-westerly, generally southerly and generally south-easterly, part of the generally northern and the generally western boundaries of the Parish of Tatham, County of Richmond generally westerly and generally southerly, part of the generally north-western and the western boundaries of the Parish of Ellangowan, the generally western boundary of the Parish of Darke generally southerly, a generally western boundary and the generally southern boundary of Richmond River Shire generally southerly and generally easterly to the shore of the South Pacific Ocean, aforesaid; by that shore generally northerly to the generally southern boundary of Ballina Shire; by that boundary and the generally western boundaries of that shire generally westerly and generally northerly to the generally north-western side of Lindendale Road; by that side of that road generally north-easterly and the generally north-eastern side of the road through Portions 76 and 77, Parish of Tuckombil, County of Rous and a line generally south-easterly to the northern boundary of Lot 1, D.P. 549448; by part of that boundary, the western boundary of that Lot westerly and southerly and the southern boundary of Lot 2 of that D.P. westerly to the left bank of Marom Creek; by that bank downwards to the north-western boundary of Lot 1, D.P. 390972; by that boundary, the north-eastern and south-eastern boundaries of that D.P. north-easterly, south-easterly and south-westerly, the northern boundaries of Lot A, D.P. 106849 and Lot 1, D.P. 918318 and a line easterly, part of the western, the southern and part of the eastern boundaries of Portion 182, southerly, easterly and northerly, the northern and part of the eastern boundaries of Lot 5, D.P. 788808 easterly and southerly, the southern and the eastern most eastern boundaries of Lot 2, D.P. 116700 easterly and northerly, part of the southern boundary of Portion 84 easterly to Ellis Lane; by that lane easterly and the Proposed Alstonville Bypass generally south-easterly to the western boundary of Lot 11, D.P. 582621; by part of that boundary, the western boundary of Lot 10 of that D.P. and a line southerly, the western and part of the southern boundaries of Lot 3, D.P. 734901 southerly and easterly, the western and southern boundaries of Lot 11, D.P. 772177 southerly and easterly, a line south-easterly, the north-eastern and eastern boundaries of D.P. 706226 south-easterly and southerly, part of the northern, the generally north-eastern and part of the generally south-eastern boundaries of Lot 2, D.P. 553224 easterly, generally south-easterly and generally south-westerly, the

northern prolongation of the western boundary of Lot 375, D.P. 729060, that boundary, part of the southern boundary of that D.P. southerly and easterly, the west most eastern and the north-eastern boundaries of Portion Pt68, southerly and south-easterly, the northern and part of the eastern boundaries of Portion Pt50 easterly and southerly, the western prolongation of the southern boundary of Portion 145, that boundary, the southern boundary of Portion 146 easterly, the generally south western and part of the western boundaries of D.P. 838237 generally south easterly and northerly, the generally south-western and generally south-eastern boundaries of Lot 5, D.P. 771593 generally south-easterly and generally north-easterly to Duck Creek; by that creek downwards to the western prolongation of the northern boundary of Lot 7, D.P. 223268; by that prolongation, boundary and the eastern boundary of that D.P. easterly and southerly, a line south-easterly to the western boundary of Lot 2, D.P. 223269, the western and southern boundaries of Lot 2, D.P. 223269, aforesaid, southerly and easterly, the southern boundary of Lot 1, D.P. 779969 easterly, the southern and eastern boundaries of D.P. 572345 easterly and northerly and its prolongation northerly to the generally southern boundary of the Parish of Ballina and by that boundary generally easterly to the shore of the South Pacific Ocean, aforesaid, and by that shore generally northerly to the point of commencement.

TABLE OF AREA AND MAXIMUM SPEED

<i>First Column</i>	<i>Second Column</i>
Port Hacking (Gunnamatta Bay) Area:	Four knots

The navigable waters of that part of Gunnamatta Bay lying north-east of a line commencing from an un-named point approximately four hundred (400) metres south-west of Cranbrook Public School in a south easterly direction for three hundred (300) metres approximately to the northern extremity of the Gunnamatta Park Public Baths.

Dated this 17th day of December, 1996.

J. V. QUINLAN,
Acting Chief Executive
Waterways Authority.

MARITIME SERVICES ACT 1935

NOTIFICATION

Limitation of speeds of vessels within certain navigable waters

THE Waterways Authority, in pursuance of the provisions of Section 13SA of the Maritime Services Act 1935, does, from the date of publication of this notification in the *Government Gazette*:

- (a) limits the speed of vessels of the class set out hereunder in the area of navigable waters described in the First Column of the "Table of Area and Maximum Speed" set out hereunder, to a speed not exceeding that stated opposite that area in the Second Column of that "Table of Area and Maximum Speed".

Class: All vessels propelled by mechanical power, except vessels engaged in an organised regatta or aquatic carnival authorised by the Waterways Authority.

MENTAL HEALTH ACT 1990

ORDER

I, BEVERLEY RAPHAEL, Director, Centre for Mental Health, acting under delegation from the Director-General of the N.S.W. Health Department, and in pursuance of sections 114 and 115 (1) of the Mental Health Act 1990, DO HEREBY REVOKE the following declaration of a health care agency and appointments of Director and Deputy Director:

<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>
Liverpool Mental Health Service	James Quinn Psychiatrist	Margaret Hughes Team Leader

AND DO INSTEAD, pursuant to section 114 of the Mental Health Act 1990, declare the health service described in Column 1 below to be a health care agency for the purposes of the Act AND pursuant to section 115 (1) of the Mental Health Act 1990, I appoint the holders of the offices specified in Columns 2 and 3 below to be the Director and Deputy Director, respectively, of that health care agency:

<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>
Liverpool Mental Health Service	James Quinn Psychiatrist	Denise Woodward Senior Nurse Manager

PROFESSOR BEVERLEY RAPHAEL,
Director,
Centre for Mental Health.



[Published in Government Gazette No. 138 of 22nd October, 1976.]

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION
(L.S.) A. R. CUTLER, Governor.

13th October, 1976.

I, Sir ARTHUR RODEN CUTLER, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the Local Government Act, 1919, do hereby—

(1) Divide, on and from 1st January, 1977—

- (a) the City of Lismore, constituted as the Municipality of Lismore by proclamation in Government Gazette No. 75 of 5th March, 1879 (as amended by proclamation in Government Gazette No. 18 of 4th February, 1921), altered by proclamations in Government Gazettes No. 182 of 12th December, 1930, and No. 85 of 1st July, 1932 (as amended by proclamation in Government Gazette No. 63 of 11th June, 1948), and proclaimed as the City of Lismore by proclamation in Government Gazette No. 95 of 30th August, 1946, as altered by proclamation in Government Gazette No. 55 of 30th May, 1958;
- (b) the Shire of Gundurimba, as constituted by proclamation in Government Gazette No. 121 of 7th March, 1906, and altered by proclamations in Government Gazettes No. 182 of 12th December, 1930, No. 85 of 1st July, 1932 (as amended by proclamation in Government Gazettes No. 63 of 11th June, 1948), and No. 55 of 30th May, 1958;
- (c) the Shire of Kyogle, as constituted by proclamation in Government Gazette No. 121 of 7th March, 1926; and
- (d) the Shire of Terania, as constituted by proclamation in Government Gazette No. 121 of 7th March, 1906 (as amended by proclamation in Government Gazette No. 207 of 3rd December, 1920), and altered by proclamation in Government Gazette No. 182 of 12th December, 1930,

into two areas, as described in Schedules "A" and "B" hereto, respectively.

- (2) Constitute, on and from 1st January, 1977, the area as described in Schedule "A" as a municipality which shall be named the Municipality of Lismore and the area as described in Schedule "B" as a shire which shall be named the Shire of Kyogle.
- (3) Proclaim the Municipality of Lismore, as hereby constituted, as the City of Lismore.
- (4) Divide into ridings the Shire of Kyogle, as hereby constituted, so that the ridings of the said Shire shall be as described in Schedule "C" hereto.
- (5) Determine that the Council of the said City of Lismore as hereby constituted, shall consist of fifteen (15) aldermen and, pending the election of a council upon a date to be proclaimed, appoint as the Provisional Council of the said City of Lismore which shall have, pending such election, all the powers of a council of a municipality, the persons whose names appear in Schedule "F" hereto, and provide that—
 - (a) such appointments shall take effect as from the issue of this Proclamation; and
 - (b) the Provisional Council may exercise prior to 1st January, 1977, the powers of a council for or in relation to the matters and things following, that is to say—
 - (i) the election of a Mayor;
 - (ii) the provision of an office for the Council;
 - (iii) the transfer and appointment of servants;
 - (iv) the apportionment of assets, rights and liabilities;
 - (v) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Provisional Council are necessary or expedient to enable that Council to exercise and discharge all or any of the powers of a council as from 1st January, 1977: Provided, however, that no arrangement with respect to the transfer and appointment of servants or to the apportionment of assets, rights and liabilities shall take effect prior to 1st January, 1977.
- (6) Determine that the Council of the said Shire of Kyogle, as hereby constituted, shall consist of eight

(8) councillors and, pending the election of a council upon a date to be proclaimed, appoint as the Provisional Council of the said Shire of Kyogle which shall have, pending such election, all the powers of a council of a shire, the persons whose names appear in Schedule "G" hereto, and provide that—

- (a) such appointments shall take effect as from the issue of this Proclamation; and
 - (b) the Provisional Council may exercise prior to 1st January, 1977, the powers of a council for or in relation to the matters and things following that is to say—
 - (i) the election of a President;
 - (ii) the provision of an office for the Council;
 - (iii) the transfer and appointment of servants;
 - (iv) the apportionment of assets, rights and liabilities;
 - (v) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Provisional Council are necessary or expedient to enable that Council to exercise and discharge all or any of the powers of a council as from 1st January, 1977: Provided, however, that no arrangement with respect to the transfer and appointment of servants or to the apportionment of assets, rights and liabilities shall take effect prior to 1st January, 1977.
- (7) Order (a) that the valuations of land and rolls of electors and ratepayers in force as at 31st December, 1976, in respect of the land comprised in the said areas, as at present constituted, so far as such valuations and rolls relate to or are applicable to the lands included in the City of Lismore or the Shire of Kyogle, as hereby constituted, respectively, shall, for the purposes of the said Act, continue in force in the City of Lismore and the Shire of Kyogle, as hereby constituted, as the case may be, as if made in respect of that City and that Shire until fresh valuations and fresh rolls, respectively, come into force therein; and (b) that the Council of the City of Lismore, as hereby constituted, in respect of that part of the Shire of Terania, as at present constituted, included in the Shire of Kyogle, as hereby constituted, shall immediately after 31st December, 1976, furnish the Council of the said Shire of Kyogle copies of or extracts from the valuation books and rolls of electors and ratepayers of the Council of the Shire of Terania, as at present constituted, showing as at 31st December, 1976, the valuations and enrolments which relate to or are applicable to the lands so included.
 - (8) Order that all rights and liabilities acquired and incurred, and all contracts and undertakings entered into, all securities lawfully given and all applications, actions, suits and proceedings begun prior to 1st January, 1977, either by or on behalf of or against the Council of any of the said areas, as at present constituted, shall, on and from that date, in so far as they relate to or are applicable to the lands included in the City of Lismore and the Shire of Kyogle, as hereby constituted, respectively, be vested in and attached, and may be enforced, realized and carried on by or on behalf of or against the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted, as the case may be and shall not abate or be discontinued, or be prejudicially affected, by this division of areas.
 - (9) Order that where for the fulfilment of its obligations and undertakings with respect to its existing loans, the Council of any of the said areas, as at present constituted, is required by law to levy a loan rate, the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted, as the case may be, shall continue to levy such rate or rates in so far as they are required to be levied on land included in such City of Lismore or Shire of Kyogle, as hereby constituted, as the case may be, until the loans in respect of which the rates are leviable are retired.
 - (10) Order that the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted, as the case may be, shall, on and from 1st January, 1977, be vested with the power to levy all rates levied before that date by the Council of any of the said areas, as at present constituted, in so far as such rates

relate to or are leviable upon any land included in the City of Lismore or the Shire of Kyogle, as hereby constituted, respectively.

- (11) Order that on and from 1st January, 1977, and until the issue of a Proclamation giving effect to an arrangement with regard to the apportionment of the assets, rights and liabilities of the Council of the City of Lismore, the Council of the Shire of Gundurimba, the Council of the Shire of Kyogle and the Council of the Shire of Terania, as at present constituted, between the Council of the City of Lismore and the Council of the Shire of Kyogle, as hereby constituted—
- (a) any land or building or other real property vested in or belonging to the Council of the City of Lismore, the Council of the Shire of Gundurimba and the Council of the Shire of Terania, as at present constituted, shall be deemed to be vested in the Council of the City of Lismore, as hereby constituted; and
 - (b) all other assets, other than rates levied before 1st January, 1977, vested in or belonging to the Council of the City of Lismore, the Council of the Shire of Gundurimba and the Council of the Shire of Terania as at present constituted, and all liabilities of the said Councils shall be deemed to be assets and liabilities of the Council of the City of Lismore, as hereby constituted, so far as such assets and liabilities form part of the General Fund, Water Supply Local Fund, Sewerage Local Fund and Gas Works Trading Fund of the Council of the City of Lismore, as at present constituted; the General Fund and North Woodburn Water Supply Local Fund of the Shire of Gundurimba, as at present constituted; and the General Fund, Nimbin Water Supply Local Fund and Dunoon/The Channon Water Supply Local Fund of the Shire of Terania, as at present constituted.
- (12) Order that on and from 1st January, 1977, all assets, rights and liabilities of the Council of the Shire of Kyogle, as at present constituted, shall be assets, rights and liabilities, of the Council of the Shire of Kyogle, as hereby constituted.
- (13) Order that any disallowance or surcharge which could have been made, continued, enforced or recovered if this Proclamation had not been made, may be made, continued, enforced and recovered, notwithstanding the dissolution of the Council of the City of Lismore, the Council of the Shire of Gundurimba, the Council of the Shire of Kyogle and the Council of the Shire of Terania, as at present constituted.
- (14) Order, without prejudice to the foregoing:
- (a) that any Inspector of Local Government Accounts may disallow in the books or accounts of the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted, any expenditure, transfer or entry in the books or accounts of the Council of the City of Lismore, the Council of the Shire of Gundurimba, the Council of the Shire of Kyogle or the Council of the Shire of Terania, as at present constituted, which has been incurred or made in contravention of any Act or any ordinance, regulation or by-law and shall surcharge the amount of any such disallowance upon the members or servants of the Council of the City of Lismore, the Council of the Shire of Gundurimba, the Council of the Shire of Kyogle or the Council of the Shire of Terania, as at present constituted, as the case may be, by whom the expenditure, transfer or entry was incurred or made or ordered to be incurred or made;
 - (b) that all liability of any member or servant of the Council of the City of Lismore, the Council of the Shire of Gundurimba, the Council of the Shire of Kyogle or the Council of the Shire of Terania, as at present constituted, as the case may be, in respect of any such expenditure, transfer or entry or of any deficiency or loss of such Council incurred by the culpable negligence or misconduct of such member or servant or by the failure to account for any sum by such Council, shall be a liability of such member or servant to the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted, as the case may be, whether the amount of any such disallowance, deficiency, loss or sum be surcharged before or after 1st January, 1977.
- (15) Charge the Council of the City of Lismore and the Council of the Shire of Kyogle, as hereby constituted, with the care, control and management of all public reserves in respect of which any of the Councils of the areas, as at present constituted, is charged with the care, control and management in so far as such public reserves are included in the City of Lismore or the Shire of Kyogle, as hereby constituted, respectively.
- (16) Order that the proclamation under section 309 of the Local Government Act, 1919, published in Government Gazette No. 159 of 8th August, 1952, declaring Residential Districts Nos 1, 2 and 3—Kyogle Shire, shall be in force in the Shire of Kyogle, as hereby constituted.
- (17) Order that paragraph (j) of section 313 of the aforesaid Act shall apply to that portion of the City of Lismore, as hereby constituted, which comprises the City of Lismore, as at present constituted.
- (18) Apply the provisions of section 288A of the aforesaid Act to that part of the City of Lismore, as hereby constituted, which comprises the City of Lismore and portion of the Shire of Terania, as at present constituted; and that part of the Shire of Kyogle, as hereby constituted, which comprises portion of the Shire of Terania, as at present constituted.
- (19) Apply Part XI of the aforesaid Act to the whole of the Shire of Kyogle, as hereby constituted.
- (20) Declare that the Bonalbo Urban Area with boundaries as proclaimed and notified in Government Gazette No. 219 of 5th September, 1919; the Kyogle Urban Area with boundaries as proclaimed in Government Gazette No. 66 of 26th May, 1909, and altered by proclamations in Government Gazettes No. 37 of 18th March, 1927, No. 79 of 13th May, 1949, No. 164 of 18th September, 1953, and No. 55 of 3rd June, 1966; and the Woodenbong Urban Area with boundaries as proclaimed in Government Gazette No. 12 of 28th January, 1938, shall be urban areas in the Shire of Kyogle, as hereby constituted.
- (21) Apply to the whole or portions of the City of Lismore and the Shire of Kyogle, as hereby constituted, the ordinances set out in Schedules "D" and "E" hereto, respectively.
- (22) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 195 of 5th November, 1920, and No. 80 of 3rd August, 1945, constituting the whole of the Municipalities of Ballina, Casino, Lismore (proclaimed as a City on 30th August, 1946) and Mullumbimby, the Shires of Byron, Gundurimba, Kyogle, Terania, Tintenbar, Tomki, Tweed and Wooburn, and part of the Shire of Copmanhurst as the Richmond River County District or the proclamation in Government Gazette No. 139 of 4th December, 1959, altering the name of the Richmond River County District to Far North Coast County District, or the proclamation in Government Gazette No. 37 of 21st March, 1969, excluding the portion of the Shire of Copmanhurst as described in the Schedule to that proclamation from the Far North Coast County District, or the proclamation in Government Gazette No. 155 of 28th November, 1975, substituting the Municipality of Casino and the Shire of Richmond River for the Municipality of Casino and the Shires of Tomki and Wooburn, and for such purposes and subject to the provisions of the aforesaid Act—
- (a) declare that the City of Lismore and the Shire of Kyogle, as hereby constituted, shall respectively be county electorates of the said Far North Coast County District and that the Council of the City of Lismore and the Council of the Shire of Kyogle, as hereby constituted, shall be entitled to elect two delegates and one delegate, respectively, to the Council of the Far North Coast County District;
 - (b) specify that the time for the election by the Council of the City of Lismore, as hereby constituted, of its delegates to the Council of the Far North Coast County District shall be a period of one month from 1st January, 1977; and
 - (c) order that Frederick James Flower, Esquire, being the gentleman at present in office as the delegate elected by the Council of the Shire of Kyogle, as at present constituted, shall continue in office as such delegate.
- (23) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 99 of 9th May, 1952, and No. 129 of 30th November, 1956, constituting the whole of the Cities of Grafton and Lismore, Municipalities of Ballina and Casino, and Shires of Bellingen, Coffs Harbour, Copmanhurst, Gundurimba, Kyogle,

Maclean, Nambucca, Nymbodia, Terania, Tintenbar, Tomki, Ulmarra and Woodburn, as the Northern Rivers County District, or the proclamation in Government Gazette No. 155 of 28th November, 1975, substituting the Municipality of Casino and the Shire of Richmond River for the Municipality of Casino and the Shires of Tomki and Woodburn, and for such purposes and subject to the provisions of the aforesaid Act—

- (a) declare that the part of the City of Lismore, as hereby constituted, comprising the portion formerly within the City of Lismore shall continue to be a county electorate of the said County District;
 - (b) order that John Henry Philliskirk Dingle, Esquire, and Ronald Mitchell Somerville, Esquire, being the gentlemen at present in office as the delegates elected by the Council of the City of Lismore, as at present constituted, shall continue in office as such delegates;
 - (c) declare that the part of the City of Lismore, as hereby constituted, comprising the portion formerly within the Shire of Gundurimba shall continue with that part of the Shire of Ballina, constituted on and from 1st January, 1977, comprising the Shire of Tintenbar as constituted immediately prior to 1st January, 1977, and that part of the Shire of Richmond River, comprising the portion formerly within the Shire of Woodburn, to be a combined electorate of the Northern Rivers County District as notified in Government Gazette No. 82 of 28th July, 1967;
 - (d) order that Ronald Thomas Cox, Esquire, being the gentleman at present in office as the delegate of that combined electorate shall continue in office as such delegate;
 - (e) declare that the part of the Shire of Kyogle, as hereby constituted, comprising the portion formerly within the Shire of Kyogle, shall continue to be a county electorate of the said County District;
 - (f) order that Ernest Henry Harris, Esquire, being the gentleman at present in office as the delegate elected by the Council of the Shire of Kyogle, as at present constituted, shall continue in office as such delegate;
 - (g) declare that the respective parts of the City of Lismore and the Shire of Kyogle, as hereby constituted, formerly within the Shire of Terania, shall continue with that part of the Shire of Richmond River comprising the portion formerly within the Shire of Tomki, to be a combined electorate of the Northern Rivers County District as notified in Government Gazette No. 82 of 28th July, 1967; and
 - (h) order the George William Gawler Strong, Esquire, being the gentleman at present in office as the delegate of that combined electorate shall continue in office as such delegate.
- (24) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamation in Government Gazette No. 139 of 4th December, 1959, constituting the whole of the City of Lismore and the Shires of Gundurimba, Tintenbar and Woodburn as the Richmond River County District, or the proclamation in Government Gazette No. 155 of 28th November, 1975, constituting the Shire of Richmond River and declaring that the part of that Shire, comprising the portion formerly within the Shire of Woodburn, shall continue to be a county electorate of the said County District, and for such purposes and subject to the provisions of the aforesaid Act—
- (a) declare that the part of the City of Lismore, as hereby constituted, comprising the portion formerly within the City of Lismore and the Shire of Gundurimba shall be a county electorate of the said County District and that the Council of the City of Lismore, as hereby constituted, shall be entitled to elect four delegates to the Council of the Richmond River County District; and
 - (b) specify that the time for the election by the Council of the City of Lismore, as hereby constituted, of its delegates to the Council of the Richmond River County District shall be a period of one month from 1st January, 1977.
- (25) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 88 of 14th June, 1940, and

No. 113 of 14th July, 1950, constituting the whole of the Municipality of Lismore (proclaimed as a City on 30th August, 1946) and the Shires of Byron and Woodburn as the Rous County District, or the proclamation in Government Gazette No. 155 of 28th November, 1975, constituting the Shire of Richmond River and declaring that the part of that Shire, comprising the portion formerly within the Shire of Woodburn, shall continue to be a county electorate of the said County District, and for such purposes and subject to the provisions of the aforesaid Act—

- (a) declare that the part of the City of Lismore, as hereby constituted, comprising the portion formerly within the City of Lismore shall continue to be a county electorate of the said County District; and
 - (b) specify that the time for the election by the Council of the City of Lismore, as hereby constituted, of its five delegates to the Council of the Rous County District shall be a period of one month from 1st January, 1977.
- (26) Order that the provisions of the City of Lismore Planning Scheme Ordinance, any Interim Development Order made under section 342Y of the Act which are in force in relation to any land in the City of Lismore immediately before this Proclamation takes effect, Interim Development Order No. 36—City of Lismore, Interim Development Order No. 1—Shire of Gundurimba, any Interim Development Order made in respect of land in the Shire of Kyogle which is in force immediately before the date of this Proclamation, and Interim Development Order No. 1—Shire of Terania shall continue to apply to the lands to which they respectively applied immediately before the day upon which this Proclamation takes effect.
- (27) Order that—
- (a) the Council of the City of Lismore, as hereby constituted, shall be the responsible authority charged with the functions of carrying into effect and enforcing the City of Lismore Planning Scheme Ordinance and shall be substituted for the Council of the City of Lismore, the Council of the Shire of Gundurimba and the Council of the Shire of Terania, as presently constituted, for the purposes of exercising and discharging all powers, authorities, duties and functions conferred on those Councils by any Interim Development Order made under section 342Y of the Act, Interim Development Order No. 36—City of Lismore, Interim Development Order No. 1—Shire of Gundurimba or by Interim Development Order No. 1—Shire of Terania in so far as those Interim Development Orders affect land within the City of Lismore, as hereby constituted.
 - (b) The Council of the Shire of Kyogle, as hereby constituted, shall be substituted for the Council of the Shire of Kyogle, and the Council of the Shire of Terania, as presently constituted, for the purpose of exercising and discharging all powers, authorities, duties, functions conferred on those Councils by any Interim Development Order made in respect of land in the Shire of Kyogle, as presently constituted, or Interim Development Order No. 1—Shire of Terania, as the case may be, in respect of the land within the Shire of Kyogle, as hereby constituted, to which those Interim Development Orders respectively apply.
- (28) Order that any act, matter or thing done or omitted to be done by, or any resolution to prepare a scheme under Part XIIA of the Local Government Act, 1919, with respect to any land within the City of Lismore, the Shire of Gundurimba, the Shire of Kyogle or the Shire of Terania, as presently constituted, shall be deemed to have been done or omitted to have been done by, or to have been a resolution of, the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted.
- (29) Fix, until the estimates for 1977 are published, the limit not exceeding which the council of the areas, as hereby constituted, may borrow and re-borrow by way of limited overdraft in respect of each of the funds transferred to or deemed to be vested in the Councils of the area, as hereby constituted, respectively, at the amount which the Councils of the areas, as at present constituted, respectively, may, in respect of each such fund, borrow and re-borrow by way of limited overdraft as at 31st December, 1976.

- (30) Order that the provisions of Division 2 of Part III of the Library Act, 1939, as amended, shall apply to and in respect of the Council of the City of Lismore and the Council of the Shire of Kyogle, as hereby constituted.
- (31) Substitute the Council of the City of Lismore and the Council of the Shire of Kyogle, as hereby constituted, for the Councils of the areas as at present constituted, so as to enable the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted, as the case may be, to exercise or enforce on its own behalf any right of power formerly exercised or enforced under the provisions of any Act, rule, regulation or by-law or by any of the councils of the areas, as at present constituted, so far as such rights or powers relate or are applicable to lands included in the areas of such Councils, as hereby constituted. (S. 76-717)

By His Excellency's Command,

H. F. JENSEN.

GOD SAVE THE QUEEN!

SCHEDULE "A"

City of Lismore

Area about 1267 square kilometres: Commencing at the confluence of the Broadwater and the Richmond River; and bounded thence by the Broadwater upwards to its intersection with a line parallel to and rectangularly distant about 7 chains south of the northern boundary of portion 133, Parish of Broadwater, County of Rous; by that line westerly to a line along the western boundary of portions 239, 125, 235 and 234; by that line northerly to the westernmost northwestern corner of portion 234; by a northern boundary of that portion easterly to the southwestern corner of portion 295, Parish of Meerschaum; by part of the western boundary of that portion and the southern and western boundaries of portion 300, northerly, westerly and again northerly; by boundaries of portion 299 westerly and northerly to the south-eastern corner of portion 326; by the southern and western boundaries of that portion westerly and northerly; by part of the southern boundary of portion 222 westerly to Marom Creek; by that creek upwards to the southeastern corner of portion 49, Parish of Lismore; by boundaries of that parish generally northeasterly to Pearce's Creek; by that creek and Wilson's Creek downwards to the southwestern corner of portion 64, Parish of Bexhill; by a line along the western boundaries of that portion and portion 275 and northwestern boundaries of portion 275 northerly and northeasterly to a western boundary of the Parish of Clunes; by boundaries of that parish northerly, westerly and again northerly to Benny's Creek; by that creek downwards and Cooper's Creek upwards to the northernmost boundary of portion 33, Parish of Whian Whian; by a line along that boundary westerly to Nightcap Range; by that range and the Main Dividing Range generally north-westerly to its intersection with a line along the eastern boundary of portion 56, Parish of Hanging Rock; by that line and part of the southern boundary of that portion southerly and westerly to Websters Creek; by that creek and Hanging Rock Creek downwards to the northeastern corner of portion 168, Parish of Jiggi; by the northern and part of the western boundaries of that portion westerly and southerly to the northeastern corner of portion 82; by the northern and western boundaries of that portion, the western boundaries of portions 81 and 147 and part of the western boundary of portion 21 westerly and southerly to the northeastern corner of portion 117, Parish of Boorabee; by part of the northernmost northern boundary of that portion westerly to its intersection with a line along the eastern boundary of portion 79; by that line southerly to the northern boundary of portion 62; by part of that boundary and the eastern boundary of that portion easterly and southerly to Boundary Creek; by that creek and Back Creek downwards to the northwestern corner of portion 66, Parish of Tomki; by the western boundary of portions 66, 208 and 170 southerly; by part of the northern and the western boundaries of portion 243 westerly and southerly to Pelican Creek; by that creek downwards to the generally eastern boundary of the Parish of Tomki; by that boundary generally southerly to the northernmost boundary of portion 218; by a line south to the Richmond River; by that river downwards and its North Arm upwards to the northwestern corner of portion 7, Parish of Coraki; by the northwestern boundary of that portion southwesterly to the road forming the northeastern boundary of portion 5; by that road, the road forming the southeastern boundary of portions 5, 4, 3, 2, 1, 28 and 27 and the road forming the southwestern boundary of portion 27 southeasterly, southwesterly and northwesterly to the Richmond River; and by that river downwards to the point of commencement.

SCHEDULE "B"

Shire of Kyogle

Area about 3 589 square kilometres: Commencing on the boundary between the States of New South Wales and Queensland at its intersection with the northeastern boundary of the Parish of Worendo, County of Rous; and bounded thence by that boundary of that parish, the generally northeastern boundary of the Parish of Warrazambil and part of the generally northern boundary of the Parish of Hanging Rock generally southeasterly to its intersection with a line along the eastern boundary of portion 56, Parish of Hanging Rock; by that line and part of the southern boundary of that portion southerly and westerly to Websters Creek; by that creek and Hanging Rock Creek downwards to the northeastern corner of portion 168, Parish of Jiggi; by the northern and part of the western boundaries of that portion westerly and southerly to the north-eastern corner of portion 82; by the northern and western boundaries of that portion, the western boundaries of portions 81 and 147 and part of the western boundary of portion 21 westerly and southerly to the northeastern corner of portion 117, Parish of Boorabee; by part of the northernmost northern boundary of that portion westerly to its intersection with a line along the eastern boundary of portion 79; by that line southerly to the northern boundary of portion 62; by part of that boundary and the eastern boundary of that portion easterly and southerly to Boundary Creek; by that creek and Back Creek downwards and Pine Creek upwards to the southern boundary of the Parish of Runnymede; by that boundary generally westerly, and by the southern boundary of portions 31, 8, 90, 89, 87 and 88, Parish of Stratheden, and a line west to Eden Creek; by that creek downwards and Dyraaba Creek upwards to the western boundary of the County of Richmond, and by that boundary generally southwesterly to a spur of the Richmond Range running to Mount Pickapene; by that spur range westerly to that mount; by a line north and the north boundary of the Parish of Alice, County of Drake, westerly to the Clarence River; thence by that river, Tooloom Creek and Lindsay Creek upwards to the source of the latter in Macpherson's Range; and by that range, forming the northern boundary of the State of New South Wales, generally easterly, to the point of commencement.

SCHEDULE "C"

Ridings of the Shire of Kyogle

"A" Riding

Commencing on the generally eastern boundary of the shire at the northeastern corner of portion 117, Parish of Boorabee, County of Rous; and bounded thence by part of that shire boundary, part of the generally southern and part of the generally western boundaries of the Parish of Jiggi westerly, southerly, again westerly and generally northerly to the generally southern boundary of the Parish of Fairy Mount; by part of that boundary generally westerly to the southeastern corner of lot 2, Deposited Plan 21237; by a line south to the southern side of the road forming the southern boundary of lot 1, Deposited Plan 10780; by the southern side of that road westerly to the generally eastern boundary of the railway land from Kyogle to Casino; by that boundary of that railway land generally southerly to a point east of the southeastern corner of lot 26 of the said Deposited Plan 10780; by a line along the southern boundary of that lot, crossing the Kyogle-Casino railway line, westerly to the southwestern corner of the said lot 26; by a line along the generally southern side of the road forming the generally southern boundary of lot 5, section A, Deposited Plan 4948, generally westerly to the western side of the road forming the western boundary of the said lot 5; by a line along the western side of the latter road, crossing Highfield Road, northerly to a point rectangularly distant 250 links north from the northern side of Highfield Road; by a line parallel to and 250 links rectangularly distant from that side and a northwestern side of the said Highfield Road easterly and northeasterly to the westernmost corner of lot 32, section A, Deposited Plan 6798; by the northwestern boundary of lots 2 to 32 inclusive, and the northwestern boundary of lot 1 shown on the said Deposited Plan 6798, northeasterly to the southwestern boundary of the aforesaid railway land from Kyogle to Casino; by that boundary of that railway land northwesterly to the southern boundary of portion 115, Parish of Runnymede; by that boundary of that portion westerly to the left bank of the Richmond River; by that bank of that river generally northerly to its intersection with the north-easterly prolongation of the southeastern boundary of lot 12, section 4, Deposited Plan 9078; by a line along the south-eastern boundary of that lot southwesterly to the southernmost corner of the said lot 12; by part of the southwestern boundary of that lot northwesterly to a point rectangularly distant 8 chains southeasterly from the southeastern side of the road shown on plan catalogued R. 10753-1603, at the Department of Lands, Sydney; by a line parallel to and 8 chains rectangularly distant from that side, the southwestern side and the southern side of the said catalogued road south-westerly, northwesterly and westerly to the western boundary of the land comprised in Certificate of Title, volume 4123,

folio 131; by a line westerly to the easternmost corner of the land shown in miscellaneous plan of subdivision (R.P.) registered No. 21115; by the generally southern and southwestern boundaries of that land generally westerly and northwesterly to the westernmost corner of that land; by a line northwesterly across a road shown in plan catalogued R. 8545-1603 to the southwestern corner of lot 34, Deposited Plan 31724; by a line parallel to the western side of Bundock Street along the western boundaries of lot 34, lots 25 to 32, inclusive, and lots 19 to 22, inclusive, northerly to its intersection with a line parallel to the northern side of William Street along the northern boundaries of lots 14 to 17, inclusive, Deposited Plan 31724, and lots C and B, plan annexed to dealing G. 552312; by that line easterly to its intersection with the western boundary of the land shown in plan annexed to dealing F. 917046; by part of that boundary, the western boundaries of lot A, plan annexed to dealing G. 552312 and lot 13, Deposited Plan 31724 and the western and northern boundaries of lot 2, Deposited Plan 216725 northerly and easterly; by the western side of Saville Street southerly to its intersection with a line parallel to and 250 links rectangularly distant north of the northern side of William Street; by that line easterly to its intersection with a line parallel to the eastern side of Saville Street along the eastern boundaries of lots 1 to 5, inclusive, and lots 8 to 11, inclusive, Deposited Plan 31724; by that line southerly to the northern boundary of the land comprised in miscellaneous plan of subdivision (R.P.) registered No. 14169; by part of the northern boundary and the eastern boundary of that land easterly and southerly to the northern boundary of lot 2, section 4, Deposited Plan 9078; by a line along the northern boundary of lots 2 and 3 easterly to the southeastern corner of portion 44, Parish of Geneva; by a line along the eastern boundary of that portion, crossing the Richmond River, northerly to the left bank of that river; by that bank of that river generally easterly to the southeastern corner of lot 2, section 3, Deposited Plan 4973; by the southeastern boundary of that lot northeasterly; by a northeastern boundary and part of a northwestern boundary of lot 3, southeasterly and northeasterly to the intersection of the southeasterly prolongation of the northeastern boundary of lot 23, section 1, of the said Deposited Plan 4973; by a line along the northeastern boundary of that lot northwesterly to the left bank of Fawcetts Creek; by that bank of that creek generally northeasterly to the southwestern boundary of the railway land from Kyogle to Richmond Gap; by that boundary of that railway land generally northwesterly to its intersection with the southwesterly prolongation of the northwestern boundary of portion 75, Parish of Wiangaree; by a line along the northwestern boundary of the said portion 75 northeasterly to Fawcetts Creek, forming part of the generally western boundary of the Parish of Fairy Mount; by the generally western and northern boundaries of that parish generally northerly and easterly to Horseshoe Creek; by that creek upwards to the northwestern corner of portion 85, Parish of Hanging Rock; by a line northwesterly to Bald Mountain; by a line from the said Bald Mountain to the northeastern corner of the Parish of Warrazambil northeasterly to the said generally eastern boundary of the shire; and by part of that boundary generally southerly to the point of commencement.

"B" Riding

Commencing on the generally western boundary of the shire at the westernmost northwestern corner of portion 23, Parish of Mearimb, County of Buller; and bounded thence by part of the generally western boundary and the southern and eastern boundaries of that parish generally southerly, easterly and northerly to the northwestern corner of the Parish of Burgess; by the northern boundary of that parish and the generally northern boundary of the Parish of Toonumbar, County of Rous, generally easterly to the southwestern corner of the Parish of Roseberry; by the generally southern and eastern boundaries of that parish generally easterly and northerly to the northeastern corner of portion 14, Parish of Roseberry; by a line north to the left bank of the Richmond River; by that bank of that river generally southeasterly to the southeastern corner of lot 2, section 3, Deposited Plan 4973; by the southeastern boundary of that lot northeasterly; by a northeastern boundary and part of a northwestern boundary of lot 3, southeasterly and northeasterly to the intersection of the southeasterly prolongation of the northeastern boundary of lot 23, section 1, of the said Deposited Plan 4973; by a line along the northeastern boundary of that lot northwesterly to the left bank of Fawcetts Creek; by that bank of that creek generally northeasterly to the southwestern boundary of the railway land from Kyogle to Richmond Gap; by that boundary of that railway land generally northwesterly to its intersection with the southwesterly prolongation of the northwestern boundary of portion 75, Parish of Wiangaree; by a line along the northwestern boundary of the said portion 75 northeasterly to Fawcetts Creek forming part of the generally western boundary of the Parish of Fairy Mount; by the generally western and northern boundaries of that parish generally northerly and easterly to Horseshoe Creek; by that creek upwards to the northwestern corner of portion 85, Parish of Hanging

Rock; by a line northwesterly to Bald Mountain; by a line from the said Bald Mountain to the northeastern corner of the Parish of Warrazambil northeasterly to the generally eastern boundary of the shire; and by boundaries of the shire generally northerly, generally westerly and generally southerly to the point of commencement.

"C" Riding

Commencing on the generally western boundary of the shire at the westernmost northwestern corner of portion 23, Parish of Mearimb, County of Buller; and bounded thence by part of the generally western boundary and the southern and eastern boundaries of that parish generally southerly, easterly and northerly to the northwestern corner of the Parish of Burgess; by the northern boundary of that parish easterly to the Richmond Range; by that range generally southerly to the generally eastern boundary of the shire; and by boundaries of the shire generally southerly, westerly, northwesterly and northerly to the point of commencement.

"D" Riding

Commencing on the generally southern boundary of the Parish of Jiggi, County of Rous at its intersection with a line along the eastern boundary of portion 79, Parish of Boorabee; and bounded thence by part of that generally southern boundary and part of the generally western boundary of that parish westerly, southerly, again westerly and generally northerly to the generally southern boundary of the Parish of Fairy Mount; by part of that boundary generally westerly to the southeastern corner of lot 2, Deposited Plan 21237; by a line south to the southern side of the road forming the southern boundary of lot 1, Deposited Plan 10780; by the southern side of that road westerly to the generally eastern boundary of the railway land from Kyogle to Casino; by that boundary of that railway land generally southerly to a point east of the southeastern corner of lot 26 of the said Deposited Plan 10780; by a line along the southern boundary of that lot crossing the Kyogle-Casino railway line, westerly to the southwestern corner of the said lot 26; by a line along the generally southern side of the road forming the generally southern boundary of lot 5, section A, Deposited Plan 4948, generally westerly to the western side of the road forming the western boundary of the said lot 5; by a line along the western side of the latter road, crossing Highfield Road northerly to a point rectangularly distant 250 links north from the northern side of Highfield Road; by a line parallel to and 250 links rectangularly distant from that side and a northwestern side of the said Highfield Road easterly and northeasterly to the westernmost corner of lot 32, section A, Deposited Plan 6798; by the northwestern boundary of lots 2 to 32, inclusive, and the northwestern boundary of lot 1 shown on the said Deposited Plan 6798, northeasterly to the southwestern boundary of the aforesaid railway land from Kyogle to Casino; by that boundary of that railway land northwesterly to the southern boundary of portion 115, Parish of Runnymede; by that boundary of that portion westerly to the left bank of the Richmond River; by that bank of that river generally northerly to its intersection with the northeasterly prolongation of the southeastern boundary of lot 12, section 4, Deposited Plan 9078; by a line along the southeastern boundary of that lot southwesterly to the southernmost corner of the said lot 12; by part of the southwestern boundary of that lot northwesterly to a point of rectangularly distant 8 chains southeasterly from the southeastern side of the road shown on plan catalogued R. 10753-1603 at the Department of Lands, Sydney; by a line parallel to and 8 chains rectangularly distant from that side, the southwestern side and the southern side of the said catalogued road southwesterly, northwesterly and westerly to the western boundary of the land comprised in Certificate of Title, volume 4123, folio 131; by a line westerly to the easternmost corner of the land shown in miscellaneous plan of subdivision (R.P.), registered No. 21115; by the generally southern and southwestern boundaries of that land generally westerly and northwesterly to the westernmost corner of that land; by a line northwesterly across a road shown in plan catalogued R. 8545-1603 to the southwestern corner of lot 34, Deposited Plan 31724; by a line parallel to the western side of Bundock Street along the western boundaries of lot 34, lots 25 to 32, inclusive, and lots 19 to 22, inclusive, northerly to its intersection with a line parallel to the northern side of William Street along the northern boundaries of lots 14 to 17, inclusive, Deposited Plan 31724, and lots C and D, plan annexed to dealing G. 552312; by that line easterly to its intersection with the western boundary of the land shown in plan annexed to dealing F. 917046; by part of that boundary, the western boundaries of lot A, plan annexed to dealing G. 552312, and lot 13, Deposited Plan 31724, and the western and northern boundaries of lot 2, Deposited Plan 216725, northerly and easterly; by the western side of Saville Street southerly to its intersection with a line parallel to and 250 links rectangularly distant north of the northern side of William Street; by that line easterly to its intersection with a line parallel to the eastern side of Saville Street along the eastern boundaries of lots 1 to 5, inclusive, and lots 8 to 11, inclusive, Deposited Plan 31724; by that line southerly to the northern boundary of the land comprised in miscellaneous plan of sub-

d. sion (R.P.), registered No. 14169; by part of the northern boundary and the eastern boundary of that land easterly and southerly to the northern boundary of lot 2, section 4, Deposited Plan 9078; by a line along the northern boundary of lots 2 and 3 easterly to the southeastern corner of portion 44, Parish of Geneva; by a line along the eastern boundary of that portion, crossing the Richmond River, northerly to the left bank of that river; by that bank of that river generally north-westerly to a point north of the northeastern corner of portion 14, Parish of Roseberry; by a line south to that corner; by the generally eastern and southern boundaries of the said Parish of Roseberry and the southern boundary of the Parish of Sherwood generally southerly and westerly to the Richmond Range; by that range generally southerly to the generally southeastern boundary of the shire; and by boundaries of the shire generally northeasterly and generally northerly to the point of commencement.

SCHEDULE "D"

Ordinances Applied to the City of Lismore

Nos 26 (clause 24 (c1)) and 41.

Ordinances Applied to Portion of the City of Lismore

Nos 30 (clause 9A), 34 (clause 24AB), 39 (clause 21B), 42 and 70 (clause 58.2) to the portion formerly comprised within the City of Lismore.

No. 48 (clause 20) to the following reserves: Stocks Park; Lismore Recreation Ground; and Nesbitt Park.

No. 37A to the portion formerly comprised within the Shire of Gundurimba.

No. 61 to the portion formerly comprised within the Shire of Terania.

Ordinance Applied to Libraries in the City of Lismore No. 64.

SCHEDULE "E"

Ordinances Applied to the Shire of Kyogle

Nos 26 (clause 24 (c1)), 41 and 61.

Ordinances Applied to Portion of the Shire of Kyogle

Nos 30 (clause 9A (to Kyogle Urban Area)), 39 (clause 21B), 40, 51 (to Bonalbo and Kyogle Urban Areas), 57 and 70 (clause 58.2 (as far as Part XI of the Act applies)), formerly comprised within the Shire of Kyogle.

SCHEDULE "F"

Provisional Council of the City of Lismore

James Byron Armstrong, Esquire; William Gordon Blair, Esquire; Allan John Clark, Esquire; John Fredrick Crowther, Esquire; John Henry Philliskirk Dingle, Esquire; Alfred Douglas Edwards, Esquire; Habib Paul Habib, Esquire; Donald Stewart Johnston, Esquire; Robert Clive McKenzie, Esquire; Mrs Shirley Mae Ryan; Harold James Shearman, Esquire; Alistair Norman Somerville, Esquire; Ronald Mitchell Somerville, Esquire; George Richard Duncan Taylor, Esquire; Thomas Richmond Watt, Esquire.

SCHEDULE "G"

Provisional Council of the Shire of Kyogle

Matthew John Dougherty, Esquire; Fredrick Stanley Roberts Fairbairn, Esquire; Frederick James Flower, Esquire; Ernest Henry Harris, Esquire; Panagiotis Emanuel Petrochilos, Esquire; John James Pollard, Esquire; Howard Frank Shedden, Esquire; Arthur Edward Gordon Strong, Esquire. (2920)



[Published in Government Gazette No. 110 of 1st July, 1988.]

LOCAL GOVERNMENT ACT 1919—PROCLAMATION

(L.S.) J. A. ROWLAND, Governor.

I, Air Marshal Sir JAMES ANTHONY ROWLAND, Governor of the State of New South Wales with the advice of the Executive Council, and in pursuance of the Local Government Act 1919, do hereby:

- (1) alter, on and from 1st July, 1988, the boundaries of the Rous County District as constituted by proclamation in Government Gazette No. 88 of 14th June, 1940, and altered by proclamation in Government Gazette No. 113 of 14th July, 1950, by adding thereto parts of the City of Lismore and Shires of Ballina and Byron as described in Schedules "A", "B" and "C" hereto, respectively, and excluding therefrom part of the Shire of Copmanhurst as described in Schedule "D" hereto so that the boundaries of the Rous County District shall be as described in Schedule "E" hereto; and
- (2) specify that the time within which the first election of delegates to the Council of the said Rous County District shall be held by the Council of the Shire of Ballina shall be a period of one month from 1st July, 1988. (F. 81-216)

Signed and sealed this twenty-ninth day of June, 1988.

By His Excellency's Command.

DAVID HAY.

GOD SAVE THE QUEEN!

SCHEDULE "A"

Being the lands within the City of Lismore, exclusive of the Parish of Terania, County of Rous, that part of the Parish of Nimbin, County of Rous west of Konorigan Range and north of the western prolongation of the Parish of Whian Whian, County of Rous and the City of Lismore, as constituted immediately before 1st January, 1977.

SCHEDULE "B"

Being the Parishes of Ballina, Newrybar and Teven, County of Rous.

SCHEDULE "C"

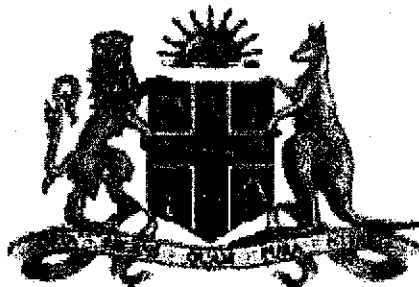
Being the 1.5 ha transferred from Ballina Shire to Byron Shire by proclamation published in Government Gazette No. 5 of 9th January, 1981.

SCHEDULE "D"

Being the 89 ha taken from the former Woodburn Shire and added to Copmanhurst Shire by proclamation published in Government Gazette No. 103 of 26th October, 1962, with effect from 1st January, 1963.

SCHEDULE "E"

Commencing at the intersection of the generally northern boundary of Byron Shire with the shore of the South Pacific Ocean; and bounded thence by that boundary and the generally northwestern boundary of that Shire generally westerly and generally southwesterly, part of the generally northern and the generally western boundaries of the Parish of Whian Whian, County of Rous, generally westerly and generally southerly and the western prolongation of the generally southern boundary of the last mentioned Parish westerly to Konorigan Range; by that range generally southerly to the generally southern boundary of the Parish of Nimbin; by part of that boundary and the generally western boundary of that Parish and the generally western boundary of the Parish of Terania generally westerly and generally northerly, part of the generally northern, the generally western and part of the generally southwestern boundaries of the City of Lismore generally northwesterly, generally southerly and generally southeasterly, part of the generally northern and the generally western boundaries of the Parish of Tatham, County of Richmond, generally westerly and generally southerly and part of the generally northwestern boundary of the Parish of Ellangowan, generally southwesterly to the road from Grafton to Casino; by that road generally southerly to the easternmost generally western boundary of Richmond River Shire; by that boundary generally southerly and the southernmost southern boundary of that Shire generally easterly to the shore of the South Pacific Ocean, aforesaid; by that shore generally northerly to the generally southern boundary of Ballina Shire; by that boundary and part of the generally western boundary of that Shire generally westerly and generally northerly, the generally southwestern boundary of the Parish of Teven, County of Rous, generally southeasterly and part of the generally western and the generally southern boundaries of the Parish of Ballina generally southerly and generally easterly to the shore of the South Pacific Ocean, aforesaid, and by that shore generally northerly to the point of commencement: exclusive of the former Municipality of Mullumbimby. (5305)



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LOCAL GOVERNMENT ACT 1993 – PROCLAMATION

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of Part 1, Chapter 9 and Part 5, Chapter 12 of the Local Government Act 1993, do, by this my Proclamation declare that, on 25 February 2004:

- (a) the Areas of Copmanhurst, Grafton City, Maclean and Pristine Waters are to be amalgamated so as to constitute a new Area having the name Clarence Valley as described in Schedule A hereto;
- (b) the land described in Schedule B hereto is taken from the former Area of Copmanhurst, as last described by Proclamation in Government Gazette No.83 of 9 May 2003, and transferred to the Area of Richmond Valley, as last described by Proclamation in Government Gazette No. 113 of 4 October 1996 when the Area of Richmond River and as described in Government Gazette No. 155 of 28 November 1975 when the Area of Casino, and subsequently amalgamated;
- (c) the land described in Schedule C hereto is taken from the Area of Richmond Valley, as last described by Proclamation in Government Gazette No. 113 of 4 October 1996 when the Area of Richmond River and as described in Government Gazette No. 155 of 28 November 1975 when the Area of Casino, and subsequently amalgamated and transferred to the new Area of Clarence Valley, as described in Schedule A hereto;
- (d) the resulting boundaries of the Area of Richmond Valley (after adding thereto the land described in Schedule B hereto and taking therefrom the land in Schedule C hereto) shall be described in Schedule E hereto;

- (e) the land described in Schedule D hereto is taken from the former Area of Pristine Waters, as last described by Proclamation in Government Gazette No. 99 of 18 August 1995 when the Area of Nymboida and as described in Government Gazette No. 2 of 2 January 1981 when the Area of Ulmarra, and subsequently amalgamated and transferred to the Area of Coffs Harbour, as last described by Proclamation in Government Gazette No. 33 of 17 March 1961;
- (f) the resulting boundaries of the Area of Coffs Harbour (after adding thereto the land described in Schedule D hereto) shall be described in Schedule F hereto;
- (g) the Lower Clarence County Council and the Clarence River County Council are dissolved with their operations subsumed into the new Area of Clarence Valley in line with provisions set out in Schedule G hereto;
- (h) the Proclamations in force constituting or varying the constitution of the Far North Coast County Council be amended by excluding the former Copmanhurst Shire Council as a constituent Council of the County Council; and
- (i) the provisions set out in Schedule G hereto apply on and from 25 February 2004 (unless another date is stated), to the new Area effected by this Proclamation and the Areas of Richmond Valley and Coffs Harbour City, where applicable.

Signed and sealed at Sydney, this 25th day of February 2004.

By Her Excellency's Command,

ANTHONY KELLY, M.L.C.,
Minister for Local Government

GOD SAVE THE QUEEN!

Schedule A

Land included in the Clarence Valley Local Government Area

Area about 10249.13 square kilometres. Commencing at the junction of Coombadjha Creek and the northern boundary of the Parish of Albert, County of Drake; and bounded thence by that boundary westerly to Gibraltar Range; by that range generally northerly to the source of Grasstree Creek; by that creek downwards to the generally eastern boundary of the Parish of Hong Kong; by part of that boundary generally northerly to the southern boundary of Portion 34; by part of that boundary westerly and the south-western and part of the generally north-western boundaries of that portion north-westerly and generally north-easterly to the southern prolongation of the generally western boundary of Portion 90, Parish of Hamilton; by that prolongation and boundary generally northerly and the southern boundary of that portion and its prolongation westerly to Timbarra River; by that river downwards to the generally northern boundary of the Parish of Hamilton; by that boundary generally easterly and the eastern prolongation of the northern boundary of Portion 54 easterly to a point north of Mount Pickapene; by a line southerly to that mount; by the range forming the northern watershed of Surveyors Creek and Keembin Creek generally easterly and Richmond Range generally south-easterly, generally easterly and generally north-easterly and the range forming the generally southern watershed of Sawpit Creek and the Evans River, generally south-easterly and generally north-easterly to the low water mark of the shore of the South Pacific Ocean, at Goanna Headland; by that shore (except at the entrance of any river, creek or inlet of the sea where the boundary shall be a straight line connecting two points on the shore opposite the outermost points of the headlands of the entrance of any such river, creek or inlet of the sea) generally southerly to the range forming the generally northern watershed of Station and Saltwater Creeks; by that range, generally north-westerly and generally south-westerly and the Coast Range, generally south-westerly to the generally southern boundary of the Parish of Waihou, County of Fitzroy; by part of that boundary, westerly to the Orara River; by that river, upwards to the generally northern boundary of the Parish of Bagawa; by part of that boundary, generally westerly, the generally western boundary of Portion 53 and the westernmost generally western boundary of Portion 51, generally southerly, the northern and north-eastern boundaries of Portion 50, easterly and south-easterly, the eastern boundaries of Portions 49 and 48, southerly, the southern boundary of the last mentioned portion, a line and part of the southern boundary of Portion 45, westerly to Averys Creek; by that creek upwards to the north-eastern prolongation of the south-eastern boundary of Portion 55; by that prolongation and boundary, south-westerly, the south-eastern and the generally south-western boundaries of Portion 47, south-westerly and generally north-westerly and part of the north-western boundary of Portion 15, Parish of Gundar, south-westerly to Bushmans Range; by that range generally north-westerly to the north-eastern prolongation of the south-eastern boundary of Portion 57, Parish of Towallum; by that prolongation, boundary and its prolongation south-westerly to Mole Creek; by that creek and Little Nymboida downwards and Bobo River upwards to the generally southern boundary of the Parish of Bobo; by that boundary generally westerly to Nymboida River; by that river upwards to the generally north-western boundary of Portion 22, Parish of Meldrum Downs; by part of that boundary and the western boundary of that portion generally south-westerly and southerly and part of the northern and the generally south-eastern boundary of Portion 47, Parish of Allans Waters easterly and generally south-westerly to the generally southern boundary of the County of Fitzroy; by part of that boundary generally south-westerly to the range partly forming the generally north-eastern boundary of the Parish of Lookout, County of Clark; by that range generally north-westerly to the road from Armidale to Grafton; by that road north-easterly to the eastern prolongation of the generally northern boundary of Portion 26, Parish of Guy Fawkes, County of Clarke; by that prolongation and boundary westerly, northerly and generally westerly, part of the eastern boundary of Portion 24, a line, and the eastern and northern boundaries of Portion 47 northerly and westerly, part of the north-eastern boundary of Portion 43 north-westerly, the generally eastern and northernmost northern boundaries of Portion 39 generally northerly and westerly, part of the generally eastern and northernmost northern boundaries of Portion 36 generally northerly and westerly and part of the eastern boundary of Portion 35, the eastern boundary of Portion 37 and the generally eastern boundaries of Portions 38 and 49 and its prolongation generally northerly to Pantons Creek; by that creek, Guy Fawkes River and Boyd River downwards and Razorback Creek and Prairie Gully upwards to the generally northern boundary of Portion 10, Parish of Glen Nevis, County of Gresham; by part of that

boundary generally westerly to the generally southern boundary of the Parish of Henry at London Bridge; by part of that boundary generally westerly to Roger Creek; by that creek, Henry River and Mann River downwards to the western boundary of the Parish of Puhoi, County of Drake; by that boundary northerly to Dandahra Creek; by that creek downwards to the generally western boundary of the Parish of Coombadjha; by that boundary generally northerly to Coombadjha Creek, aforesaid, and by that creek downwards to the point of commencement.

Schedule B

Land to be transferred from former Copmanhurst to Richmond Valley Local Government Area

Area about 556.29 square kilometres. Commencing at the intersection of the Richmond Range and the original road from Casino to Grafton: and bounded thence by that range, generally north-westerly to Mount Belmore; by a line northerly to the western prolongation of the southern boundary of Portion 24, Parish of Wyon, County of Richmond; by that prolongation, the western boundary of that portion, the westernmost western and part of the northern boundaries of Portion 3 easterly, northerly and again easterly, the western boundary of Portion 53, a line, the eastern boundaries of Lots 101, a line, and 100 (and its prolongation) D.P. 726569 northerly to Busby Creek; by that creek downwards to the north-eastern prolongation of the north-western boundary of Lot Pt B, D.P. 385537; by that prolongation and boundary, the north-western and part of the south-western boundaries of Lot 11, D.P. 710120, a line, the south-western boundaries of Lot 122, D.P. 713856 and Portion 3, Parish of Nandabah and its prolongation, south-westerly and south-easterly to Myrtle Creek; by that creek downwards to The Summerland Way; by that way, the road forming the eastern boundaries of Portions 82 and 17, Parish of Camira, the closed reserved roads within Portions 57 and 49, again The Summerland Way, the road forming the north-eastern and southern boundaries of Portion 104, again The Summerland Way and the original road from Casino to Grafton, aforesaid, generally southerly to the point of commencement.

Schedule C

Land to be transferred from Richmond Valley to Clarence Valley Local Government Area

Area about 249.77 square kilometres. Commencing at the junction of the generally southern boundary of the Parish of Esk, County of Richmond and the low water mark of the shore of the South Pacific Ocean: and bounded thence by that shore (except at the entrance of any river, creek or inlet of the sea where the boundary shall be a straight line connecting two points on the shore opposite the outermost points of the headlands of the entrance of any such river, creek or inlet of the sea) generally northerly to Goanna Headland; by the range forming the generally southern watershed of Sawpit Creek and the Evans River, generally south-westerly and generally north-westerly, the Richmond Range, generally south-westerly to a point on that range southwest of Mount Doubleduke; by a line north-easterly to that mount; by a line generally easterly to the intersection with the generally southern boundary of the Parish of Tabbimoble; by part of that boundary and the generally southern boundary of the Parish of Esk, aforesaid, generally easterly to the point of commencement.

Schedule D

Land to be transferred from former Pristine Waters to Coffs Harbour Local Government Area

Area about 152.18 square kilometres. Commencing at the junction of the generally southern boundary of the parish of Corindi, County of Fitzroy and the low water mark of the shore of the South Pacific Ocean: and bounded thence by that shore (except at the entrance of any river, creek or inlet of the sea where the boundary shall be a straight line connecting two points on the shore opposite the outermost points of the headlands of the entrance of any such river, creek or inlet of the sea) generally

northerly to the range forming the generally northern watershed of Station and Saltwater Creeks; by that range, generally north-westerly and generally south-westerly and the Coast Range, generally south-westerly to the generally southern boundary of the Parish of Waihou; by part of that boundary generally easterly to the southern boundary of Portion 140, Parish of Woolgoolga; by that boundary easterly, the eastern boundaries of that portion and Portions 139 and 141 northerly, the north-eastern boundary of the last mentioned portion north-westerly, part of the southern boundary of Portion 44 and the southern boundary of Portion 111 easterly, the eastern boundaries of the last mentioned portion and Portion 77, 108 and 83 northerly, part of the southern and the eastern boundaries of Portion 41 easterly and northerly, part of the southern and the eastern boundaries of Portion 42, a line, part of the generally eastern boundary of Portion 107, the eastern boundary of Lot 318, D.P. 725926, again part of the generally eastern boundary of Portion 107 and the westernmost eastern boundary of Lot 301, D.P. 801903 northerly, the northernmost southern boundary of the last mentioned lot and the southern boundaries of Lot 41, D.P. 801291, Portion 19, Parish of Corindi and the southernmost southern boundary of Portion 83 easterly, part of the western boundary of Portion 100, Parish of Woolgoolga and the western and the southern (and its prolongation) boundaries of Portion 101 southerly and easterly to the old Pacific Highway by that old highway and Pacific Highway generally northerly to the generally southern boundary of the Parish of Corindi; by part of that boundary easterly to the point of commencement.

Schedule E

Land included in Richmond Valley Local Government Area (as altered)

Area about 2765.18 square kilometres. Commencing at the confluence of Wilsons and Richmond Rivers: and bounded thence by the latter river upwards to the southern prolongation of the easternmost eastern boundary of Lot 1, DP 586517; by that prolongation, boundary and its prolongation northerly to the generally eastern boundary of the Parish of Tomki, County of Rous; by that creek upwards to the southern prolongation of the western boundary of Portion 243; by that portion northerly and easterly and the western boundaries of Portion 170, 208 and 66 (and its prolongation) northerly to Back Creek; by that creek upwards to the generally southern boundary of the Parish of Runnymede; by that boundary generally westerly to Richmond River, aforesaid; by that river downwards to the eastern prolongation of the northern boundary of Portion 119, Parish of Stratheden; by that prolongation and boundary and the northern boundaries of Portions 116, 142, again 116, 141, again 116, 115, Lot 2, DP 785732 and its prolongation and 135 and its prolongation westerly to Eden Creek; by that creek downwards and Dyraaba Creek upwards to the generally western boundary of the County of Richmond; by that boundary generally south-westerly to Hogarth Range at the source of Oaky Creek; by that range generally south-westerly and Richmond Range generally south-easterly, generally easterly and generally north-easterly and the range forming the generally southern watershed of Sawpit Creek and the Evans River, generally south-easterly and generally north-easterly to the low water mark of the shore of the South Pacific Ocean, at Goanna Headland; by that shore (except at the entrance of any river, creek or inlet of the sea where the boundary shall be a straight line connecting two points on the shore opposite the outermost points of the headlands of the entrance of any such river, creek or inlet of the sea) generally north-easterly to Boundary Creek; by that creek and Richmond River, aforesaid, upwards to the north-western prolongation south-easterly to the south-western prolongation of Yeagers Road; by that prolongation and road north-easterly and the road from East Coraki to Woodburn North via Buckendoon north-westerly to the south-western prolongation of the north-western boundary of Portion 7; by that prolongation, boundary and its prolongation north-easterly to Wilsons River, aforesaid, and by that river downwards to the point of commencement.

Schedule F

Land included in Coffs Harbour Local Government Area (as altered)

Area about 1098.54 square kilometres. Commencing at the low water mark of the shore of the South Pacific Ocean at a point 120 chains south-west of the mouth of Bundageree Creek: and bounded thence by a line north-westerly to the north-eastern corner of Portion 318, Parish of North Bellingen, County of Raleigh; by a line, again, north-westerly to the westernmost south-western corner of Portion 487; by the western boundary of that portion, northerly; by Pine Creek, upwards to the eastern boundary of the Parish of Timboon; by that boundary, northerly to the range forming the generally northern boundary of that parish and the Parish of Never Never; by that range, generally westerly to the source of Cooperook Creek; by that creek and Bobo Creek downwards to its confluence with the Little Nymboida River; by that river and Mole Creek, upwards to the south-eastern boundary of Portion 57, Parish of Towallum, County of Fitzroy; by that boundary and its prolongation north-easterly to Bushmans Range; by that range, south-easterly to the north-western boundary of Portion 15, Parish of Gundar; by part of that boundary and the south-western boundary of Portion 47, Parish of Bagawa, north-easterly and south-easterly to the south-eastern corner of the said Portion 47; by the south-eastern boundary of that portion and Portion 55, north-easterly to Morning Star Creek; by that creek downwards to the southern boundary of Portion 45; by a line along that boundary and the southern boundary of Portion 48, easterly to the south-eastern corner of the said portion 48; by the eastern boundary of that portion and Portion 49, the north-eastern and part of the northern boundary of Portion 50, northerly, north-westerly and westerly to the south-eastern corner of Portion 202; by the generally western boundary of Portions 51 and 53 and the generally northern boundary of the said Portion 53, generally northerly and easterly to the western boundary of Portion 15, Parish of Tallawudjah; by part of that boundary and the southernmost boundary of that portion, southerly and easterly to the south-western corner of Portion 15, Parish of Bagawa; by the western and a line along the northern boundary of that portion and Portion 4, northerly and easterly to the generally western boundary of the Parish of Orara; by part of that boundary and part of the northern boundary of that parish, generally northerly and easterly to the Coast Range; by that range, generally north-easterly and the range forming the generally northern watershed of Saltwater and Station Creeks, generally north-easterly and generally south-easterly to the low water mark of the shore of the South Pacific Ocean, aforesaid and by that shore (except at the entrance of any river, creek or inlet of the sea where the boundary shall be a straight line connecting two points on the shore opposite the outermost points of the headlands of the entrance of any such river, creek or inlet of the sea) generally southerly to the point of commencement.

Schedule G

1 Definitions

In this Schedule:

clause means a clause in this schedule.

Director General means the Director General of the Department of Local Government.

former Area means any or all of the following:

- that part of the former Area of Copmanhurst which, by this Proclamation, is constituted as the Clarence Valley Council
- that part of the former Area of Grafton City which, by this Proclamation, is constituted as the Clarence Valley Council

- that part of the former Area of Maclean which, by this Proclamation, is constituted as the Clarence Valley Council
- that part of the former Area of Pristine Waters which, by this Proclamation, is constituted as the Clarence Valley Council

former Council means any of the former Councils Copmanhurst, Grafton City, Maclean or Pristine Waters.

former County Council means any of the former Clarence River County Council or former Lower Clarence County Council.

Minister means the Minister for Local Government.

new Area means the new Area of Clarence Valley.

new Council means the Clarence Valley Council.

proclamation date means 25 February 2004.

the Act means the Local Government Act 1993.

2 First election

- (1) The date of the first election of the Councillors of the new Council is 5 March 2005.
- (2) Unless otherwise required by the Act or the context, the provisions relating to ordinary elections shall be taken to apply to the first election of the councillors.
- (3) For the purposes of:
 - a. the entitlements of persons to be enrolled as electors for the new Area and to vote at the election, and
 - b. the entitlements of persons to be nominated for election as Councillors for the new Area at the election, and
 - c. the conduct of the election by the State Electoral Commissioner, and
 - d. any other matter relating to the election,

the new Area is taken to have been constituted on the date of publication of this Proclamation.

3 Administration of new Council for interim period

- (1) For the interim period between 25 February 2004 and the declaration of the first election, one Administrator is appointed and is Mr Neil Payne to direct and control the affairs of the new Council.
- (2) If Mr Neil Payne declines to be appointed as the Administrator, then the Minister may appoint an alternate person as the Administrator.
- (3) The Administrator will be paid \$80,000 per annum on a pro-rata basis for the interim period.
- (4) For the purposes of the Local Government Act 1993, the Administrator does not hold an office or a position of profit under the new Council.

4 Appointment of Acting General Manager

- (1) The Acting General Manager of the new Area shall be Mr Ken Boyle for a period commencing from 25 February 2004 until the declaration of the first election.
- (2) The General Manager of the new Council is to be confirmed at the first meeting of the new Council, or otherwise recruitment processes commenced.
- (3) If the new Council resolves to commence recruitment processes for a General Manager, the term of the Acting General Manager named in subclause (1) is extended until the General Manager commences with the new Council.

5 Number of Councillors

- (1) The number of Councillors to be elected to the new Council at its first election is nine (9).
- (2) Subclause (1) does not limit the power of the new Council to re-determine, after the first election the number of its Councillors under section 224 of the Act.

6 Ward Structure

- (1) The new Council shall not be divided into wards for the first election.
- (2) Nothing in subclause (1) limits the power of the new Council following the first election to hold a constitutional referendum to obtain approval to divide its Area into wards in accordance with Division 1 of Part 1 of Chapter 9 of the Act.

7 Election of Mayor following the first election

- (1) The Mayor of the new Council is to be elected by the Councillors as referred to in sections 227(a), 282 and 290 (1) (c) of the Act at the new Council's first meeting following the first election.
- (2) Nothing in subclause (1) limits the power of the new Council following the first election to hold a constitutional referendum to determine the basis on which the Mayor attains office in accordance with Division 2 of Part 2 of Chapter 9 of the Act.

8 Appointment of the General Manager and other senior staff

The operation of this clause and clause 4 is not to be regarded as a breach of contract between a former Council or former County Council or the new Council and a senior staff member (including a General Manager).

9 Activities of former Councils and former County Councils

- (1) Anything that was done or omitted to be done by a former Council or former County Council and that had effect immediately before the proclamation date continues to have effect as if it had been done or omitted to be done by the new Council.
- (2) Anything that was commenced by a former Council or former County Council may be completed by the new Council as if it had been commenced by the new Council.

- (3) Without limiting subclause (1) any approval, order or notice that was given or made by a former Council or former County Council, and that had effect immediately before the proclamation date, continues to have effect as if it had been done or made by the new Council.

10 Delegations

- (1) Any delegation from a former Council or former County Council that was in force immediately before the proclamation date is taken to be a delegation from the new council and may be revoked or amended accordingly.
- (2) Subclause (1) ceases to have effect when the new Council adopts new delegations under the relevant provisions of the Act.

11 Codes, policies and plans

- (1) The following policy and plan of the new Council are, as far as practicable, to be a composite of the corresponding policies and plans of each of the former Councils and former County Councils:
 - a. local policies for approvals and orders (Part 3 of Chapter 7),
 - b. management plan (Part 2 of Chapter 13).
- (2) Each of the following codes, policies and plans of the former Grafton City Council apply, as far as practicable, to the new Council:
 - a. code of conduct (section 440),
 - b. code of meeting practice (Division 1 of Part 2 of Chapter 12),
 - c. expenses and facilities policy (Division 5 of Part 2 of Chapter 9),
 - d. EEO management plan (Part 4 of Chapter 11).
- (3) Subclauses (1) & (2) cease to have effect in relation to a code, policy or plan of the new Council when the new Council adopts a new code, policy or plan under the relevant provisions of the Act.

12 Fees

- (1) The annual fee paid to each Councillor of the new Council and the annual fee paid to the Mayor of the new Council is to be equal to the highest of the corresponding fees paid by the former Councils.
- (2) Subclause (1) ceases to have effect in relation to an annual fee when the new Council fixes the annual fee in accordance with the appropriate determination of the Local Government Remuneration Tribunal.

13 Organisation Structure

The initial organisation structure of the new Council is, as far as practicable, to be a composite of the organisation structures of each of the former Councils and former County Councils.

14 Transfer of Staff

- (1) Each member of staff of a former Council or former County Council (a transferred staff member) is transferred to the new Council.
- (2) Part 6 of Chapter 11 of the Act (employment protection) applies to the employment of a transferred staff member.
- (3) The senior staff of each former Council or former County Council are taken to be the senior staff of the new Council.

15 Additional employment protection

- (1) For the period between 25 February 2004 and the election of the new Council staff employed under an award wage or other industrial instrument approved by the Industrial Relations Commission may not be unreasonably based outside the general locality in which they were based immediately before the transfer without their approval.
- (2) For the period between 25 February 2004 and the election of the new Council no staff employed under an award wage or other industrial instrument approved by the Industrial Relations Commission are to be made redundant without their approval.

16 Transfer of assets, rights and liabilities

- (1) The assets, rights and liabilities of the former Councils and former County Councils are transferred to the new Council.
- (2) The following provisions have effect in relation to any assets, rights or liabilities that are transferred by operation of subclause (1):
 - a. The assets of the former Councils and former County Councils vest in the new Council by virtue of this clause and without the need for any further conveyance, transfer, assignment or assurance,
 - b. The rights or liabilities of the former Councils and former County Councils become, by virtue of this clause, the rights and liabilities of the new Council,
 - c. All proceedings relating to the assets, rights or liabilities commenced before the transfer by or against the former Councils or former County Councils or a predecessor of any of the former Councils and former County Councils, and pending immediately before the transfer, are taken to be proceedings pending by or against the new Council,
 - d. Any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before the transfer by, to or in respect of the former Councils or former County Councils or a predecessor of any of the former Councils or former County Councils is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the new Council.

- e. Anything that was commenced by a former Council or former County Council and uncompleted at the proclamation date may be completed by the new Council as if it had been commenced by the new Council. This includes but is not limited to any application for approval or consent under the Act or any other Act.
- f. In so doing, the new Council must make any determinations required to be made in accordance with any relevant code, policy or plan of the relevant former Council or former County Council, until such time as the new Council makes a new code, policy or plan in relation to that matter in accordance with the Act or any other Act.
- g. Anything that was done by a former Council or former County Council, and that had effect immediately before the proclamation date, or that was commenced by a former Council or former County Council and completed by the new Council as a result of this Proclamation, continues to have effect and may be enforced by the new Council as if it had been done by the new Council.
- h. Without limiting subclause (2)(g) any approval, order or notice that was given or made by a former Council or former County Council, and that had effect immediately before the proclamation date, continues to have effect and for all the purposes of the Act or any other Act shall be deemed to have been given or made by the new Council.
- i. Any decision of the Land and Environment Court in an appeal from a decision of a former Council or former County Council, determined by the Court after the proclamation date shall be deemed to be a decision of the new Council.

(3) In this clause:

Assets means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, streams of income, choses in action and documents.

Liabilities means any liabilities, debts or obligations (whether present or future and whether vested or contingent) and includes liabilities relating to criminal acts.

Rights means any rights, powers, privileges or immunities (whether present or future and whether vested or contingent).

17 General provisions with respect to transfers

- (1) A transfer affected by this Schedule takes effect on the Proclamation date.
- (2) The Minister may, by notice in writing, confirm a transfer affected by this Schedule.
- (3) Such a notice is conclusive evidence of the transfer.

18 Effect of transfer on third party rights

- (1) The operation of clause 16 (Transfer of assets, rights and liabilities) is not to be regarded:
 - a. As an event of default under any contract or other instrument, or
 - b. As a breach of contract or confidence or otherwise as a civil wrong, or

- c. As a breach of contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
 - d. As giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.
- (2) No attornment to the new Council by a lessee from a former Council or former County Council is required in relation to a transfer affected by clause 16.
 - (3) No compensation is payable to any person or body in connection with a transfer affected by clause 16.
 - (4) Subclause (3) does not affect the rights of any person or body in connection with the early termination of a contract between a former Council or former County Council and that person or body.

19 Reports and reviews of the new Council

A duty of the new Council under any Act, including a duty to report or review, which relates to a period before the proclamation date, is to be performed by reference to the former Areas and the former Councils or former County Councils as appropriate.

20 Auditor

The Auditor, Hudson Shepherd & Partners will be the Auditor of the new Council unless the new Council appoints another Auditor in accordance with Division 3 of Part 3 of Chapter 13 of the Act.

21 References to former Areas and Councils

In any Act, in any instrument made under any Act, or in any document of any kind:

- (1) A reference to any of the former Areas, or to a predecessor of any of the former Areas, is taken to include a reference to the new Area and is to be read as a reference to the new Area, and
- (2) A reference to any of the former Councils or former County Councils, or to a predecessor of any of the former Councils or former County Councils, is to be taken as a reference to the new Council and is to be read as a reference to the new Council.

22 Lower Clarence County Council

- (1) The Lower Clarence County Council is dissolved with its operations subsumed into the new Council.
- (2) The new Council is to enter an agreement with the Coffs Harbour City Council for the supply of water to its local government area with due consideration given to the matters set out in Clause 16.

23 Clarence River County Council

The Clarence River County Council is dissolved with its operations subsumed into the new Council.

24 Rating Structures

- (1) The new Council's maximum general income for 2004/05 is to be determined by estimating the proportionate amount of general income for 2003/04 from land in the former Areas included in the new Area.
- (2) The new Council is to determine its rating structure taking into consideration subclause (1).
- (3) The rating structure is to be reviewed within the first term of the new Council.

25 Matters to be determined by Minister

- (1) In order to give effect to this Proclamation, the Minister may determine from time to time any matter or thing, including, without limitation, the content of the matters set out in clause 11.
- (2) In pursuance of this clause, any matter or thing requiring determination may be referred to the Minister by the new Council, Richmond Valley Council or Coffs Harbour City Council.
- (3) The Minister may also determine any matter or thing that has not been referred to him by the new Council if the Minister concludes that the matter or thing cannot be determined by agreement between the new Council and Richmond Valley Council or Coffs Harbour City Council or if the Minister is not satisfied with any agreement reached between the aforementioned new Council and Richmond Valley Council or Coffs Harbour City Council, including in relation to subclauses (2) and (4) herein.
- (4) A matter to be determined by the Minister shall be referred to the Director General, and/or another person or persons nominated by the Minister, for advice and recommendation, as appropriate.
- (5) The Director General and/or another person or persons nominated by the Minister, shall, if required by the Minister, convene a meeting between the new Council and Richmond Valley Council or Coffs Harbour City Council to assist in the determination of the matter.
- (6) The Director General and/or any person or persons nominated by the Minister under this clause, shall have regard to the Statement of Intent herein and any other principles or guidelines considered appropriate in the circumstances.

26 Statement of Intent

- (1) The Minister will consider an application made by the new Council for a Special Variation to increase its General Income.
- (2) There will be meaningful cooperation between the Councils of the Areas of Clarence Valley, Richmond Valley and Coffs Harbour City in the sharing of information and agreement of all matters necessary to facilitate the provisions of this Proclamation.

- (3) The new Council should give consideration to establishing precinct areas and committees, which have defined roles and responsibilities.
- (4) The Councillors of the new Council are to exercise community leadership for the whole local government area as set out in the Act.
- (5) the new Council is to negotiate with Coffs Harbour City Council and Richmond Valley Shire Council and resolve on a proposal to address the boundary anomalies identified in the Boundaries Commission report dated February 2004, titled " Examination of a boundary alteration and amalgamation proposal for a new Clarence Valley Local Government Area", within one month.

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**'(C) PROPOSED EASEMENT FOR ACCESS,
ELECTRICITY CABLES, SEWER PIPELINE AND WATER
PIPELINE 10 WIDE AND VARIABLE'**

Easement rights as described under the heading Access
Memorandum E780099 filed in the Land Titles Office over
the site shown in:

Deposited Plan 1010220 (SB55054) as:

**'(C) PROPOSED EASEMENT FOR ACCESS,
ELECTRICITY CABLES, SEWER PIPELINE AND WATER
PIPELINE 10 WIDE AND VARIABLE'**

Easement rights as described under the heading
Electricity Cables (Beneath the Surface) in Memorandum
E780099 filed in the Land Titles Office over the site shown

Deposited Plan 1010220 (SB55054) as:

**'(C) PROPOSED EASEMENT FOR ACCESS,
ELECTRICITY CABLES, SEWER PIPELINE AND WATER
PIPELINE 10 WIDE AND VARIABLE'**

DPWS Reference 97

**LOCAL GOVERNMENT ACT 1993 –
PROCLAMATION**

GORDON SAMUELS, Governor

I, the Honourable GORDON SAMUELS AC, CVO, Governor
of the State of New South Wales, with the advice of the
Executive Council and in pursuance of section 397 of the
Local Government Act 1993, hereby amend the
proclamations in force constituting or varying the
constitution of the Far North Coast County Council as
constituted under the said Act by:

- (1) varying the number of persons that comprise
the County Council's governing body from ten
to seven so that each of the constituent councils
shall have one representative on the County
Council; and
- (2) declaring that the change is to be effective as
from the date of issue of this proclamation; and
- (3) declaring that any election by the Lismore City
Council, Richmond Valley Council and Tweed
Shire Council of members to the County
Council's governing body held after their most
recent ordinary elections of councillors and
before the issue of this proclamation is declared
void.

Signed and sealed at Sydney, this eighth day of November
2000.

By His Excellency's Command,

HARRY WOODS,
Minister for Local Government.

GOD SAVE THE QUEEN!

LOCAL GOVERNMENT ACT 1993

Gosford Regional Sewerage
Vesting of land and easements in Gosford City Council

THE Minister for Land and Water Conservation of the State
of New South Wales, declares that the land and easements
described in the Schedule hereto, which were acquired for
the purpose of the Gosford Regional Sewerage Scheme are
vested in Gosford City Council.

RICHARD AMERY, M. P.,
Minister for Agriculture

and Minister for Land and Water Conservation

SCHEDULE

LAND

Lot 1 in Deposited Plan 838911 (SB51860), exclusive of
EASEMENT FOR ELECTRICITY PURPOSES AND ACCESS
7 WIDE in Deposited Plan 821143

INTEREST IN LAND

Easement rights as described under the heading Water
Pipeline in Memorandum E931212 filed in the Land Titles
Office over the site shown in:

Deposited Plan 838911 (SB51860) as:

**'PROPOSED EASEMENT VARIABLE WIDTH FOR
SEWERAGE PIPELINE, ACCESS AND SERVICES'**

Easement rights as described under the heading Sewer
Pipeline in Memorandum E931212 filed in the Land Titles
Office over the site shown in:

Deposited Plan 838911 (SB51860) as:

**'PROPOSED EASEMENT VARIABLE WIDTH FOR
SEWERAGE PIPELINE, ACCESS AND SERVICES'**

Easement rights as described under the heading Access
in Memorandum E780099 filed in the Land Titles Office over
the site shown in:

Deposited Plan 838911 (SB51860) as:

**'PROPOSED EASEMENT VARIABLE WIDTH FOR
SEWERAGE PIPELINE, ACCESS AND SERVICES'**

Easement rights as described under the heading
Overhead Electricity Cables in Memorandum E780099 filed
in the Land Titles Office over the site shown in:

Deposited Plan 838911 (SB51860) as:

**'PROPOSED EASEMENT VARIABLE WIDTH FOR
SEWERAGE PIPELINE, ACCESS AND SERVICES'**

DPWS reference 86

rights means any rights, powers, privileges or immunities whether present or future and whether vested or contingent).

5. General provisions with respect to transfers

- 1) A transfer effected by this Schedule takes effect on the amalgamation date.
- 2) The Minister may, by notice in writing, confirm a transfer effected by this Schedule.
- 3) Such a notice is conclusive evidence of the transfer.

6. Effect of transfer on third party rights

- 1) The operation of clause 14 (Transfer of assets, rights and liabilities) is not to be regarded:
 - (a) as an event of default under any contract or other instrument, or
 - (b) as a breach of contract or confidence or otherwise as a civil wrong, or
 - (c) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
 - (d) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.

No attornment to the new Council by a lessee from the former Council is required in relation to a transfer effected by clause 14.

No compensation is payable to any person or body in connection with a transfer effected by clause 14.

Subclause (3) does not affect the rights of any person or body in connection with the early termination of a contract between a former Council and that person or body.

Council records and reports

until 30 June 2000:

the new Council's records may be kept:

- (i) as a single set of records, or
- (ii) as a continuation of the records of each of the former Councils, and

the new Council's records are kept as a continuation of the records of each of the former Councils, the new Council's financial transactions are to be apportioned between the various accounting records in such manner as the Council determines.

the new Council's financial reports for the year ending 2000 are to be prepared:

- (i) the new Council's records are kept as a single set of records, in the form of a single report for the records of the whole of that year, or
- (ii) the new Council's records are kept as a continuation of the records of each of the former Councils, in the form of separate reports for each set of records for the whole of that year.

In this clause, *records* includes accounting records.

18. References to former areas and councils

In any Act, in any instrument made under any Act or in any document of any kind:

- (a) reference to any of the former Areas, or to a predecessor of any of the former Areas, is taken to include a reference to the new Area and is to be read as a reference to the new Area, and
- (b) a reference to any of the former Councils, or to a predecessor of any of the former Councils, is taken to include a reference to the new Council and is to be read as a reference to the new Council.

19. County Council

- (1) The former Councils are excluded as constituent Councils of the New England Tablelands (Noxious Plants) County Council and the new Council is included as a constituent Council of the County Council.
- (2) Two persons are to be elected by the new Council to the County Council's governing body.

20. Statement of Intent

In proposing the amalgamation, the former Councils have asked that the new Council take account of their following views:

- The intention of the amalgamation is not to cause a reduction in staff numbers as a result of the amalgamation.
- As far as possible, the undertakings in the respective management plans of the former Councils should be honoured.
- The rating structures of the former Councils should be substantially retained in the first term of the new Council.
- The new Council should continue to spend the local roads component of the Financial Assistance Grant for road construction, renewal and upgrading in the future.

LOCAL GOVERNMENT ACT 1993

PROCLAMATION

GORDON SAMUELS, Governor

I, the Honourable GORDON SAMUELS AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of Part 1 of Chapter 9 of the *Local Government Act 1993*, do, by this my Proclamation:

- (a) declare that, on 21 February 2000, the Areas of Casino and Richmond River are to be amalgamated so as to constitute a new area having the name the Area of Richmond Valley, and
- (b) declare that the boundaries of the Area of Richmond Valley are the same as the combined boundaries of the former Area of Casino (as described by proclamation in *Government Gazette* No. 155 of

28 November 1975) and the former Area of Richmond River (as described by proclamation in *Government Gazette* No. 113 of 4 October 1996), disregarding the parts of those boundaries that are common to both Areas, and

- (c) declare that the provisions set out in the Schedule to this Proclamation are to apply, on and from 21 February 2000 (unless another date is stated), to the amalgamation effected by this Proclamation.

Signed and sealed at Sydney, this 9th day of February 2000.

By His Excellency's Command,

HARRY WOODS, M.P.,
Minister for Local Government

GOD SAVE THE QUEEN!

SCHEDULE

1 Definitions

In this Schedule:

amalgamation date means 21 February 2000.

former Area means the former Area of Casino or the former Area of Richmond River.

former Council means the Council of a former Area.

new Area means the Area of Richmond Valley.

new Council means the Richmond Valley Council.

the Act means the *Local Government Act 1993*.

2 First election

- (1) The date of the first election of the Councillors of the new Council is 3 June 2000.
- (2) The election is taken to be an ordinary election of the councillors for the purposes of the Act.

3. Wards

- (1) The wards of the former Area of Richmond River are abolished.
- (2) The new Council is to hold, by 2002, a constitutional referendum to determine whether the electors approve of the new Area being divided into wards.

4. Continuation in office of Councillors of former Councils

Subject to section 234 of the Act, all persons who, immediately before the amalgamation date, were Councillors of a former Council are to continue in office, as Councillors of the new Council, until 3 June 2000.

5. Number of Councillors

- (1) The number of Councillors to be elected to the new Council at its first ordinary election is 10.
- (2) Subclause (1) does not limit the power of the new Council to redetermine, after the first ordinary election of its Councillors, the number of its Councillors under section 224 of the Act.

- (3) The new Council is to hold, by 2002, a constitutional referendum to determine whether the electors approve of a change in the number of Councillors.

6. First meeting of new Council

- (1) The Mayor of the new Council is to be elected by the Councillors at the first meeting of the new Council and ceases to hold office when his or her successor is declared to be elected following the first ordinary election of Councillors of the new Council or on the occurrence of a casual vacancy in the office.

- (2) A person to exercise the functions of the General Manager of the new Council is to be appointed at the first meeting of the new Council, the appointment ceasing to have effect on the day on which a General Manager for the new Council takes office under section 334 of the Act.

7. Election of Mayor following first election

- (1) The Mayor of the new Council is to be elected by the Councillors as referred to in section 227(a) of the Act.
- (2) The new Council is to hold, by 2002, a constitutional referendum to determine whether the electors approve of a change in the basis on which the Mayor attains office.

8. Activities of former Councils

- (1) Anything that was done or omitted to be done by a former Council, and that had effect immediately before the amalgamation date, continues to have effect as if it had been done or omitted to be done by the new Council.
- (2) Anything that was commenced by a former Council may be completed by the new Council as if it had been commenced by the new Council.
- (3) Without limiting subclause (1), any approval, order or notice that was given or made by a former Council, and that had effect immediately before the amalgamation date, continues to have effect as if it had been given or made by the new Council.

9. Delegations

Any delegation from a former Council that was in force immediately before the amalgamation date is taken to be a delegation from the new Council, and may be amended or revoked accordingly.

10. Codes, policies and plans

- (1) Each of the following codes, policies and plans of the new Council is, as far as practicable, to be a composite of the corresponding codes, policies and plans of each of the former Councils:

- code of conduct (section 440),
- code of meeting practice (Division 1 of Part 2 of Chapter 12),
- local policies for approvals and orders (Part 3 of Chapter 7),
- expenses and facilities policy (Division 5 of Part 2 of Chapter 9),
- EEO management plan (Part 4 of Chapter 11),
- management plan (Part 2 of Chapter 13).

subclause (1) ceases to have effect in relation to a code, policy or plan of the new Council when that Council adopts a new code, policy or plan under the relevant provision of the Act.

Fees

The annual fee paid to each Councillor of the new Council and the annual fee paid to the Mayor of the new Council is to be equal to the higher of the corresponding fees paid by the former Councils.

Subclause (1) ceases to have effect in relation to an annual fee when the new Council fixes the annual fee in accordance with the appropriate determination of the Local Government Remuneration Tribunal.

Organisation structure

The organisation structure of the new Council is, as far as practicable, to be a composite of the organisation structures of each of the former Councils.

In particular, any position that, immediately before the amalgamation date, was a senior staff position in relation to a former Council is taken to be a senior staff position in relation to the new Council.

This clause ceases to have effect when a new organisation structure is determined by the new Council under Part 1 of Chapter 11 of the Act.

Transfer of staff

Each member of staff of a former Council (a *transferred staff member*) is transferred to the new Council.

(2) The terms and conditions of employment of a transferred staff member (including terms and conditions as to remuneration and allowances) are, on the staff member being transferred, to be the same as those on which the staff member was employed by the former Council from which he or she was transferred.

(3) The senior staff of each former Council are taken to be senior staff of the new Council.

(4) For the purposes of any law under which a transferred staff member is entitled to benefits in connection with his or her service as a staff member of the new Council, including benefits in the nature of leave and superannuation entitlements, service by the staff member with the former Council from which he or she was transferred is taken to be service with the new Council, but not so as to entitle the staff member to multiple benefits of the same kind in respect of the same period of service.

(5) Any award or industrial agreement applying immediately before the amalgamation date to a staff member employed by a former Council, is to continue to apply to the staff member on being transferred to the new Council until the award or agreement ceases to apply.

(6) Subject to the terms of any award or industrial agreement, whether arising before or after the amalgamation date:

(a) a transferred staff member is not to be dismissed or retrenched by the new Council on the ground of redundancy, and

(b) the terms and conditions on which a transferred staff member is employed by the new Council are not to be varied so as to render them less advantageous to the

staff member than the terms and conditions referred to in subclause (2), and

(c) a transferred staff member is not to be required by the new Council to work outside the general locality in which the staff member was required to work by the former Council immediately before the transfer if such a requirement would cause the staff member to suffer unreasonable hardship,

except at the request, or with the consent, of the staff member concerned.

(7) The provisions of subclause (6):

(a) do not apply to senior staff of the new Council, and

(b) cease to have effect in relation to any other staff of the new Council on the date occurring 3 years after the amalgamation date.

14. Transfer of assets, rights and liabilities

(1) The assets, rights and liabilities of the former Councils are transferred to the new Council.

(2) The following provisions have effect in relation to any assets, rights or liabilities that are transferred by operation of subclause (1):

(a) the assets of the former Councils vest in the new Council by virtue of this clause and without the need for any further conveyance, transfer, assignment or assurance,

(b) the rights or liabilities of the former Councils become, by virtue of this clause, the rights or liabilities of the new Council,

(c) all proceedings relating to the assets, rights or liabilities commenced before the transfer by or against the former Councils or a predecessor of any of the former Councils, and pending immediately before the transfer, are taken to be proceedings pending by or against the new Council,

(d) any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before the transfer by, to or in respect of the former Councils or a predecessor of any of the former Councils is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the new Council.

(3) In this clause:

assets means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents.

liabilities means any liabilities, debts or obligations (whether present or future and whether vested or contingent), and includes liabilities relating to criminal acts.

rights means any rights, powers, privileges or immunities (whether present or future and whether vested or contingent).

15. General provisions with respect to transfers

(1) A transfer effected by this Schedule takes effect on the amalgamation date.

- (2) The Minister may, by notice in writing, confirm a transfer effected by this Schedule.
- (3) Such a notice is conclusive evidence of the transfer.

16. Effect of transfer on third party rights

- (1) The operation of clause 14 (Transfer of assets, rights and liabilities) is not to be regarded:
- (a) as an event of default under any contract or other instrument, or
- (b) as a breach of contract or confidence or otherwise as a civil wrong, or
- (c) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
- (d) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.
- (2) No attornment to the new Council by a lessee from the former Council is required in relation to a transfer effected by clause 14.
- (3) No compensation is payable to any person or body in connection with a transfer effected by clause 14.
- (4) Subclause (3) does not affect the rights of any person or body in connection with the early termination of a contract between a former Council and that person or body.

17. Council records and reports

- (1) Until 30 June 2000:
- (a) the new Council's records may be kept:
- (i) as a single set of records, or
- (ii) as a continuation of the records of each of the former Councils, and
- (b) if the new Council's records are kept as a continuation of the records of each of the former Councils, the new Council's financial transactions are to be apportioned between the various accounting records in such manner as the Council determines.
- (2) The new Council's financial reports for the year ending 30 June 2000 are to be prepared:
- (a) if the new Council's records are kept as a single set of records, in the form of a single report for the records for the whole of that year, or
- (b) if the new Council's records are kept as a continuation of the records of each of the former Councils, in the form of separate reports for each set of records for the whole of that year.
- (c) In this clause, *records* includes accounting records.

18. Auditor

The Auditor of each of the former Councils, Thomas Noble and Russell, is to be the Auditor of the new Council until that Council appoints an Auditor in accordance with

19. References to former areas and councils

In any Act, in any instrument made under any Act or in any document of any kind:

- (a) a reference to any of the former Areas, or to a predecessor of any of the former Areas, is taken to include a reference to the new Area and is to be read as a reference to the new Area; and
- (b) a reference to any of the former Councils, or to a predecessor of any of the former Councils, is taken to include a reference to the new Council and is to be read as a reference to the new Council.

20. Far North Coast County Council

- (1) The former Councils are excluded as constituent Councils of the Far North Coast County Council and the new Council is included as a constituent Council of the County Council.
- (2) Two persons are to be elected by the new Council to the County Council's governing body.

21. Richmond River County Council

- (1) The former Richmond River Shire Council is excluded as a constituent Council of the Richmond River County Council and the new Council is included as a constituent Council of the County Council.
- (2) The County Council's area of operations remains as it is but the description of the area of operations is varied by substituting that part of the new Area comprising the former Shire of Woodburn (as described in *Government Gazette* No. 211 of 15 December 1933), for that former Shire.
- (3) One person is to be elected by the new Council to the County Council's governing body.

22. Rous County Council

- (1) The former Richmond River Shire Council is excluded as a constituent Council of the Rous County Council and the new Council is included as a constituent Council of the County Council.
- (2) The County Council's area of operations remains as it is but the description of the area of operations is varied by substituting that part of the new Area comprising the former Shire of Woodburn (as described in *Government Gazette* No. 211 of 15 December 1933), for that former Shire.
- (3) Two persons are to be elected by the new Council to the County Council's governing body.

23. Statement of Intent

In proposing the amalgamation, the former Councils have asked that the new Council take account of their following views:

- The intention of the amalgamation is not to reduce staff numbers as a result of the amalgamation.
- As far as possible, the undertakings in the respective management plans of the former Councils should be honoured.
- The rating structures of the former Councils should be substantially retained in the first term of the new



[Published in Government Gazette No. 148 of 19th
November, 1976.]

LOCAL GOVERNMENT ACT, 1919—ERRATUM

PROCLAMATION under the Local Government Act, 1919,
uniting the Municipality of Ballina and the Shire of Tintenbar,
published in Government Gazette No. 138 of 22nd October,
1976, folios 4526 to 4528.

Omit in the first line of paragraph (2) to the proclamation
the figures "1976" and insert in lieu thereof the figures "1977".
(S. 76-717).

(3493) H. F. JENSEN, Minister for Local Government.

D. West, Government Printer, New South Wales—1976

division (R.P.), registered No. 14169; by part of the northern boundary and the eastern boundary of that land easterly and southerly to the northern boundary of lot 2, section 4, Deposited Plan 9073; by a line along the northern boundary of lots 2 and 3 easterly to the southeastern corner of portion 44, Parish of Geneva; by a line along the eastern boundary of that portion, crossing the Richmond River, northerly to the left bank of that river; by that bank of that river generally north-westerly to a point north of the northeastern corner of portion 14, Parish of Roseberry; by a line south to that corner; by the generally eastern and southern boundaries of the said Parish of Roseberry and the southern boundary of the Parish of Sherwood generally southerly and westerly to the Richmond Range; by that range generally southerly to the generally southeastern boundary of the shire; and by boundaries of the shire generally northeasterly and generally northerly to the point of commencement.

SCHEDULE "D"

Ordinances Applied to the City of Lismore

Nos 26 (clause 24 (c1)) and 41.

Ordinances Applied to Portion of the City of Lismore

Nos 30 (clause 9A), 34 (clause 24AB), 39 (clause 21B), 42 and 70 (clause 58.2) to the portion formerly comprised within the City of Lismore.

No. 48 (clause 20) to the following reserves: Stocks Park; Lismore Recreation Ground; and Nesbitt Park.

No. 37A to the portion formerly comprised within the Shire of Gundurimba.

No. 61 to the portion formerly comprised within the Shire of Terania.

Ordinance Applied to Libraries in the City of Lismore

No. 64.

SCHEDULE "E"

Ordinances Applied to the Shire of Kyogle

Nos 26 (clause 24 (c1)), 41 and 61.

Ordinances Applied to Portion of the Shire of Kyogle

Nos 30 (clause 9A (to Kyogle Urban Area)), 39 (clause 21B), 40, 51 (to Bonalbo and Kyogle Urban Areas), 57 and 70 (clause 58.2 (as far as Part XI of the Act applies)), formerly comprised within the Shire of Kyogle.

SCHEDULE "F"

Provisional Council of the City of Lismore

James Byron Armstrong, Esquire; William Gordon Blair, Esquire; Allan John Clark, Esquire; John Fredrick Crowther, Esquire; John Henry Philliskirk Dingle, Esquire; Alfred Douglas Edwards, Esquire; Habib Paul Habib, Esquire; Donald Stewart Johnston, Esquire; Robert Clive McKenzie, Esquire; Mrs Shirley Mae Ryan; Harold James Shearman, Esquire; Alister Norman Somerville, Esquire; Ronald Mitchell Somerville, Esquire; George Richard Duncan Taylor, Esquire; Thomas Richmond Watt, Esquire.

SCHEDULE "G"

Provisional Council of the Shire of Kyogle

Matthew John Dougherty, Esquire; Fredrick Stanley Roberts Fairbairn, Esquire; Frederick James Flower, Esquire; Ernest Henry Harris, Esquire; Panagiotis Emanuel Petrochilos, Esquire; John James Pollard, Esquire; Howard Frank Shedden, Esquire; Arthur Edward Gordon Strong, Esquire. (2920)

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION (L.S.) A. R. CUTLER, Governor.

13th October, 1976.

I, Sir ARTHUR RODEN CUTLER, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the Local Government Act, 1919, do hereby—

- (1) Unite, on and from 1st January, 1977, the Municipality of Ballina as constituted by proclamation in Government Gazette No. 237 of 4th June, 1883, and altered by proclamation in Government Gazette No. 171 of 24th December, 1925, and the Shire of Tintenbar as constituted by proclamation in Government Gazette No. 121 of 7th March, 1906, and altered by proclamations in Government Gazettes No. 144 of 23rd December, 1908, and No. 171 of 24th December, 1925.
- (2) Constitute, on and from 1st January, 1976, the area formed by the union of the said areas, as a shire, which shall be named the Shire of Ballina, with boundaries as described in Schedule "A" hereto.
- (3) Determine, that the Council of the Shire of Ballina, as hereby constituted, shall consist of twelve (12) councillors and, pending the election of a council upon a date to be proclaimed, appoint as the Provisional Council of the said Shire of Ballina which

shall have, pending such election, all the powers of the council of a shire, the persons whose names appear in Schedule "B" hereto, and provide that (a) such appointments shall take effect as from the issue of this Proclamation; and (b) the Provisional Council may exercise prior to 1st January, 1977, the powers of a council for or in relation to the matters and things following, that is to say—

- (i) the election of a President;
 - (ii) the provision of an office for the Council;
 - (iii) the transfer and appointment of servants;
 - (iv) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Provisional Council are necessary or expedient to enable the Council to exercise and discharge all or any of the powers of a council as from 1st January, 1977; provided, however, that no arrangement with respect to the transfer and appointment of servants shall take effect prior to 1st January, 1977.
- (4) Order that the valuations and rolls of electors and ratepayers in force as at 31st December, 1976, in respect of the land comprised in the Municipality of Ballina and the Shire of Tintenbar, respectively, as at present constituted, shall, for the purposes of the said Act, continue in force in the Shire of Ballina, as hereby constituted, as if made or prepared in respect of that Shire, until fresh valuations and fresh rolls respectively come into force therein.
 - (5) Order that all rights, and liabilities acquired and incurred, and all contracts and undertakings entered into, all securities lawfully given and all applications, actions, suits and proceedings begun prior to 1st January, 1977, either by or on behalf of or against the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, shall, on and after that date, be vested and attached, and may be enforced, realized and carried on by or on behalf of or against the Council of the Shire of Ballina, as hereby constituted, and shall not abate or be discontinued, or be prejudicially affected by this union of areas.
 - (6) Order that where for the fulfilment of its obligations and undertakings with respect to its existing loans, the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, is required by law to levy a loan rate, the Council of the Shire of Ballina, as hereby constituted, shall continue to levy such rate or rates until the loans, in respect of which the rates are leviable, are retired.
 - (7) Order that the Council of the Shire of Ballina, as hereby constituted, shall, on and from 1st January, 1977, be vested with the power to levy all rates levied before that date by the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, as the case may be.
 - (8) Order that all the assets, rights and liabilities of the Council of the Municipality of Ballina and the Council of the Shire of Tintenbar, as at present constituted, shall be assets, rights and liabilities of the Council of the Shire of Ballina, as hereby constituted, to the same extent only as the same are assets, rights and liabilities, respectively, of the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, as the case may be.
 - (9) Order that any disallowance or surcharge which could have been made, continued, enforced or recovered if this Proclamation had not been made, may be made, continued, enforced and recovered notwithstanding the dissolution of the Council of the Municipality of Ballina and the Council of the Shire of Tintenbar, as at present constituted.
 - (10) Order, without prejudice to the foregoing—
 - (a) that any inspector of Local Government Accounts may disallow in the books or accounts of the Council of the Shire of Ballina, as hereby constituted, any expenditure, transfer or entry in the books or accounts of the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, which has been incurred or made in contravention of any Act or any ordinance, regulation or by-law and shall surcharge the amount of any such disallowance upon the members or servants of the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, as the case may be, by whom the expenditure, transfer or entry was incurred or made, or ordered to be incurred or made;

- (b) that all liability of any member or servant of the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, as the case may be, in respect of any such expenditure, transfer or entry or of any deficiency or loss of such Council incurred by the culpable negligence or misconduct of such member or servant or by the failure to account for any sum to such Council shall be a liability of such member or servant to or to account therefor to, the Council of the Shire of Ballina, as hereby constituted, whether the amount of any such disallowance, deficiency, loss or sum be surcharged before or after 1st January, 1977.
- (11) Order that all the property of the Council of the Municipality of Ballina and the Council of the Shire of Tintenbar, as at present constituted, shall be the property of the Council of the Shire of Ballina, as hereby constituted.
- (12) Order that the Council of the Shire of Ballina, as hereby constituted, shall, on and from 1st January, 1977, take over, complete and retain all certificates, deeds, documents and records relating to, or to be executed in, the Municipality of Ballina and the Shire of Tintenbar, as at present constituted, as the case may be.
- (13) Order that nothing in this proclamation shall abrogate or affect any existing agreement between either or both of the Councils of the Municipality of Ballina and the Shire of Tintenbar, as at present constituted, and the Council of any other area in any way except to substitute the Council of the Shire of Ballina, as hereby constituted, for the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, respectively, as the case may be.
- (14) Charge the Council of the Shire of Ballina, as hereby constituted, with the care, control and management of all public reserves in respect of which either the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, is charged with the care, control and management.
- (15) Apply Part XI of the aforesaid Act to the whole of the Shire of Ballina, as hereby constituted.
- (16) Apply to the whole or portions of the Shire of Ballina, as hereby constituted, the Ordinances set out in Schedule "C" hereto.
- (17) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 195 of 5th November, 1920, and No. 80 of 3rd August, 1945, constituting the whole of the Municipalities of Ballina, Casino, Lismore (proclaimed as a City on 30th August, 1946) and Mullumbimby and the Shires of Byron, Gundurimba, Kyogle, Terania, Tintenbar, Tomki, Tweed and Woodburn and part of the Shire of Copmanhurst, as the Richmond River County District, or the proclamation in Government Gazette No. 139 of 4th December, 1959, altering the name of the Richmond River County District to Far North Coast County District, or the proclamation in Government Gazette No. 37 of 31st March, 1969, excluding the portion of the Shire of Copmanhurst as described in the Schedule to that proclamation from the Far North Coast County District, or the proclamation in Government Gazette No. 155 of 28th November, 1975, substituting the Municipality of Casino and the Shire of Richmond River for the Municipality of Casino and the Shires of Tomki and Woodburn, other than to substitute the Shire of Ballina, as hereby constituted, for the Municipality of Ballina and the Shire of Tintenbar, as at present constituted, and for such purposes and subject to the provisions of the aforesaid Act—
- (a) order that the Council of the Shire of Ballina, as hereby constituted, shall be entitled to elect one delegate to the Council of the Far North Coast County District;
- (b) specify that the time for the election by the Council of the Shire of Ballina, as hereby constituted, of its delegate shall be a period of one month from 1st January, 1977.
- (18) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 99 of 9th May, 1952, and No. 129 of 30th November, 1956, constituting the whole of the Cities of Grafton and Lismore, Municipalities of Ballina and Casino, and Shires of Bellingen, Coffs Harbour, Copmanhurst, Gundurimba, Kyogle, Maclean, Nambucca, Nymboida, Terania, Tintenbar, Tomki, Ulmarra and Woodburn, as the Northern Rivers County District, or the proclamation in Government Gazette No. 155 of 28th November, 1975, substituting the Municipality of Casino and the Shire of Richmond River for the Municipality of Casino and the Shires of Tomki and Woodburn, and for such purposes and subject to the provisions of the aforesaid Act—
- (a) declare that the part of the Shire of Ballina, as hereby constituted, comprising the portion formerly within the Municipality of Ballina, shall continue to be a county electorate of the said County District;
- (b) order that Raymond Lindsay O'Neill, Esquire, being the gentleman at present in office as the delegate elected by the Council of the Municipality of Ballina, as at present constituted, shall continue in office as such delegate;
- (c) declare that the part of the Shire of Ballina, as hereby constituted, comprising the portion formerly within the Shire of Tintenbar, shall continue with that part of the City of Lismore, constituted on and from 1st January, 1977, comprising the Shire of Gundurimba, as constituted immediately prior to 1st January, 1977, and that part of the Shire of Richmond River, comprising the portion formerly within the Shire of Woodburn, to be a combined electorate of the Northern Rivers County District as notified in Government Gazette No. 82 of 28th July, 1967; and
- (d) order that Ronald Thomas Cox, Esquire, being the gentleman at present in office as the delegate of that combined electorate, shall continue in office as such delegate.
- (19) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamation in Government Gazette No. 139 of 4th December, 1959, constituting the whole of the City of Lismore and the Shires of Gundurimba, Tintenbar, and Woodburn as the Richmond River County District, or the proclamation in Government Gazette No. 155 of 28th November, 1975, constituting the Shire of Richmond River and declaring that the part of that Shire, comprising the portion formerly within the Shire of Woodburn, shall continue to be a county electorate of the said County District, and for such purposes and subject to the provisions of the aforesaid Act—
- (a) declare that the part of the Shire of Ballina, as hereby constituted, comprising the portion formerly within the Shire of Tintenbar, shall continue to be a county electorate of the said County District; and
- (b) order that Harold Alexander Burnett, Esquire, and Graham James Ellis, Esquire, being the gentlemen at present in office as the delegates elected by the Council of the Shire of Tintenbar, as at present constituted, shall continue in office as such delegates.
- (20) Apply the provisions of section 288A of the aforesaid Act to the portion of the Shire of Ballina, as hereby constituted, which comprises the Municipality of Ballina, as at present constituted.
- (21) Order that the proclamation under section 309 of the Local Government Act, 1919, published in Government Gazettes No. 92 of 10th August, 1923, declaring Residential District No. 1—Municipality of Ballina and No. 107 of 29th May, 1953, declaring Residential District No. 2—Municipality of Ballina, shall be in force in the Shire of Ballina, as hereby constituted.
- (22) Order that paragraph (j) of section 313 of the aforesaid Act shall apply to the portion of the Shire of Ballina, as hereby constituted, which comprises the Municipality of Ballina, as at present constituted.
- (23) Order that (a) the provisions of Interim Development Order No. 1—Municipality of Ballina and Interim Development Order No. 1—Shire of Tintenbar shall continue to apply to the lands to which they respectively applied immediately before the day upon which this Proclamation takes effect; (b) the Council of the Shire of Ballina shall be substituted for the Council of the Municipality of Ballina and the Council of the Shire of Tintenbar for the purposes of exercising and discharging all powers, authorities, duties and functions conferred on those Councils by Interim Development Order No. 1—Municipality of Ballina and Interim Development Order No. 1—Shire of Tintenbar, as the case may be.

- (24) Order that any act, matter or thing done or omitted to be done by, or any resolution to prepare a planning scheme under Part XIIA of the Local Government Act, 1919, with respect to any land within the area of the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, shall be deemed to have been done or omitted to have been done by, or to have been a resolution of, the Council of the Shire of Ballina, as hereby constituted.
- (25) Order that the provisions of Division 2 of Part III of the Library Act, 1939, as amended, shall apply to and in respect of the Council of the Shire of Ballina, as hereby constituted.
- (26) Substitute the Council of the Shire of Ballina, as hereby constituted, for the Council of the Municipality of Ballina and the Council of the Shire of Tintenbar, as at present constituted, so as to enable the Council of the Shire of Ballina, as hereby constituted, to exercise or enforce on its own behalf any right or power formerly exercised or enforced under the provisions of any Act, ordinance, rule, regulation or by-law, by the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, respectively. (S. 76-717)

By His Excellency's Command,

H. F. JENSEN.

GOD SAVE THE QUEEN!

SCHEDULE "A"

Shire of Ballina

Area about 487 square kilometres: Commencing on the South Pacific Ocean at the mouth of Swampy or Boundary Creek, Parish of South Ballina, County of Richmond; and bounded thence by the middle of that creek southwesterly to the Richmond River; by the middle of that river and the Broadwater upwards to a point east of the northeastern corner of the original portion 81, Parish of Broadwater, County of Rous; by a line along the northern boundary of that portion and part of the northern boundary of the original portion 109 (passing through portions 133 and 134) westerly to its intersection with the southerly prolongation of the western boundary of portion 125; by that prolongation and boundary and the western boundaries of portions 235 and 234 northerly; by the northern boundary of the last named portion easterly; by part of the western boundary of portion 295, Parish of Meerschaum northerly; by the southern and western boundaries of portions 300, 299 and 326 westerly and northerly; by the southern boundary of portion 222 westerly to Marom Creek; by that creek upwards and the eastern boundary of the Parish of Lismore, generally northeasterly to Skinner's Creek; by that creek upwards to the southern boundary of the Parish of Byron; by part of that boundary generally easterly to the northwestern corner of portion 120, Parish of Newrybar; by the western boundaries of that portion and portion 14 southerly; by the southern boundary of the latter portion and its prolongation easterly to the middle of a road between portion 64 and portions 216, 55 and 56; by the middle of that road southerly to the prolongation of a line along the middle of a road between the southern boundary of portion 64 and a northern boundary of portion 74; by that prolongation easterly to the western boundary of portion 56; by part of that boundary southerly, the western and southern boundaries of the original portion 105 (passing through portion 75) southerly and easterly to the western boundary of portion 73; by part of that boundary and part of the southern boundary of that portion southerly and easterly to the western boundary of portion 72; by part of that boundary and part of the southern boundary of that portion southerly and easterly to the northwestern corner of portion 71; by the western and southern boundaries of that portion southerly and easterly to the South Pacific Ocean aforesaid; and thence following the contour of the coast along the low water mark (except at the entrance of any river, creek or inlet of the sea where the boundary shall be a straight line connecting two points at low water mark opposite the outermost points of the headlands at the entrance of such river, creek, or inlet of the sea) southerly, to the point of commencement.

SCHEDULE "B"

Provisional Council of the Shire of Ballina

Harold Alexander Burnett, Esquire; Clifford James Burvill, Esquire; Richard Malcolm Campbell, Esquire; Jack Stuart Easter, Esquire; Graham James Ellis, Esquire; Robert Lewllyn Franklin, Esquire; Harold Edgar Gibson, Esquire; Frederick Barrie Lancaster, Esquire; Bryan William James Marriott, Esquire; Raymond Lindsay O'Neill, Esquire; Edward John Pickup, Esquire; Harold Robin Young, Esquire.

SCHEDULE "C"

Ordinances Applied to the Shire of Ballina

Nos 41, 57 and 70 (clause 58.2).

Ordinances Applied to Portion of the Shire of Ballina

No. 48 (clause 20) to the following reserves: Enclosed portion of Clement Park No. 1; Bowling Green and Tennis Courts Enclosure in Lumley Park, Alstonville; and Wardell Recreation Reserve.

No. 51 to the portion formerly comprised within the Municipality of Ballina. The Alstonville (urban area), as declared prior to 7th January, 1949 (with boundaries as described in Government Gazette No. 6 of 11th January, 1911). Alstonville Scavenging District Extension (with boundaries as described in Government Gazette No. 143 of 20th December, 1946). Lennox Head Scavenging District (with boundaries as described in Government Gazette No. 16 of 24th January, 1947). Alstonville Scavenging District Extension (with boundaries as described in Government Gazette No. 123 of 27th July, 1951).

Nos 30 (clause 9A), 39 (clause 21B) and 42 to the portion formerly comprised within the Municipality of Ballina.

Nos 61 and 75 to the portion formerly comprised within the Shire of Tintenbar.

Ordinance Applied to the "Burns Point Ferry" in the Shire of Ballina

No. 33 (clause 3b).

Ordinance Applied to Libraries in the Shire of Ballina

No. 64.

(2680)

LOCAL GOVERNMENT ACT, 1919

SHOALHAVEN SHIRE COUNCIL: PROPOSED RESUMPTION OF LAND AT ST GEORGES BASIN

HIS Excellency the Governor, with the advice of the Executive Council and in pursuance of the Local Government Act, 1919, has approved of the Shoalhaven Shire Council's causing a notice of resumption of the land described in the Schedule hereto, together with a description of such land, to be published in the Government Gazette and in a newspaper circulating in the area in which the land is located, such land being required by the Shoalhaven Shire Council for the purpose of providing, maintaining, managing, controlling and regulating a sanitary depot for the disposal of depot rubbish. (S. 76-436)

H. F. JENSEN, Minister for Local Government.

Department of Local Government,
Sydney, 22nd October, 1976.

SCHEDULE

All that piece or parcel of land situate in the Shire of Shoalhaven, Parish of Wandrawandian and County of St Vincent, being part of lot 46, Deposited Plan 248648: Commencing on the southwestern side of The Wool Road, at the easternmost northeastern corner of the said lot 46; and bounded thence on the east by part of the eastern boundary of that lot bearing 180 degrees 44 minutes 30 seconds 140.31 metres; on the south and west by lines bearing respectively 270 degrees 44 minutes 30 seconds 272.6 metres and 44 minutes 30 seconds 286.56 metres to the said southwestern side of The Wool Road; on the northeast by that side of that road bearing successively 109 degrees 36 minutes 20 seconds 121.92 metres, 126 degrees 3 minutes 184.48 metres and 92 degrees 31 minutes 6.69 metres to the point of commencement, having an area of 6.09 hectares or thereabouts and said to be in the possession of Walter K. Mobbs Pty Limited.

Such piece or parcel of land is shown on plan with the Department of Local Government, Sydney. (7400)

LOCAL GOVERNMENT ACT, 1919

APPOINTMENT OF MEMBER OF LOCAL GOVERNMENT APPEALS TRIBUNAL

HIS Excellency the Governor, with the advice of the Executive Council and in pursuance of the Local Government Act, 1919, has been pleased to approve of the appointment of Mr J. M. Sherrard, B.E., M.I.E.Aust., to be a member of the Local Government Appeals Tribunal, as referred to in paragraph (e) of section 342AV (1) of the said Act, for a term of office expiring on the thirty-first day of August, 1977.

H. F. JENSEN, Minister for Local Government.
Sydney, 22nd October, 1976.

(2825)



[Published in Government Gazette No. 138 of 22nd October, 1976.]

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION
(L.S.) A. R. CUTLER, Governor.

13th October, 1976.

I, Sir ARTHUR RODEN CUTLER, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the Local Government Act, 1919, do hereby—

- (1) Divide, on and from 1st January, 1977—
 - (a) the City of Lismore, constituted as the Municipality of Lismore by proclamation in Government Gazette No. 75 of 5th March, 1879 (as amended by proclamation in Government Gazette No. 18 of 4th February, 1921), altered by proclamations in Government Gazettes No. 182 of 12th December, 1930, and No. 85 of 1st July, 1932 (as amended by proclamation in Government Gazette No. 63 of 11th June, 1948), and proclaimed as the City of Lismore by proclamation in Government Gazette No. 95 of 30th August, 1946, as altered by proclamation in Government Gazette No. 55 of 30th May, 1958;
 - (b) the Shire of Gundurimba, as constituted by proclamation in Government Gazette No. 121 of 7th March, 1906, and altered by proclamations in Government Gazettes No. 182 of 12th December, 1930, No. 85 of 1st July, 1932 (as amended by proclamation in Government Gazettes No. 63 of 11th June, 1948), and No. 55 of 30th May, 1958;
 - (c) the Shire of Kyogle, as constituted by proclamation in Government Gazette No. 121 of 7th March, 1926; and
 - (d) the Shire of Terania, as constituted by proclamation in Government Gazette No. 121 of 7th March, 1906 (as amended by proclamation in Government Gazette No. 207 of 3rd December, 1920), and altered by proclamation in Government Gazette No. 182 of 12th December, 1930,into two areas, as described in Schedules "A" and "B" hereto, respectively.
- (2) Constitute, on and from 1st January, 1977, the area as described in Schedule "A" as a municipality which shall be named the Municipality of Lismore and the area as described in Schedule "B" as a shire which shall be named the Shire of Kyogle.
- (3) Proclaim the Municipality of Lismore, as hereby constituted, as the City of Lismore.
- (4) Divide into ridings the Shire of Kyogle, as hereby constituted, so that the ridings of the said Shire shall be as described in Schedule "C" hereto.
- (5) Determine that the Council of the said City of Lismore as hereby constituted, shall consist of fifteen (15) aldermen and, pending the election of a council upon a date to be proclaimed, appoint as the Provisional Council of the said City of Lismore which shall have, pending such election, all the powers of a council of a municipality, the persons whose names appear in Schedule "F" hereto, and provide that—
 - (a) such appointments shall take effect as from the issue of this Proclamation; and
 - (b) the Provisional Council may exercise prior to 1st January, 1977, the powers of a council for or in relation to the matters and things following, that is to say—
 - (i) the election of a Mayor;
 - (ii) the provision of an office for the Council;
 - (iii) the transfer and appointment of servants;
 - (iv) the apportionment of assets, rights and liabilities;
 - (v) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Provisional Council are necessary or expedient to enable that Council to exercise and discharge all or any of the powers of a council as from 1st January, 1977: Provided, however, that no arrangement with respect to the transfer and appointment of servants or to the apportionment of assets, rights and liabilities shall take effect prior to 1st January, 1977.
- (6) Determine that the Council of the said Shire of Kyogle, as hereby constituted, shall consist of eight

- (8) councillors and, pending the election of a council upon a date to be proclaimed, appoint as the Provisional Council of the said Shire of Kyogle which shall have, pending such election, all the powers of a council of a shire, the persons whose names appear in Schedule "G" hereto, and provide that—
 - (a) such appointments shall take effect as from the issue of this Proclamation; and
 - (b) the Provisional Council may exercise prior to 1st January, 1977, the powers of a council for or in relation to the matters and things following that is to say—
 - (i) the election of a President;
 - (ii) the provision of an office for the Council;
 - (iii) the transfer and appointment of servants;
 - (iv) the apportionment of assets, rights and liabilities;
 - (v) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Provisional Council are necessary or expedient to enable that Council to exercise and discharge all or any of the powers of a council as from 1st January, 1977: Provided, however, that no arrangement with respect to the transfer and appointment of servants or to the apportionment of assets, rights and liabilities shall take effect prior to 1st January, 1977.
- (7) Order (a) that the valuations of land and rolls of electors and ratepayers in force as at 31st December, 1976, in respect of the land comprised in the said areas, as at present constituted, so far as such valuations and rolls relate to or are applicable to the lands included in the City of Lismore or the Shire of Kyogle, as hereby constituted, respectively, shall, for the purposes of the said Act, continue in force in the City of Lismore and the Shire of Kyogle, as hereby constituted, as the case may be, as if made in respect of that City and that Shire until fresh valuations and fresh rolls, respectively, come into force therein; and (b) that the Council of the City of Lismore, as hereby constituted, in respect of that part of the Shire of Terania, as at present constituted, included in the Shire of Kyogle, as hereby constituted, shall immediately after 31st December, 1976, furnish the Council of the said Shire of Kyogle copies of or extracts from the valuation books and rolls of electors and ratepayers of the Council of the Shire of Terania, as at present constituted, showing as at 31st December, 1976, the valuations and enrolments which relate to or are applicable to the lands so included.
- (8) Order that all rights and liabilities acquired and incurred, and all contracts and undertakings entered into, all securities lawfully given and all applications, actions, suits and proceedings begun prior to 1st January, 1977, either by or on behalf of or against the Council of any of the said areas, as at present constituted, shall, on and from that date, in so far as they relate to or are applicable to the lands included in the City of Lismore and the Shire of Kyogle, as hereby constituted, respectively, be vested in and attached, and may be enforced, realized and carried on by or on behalf of or against the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted, as the case may be and shall not abate or be discontinued, or be prejudicially affected, by this division of areas.
- (9) Order that where for the fulfilment of its obligations and undertakings with respect to its existing loans, the Council of any of the said areas, as at present constituted, is required by law to levy a loan rate, the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted, as the case may be, shall continue to levy such rate or rates in so far as they are required to be levied on land included in such City of Lismore or Shire of Kyogle, as hereby constituted, as the case may be, until the loans in respect of which the rates are leviable are retired.
- (10) Order that the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted, as the case may be, shall, on and from 1st January, 1977, be vested with the power to levy all rates levied before that date by the Council of any of the said areas, as at present constituted, in so far as such rates

relate to or are leviable upon any land included in the City of Lismore or the Shire of Kyogle, as hereby constituted, respectively.

- (11) Order that on and from 1st January, 1977, and until the issue of a Proclamation giving effect to an arrangement with regard to the apportionment of the assets, rights and liabilities of the Council of the City of Lismore, the Council of the Shire of Gundurimba, the Council of the Shire of Kyogle and the Council of the Shire of Terania, as at present constituted, between the Council of the City of Lismore and the Council of the Shire of Kyogle, as hereby constituted—
- any land or building or other real property vested in or belonging to the Council of the City of Lismore, the Council of the Shire of Gundurimba and the Council of the Shire of Terania, as at present constituted, shall be deemed to be vested in the Council of the City of Lismore, as hereby constituted; and
 - all other assets, other than rates levied before 1st January, 1977, vested in or belonging to the Council of the City of Lismore, the Council of the Shire of Gundurimba and the Council of the Shire of Terania as at present constituted, and all liabilities of the said Councils shall be deemed to be assets and liabilities of the Council of the City of Lismore, as hereby constituted, so far as such assets and liabilities form part of the General Fund, Water Supply Local Fund, Sewerage Local Fund and Gas Works Trading Fund of the Council of the City of Lismore, as at present constituted; the General Fund and North Woodburn Water Supply Local Fund of the Shire of Gundurimba, as at present constituted; and the General Fund, Nimbin Water Supply Local Fund and Dunoon/The Channon Water Supply Local Fund of the Shire of Terania, as at present constituted.
- (12) Order that on and from 1st January, 1977, all assets, rights and liabilities of the Council of the Shire of Kyogle, as at present constituted, shall be assets, rights and liabilities, of the Council of the Shire of Kyogle, as hereby constituted.
- (13) Order that any disallowance or surcharge which could have been made, continued, enforced or recovered if this Proclamation had not been made, may be made, continued, enforced and recovered, notwithstanding the dissolution of the Council of the City of Lismore, the Council of the Shire of Gundurimba, the Council of the Shire of Kyogle and the Council of the Shire of Terania, as at present constituted.
- (14) Order, without prejudice to the foregoing:
- that any Inspector of Local Government Accounts may disallow in the books or accounts of the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted, any expenditure, transfer or entry in the books or accounts of the Council of the City of Lismore, the Council of the Shire of Gundurimba, the Council of the Shire of Kyogle or the Council of the Shire of Terania, as at present constituted, which has been incurred or made in contravention of any Act or any ordinance, regulation or by-law and shall surcharge the amount of any such disallowance upon the members or servants of the Council of the City of Lismore, the Council of the Shire of Gundurimba, the Council of the Shire of Kyogle or the Council of the Shire of Terania, as at present constituted, as the case may be, by whom the expenditure, transfer or entry was incurred or made or ordered to be incurred or made;
 - that all liability of any member or servant of the Council of the City of Lismore, the Council of the Shire of Gundurimba, the Council of the Shire of Kyogle or the Council of the Shire of Terania, as at present constituted, as the case may be, in respect of any such expenditure, transfer or entry or of any deficiency or loss of such Council incurred by the culpable negligence or misconduct of such member or servant or by the failure to account for any sum by such Council, shall be a liability of such member or servant to the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted, as the case may be, whether the amount of any such disallowance, deficiency, loss or sum be surcharged before or after 1st January, 1977.
- (15) Charge the Council of the City of Lismore and the Council of the Shire of Kyogle, as hereby constituted, with the care, control and management of all public reserves in respect of which any of the Councils of the areas, as at present constituted, is charged with the care, control and management in so far as such public reserves are included in the City of Lismore or the Shire of Kyogle, as hereby constituted, respectively.
- (16) Order that the proclamation under section 309 of the Local Government Act, 1919, published in Government Gazette No. 159 of 8th August, 1952, declaring Residential Districts Nos 1, 2 and 3—Kyogle Shire, shall be in force in the Shire of Kyogle, as hereby constituted.
- (17) Order that paragraph (j) of section 313 of the aforesaid Act shall apply to that portion of the City of Lismore, as hereby constituted, which comprises the City of Lismore, as at present constituted.
- (18) Apply the provisions of section 288A of the aforesaid Act to that part of the City of Lismore, as hereby constituted, which comprises the City of Lismore and portion of the Shire of Terania, as at present constituted; and that part of the Shire of Kyogle, as hereby constituted, which comprises portion of the Shire of Terania, as at present constituted.
- (19) Apply Part XI of the aforesaid Act to the whole of the Shire of Kyogle, as hereby constituted.
- (20) Declare that the Bonalbo Urban Area with boundaries as proclaimed and notified in Government Gazette No. 219 of 5th September, 1919; the Kyogle Urban Area with boundaries as proclaimed in Government Gazette No. 66 of 26th May, 1909, and altered by proclamations in Government Gazettes No. 37 of 18th March, 1927, No. 79 of 13th May, 1949, No. 164 of 18th September, 1953, and No. 55 of 3rd June, 1966; and the Woodenbong Urban Area with boundaries as proclaimed in Government Gazette No. 12 of 28th January, 1938, shall be urban areas in the Shire of Kyogle, as hereby constituted.
- (21) Apply to the whole or portions of the City of Lismore and the Shire of Kyogle, as hereby constituted, the ordinances set out in Schedules "D" and "E" hereto, respectively.
- (22) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 195 of 5th November, 1920, and No. 80 of 3rd August, 1945, constituting the whole of the Municipalities of Ballina, Casino, Lismore (proclaimed as a City on 30th August, 1946) and Mullumbimby, the Shires of Byron, Gundurimba, Kyogle, Terania, Tintenbar, Tomki, Tweed and Woodburn, and part of the Shire of Copmanhurst as the Richmond River County District or the proclamation in Government Gazette No. 139 of 4th December, 1959, altering the name of the Richmond River County District to Far North Coast County District, or the proclamation in Government Gazette No. 37 of 21st March, 1969, excluding the portion of the Shire of Copmanhurst as described in the Schedule to that proclamation from the Far North Coast County District, or the proclamation in Government Gazette No. 155 of 28th November, 1975, substituting the Municipality of Casino and the Shire of Richmond River for the Municipality of Casino and the Shires of Tomki and Woodburn, and for such purposes and subject to the provisions of the aforesaid Act—
- declare that the City of Lismore and the Shire of Kyogle, as hereby constituted, shall respectively be county electorates of the said Far North Coast County District and that the Council of the City of Lismore and the Council of the Shire of Kyogle, as hereby constituted, shall be entitled to elect two delegates and one delegate, respectively, to the Council of the Far North Coast County District;
 - specify that the time for the election by the Council of the City of Lismore, as hereby constituted, of its delegates to the Council of the Far North Coast County District shall be a period of one month from 1st January, 1977; and
 - order that Frederick James Flower, Esquire, being the gentleman at present in office as the delegate elected by the Council of the Shire of Kyogle, as at present constituted, shall continue in office as such delegate.
- (23) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 99 of 9th May, 1952, and No. 129 of 30th November, 1956, constituting the whole of the Cities of Grafton and Lismore, Municipalities of Ballina and Casino, and Shires of Belligen, Coffs Harbour, Copmanhurst, Gundurimba, Kyogle,

Maclean, Nambucca, Nymbodia, Terania, Tintenbar, Tomki, Ulmarra and Woodburn, as the Northern Rivers County District, or the proclamation in Government Gazette No. 155 of 28th November, 1975, substituting the Municipality of Casino and the Shire of Richmond River for the Municipality of Casino and the Shires of Tomki and Woodburn, and for such purposes and subject to the provisions of the aforesaid Act—

- (a) declare that the part of the City of Lismore, as hereby constituted, comprising the portion formerly within the City of Lismore shall continue to be a county electorate of the said County District;
 - (b) order that John Henry Philliskirk Dingle, Esquire, and Ronald Mitchell Somerville, Esquire, being the gentlemen at present in office as the delegates elected by the Council of the City of Lismore, as at present constituted, shall continue in office as such delegates;
 - (c) declare that the part of the City of Lismore, as hereby constituted, comprising the portion formerly within the Shire of Gundurimba shall continue with that part of the Shire of Ballina, constituted on and from 1st January, 1977, comprising the Shire of Tintenbar as constituted immediately prior to 1st January, 1977, and that part of the Shire of Richmond River, comprising the portion formerly within the Shire of Woodburn, to be a combined electorate of the Northern Rivers County District as notified in Government Gazette No. 82 of 28th July, 1967;
 - (d) order that Ronald Thomas Cox, Esquire, being the gentleman at present in office as the delegate of that combined electorate shall continue in office as such delegate;
 - (e) declare that the part of the Shire of Kyogle, as hereby constituted, comprising the portion formerly within the Shire of Kyogle, shall continue to be a county electorate of the said County District;
 - (f) order that Ernest Henry Harris, Esquire, being the gentleman at present in office as the delegate elected by the Council of the Shire of Kyogle, as at present constituted, shall continue in office as such delegate;
 - (g) declare that the respective parts of the City of Lismore and the Shire of Kyogle, as hereby constituted, formerly within the Shire of Terania, shall continue with that part of the Shire of Richmond River comprising the portion formerly within the Shire of Tomki, to be a combined electorate of the Northern Rivers County District as notified in Government Gazette No. 82 of 28th July, 1967; and
 - (h) order the George William Gawler Strong, Esquire, being the gentleman at present in office as the delegate of that combined electorate shall continue in office as such delegate.
- (24) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamation in Government Gazette No. 139 of 4th December, 1959, constituting the whole of the City of Lismore and the Shires of Gundurimba, Tintenbar and Woodburn as the Richmond River County District, or the proclamation in Government Gazette No. 155 of 28th November, 1975, constituting the Shire of Richmond River and declaring that the part of that Shire, comprising the portion formerly within the Shire of Woodburn, shall continue to be a county electorate of the said County District, and for such purposes and subject to the provisions of the aforesaid Act—
- (a) declare that the part of the City of Lismore, as hereby constituted, comprising the portion formerly within the City of Lismore and the Shire of Gundurimba shall be a county electorate of the said County District and that the Council of the City of Lismore, as hereby constituted, shall be entitled to elect four delegates to the Council of the Richmond River County District; and
 - (b) specify that the time for the election by the Council of the City of Lismore, as hereby constituted, of its delegates to the Council of the Richmond River County District shall be a period of one month from 1st January, 1977.
- (25) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 88 of 14th June, 1940, and

No. 113 of 14th July, 1950, constituting the whole of the Municipality of Lismore (proclaimed as a City on 30th August, 1946) and the Shires of Byron and Woodburn as the Rous County District, or the proclamation in Government Gazette No. 155 of 28th November, 1975, constituting the Shire of Richmond River and declaring that the part of that Shire, comprising the portion formerly within the Shire of Woodburn, shall continue to be a county electorate of the said County District, and for such purposes and subject to the provisions of the aforesaid Act—

- (a) declare that the part of the City of Lismore, as hereby constituted, comprising the portion formerly within the City of Lismore shall continue to be a county electorate of the said County District; and
 - (b) specify that the time for the election by the Council of the City of Lismore, as hereby constituted, of its five delegates to the Council of the Rous County District shall be a period of one month from 1st January, 1977.
- (26) Order that the provisions of the City of Lismore Planning Scheme Ordinance, any Interim Development Order made under section 342y of the Act which are in force in relation to any land in the City of Lismore immediately before this Proclamation takes effect, Interim Development Order No. 36—City of Lismore, Interim Development Order No. 1—Shire of Gundurimba, any Interim Development Order made in respect of land in the Shire of Kyogle which is in force immediately before the date of this Proclamation, and Interim Development Order No. 1—Shire of Terania shall continue to apply to the lands to which they respectively applied immediately before the day upon which this Proclamation takes effect.
- (27) Order that—
- (a) the Council of the City of Lismore, as hereby constituted, shall be the responsible authority charged with the functions of carrying into effect and enforcing the City of Lismore Planning Scheme Ordinance and shall be substituted for the Council of the City of Lismore, the Council of the Shire of Gundurimba and the Council of the Shire of Terania, as presently constituted, for the purposes of exercising and discharging all powers, authorities, duties and functions conferred on those Councils by any Interim Development Order made under section 342y of the Act, Interim Development Order No. 36—City of Lismore, Interim Development Order No. 1—Shire of Gundurimba or by Interim Development Order No. 1—Shire of Terania in so far as those Interim Development Orders affect land within the City of Lismore, as hereby constituted.
 - (b) The Council of the Shire of Kyogle, as hereby constituted, shall be substituted for the Council of the Shire of Kyogle, and the Council of the Shire of Terania, as presently constituted, for the purpose of exercising and discharging all powers, authorities, duties, functions conferred on those Councils by any Interim Development Order made in respect of land in the Shire of Kyogle, as presently constituted, or Interim Development Order No. 1—Shire of Terania, as the case may be, in respect of the land within the Shire of Kyogle, as hereby constituted, to which those Interim Development Orders respectively apply.
- (28) Order that any act, matter or thing done or omitted to be done by, or any resolution to prepare a scheme under Part XIIA of the Local Government Act, 1919, with respect to any land within the City of Lismore, the Shire of Gundurimba, the Shire of Kyogle or the Shire of Terania, as presently constituted, shall be deemed to have been done or omitted to have been done by, or to have been a resolution of, the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted.
- (29) Fix, until the estimates for 1977 are published, the limit not exceeding which the council of the areas, as hereby constituted, may borrow and re-borrow by way of limited overdraft in respect of each of the funds transferred to or deemed to be vested in the Councils of the area, as hereby constituted, respectively, at the amount which the Councils of the areas, as at present constituted, respectively, may, in respect of each such fund, borrow and re-borrow by way of limited overdraft as at 31st December, 1976.

(30) Order that the provisions of Division 2 of Part III of the Library Act, 1939, as amended, shall apply to and in respect of the Council of the City of Lismore and the Council of the Shire of Kyogle, as hereby constituted.

(31) Substitute the Council of the City of Lismore and the Council of the Shire of Kyogle, as hereby constituted, for the Councils of the areas as at present constituted, so as to enable the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted, as the case may be, to exercise or enforce on its own behalf any right of power formerly exercised or enforced under the provisions of any Act, rule, regulation or by-law or by any of the councils of the areas, as at present constituted, so far as such rights or powers relate or are applicable to lands included in the areas of such Councils, as hereby constituted. (S. 76-717)

By His Excellency's Command,

H. F. JENSEN.

GOD SAVE THE QUEEN!

SCHEDULE "A"

City of Lismore

Area about 1267 square kilometres: Commencing at the confluence of the Broadwater and the Richmond River; and bounded thence by the Broadwater upwards to its intersection with a line parallel to and rectangularly distant about 7 chains south of the northern boundary of portion 133, Parish of Broadwater, County of Rous; by that line westerly to a line along the western boundary of portions 239, 125, 235 and 234; by that line northerly to the westernmost northwestern corner of portion 234; by a northern boundary of that portion easterly to the southwestern corner of portion 295, Parish of Meerscham; by part of the western boundary of that portion and the southern and western boundaries of portion 300, northerly, westerly and again northerly; by boundaries of portion 299 westerly and northerly to the south-eastern corner of portion 326; by the southern and western boundaries of that portion westerly and northerly; by part of the southern boundary of portion 222 westerly to Marom Creek; by that creek upwards to the southeastern corner of portion 49, Parish of Lismore; by boundaries of that parish generally northeasterly to Pearce's Creek; by that creek and Wilson's Creek downwards to the southwestern corner of portion 64, Parish of Bexhill; by a line along the western boundaries of that portion and portion 275 and northwestern boundaries of portion 275 northerly and northeasterly to a western boundary of the Parish of Clunes; by boundaries of that parish northerly, westerly and again northerly to Benny's Creek; by that creek downwards and Cooper's Creek upwards to the northernmost boundary of portion 33, Parish of Whian Whian; by a line along that boundary westerly to Nightcap Range; by that range and the Main Dividing Range generally north-westerly to its intersection with a line along the eastern boundary of portion 56, Parish of Hanging Rock; by that line and part of the southern boundary of that portion southerly and westerly to Websters Creek; by that creek and Hanging Rock Creek downwards to the northeastern corner of portion 168, Parish of Jiggi; by the northern and part of the western boundaries of that portion westerly and southerly to the northeastern corner of portion 82; by the northern and western boundaries of that portion, the western boundaries of portions 81 and 147 and part of the western boundary of portion 21 westerly and southerly to the northeastern corner of portion 117, Parish of Boorabee; by part of the northernmost northern boundary of that portion westerly to its intersection with a line along the eastern boundary of portion 79; by that line southerly to the northern boundary of portion 62; by part of that boundary and the eastern boundary of that portion easterly and southerly to Boundary Creek; by that creek and Back Creek downwards to the northwestern corner of portion 66, Parish of Tomki; by the western boundary of portions 66, 208 and 170 southerly; by part of the northern and the western boundaries of portion 243 westerly and southerly to Pelican Creek; by that creek downwards to the generally eastern boundary of the Parish of Tomki; by that boundary generally southerly to the northernmost boundary of portion 218; by a line south to the Richmond River; by that river downwards and its North Arm upwards to the northwestern corner of portion 7, Parish of Coraki; by the northwestern boundary of that portion southwesterly to the road forming the northeastern boundary of portion 5; by that road, the road forming the southeastern boundary of portions 5, 4, 3, 2, 1, 28 and 27 and the road forming the southwestern boundary of portion 27 southeasterly, southwesterly and northwesterly to the Richmond River; and by that river downwards to the point of commencement.

SCHEDULE "B"

Shire of Kyogle

Area about 3589 square kilometres: Commencing on the boundary between the States of New South Wales and Queensland at its intersection with the northeastern boundary of the Parish of Worendo, County of Rous; and bounded thence by that boundary of that parish, the generally northeastern boundary of the Parish of Warrazambil and part of the generally northern boundary of the Parish of Hanging Rock generally southeasterly to its intersection with a line along the eastern boundary of portion 56, Parish of Hanging Rock; by that line and part of the southern boundary of that portion southerly and westerly to Websters Creek; by that creek and Hanging Rock Creek downwards to the northeastern corner of portion 168, Parish of Jiggi; by the northern and part of the western boundaries of that portion westerly and southerly to the north-eastern corner of portion 82; by the northern and western boundaries of that portion, the western boundaries of portions 81 and 147 and part of the western boundary of portion 21 westerly and southerly to the northeastern corner of portion 117, Parish of Boorabee; by part of the northernmost northern boundary of that portion westerly to its intersection with a line along the eastern boundary of portion 79; by that line southerly to the northern boundary of portion 62; by part of that boundary and the eastern boundary of that portion easterly and southerly to Boundary Creek; by that creek and Back Creek downwards and Pine Creek upwards to the southern boundary of the Parish of Runnymede; by that boundary generally westerly, and by the southern boundary of portions 31, 8, 90, 89, 87 and 88, Parish of Stratheden, and a line west to Eden Creek; by that creek downwards and Dyraaba Creek upwards to the western boundary of the County of Richmond, and by that boundary generally southwesterly to a spur of the Richmond Range running to Mount Pickapene; by that spur range westerly to that mount; by a line north and the north boundary of the Parish of Alice, County of Drake, westerly to the Clarence River; thence by that river, Tooloom Creek and Lindsay Creek upwards to the source of the latter in Macpherson's Range; and by that range, forming the northern boundary of the State of New South Wales, generally easterly, to the point of commencement.

SCHEDULE "C"

Ridings of the Shire of Kyogle

"A" Riding

Commencing on the generally eastern boundary of the shire at the northeastern corner of portion 117, Parish of Boorabee, County of Rous; and bounded thence by part of that shire boundary, part of the generally southern and part of the generally western boundaries of the Parish of Jiggi westerly, southerly, again westerly and generally northerly to the generally southern boundary of the Parish of Fairy Mount; by part of that boundary generally westerly to the southeastern corner of lot 2, Deposited Plan 21237; by a line south to the southern side of the road forming the southern boundary of lot 1, Deposited Plan 10780; by the southern side of that road westerly to the generally eastern boundary of the railway land from Kyogle to Casino; by that boundary of that railway land generally southerly to a point east of the southeastern corner of lot 26 of the said Deposited Plan 10780; by a line along the southern boundary of that lot, crossing the Kyogle-Casino railway line, westerly to the southwestern corner of the said lot 26; by a line along the generally southern side of the road forming the generally southern boundary of lot 5, section A, Deposited Plan 4948, generally westerly to the western side of the road forming the western boundary of the said lot 5; by a line along the western side of the latter road, crossing Highfield Road, northerly to a point rectangularly distant 250 links north from the northern side of Highfield Road; by a line parallel to and 250 links rectangularly distant from that side and a northwestern side of the said Highfield Road easterly and northeasterly to the westernmost corner of lot 32, section A, Deposited Plan 6798; by the northwestern boundary of lots 2 to 32 inclusive, and the northwestern boundary of lot 1 shown on the said Deposited Plan 6798, northeasterly to the southwestern boundary of the aforesaid railway land from Kyogle to Casino; by that boundary of that railway land northwesterly to the southern boundary of portion 115, Parish of Runnymede; by that boundary of that portion westerly to the left bank of the Richmond River; by that bank of that river generally northerly to its intersection with the north-easterly prolongation of the southeastern boundary of lot 12, section 4, Deposited Plan 9078; by a line along the south-eastern boundary of that lot southwesterly to the southernmost corner of the said lot 12; by part of the southwestern boundary of that lot northwesterly to a point rectangularly distant 8 chains southeasterly from the southeastern side of the road shown on plan catalogued R. 10753-1603, at the Department of Lands, Sydney; by a line parallel to and 8 chains rectangularly distant from that side, the southwestern side and the southern side of the said catalogued road south-westerly, northwesterly and westerly to the western boundary of the land comprised in Certificate of Title, volume 4123,

folio 131; by a line westerly to the easternmost corner of the land shown in miscellaneous plan of subdivision (R.P.) registered No. 21115; by the generally southern and southwestern boundaries of that land generally westerly and northwesterly to the westernmost corner of that land; by a line northwesterly across a road shown in plan catalogued R. 8545-1603 to the southwestern corner of lot 34, Deposited Plan 31724; by a line parallel to the western side of Bundock Street along the western boundaries of lot 34, lots 25 to 32, inclusive, and lots 19 to 22, inclusive, northerly to its intersection with a line parallel to the northern side of William Street along the northern boundaries of lots 14 to 17, inclusive, Deposited Plan 31724, and lots C and B, plan annexed to dealing G. 552312; by that line easterly to its intersection with the western boundary of the land shown in plan annexed to dealing F. 917046; by part of that boundary, the western boundaries of lot A, plan annexed to dealing G. 552312 and lot 13, Deposited Plan 31724 and the western and northern boundaries of lot 2, Deposited Plan 216725 northerly and easterly; by the western side of Saville Street southerly to its intersection with a line parallel to and 250 links rectangularly distant north of the northern side of William Street; by that line easterly to its intersection with a line parallel to the eastern side of Saville Street along the eastern boundaries of lots 1 to 5, inclusive, and lots 8 to 11, inclusive, Deposited Plan 31724; by that line southerly to the northern boundary of the land comprised in miscellaneous plan of subdivision (R.P.) registered No. 14169; by part of the northern boundary and the eastern boundary of that land easterly and southerly to the northern boundary of lot 2, section 4, Deposited Plan 9078; by a line along the northern boundary of lots 2 and 3 easterly to the southeastern corner of portion 44, Parish of Geneva; by a line along the eastern boundary of that portion, crossing the Richmond River, northerly to the left bank of that river; by that bank of that river generally easterly to the southeastern corner of lot 2, section 3, Deposited Plan 4973; by the southeastern boundary of that lot northeasterly; by a northeastern boundary and part of a northwestern boundary of lot 3, southeasterly and northeasterly to the intersection of the southeasterly prolongation of the northeastern boundary of lot 23, section 1, of the said Deposited Plan 4973; by a line along the northeastern boundary of that lot northwesterly to the left bank of Fawcetts Creek; by that bank of that creek generally northeasterly to the southwestern boundary of the railway land from Kyogle to Richmond Gap; by that boundary of that railway land generally northwesterly to its intersection with the southwesterly prolongation of the northwestern boundary of portion 75, Parish of Wiangaree; by a line along the northwestern boundary of the said portion 75 northeasterly to Fawcetts Creek, forming part of the generally western boundary of the Parish of Fairy Mount; by the generally western and northern boundaries of that parish generally northerly and easterly to Horseshoe Creek; by that creek upwards to the northwestern corner of portion 85, Parish of Hanging Rock; by a line northwesterly to Bald Mountain; by a line from the said Bald Mountain to the northeastern corner of the Parish of Warrambil northeasterly to the said generally eastern boundary of the shire; and by part of that boundary generally southerly to the point of commencement.

"B" Riding

Commencing on the generally western boundary of the shire at the westernmost northwestern corner of portion 23, Parish of Mearimb, County of Buller; and bounded thence by part of the generally western boundary and the southern and eastern boundaries of that parish generally southerly, easterly and northerly to the northwestern corner of the Parish of Burgess; by the northern boundary of that parish and the generally northern boundary of the Parish of Toonumbar, County of Rous, generally easterly to the southwestern corner of the Parish of Roseberry; by the generally southern and eastern boundaries of that parish generally easterly and northerly to the northeastern corner of portion 14, Parish of Roseberry; by a line north to the left bank of the Richmond River; by that bank of that river generally southeasterly to the southeastern corner of lot 2, section 3, Deposited Plan 4973; by the southeastern boundary of that lot northeasterly; by a northeastern boundary and part of a northwestern boundary of lot 3, southeasterly and northeasterly to the intersection of the southeasterly prolongation of the northeastern boundary of lot 23, section 1, of the said Deposited Plan 4973; by a line along the northeastern boundary of that lot northwesterly to the left bank of Fawcetts Creek; by that bank of that creek generally northeasterly to the southwestern boundary of the railway land from Kyogle to Richmond Gap; by that boundary of that railway land generally northwesterly to its intersection with the southwesterly prolongation of the northwestern boundary of portion 75, Parish of Wiangaree; by a line along the northwestern boundary of the said portion 75 northeasterly to Fawcetts Creek forming part of the generally western boundary of the Parish of Fairy Mount; by the generally western and northern boundaries of that parish generally northerly and easterly to Horseshoe Creek; by that creek upwards to the northwestern corner of portion 85, Parish of Hanging

Rock; by a line northwesterly to Bald Mountain; by a line from the said Bald Mountain to the northeastern corner of the Parish of Warrambil northeasterly to the generally eastern boundary of the shire; and by boundaries of the shire generally northerly, generally westerly and generally southerly to the point of commencement.

"C" Riding

Commencing on the generally western boundary of the shire at the westernmost northwestern corner of portion 23, Parish of Mearimb, County of Buller; and bounded thence by part of the generally western boundary and the southern and eastern boundaries of that parish generally southerly, easterly and northerly to the northwestern corner of the Parish of Burgess; by the northern boundary of that parish easterly to the Richmond Range; by that range generally southerly to the generally eastern boundary of the shire; and by boundaries of the shire generally southerly, westerly, northwesterly and northerly to the point of commencement.

"D" Riding

Commencing on the generally southern boundary of the Parish of Jiggi, County of Rous at its intersection with a line along the eastern boundary of portion 79, Parish of Boorabee; and bounded thence by part of that generally southern boundary and part of the generally western boundary of that parish westerly, southerly, again westerly and generally northerly to the generally southern boundary of the Parish of Fairy Mount; by part of that boundary generally westerly to the southeastern corner of lot 2, Deposited Plan 21237; by a line south to the southern side of the road forming the southern boundary of lot 1, Deposited Plan 10780; by the southern side of that road westerly to the generally eastern boundary of the railway land from Kyogle to Casino; by that boundary of that railway land generally southerly to a point east of the southeastern corner of lot 26 of the said Deposited Plan 10780; by a line along the southern boundary of that lot crossing the Kyogle-Casino railway line, westerly to the southwestern corner of the said lot 26; by a line along the generally southern side of the road forming the generally southern boundary of lot 5, section A, Deposited Plan 4948, generally westerly to the western side of the road forming the western boundary of the said lot 5; by a line along the western side of the latter road, crossing Highfield Road northerly to a point rectangularly distant 250 links north from the northern side of Highfield Road; by a line parallel to and 250 links rectangularly distant from that side and a northwestern side of the said Highfield Road easterly and northeasterly to the westernmost corner of lot 32, section A, Deposited Plan 6798; by the northwestern boundary of lots 2 to 32, inclusive, and the northwestern boundary of lot 1 shown on the said Deposited Plan 6798, northeasterly to the southwestern boundary of the aforesaid railway land from Kyogle to Casino; by that boundary of that railway land northwesterly to the southern boundary of portion 115, Parish of Runnymede; by that boundary of that portion westerly to the left bank of the Richmond River; by that bank of that river generally northerly to its intersection with the northeasterly prolongation of the southeastern boundary of lot 12, section 4, Deposited Plan 9078; by a line along the southeastern boundary of that lot southwesterly to the southernmost corner of the said lot 12; by part of the southwestern boundary of that lot northwesterly to a point of rectangularly distant 8 chains southeasterly from the southeastern side of the road shown on plan catalogued R. 10753-1603 at the Department of Lands, Sydney; by a line parallel to and 8 chains rectangularly distant from that side, the southwestern side and the southern side of the said catalogued road southwesterly, northwesterly and westerly to the western boundary of the land comprised in Certificate of Title, volume 4123, folio 131; by a line westerly to the easternmost corner of the land shown in miscellaneous plan of subdivision (R.P.), registered No. 21115; by the generally southern and southwestern boundaries of that land generally westerly and northwesterly to the westernmost corner of that land; by a line northwesterly across a road shown in plan catalogued R. 8545-1603 to the southwestern corner of lot 34, Deposited Plan 31724; by a line parallel to the western side of Bundock Street along the western boundaries of lot 34, lots 25 to 32, inclusive, and lots 19 to 22, inclusive, northerly to its intersection with a line parallel to the northern side of William Street along the northern boundaries of lots 14 to 17, inclusive, Deposited Plan 31724, and lots C and D, plan annexed to dealing G. 552312; by that line easterly to its intersection with the western boundary of the land shown in plan annexed to dealing F. 917046; by part of that boundary, the western boundaries of lot A, plan annexed to dealing G. 552312, and lot 13, Deposited Plan 31724, and the western and northern boundaries of lot 2, Deposited Plan 216725, northerly and easterly; by the western side of Saville Street southerly to its intersection with a line parallel to and 250 links rectangularly distant north of the northern side of William Street; by that line easterly to its intersection with a line parallel to the eastern side of Saville Street along the eastern boundaries of lots 1 to 5, inclusive, and lots 8 to 11, inclusive, Deposited Plan 31724; by that line southerly to the northern boundary of the land comprised in miscellaneous plan of sub-

division (R.P.), registered No. 14169; by part of the northern boundary and the eastern boundary of that land easterly and southerly to the northern boundary of lot 2, section 4, Deposited Plan 9078; by a line along the northern boundary of lots 2 and 3 easterly to the southeastern corner of portion 44, Parish of Geneva; by a line along the eastern boundary of that portion, crossing the Richmond River, northerly to the left bank of that river; by that bank of that river generally north-westerly to a point north of the northeastern corner of portion 14, Parish of Roseberry; by a line south to that corner; by the generally eastern and southern boundaries of the said Parish of Roseberry and the southern boundary of the Parish of Sherwood generally southerly and westerly to the Richmond Range; by that range generally southerly to the generally southeastern boundary of the shire; and by boundaries of the shire generally northeasterly and generally northerly to the point of commencement.

SCHEDULE "D"

Ordinances Applied to the City of Lismore

Nos 26 (clause 24 (c1)) and 41.

Ordinances Applied to Portion of the City of Lismore

Nos 30 (clause 9A), 34 (clause 24AB), 39 (clause 21B), 42 and 70 (clause 58.2) to the portion formerly comprised within the City of Lismore.

No. 48 (clause 20) to the following reserves: Stocks Park; Lismore Recreation Ground; and Nesbitt Park.

No. 37A to the portion formerly comprised within the Shire of Gundurimba.

No. 61 to the portion formerly comprised within the Shire of Terania.

Ordinance Applied to Libraries in the City of Lismore
No. 64.

SCHEDULE "E"

Ordinances Applied to the Shire of Kyogle

Nos 26 (clause 24 (c1)), 41 and 61.

Ordinances Applied to Portion of the Shire of Kyogle

Nos 30 (clause 9A (to Kyogle Urban Area)), 39 (clause 21B), 40, 51 (to Bonalbo and Kyogle Urban Areas), 57 and 70 (clause 58.2 (as far as Part XI of the Act applies)), formerly comprised within the Shire of Kyogle.

SCHEDULE "F"

Provisional Council of the City of Lismore

James Byron Armstrong, Esquire; William Gordon Blair, Esquire; Allan John Clark, Esquire; John Fredrick Crowther, Esquire; John Henry Philliskirk Dingle, Esquire; Alfred Douglas Edwards, Esquire; Habib Paul Habib, Esquire; Donald Stewart Johnston, Esquire; Robert Clive McKenzie, Esquire; Mrs Shirley Mae Ryan; Harold James Shearman, Esquire; Alister Norman Somerville, Esquire; Ronald Mitchell Somerville, Esquire; George Richard Duncan Taylor, Esquire; Thomas Richmond Watt, Esquire.

SCHEDULE "G"

Provisional Council of the Shire of Kyogle

Matthew John Dougherty, Esquire; Fredrick Stanley Roberts Fairbairn, Esquire; Frederick James Flower, Esquire; Ernest Henry Harris, Esquire; Panagiotis Emanuel Petrochilos, Esquire; John James Pollard, Esquire; Howard Frank Shedden, Esquire; Arthur Edward Gordon Strong, Esquire. (2920)



[Published in Government Gazette No. 119 of 11th
September, 1970.]

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION
(L.S.) B. SUGERMAN, *by Deputation from His Excellency
the Governor.*

2nd September, 1970.

I, Sir ARTHUR RODEN CUTLER, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of the Local Government Act, 1919, do hereby on the application of the Councils of the City of Lismore, the Municipalities of Ballina, Mullumbimby, and the Shires of Byron, Kyogle, Terania, Tintenbar, Tomki, Tweed, and Woodburn, being a majority in number of the Councils of the City, Municipalities, and Shires concerned in the Far North Coast County District and together with the Councils of the Municipality of Casino and the Shire of Gundurimba being the Councils hereinafter referred to as the "constituent Councils"—

- (1) delegate to the Council of the said County District the power to exercise or perform for the benefit of the County District—
 - (a) all the powers or duties under sections 468, 469, 471 to 474, both inclusive, 475A, 475B, 475C, 475F, 475G, and 475H of the Local Government Act, 1919, relating to the eradication of noxious plants;
 - (b) the power to borrow by way of limited overdraft under section 174 of the aforesaid Act any moneys from time to time for the purpose of any work or service or any object which the Council of the said County District is authorized by law to construct, carry on, or effect; and
 - (c) the power under and subject to the provisions of section 188 of the aforesaid Act to issue debentures, mortgage deeds, or bonds for securing the repayment of the principal and interest of any moneys so borrowed.
- (2) for the purpose only of the Council of the said County District exercising the powers or performing the duties hereinbefore delegated to it, further delegate to the Council of the said County District the power to exercise or perform for the benefit of the said County District (but subject to the operation of the provisions contained in Part XXIX of the aforesaid Act) the powers or duties contained in the following sections of the aforesaid Act, which by law the constituent Councils or any one of them may perform or exercise, that is to say sections 173 to 177, both inclusive, 178A, 181A, 182, 182A, 183, and 185 to 200, both inclusive (loans), section 482 (buildings for public purposes), sections 516, 517, and 517A (contracts), sections 518 to 520, both inclusive (sale and lease of property), section 524 (entry and other powers), section 525 (powers in relation to works and undertakings), section 528 (power to insure), section 529 (power to do necessary acts), sections 531, 532, and 536 to 536H, both inclusive (acquisition of land), sections 586 to 595, both inclusive (legal and other proceedings), and section 615 (recovery of debts): Provided that this delegation shall not prevent the Councils concerned in the said County District from exercising the same powers in relation to any Shire or Municipal functions other than those specifically delegated to the Council of the said County District in subparagraph (a) of paragraph (1) above: Provided always that the above delegation shall be cumulative with and not in substitution for the powers or duties vested in the Council of the said County District under section 569 of the aforesaid Act, and the delegations of further powers or duties proclaimed in Government Gazettes No. 56 of 7th May, 1926, No. 125 of 1st November, 1946, No. 83 of 20th May, 1949, and No. 145 of 7th September, 1951.

I do also hereby appoint 1st October, 1970, as the date from which the provisions of paragraphs (a) to (m) both inclusive of subsection (1) of section 564B of the said Act shall have effect. (S. 70-79)

By His Excellency's Command,

P. H. MORTON.

(1793)

GOD SAVE THE QUEEN!

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION
(L.S.) A. R. CUTLER, *Governor*.

19th November, 1975.

I, Sir ARTHUR RODEN CUTLER, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the Local Government Act, 1919, do hereby—

- (1) Divide, on and from 1st January, 1976—
 - (a) the Municipality of Casino, as constituted by proclamation in Government Gazette No. 18 of 15th January, 1880, reconstituted by proclamation in Government Gazette No. 733 of 15th September, 1896, altered by the Casino Municipal Boundaries Act, 1901, and again altered by proclamation in Government Gazette No. 150 of 29th November, 1929;
 - (b) the Shire of Tomki, as constituted by proclamation in Government Gazette No. 121 of 7th March, 1906, and altered by proclamation in Government Gazette No. 150 of 29th November, 1929; and
 - (c) the Shire of Woodburn, as constituted by proclamation in Government Gazette No. 211 of 15th December, 1933, and altered by proclamation in Government Gazette No. 103 of 26th October, 1962;

into two areas, as described in Schedules "B" and "C" hereto, respectively.

- (2) Constitute, on and from 1st January, 1976, the area as described in Schedule "B" as a municipality which shall be named the Municipality of Casino and the area as described in Schedule "C" as a shire which shall be named the Shire of Richmond River.
- (3) Determine that the Council of the said Municipality of Casino as hereby constituted, shall consist of nine (9) aldermen and, pending the election of a council upon a date to be proclaimed, appoint as the Provisional Council of the said Municipality of Casino which shall have, pending such election, all the powers of a council of a municipality, the persons whose names appear in Schedule "D" hereto, and provide that (a) such appointments shall take effect as from the issue of this Proclamation; and (b) the Provisional Council may exercise prior to 1st January, 1976, the powers of a council for or in relation to the matters and things following, that is to say—
 - (i) the election of a mayor;
 - (ii) the provision of an office for the Council;
 - (iii) the transfer and appointment of servants;
 - (iv) the apportionment of assets, rights and liabilities;
 - (v) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Provisional Council are necessary or expedient to enable that Council to exercise and discharge all or any of the powers of a council as from 1st January, 1976: Provided, however, that no arrangement with respect to the transfer and appointment of servants or to the apportionment of assets, rights and liabilities shall take effect prior to 1st January, 1976.
- (4) Determine that the Council of the said Shire of Richmond River, as hereby constituted, shall consist of eleven (11) councillors and, pending the election of a council upon a date to be proclaimed, appoint as the Provisional Council of the said Shire of Richmond River which shall have, pending such election, all the powers of a council of a shire, the persons whose names appear in Schedule "E" hereto, and provide that (a) such appointments shall take effect as from the issue of this Proclamation; and (b) the Provisional Council may exercise prior to 1st January, 1976, the powers of a council for or in relation to the matters and things following, that is to say—
 - (i) the election of a President;
 - (ii) the provision of an office for the Council;
 - (iii) the transfer and appointment of servants;
 - (iv) the apportionment of assets, rights and liabilities;
 - (v) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Provisional Council are necessary or expedient to enable that Council to exercise and discharge all or any of the powers of a council as from 1st January, 1976: Provided, however, that no arrangement with respect to the transfer and appointment of servants or to the apportionment of assets, rights and liabilities shall take effect prior to 1st January, 1976.

- (5) Order (a) that the valuations of land and rolls of electors and ratepayers in force as at 31st December, 1975, in respect of the land comprised in the said areas, as at present constituted, so far as such valuations and rolls relate to or are applicable to the lands included in the Municipality of Casino or the Shire of Richmond River, as hereby constituted, respectively, shall, for the purposes of the said Act, continue in force in the Municipality of Casino and the Shire of Richmond River, as hereby constituted, and the case may be, as if made in respect of that Municipality and that Shire until fresh valuations and fresh rolls, respectively, come into force therein; and (b) that the Council of the Shire of Richmond River, as hereby constituted, in respect of the part of the Shire of Tomki, as at present constituted, included in the Municipality of Casino, as hereby constituted, shall immediately after 31st December, 1975, furnish to the Council of the said Municipality of Casino copies of or extracts from the valuation books and rolls of electors and ratepayers of the Council of the Shire of Tomki, as at present constituted, showing as at 31st December, 1975, the valuations and enrolments which relate to or are applicable to the lands so included.
- (6) Order that all rights and liabilities acquired and incurred, and all contracts and undertakings entered into, all securities lawfully given and all applications, actions, suits and proceedings begun prior to 1st January, 1976, either by or on behalf of or against the Council of any of the said areas, as at present constituted, shall, on and from that date, in so far as they relate to or are applicable to the lands included in the Municipality of Casino or the Shire of Richmond River, as hereby constituted, respectively, be vested in and attached, and may be enforced, realized and carried on by or on behalf of or against the Council of the Municipality of Casino or the Council of the Shire of Richmond River, as hereby constituted, as the case may be, and shall not abate or be discontinued, or be prejudicially affected, by this division of areas.
- (7) Order that where for the fulfilment of its obligations and undertakings with respect to its existing loans, the Council of any of the said areas, as at present constituted, is required by law to levy a loan rate, the Council of the Municipality of Casino or the Council of the Shire of Richmond River, as hereby constituted, as the case may be, shall continue to levy such rate or rates in so far as they are required to be levied on land included in such Municipality of Casino or Shire of Richmond River, as hereby constituted, as the case may be, until the loans in respect of which the rates are leviable are retired.
- (8) Order that the Council of the Municipality of Casino or the Council of the Shire of Richmond River, as hereby constituted, as the case may be, shall, on and from 1st January, 1976, be vested with the power to levy all rates levied before that date by the Council of any of the said areas, as at present constituted, in so far as such rates relate to or are leviable upon any lands included in the Municipality of Casino or the Shire of Richmond River, as hereby constituted, respectively.
- (9) Order that on and from 1st January, 1976, and until the issue of a Proclamation giving effect to an arrangement with regard to the apportionment of the assets, rights and liabilities of the Council of the Municipality of Casino, the Council of the Shire of Tomki and the Council of the Shire of Woodburn, as at present constituted, between the Council of the Municipality of Casino and the Council of the Shire of Richmond River, as hereby constituted—
 - (a) any land or building or other real property vested in or belonging to the Council of the Shire of Tomki and the Council of the Shire of Woodburn, as at present constituted, shall be deemed to be vested in the Council of the Shire of Richmond River, as hereby constituted; and
 - (b) all other assets, other than rates levied before 1st January, 1976, vested in or belonging to the Council of the Shire of Tomki and the Council of the Shire of Woodburn, as at present constituted, and all liabilities of the said Councils shall be deemed to be assets and liabilities of the Council of the Shire of Richmond River, as hereby constituted, so far as such assets and liabilities form part of the General Fund of the Council of the Shire of Tomki, as at present constituted, and the General Fund, Water Supply Local Fund, Broadwater Town Improvement Local Fund, Coraki Town Improvement Local Fund, Evans Head Town Improvement Local

Fund, Woodburn Town Improvement Local Fund, Coraki Sewerage Local Fund, Evans Head Sewerage Local Fund and Woodburn Sewerage Local Fund of the Council of the Shire of Woodburn, as at present constituted.

- (10) Order that on and from 1st January, 1976, all assets, rights and liabilities of the Council of the Municipality of Casino, as at present constituted, shall be assets, rights and liabilities, of the Council of the Municipality of Casino, as hereby constituted.
- (11) Order that any disallowance or surcharge which could have been made, continued, enforced or recovered if this Proclamation had not been made, may be made, continued, enforced and recovered notwithstanding the dissolution of the Council of the Municipality of Casino, the Council of the Shire of Tomki and the Council of the Shire of Woodburn, as at present constituted.
- (12) Order, without prejudice to the foregoing:—
- (a) that any Inspector of Local Government Accounts may disallow in the books or accounts of the Council of the Municipality of Casino or the Council of the Shire of Richmond River, as hereby constituted, any expenditure, transfer or entry in the books or accounts of the Council of the Municipality of Casino, the Council of the Shire of Tomki or the Council of the Shire of Woodburn, as at present constituted, which has been incurred or made in contravention of any Act or any ordinance, regulation or by-law and shall surcharge the amount of any such disallowance upon the members or servants of the Council of the Municipality of Casino, the Council of the Shire of Tomki or the Council of the Shire of Woodburn, as at present constituted, as the case may be, by whom the expenditure, transfer or entry was incurred or made or ordered to be incurred or made;
 - (b) that all liability of any member or servant of the Council of the Municipality of Casino, the Council of the Shire of Tomki or the Council of the Shire of Woodburn, as at present constituted, as the case may be, in respect of any such expenditure, transfer or entry or of any deficiency or loss of such Council incurred by the culpable negligence or misconduct of such member or servant or by the failure to account for any sum by such Council, shall be a liability of such member or servant to the Council of the Municipality of Casino or to the Council of the Shire of Richmond River, as hereby constituted, as the case may be, whether the amount of any such disallowance, deficiency, loss or sum be surcharged before or after 1st January, 1976.
- (13) Charge the Council of the Municipality of Casino and the Council of the Shire of Richmond River, as hereby constituted, with the care, control and management of all public reserves in respect of which any of the Councils of the areas, as at present constituted, is charged with the care, control and management in so far as such public reserves are included in the Municipality of Casino or the Shire of Richmond River, as hereby constituted, respectively.
- (14) Order that the proclamation under section 309 of the Local Government Act, 1919, published in Government Gazette No. 121 of 6th July, 1934, declaring Residential District No. 1—Woodburn Shire, shall be in force in the Shire of Richmond River, as hereby constituted.
- (15) Apply the provisions of section 288A of the aforesaid Act to the Municipality of Casino and the Shire of Richmond River, as hereby constituted.
- (16) Apply Part XI of the aforesaid Act to the portions of the Shire of Richmond River, as hereby constituted, which comprise the Shire of Tomki, as at present constituted, and the portions of the Shire of Woodburn, as at present constituted, to which Part XI applies.
- (17) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 195 of 5th November, 1920, and No. 80 of 3rd August, 1945, constituting the whole of the Municipalities of Ballina, Casino, Lismore (proclaimed as a City on 30th August, 1946) and Mullumbimby, the Shires of Byron, Gundurimba, Kyogle, Terania, Tintenbar, Tomki, Tweed and Woodburn, and part of the Shire of Copmanhurst as the Richmond River County District or the proclamation in Government Gazette No. 139 of 4th December, 1959, altering the name of the Richmond River County District to Far North Coast County District, or the proclamation in Government Gazette No. 37 of 21st March, 1969, excluding the portion of the Shire of Copmanhurst as described in the Schedule to that proclamation from the Far North Coast County District, other than to substitute the Municipality of Casino and the Shire of Richmond River, as hereby constituted, for the Municipality of Casino and the Shires of Tomki and Woodburn, as at present constituted, and for such purposes and subject to the provisions of the aforesaid Act—
- (a) order that Francis John Ellis, Esquire, being the gentleman at present in office as the delegate elected by the Council of the Municipality of Casino shall continue in office as such delegate; and
 - (b) specify that the time for the election by the Council of the Shire of Richmond River, as hereby constituted, of its delegate shall be a period of one month from 1st January, 1976.
- (18) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 99 of 9th May, 1952, and No. 129 of 30th November, 1956, constituting the whole of the Cities of Grafton and Lismore, Municipalities of Ballina and Casino, and Shires of Bellingen, Coffs Harbour, Copmanhurst, Gundurimba, Kyogle, Maclean, Nambucca, Nymboida, Terania, Tintenbar, Tomki, Ulmarra and Woodburn, as at present constituted, as the Northern Rivers County District, other than to substitute the Municipality of Casino and the Shire of Richmond River, as hereby constituted, for the Municipality of Casino and the Shires of Tomki and Woodburn, as at present constituted, and for such purposes and subject to the provisions of the aforesaid Act—
- (a) order that Sidney Colin Humphreys, Esquire, being the gentleman at present in office as the delegate elected by the Council of the Municipality of Casino shall continue in office as such delegate;
 - (b) declare that the part of the Shire of Richmond River, as hereby constituted, comprising the portion formerly within the Shire of Tomki shall continue with the Shire of Terania to be a combined electorate of the Northern Rivers County District as notified in Government Gazette No. 82 of 28th July, 1967;
 - (c) order that George William Gawler Strong, Esquire, being the gentleman at present in office as the delegate of that combined electorate shall continue in office as such delegate;
 - (d) declare that the part of the Shire of Richmond River, as hereby constituted, comprising the portion formerly within the Shire of Woodburn shall continue with the Gundurimba and Tintenbar Shires to be a combined electorate of the Northern Rivers County District as notified in Government Gazette No. 82 of 28th July, 1967; and
 - (e) order that Ronald Thomas Cox, Esquire, being the gentleman at present in office as the delegate of that combined electorate shall continue in office as such delegate.
- (19) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamation in Government Gazette No. 139 of 4th December, 1959, constituting the whole of the City of Lismore and the Shires of Gundurimba, Tintenbar and Woodburn, as at present constituted, as the Richmond River County District, and for such purposes and subject to the provisions of the aforesaid Act—
- (a) declare that the part of the Shire of Richmond River, as hereby constituted, comprising the portion formerly within the Shire of Woodburn shall continue to be a county electorate of the said County District; and
 - (b) order that George Edward Wagner, Esquire, and Charles Napier Yabsley, Esquire, O.B.E., being the gentlemen at present in office as the delegates elected by the Council of the Shire of Woodburn, as at present constituted, shall continue in office as such delegates.
- (20) Apply to the whole or portions of the Municipality of Casino and the Shire of Richmond River, as hereby constituted, the ordinances set out in Schedules "F" and "G" hereto, respectively.
- (21) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 88 of 14th June, 1940, and No. 113 of 14th July, 1950, constituting the whole of the Municipality of Lismore (proclaimed as a City on 30th August, 1946) and the Shires of Byron and Woodburn, as at present constituted, as the Rous County District,

and for such purposes and subject to the provisions of the aforesaid Act—

- (a) declare that the part of the Shire of Richmond River, as hereby constituted, comprising the portion formerly within the Shire of Woodburn shall continue to be a county electorate of the said County District; and
- (b) order that Eric John Chambers, Esquire, and Kenneth Robert Thomas, Esquire, being the gentlemen at present in office as delegates elected by the Council of the Shire of Woodburn, as at present constituted, shall continue in office as such delegates.
- (22) Order that Interim Development Order No. 1—Shire of Tomki shall continue in force in relation to the land described in Schedule "A" to this Proclamation and the Council of the Municipality of Casino shall be substituted for the Council of the Shire of Tomki for the purpose of exercising and discharging all powers, authorities, duties and functions conferred on and imposed on the Council of the Shire of Tomki by the said Interim Development Order but only in so far as the land included in the Municipality of Casino is concerned.
- (23) Order that (a) Interim Development Order No. 1—Shire of Tomki shall continue in force in relation to the land within the part of the Shire of Tomki included in the Shire of Richmond River by this Proclamation and the Council of the Shire of Richmond River shall be substituted for the Council of the Shire of Tomki for the purpose of exercising and discharging all powers, authorities, duties and functions conferred on and imposed on the Council of the Shire of Tomki by the said Interim Development Order but only in so far as the land included in the Shire of Richmond River is concerned; and (b) Interim Development Order No. 1—Shire of Woodburn shall continue in force in relation to the land within the Shire of Woodburn included in the Shire of Richmond River by this Proclamation and the Council of the Shire of Richmond River shall be substituted for the Council of the Shire of Woodburn for the purpose of exercising and discharging all powers, authorities, duties and functions conferred on and imposed on the Council of the Shire of Woodburn by the said Interim Development Order.
- (24) Fix, until the estimates for 1976 are published, the limit not exceeding which the Councils of the areas, as hereby constituted, may borrow and re-borrow by way of limited overdraft in respect of each of the funds transferred to or deemed to be vested in the Councils of the areas, as hereby constituted, respectively, at the amount which the Councils of the areas, as at present constituted, respectively, may, in respect of each such fund, borrow and re-borrow by way of limited overdraft as at 31st December, 1975.
- (25) Order that the provisions of Division 2 of Part III of the Library Act, 1939, as amended, shall apply to and in respect of the Council of the Municipality of Casino, as hereby constituted.
- (26) Substitute the Council of the Municipality of Casino and the Council of the Shire of Richmond River, as hereby constituted, for the Councils of the areas as at present constituted, so as to enable the Council of the Municipality of Casino or the Council of the Shire of Richmond River, as hereby constituted, as the case may be, to exercise or enforce on its own behalf any right or power formerly exercised or enforced under the provisions of any Act, rule, regulation or by-law by any of the councils of the areas, as at present constituted, so far as such rights or powers relate or are applicable to lands included in the areas of such Councils, as hereby constituted. (S. 75-1261)

By His Excellency's Command,

C. B. CUTLER.

GOD SAVE THE QUEEN!

SCHEDULE "A"

Land in the part of the Shire of Tomki included in the Municipality of Casino

Area about 7 516 hectares: Commencing on the southwestern boundary of portion 195, Parish of South Casino, County of Richmond, at its intersection with a line along the southern boundaries of portion 281 of that parish and portions 6 and 106, Parish of Wooroowoolgan; and bounded thence by that line westerly to the easternmost eastern boundary of portion 102; by part of that boundary, the easternmost southern, the westernmost eastern and the southernmost southern boundaries of that portion southerly, westerly, again southerly and again westerly; by the southern boundary and part of the western boundary of portion 103 westerly and northerly to

the prolongation easterly of the southern boundary of lot A25, Deposited Plan 5111; by that prolongation and that boundary westerly; by the southwestern boundary of that lot and the northwestern boundary and its prolongation northeasterly to the generally southern boundary of lot A21; by part of that boundary and part of the western boundary of that lot generally westerly and northerly to the generally northeastern side of the road shown in plan catalogued R. 2135-1603; by that side of that road generally northwesterly to the southeastern side of Bundock Crossing; by that side of that crossing northeasterly to the right bank of the Richmond River; by that bank upwards to the prolongation southerly of the western boundary of portion 144, Parish of Kyogle, County of Rous; by that prolongation, that boundary and the northern and westernmost northwestern boundaries of that portion northerly, easterly, and northeasterly; by the generally northwestern side of the road shown in plan catalogued R. 25944-1603 generally north-easterly; by a line across Trunk Road No. 83 (Summerland Way) northwesterly to the northwestern corner of lot 3, Deposited Plan 562738; by the southwestern boundary of that lot southeasterly; by a line along the southern boundaries of that lot, lot 2 and portions 298 and 145, Parish of North Casino, County of Rous, easterly to the southernmost corner of portion 292; by the southeastern boundary of that portion northeasterly; by the prolongation northerly of the westernmost western boundary of portion 154, that boundary, the westernmost southern and the easternmost western boundaries of that portion southerly, easterly and again southerly; by a line along the easternmost southern boundary of that portion and the southern boundary of portion 155 easterly to the western boundary of portion 254; by part of that boundary southerly to the southwestern corner of that portion; by the southern boundary of that portion and its prolongation easterly to the southwestern boundary of lot 1, Deposited Plan 555289; by part of that boundary and the southwestern boundary of lot 2 and its prolongation southeasterly to the generally southeastern side of the road forming the northwestern boundaries of portions 295 and 296, the northwestern and western boundaries of portion 297 and the westernmost western boundary of portion 130; by that side of that road southwesterly and southerly to the North Coast Railway at North Casino Railway Station; by that railway generally southerly to the prolongation northwesterly of the southwestern boundary of portion 306; by that prolongation, that boundary, the southeastern boundary of that portion and part of the southeastern boundary of portion 307 southeasterly and northeasterly to the prolongation northerly of the northernmost western boundary of portion 24; by that prolongation and part of that boundary southerly to its intersection with the northern boundary of the Suburban Lands of the Town of Casino notified in Government Gazette of 4th April, 1919; by part of that boundary and part of the generally eastern boundary of the said suburban lands easterly and southerly to the southwestern corner of portion 157, Parish of Tomki; by part of the southern boundary of that portion easterly to the prolongation northerly of the eastern boundary of lot 110, Deposited Plan 976658; by that prolongation, that boundary and the eastern boundaries of lots 112, 113 and 115 southerly; by the generally northern side of State Highway No. 16 to its intersection with a line along the western boundary of lot 25; by that line southerly to the northwestern corner of lot 8; by a line easterly to the northeastern corner of lot 6; by the northern boundary of that lot westerly; by a line across the Richmond River southwesterly to the right bank; by that bank downwards to the northeastern corner of lot 2, Deposited Plan 102292; by part of the generally southeastern boundary of that lot generally southwesterly to the northeastern corner of lot 3; by a line along the eastern boundaries of that lot and lot B1, Deposited Plan 976551, southerly to the southeastern corner of that lot; by the southern boundaries of that lot and lot D and its prolongation westerly to the eastern boundary of portion 32, Parish of South Casino, County of Richmond; by part of that boundary and the eastern boundary of portion 34 southerly; by the southern boundaries of portions 34 and 33 westerly; by the northern and northwestern sides of the road shown in plan catalogued R. 8899-1603 westerly and southwesterly; by the generally northeastern side of the road from Casino to Ellangowan northwesterly to the generally eastern boundary of the Municipality of Casino as proclaimed in Government Gazette No. 150 of 29th November, 1929; and by that boundary, the generally northern and part of the generally southwestern boundaries of that municipality generally northerly, generally westerly and generally south-easterly to the point of commencement.

SCHEDULE "B"

Municipality of Casino

Area about 9 115 hectares: Commencing at the southwestern corner of portion 195, Parish of South Casino, County of Richmond; and bounded thence by part of the generally southwestern boundary of the Municipality of Casino as proclaimed

in Government Gazette No. 150 of 29th November, 1929, northwesterly to a line along the southern boundaries of portion 281 of that parish and portions 6 and 106, Parish of Wooroooolgan; by that line westerly to the easternmost eastern boundary of portion 102; by part of that boundary, the easternmost southern, the westernmost eastern and the southernmost southern boundaries of that portion southerly, westerly, again southerly and again westerly; by the southern boundary and part of the western boundary of portion 103 westerly and northerly to the prolongation easterly of the southern boundary of lot A25, Deposited Plan 5111; by that prolongation and that boundary westerly; by the southwestern boundary of that lot and the northwestern boundary and its prolongation northeasterly to the generally southern boundary of lot A21; by part of that boundary and part of the western boundary of that lot generally westerly and northerly to the generally northeastern side of the road shown in plan catalogued R. 2135-1603; by that side of that road generally northwesterly to the southeastern side of Bundock Crossing; by that side of that crossing northeasterly to the right bank of the Richmond River; by that bank upwards to the prolongation southerly of the western boundary of portion 144, Parish of Kyogle, County of Rous; by that prolongation, that boundary and the northern and westernmost northwestern boundaries of the portion northerly, easterly and northeasterly; by the generally northwestern side of the road shown in plan catalogued R. 25944-1603 generally northeasterly; by a line across Trunk Road No. 83 (Summerland Way) northwesterly to the northwestern corner of lot 3, Deposited Plan 562738; by the southwestern boundary of that lot southeasterly; by a line along the southern boundaries of that lot, lot 2 and portions 298 and 145, Parish of North Casino, County of Rous, easterly to the southernmost corner of portion 292; by the southeastern boundary of that portion northeasterly; by the prolongation northerly of the westernmost western boundary of portion 154, that boundary, the westernmost southern and the easternmost western boundaries of that portion southerly, easterly and again southerly; by a line along the easternmost southern boundary of that portion and the southern boundary of portion 155 easterly to the western boundary of portion 254; by part of that boundary southerly to the southwestern corner of that portion; by the southern boundary of that portion and its prolongation easterly to the southwestern boundary of lot 1, Deposited Plan 555289; by part of that boundary and the southwestern boundary of lot 2 and its prolongation southeasterly to the generally southeastern side of the road forming the northwestern boundaries of portions 295 and 296, the northwestern and western boundaries of portion 297 and the westernmost western boundary of portion 130; by that side of that road southwesterly and southerly to the North Coast Railway at North Casino Railway Station; by that railway generally southerly to the prolongation northwesterly of the southwestern boundary of portion 306; by that prolongation, that boundary, the southeastern boundary of that portion and part of the southeastern boundary of portion 307 southeasterly and northeasterly to the prolongation northerly of the northernmost western boundary of portion 24; by that prolongation and part of that boundary southerly to its intersection with the northern boundary of the Suburban Lands of the Town of Casino notified in Government Gazette of 4th April, 1919; by part of that boundary and part of the generally eastern boundary of the said suburban lands easterly and southerly to the southwestern corner of portion 157, Parish of Tomki; by part of the southern boundary of that portion easterly to the prolongation northerly of the eastern boundary of lot 110, Deposited Plan 976658; by that prolongation, that boundary and the eastern boundaries of lots 112, 113 and 115 southerly; by the generally northern side of State Highway No. 16 to its intersection with a line along the western boundary of lot 25; by that line southerly to the northwestern corner of lot 8; by a line easterly to the northeastern corner of lot 6; by the northern boundary of that lot westerly; by a line across the Richmond River southwesterly to the right bank; by that bank downwards to the northeastern corner of lot 2, Deposited Plan 102292; by part of the generally southeastern boundary of that lot generally southwesterly to the northeastern corner of lot 3; by a line along the eastern boundaries of that lot and lot B1, Deposited Plan 976551 southerly to the southeastern corner of that lot; by the southern boundaries of that lot and lot D and its prolongation westerly to the eastern boundary of portion 32, Parish

of South Casino, County of Richmond; by part of that boundary and the eastern boundary of portion 34 southerly; by the southern boundaries of portions 34 and 33 westerly; by the northern and northwestern sides of the road shown in plan catalogued R. 8899-1603 westerly and southwesterly; and by the generally northeastern side of the road from Casino to Ellangowan northwesterly to the point of commencement.

SCHEDULE "C"

Shire of Richmond River

Area about 2 460 square kilometres: The Shire of Woodburn as proclaimed in Government Gazette No. 103 of 26th October, 1962, and the Shire of Tomki as proclaimed in Government Gazette No. 150 of 29th November, 1929, but exclusive of the Municipality of Casino.

SCHEDULE "D"

Provisional Council of the Municipality of Casino

John Lawrence Carrall, Esquire; John George Crooks, Esquire; Robert James Ellem, Esquire; Francis John Ellis, Esquire; Francis Bertie Grainger, Esquire; Ronald Howard, Esquire; Sidney Colin Humphreys, Esquire; John Charles David Lane, Esquire; John McKinnon, Esquire.

SCHEDULE "E"

Provisional Council of the Shire of Richmond River

Eric John Chambers, Esquire; Ronald Thomas Cox, Esquire; Mervyn Stanley Byron Gittos, Esquire; Francis Bertie Grainger, Esquire; Malcolm John Olive, Esquire; Barrie Wallace Collett Patch, Esquire; George William Gawler Strong, Esquire; Colin Joseph Sullivan, Esquire; Kenneth Robert Thomas, Esquire; George Edward Wagner, Esquire; Charles Napier Yabsley, Esquire, O.B.E.

SCHEDULE "F"

Ordinance applied to the Municipality of Casino:
No. 41.

Ordinances applied to portion of the Municipality of Casino:

Nos 30 (clause 9A), 30 (clause 9A (f) (i)), 39 (clause 21b), 51, 61 and 70 (clause 58.2) to the portion formerly comprised within the Municipality of Casino as constituted immediately before 1st January, 1976;

No. 48 (clause 20) to the following reserves: Oval Enclosures in Queen Elizabeth Park; golf course in Richmond Park; Swimming Pool Reserve; tennis courts enclosure in Memorial Park.

Ordinance applied to libraries in the Municipality of Casino:
No. 64.

SCHEDULE "G"

Ordinances applied to the Shire of Richmond River:
Nos 41 and 57.

Ordinances applied to portion of the Shire of Richmond River:

No. 30 (clause 67) to Bungawalbyn Bridge over Bungawalbyn Creek;

No. 35A to Broadwater Wharf; Kilgin Wharf; South Woodburn Wharf; Swan Bay Wharf; Malone's Wharf; Olive's Wharf; Robinson's Wharf; Sandy Creek Wharf;

Nos 35d, 37A, 39 (clause 21b), 61 and 75 to the portion formerly comprised within the Shire of Woodburn;

No. 48 (clause 20) to the following reserves: Evans Head Reserve (old and new portions); River Bank Park, South Woodburn; Reserve No. 54662, Coraki;

No. 51 to Evans Head Scavenging District (with boundaries as described in Government Gazette No. 70 of 15th July, 1966). Woodburn Scavenging District (with boundaries as described in Government Gazette No. 78 of 19th July, 1946). Coraki Sanitary Scavenging Area (with boundaries as described in Government Gazette No. 78 of 19th July, 1946). Broadwater Garbage Scavenging Area (with boundaries as described in Government Gazette No. 34 of 26th March, 1971); and

No. 70 (clause 58.2) to the Village of Evans Head formerly in the Shire of Woodburn. (4918)

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION.

(L.S.) J. NORTHCOTT, Governor.

19th December, 1956.

WHEREAS a Proclamation was published in Government Gazette No. 126 of 30th November, 1956, dividing on and from 1st January, 1957, the City of Grafton, the Municipalities of Maclean, South Grafton and Ulmarra, and the Shires of Bellingen, Copmanhurst, Dorrigo, Harwood, Nymboida and Orara into seven areas and constituting such areas as one Municipality, under the name of City of Grafton, and six Shires under the name of the Shires of Bellingen, Coff's Harbour, Copmanhurst, Maclean, Nymboida and Ulmarra, respectively, I, Lieutenant-General Sir JOHN NORTHCOTT, Governor of the State of New South Wales, with the advice of the Executive Council, do hereby:—

(1) Order that pending the publication of a Proclamation embodying an arrangement under Section 20D of the Local Government Act, 1919—

- (a) the servants of the Council of the City of Grafton and of the Council of the Municipality of South Grafton, as at present constituted, who but for the issue of the aforesaid Proclamation would have been servants of the said Grafton City Council and South Grafton Municipal Council, respectively, on 1st January, 1957, shall, on and from the said date (i) be temporarily transferred to the service of the Council of the City of Grafton, as constituted by the aforesaid Proclamation; (ii) until otherwise directed by the said Grafton City Council continue to perform the duties which attached to their employment immediately before the said date; and (iii) be paid by the said Grafton City Council salary or wages at the rates at which they were employed respectively immediately before the said date;
- (b) the servants of the Council of the Shire of Copmanhurst, as at present constituted, who but for the issue of the aforesaid Proclamation would have been servants of the said Copmanhurst Shire Council on 1st January, 1957, shall, on and from the said date (i) be temporarily transferred to the service of the Council of the Shire of Copmanhurst, as constituted, by the aforesaid Proclamation; (ii) until otherwise directed by the said Copmanhurst Shire Council, continue to perform the duties which attached to their employment immediately before the said date; and (iii) be paid by the said Copmanhurst Shire Council, salary or wages at the rates at which they were employed respectively immediately before the said date;
- (c) the servants of the Council of the Shire of Nymboida, as at present constituted, who but for the issue of the aforesaid Proclamation would have been servants of the said Nymboida Shire Council on 1st January, 1957, shall, on and from the said date (i) be temporarily transferred to the service of the Council of the Shire of Nymboida, as constituted by the aforesaid Proclamation; (ii) until otherwise directed by the said Nymboida Shire Council continue to perform the duties which attached to their employment immediately before the said date; and (iii) be paid by the said Nymboida Shire Council salary or wages at the rates at which they were employed respectively immediately before the said date;
- (d) the servants of the Council of the Municipality of Maclean and of the Council of the Shire of Harwood, as at present constituted, who but for the issue of the aforesaid Proclamation would have been servants of the said Maclean Municipal Council and Harwood Shire Council, respectively, on 1st January, 1957, shall, on and from the said date (i) be temporarily transferred to the service of the Council of the Shire of Maclean, as constituted by the aforesaid Proclamation; (ii) until otherwise directed by the said Maclean Shire Council continue to perform the duties which attached to their employment immediately before the said date; and (iii) be paid by the said Maclean Shire Council salary or wages at the rates at which they were employed respectively immediately before the said date;
- (e) the servants of the Council of the Municipality of Ulmarra and of the Council of the Shire of Orara, as at present constituted, who but for the issue of the aforesaid Proclamation would have been servants of the said Ulmarra Municipal Council and Orara Shire Council, respectively, on 1st January, 1957, together with the person named in Schedule "A" hereto, who

but for the issue of the aforesaid Proclamation would have been a servant of the Council of the Shire of Dorrigo, as at present constituted, on 1st January, 1957, shall, on and from the said date (i) be temporarily transferred to the service of the Council of the Shire of Ulmarra, as constituted by the aforesaid Proclamation; (ii) until otherwise directed by the said Ulmarra Shire Council continue to perform the duties which attached to their employment immediately before the said date; and (iii) be paid by the said Ulmarra Shire Council salary or wages at the rates at which they were employed respectively immediately before the said date;

- (f) the servants of the Council of the Shire of Bellingen, as at present constituted (exclusive of the person named in Schedule "B" hereto), who but for the issue of the aforesaid Proclamation would have been servants of the said Bellingen Shire Council, on 1st January, 1957, together with the persons named in Schedule "C" hereto, who but for the issue of the aforesaid Proclamation would have been servants of the Council of the Shire of Dorrigo, as at present constituted, on 1st January, 1957, shall, on and from the said date (i) be temporarily transferred to the service of the Council of the Shire of Bellingen, as constituted by the aforesaid Proclamation; (ii) until otherwise directed by the said Bellingen Shire Council continue to perform the duties which attached to their employment immediately before the said date; and (iii) be paid by the said Bellingen Shire Council salary or wages at the rates at which they were employed respectively immediately before the said date;
- (g) the servants of the Council of the Shire of Dorrigo, as at present constituted (exclusive of the person named in Schedule "A" and the persons named in Schedule "C" hereto), who but for the issue of the aforesaid Proclamation would have been servants of the said Dorrigo Shire Council, on 1st January, 1957, together with the person named in Schedule "B" hereto, who but for the issue of the aforesaid Proclamation would have been a servant of the Council of the Shire of Bellingen, as at present constituted, on 1st January, 1957, shall, on and from the said date (i) be temporarily transferred to the service of the Council of the Shire of Coff's Harbour, as constituted by the aforesaid Proclamation; (ii) until otherwise directed by the said Coff's Harbour Shire Council continue to perform the duties which attached to their employment immediately before the said date; and (iii) be paid by the said Coff's Harbour Shire Council salary or wages at the rates at which they were employed respectively immediately before the said date.

(2) Order that nothing in the aforesaid Proclamation shall abrogate or affect in any way the Proclamations published in Government Gazettes No. 195 of 5th November, 1920 and No. 80 of 3rd August, 1945, constituting the whole of the Municipalities of Ballina, Casino, Lismore (proclaimed as a City on 30th August, 1946), and Mullumbimby, the whole of the Shires of Byron, Gundurimba, Kyogle, Terania, Tinbar, Tomki, Tweed and Woodburn, and part of the Shire of Copmanhurst, as at present constituted, respectively, as the Richmond River County District, and for such purposes as subject to the provisions of the aforesaid Act specify at the time for the election of a delegate to the Council of the said Richmond River County District by the Council of the Shire of Copmanhurst, as constituted on and from 1st January, 1957, shall be a period of one month from 1st January, 1957.

(M. 56-154)

By His Excellency's Command,

J. B. RENHAW.

GOD SAVE THE QUEEN!

SCHEDULE "A."

Weller, W. E.

SCHEDULE "B."

Donaldson, M. W.

SCHEDULE "C."

Baldwin, T. P.; Ballard, V. B.; Brazier, P. R.; Brown, J. D.; Cunningham, L. A.; Fuller, T. E.; Harris, R. C.; Jefferies, M. B.; Mahoney, W. F.; McGuire, H. J.; Nellee, B. R.; McNellee, T. A.; Rhoden, C. L.; Sergeant, V. Smith, W. A.; Sweeney, W. F.; Towell, J. W.; Windley, G.

(2493)



[Published in Government Gazette No. 145 of 7th September, 1951.]

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION.

(L.S.) K. W. STREET, Lieutenant-Governor.

29th August, 1951.

ON the application of the Councils of the Municipalities of Mullina, Casino, Lismore and Mullumbimby and the Shires of Iron, Copmanhurst, Gundurimba, Kyogle, Terania, Tintenbar, Reed and Woodburr, being the majority in number of the Councils of the Municipalities and Shires concerned in the Richmond River County District as constituted by Proclamation in Government Gazette No. 195 of 5th November, 1920, and altered by Proclamation in Government Gazette No. 80 of 3rd August, 1945, and being, together with the Council of the Shire of Tomki, the Councils hereinafter referred to as the "constituent councils," I, the Honourable KENNETH WHISTLER STREET, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of the Local Government Act, 1919, do hereby:—

(1) Delegate to the Council of the said County District the power to exercise or perform for the benefit of the County District:—

(a) All the powers or duties under sections 468, 469, 471 to 475c, both inclusive, 475f, 475g and 475h, of the Local Government Act, 1919, relating to noxious plants so far as such powers or duties relate to the eradication of the plants known as Groundsel Bush (*Baccharis halimifolia*) and Fireweed (*Senecio jacobina*);

the power, under section 174 of the aforesaid Act, to borrow by way of limited overdraft any moneys from time to time for the purpose of any work or service or any object which the Council of the said County District is authorised by law to construct, carry on, or effect;

and, subject to the provisions of the aforesaid Act, to issue mortgage or for securing the repayment of the interest of any moneys so borrowed; and

of the Council of the said County District the powers or performing the duties (1) hereof, delegate to the Council of the said County District the power to exercise or perform any one of them may perform or do:—Sections 173 to 200, both inclusive, (buildings for public purposes), section 17A (contracts), sections 518 to 520, (land base of property), section 524 (powers in relation to insurance), section 528 (power to insure), (do necessary acts), sections 531 to 536 (acquisition of land), sections 536 (legal and other proceedings), and (debts): Provided that this delegation shall not prevent the constituent Councils from exercising powers in relation to any Shire or other than those specifically delegated to the said County District in sub-paragraph (a) above.

The above delegation shall be cumulative with the powers or duties vested in the Council of the said County District under section 569 of the Local Government Act, 1919, and the delegations of further powers or duties proclaimed in Government Gazettes No. 56 of 7th May, 1925, No. 125 of 1st November, 1946, and No. 83 of 20th May, 1951 (L.S. No. 51-1,903)

By His Excellency's Command,

M. O'SULLIVAN.

GOD SAVE THE KING!



[Published in Government Gazette No. 125 of 1st November, 1945.]

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION:

(L.S.) J. NORTHCOTT, Governor.

23rd October, 1946.

ON the application of the Councils of the Municipalities of Ballina, Casino, Lismore, Mullumbimby and Murwillumbah and the Shires of Byron, Copmanhurst, Gundurimba, Kyogle, Tintenbar, Tomski, Tweed and Woodburn, being the majority in number of the Councils of the Municipalities and Shires concerned in the Richmond River County District as constituted by Proclamation in Government Gazette No. 195 of 5th November, 1920, and altered by Proclamation in Government Gazette No. 80 of 3rd August, 1945, and being, together with the Council of the Shire of Terania, the Councils hereinafter referred to as the "constituent Councils," I, Lieutenant-General JOHN NORTHCOTT, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of the Local Government Act, 1919, do hereby:—

- (1) Delegate to the Council of the said County District the power to exercise or perform for the benefit of the County District:—
 - (a) All the powers or duties under sections 468, 469, 471 to 475C, both inclusive, 475F, 475G and 475H, of the Local Government Act, 1919; relating to noxious plants so far as such powers or duties relate to the eradication of the plants known as Crofton's Weed (*Eupatorium riparium*) and Giant Crofton's Weed (*Eupatorium glandulosum*);
 - (b) the power, under section 174 of the aforesaid Act, to borrow by way of limited overdraft any moneys from time to time for the purpose of any work or service or any object which the Council of the said County District is authorised by law to construct, carry on, or effect;
 - (c) the power under and subject to the provisions of section 188 of the aforesaid Act, to issue mortgage deeds or bonds for securing the repayment of the principal and interest of any moneys so borrowed; and
- (2) For the purpose only of the Council of the said County District exercising the powers or performing the duties defined in paragraph (1) hereof, delegate to the Council of the said County District the power to exercise or perform for the benefit of the said County District (but subject to the operation of the provisions contained in Part XXIX of the said Act) the powers or duties contained in the following sections of the said Act, which by law the constituent Councils or any one of them may perform or exercise, that is to say:—Section 175 (security of overdrafts), section 482 (buildings for public purposes), sections 516, 517 and 517A (contracts), sections 518 to 520, both inclusive (sale and lease of property), section 524 (entry and other powers), section 525 (powers in relation to works and undertakings), section 528 (power to insure), section 529 (power to do necessary acts), sections 531 to 536, both inclusive (acquisition of land), sections 586 to 595, both inclusive (legal and other proceedings), and section 615 (recovery of debts): Provided that this delegation shall not prevent the constituent Councils from exercising the same powers in relation to any Shire or Municipal functions other than those specifically delegated to the Council of the said County District in sub-paragraph (a) of paragraph (1) above.

I do also hereby appoint the date of issue of this Proclamation as the date from which the provisions of paragraphs (a) to (m) both inclusive, of subsection (1) of section 564B of the said Act, shall have effect. (S. 46-4,625)

By His Excellency's Command, J. J. CAHILL.

(541) GOD SAVE THE KING!

Sydney: Thomas Henry Tennant, Government Printer—1946.



[Published in Government Gazette No. 80 of 3rd August, 1945.]

LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.—PROCLAMATION.

F. B. JORDAN, Lieutenant-Governor. 25th July, 1945.

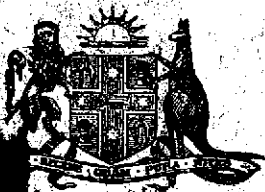
The Honourable Sir FREDERICK RICHARD JORDAN, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, in pursuance of the Local Government Act, 1919, as amended by subsequent Acts, do hereby alter the boundaries of the Richmond River County District, as constituted by Proclamation in Government Gazette No. 195 of 5th November, 1920, by adding thereto the whole of the Municipalities of Mullumbimby and Murwillumbah and the Shire of Tweed, and the residues of the Shires of Byron, Kyogle and Woodburn not heretofore included within the boundaries of the said County District.

I do, with the like advice, hereby direct that the whole of the Municipalities of Mullumbimby and Murwillumbah and the Shire of Tweed, shall each be a county electorate, and specify that the time within which the first election of delegates to the council of the said Richmond River County District shall be held by the councils of the said Municipalities of Mullumbimby and Murwillumbah and Shire of Tweed shall be a period within one (1) month of the date of issue of this Proclamation. (S. 45-86)

His Excellency's Command, J. J. CAHILL.

(542) GOD SAVE THE KING!

Sydney: Thomas Henry Tennant, Government Printer—1945.



Government Gazette No. 56 of 7th
May, 1926.]

MENT ACT, 1919 (AMENDED).

PROCLAMATION

1926.

the Muni-
ore, and the
mba, Terania,
ity in number of
d Shires concerned
istrict which was con-
ment Gazette No. 195
DUDLEY RAWSON STRAT-
the State of New South
the Executive Council, and in
the Government Act, 1919 (as
hereby delegate to the Council of the said
et the power to borrow under and subject
ions of section 181 (or in the case of a
180) of the said Act a sum not exceeding
the purpose of exercising the powers set
on 558 of the said Act in relation to the
swamps to destroy aquatic pests.

696]

By His Excellency's Command,

J. J. FITZGERALD.

GOD SAVE THE KING!

Alfred James Kent, Government Printer—1926.



[Published in Government Gazette No. 83 of 20th
May, 1949.]

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION.

(s.) J. NORTHCOTT, Governor.

11th May, 1949.

IN the application of the Councils of the Municipalities of
Ballina, Casino, Lismore and Mullumbimby, and the Shires
Byron, Copmanhurst, Gundurimba, Kyogle, Terania,
Tenterbar, Tomki, Tweed and Woodburn, I, Lieutenant-General
J. NORTHCOTT, Governor of the State of New South Wales,
with the advice of the Executive Council, in pursuance of the
Local Government Act, 1919, do hereby delegate to the Council
of the Richmond River County District, as constituted by
Proclamation in Government Gazette No. 195 of 5th November,
190, and altered by Proclamation in Government Gazette
No. 80 of 3rd August, 1945, the power to exercise or perform
for the benefit of the County District the following powers or
duties:

All the powers or duties under Part XXII of the aforesaid
Act relating to noxious plants, so far as such powers
or duties relate to the eradication of aquatic pests.

It is always that the above delegation shall be cumulative
and not in substitution for the powers or duties vested in
the Council of the said County District under section 569 of the
aforesaid Act, and the delegation of further powers or duties
declared in Government Gazette No. 56 of 7th May, 1926,
No. 125 of 1st November, 1949 (No. 49-2,206).

His Excellency's Command,

J. J. CAHILL.

GOD SAVE THE KING!

Printer, Government Printer—1949.

L. G. 1919.

SCHEDULE "C."

W. P. C. G. E. By Deputation His Excellency the Governor

His Excellency the Governor of the State of New South Wales and its Dependencies, in the Commonwealth of Australia, with the advice of the Executive Council of the said State, in pursuance of the power and authority vested in him by the Local Government Act, 1919, do hereby constitute as a County District, to be known as the Richmond River County District, the areas and portions described in the Schedules hereto:—

SCHEDULE "A."

The whole of the land comprised in the Gundurim, Terania, Tintenbar, and Tomiki Shires, and the Municipalities of Ballina, Casino, Coraki, and Lismore.

SCHEDULE "B."

Part of Byron Shire, county of Rous: Commencing at the intersection of the eastern prolongation of the southern boundary of portion 71, parish of Newrybar, with the low-water mark of the South Pacific Ocean; and bounded thence by that prolongation, the southern and western boundaries of that portion westerly and northerly, parts of the southern and western boundaries of portion 72 westerly and northerly to the south-east corner of portion 73; by the southern and part of the western boundaries of that portion westerly and northerly about 18 chains; by a line west to meet the southerly prolongation of the western boundary of portion 56; by that prolongation and part of that boundary northerly to the easterly prolongation of a line along the centre of the road between portions 64 and 75; thence by that prolongation west to the centre of the road between portions 64 and 75; thence by the centre of that road generally northerly to a point east of the south-east corner of portion 14; thence by a line, the southern and western boundaries of that portion and the western boundary of portion 120 westerly and northerly to the southern boundary of the parish of Byron; thence by that southern boundary generally westerly to Skinner's Creek; by that creek, Pearce's and Wilson's Creeks downwards to the western boundary of portion 64, parish of Byron; by the western boundary of that portion and the northern and northern boundary of portion 275 and easterly to a western boundary of the parish of Clunes; by that boundary generally northerly to the northern boundary of the parish of Whian Whian; by that boundary generally west to Nightcap Range; by that range generally and the range dividing the waters of the Tweed and Tweed Rivers, which also partly form the boundary between the Land Districts of Murwillumbah northerly and easterly to the west corner of portion 26, parish of Byron; by the northern and eastern boundaries of that portion east and south, part of the southern boundary of that portion by a line and the east boundary of that portion, and part of the southern boundary of that portion, and part of the eastern boundary of that portion south to the south-west corner of the southern boundary of that portion; by that portion 221; by part of the southern boundary of that portion, the western boundary of that portion, and the western and southern boundaries of portions 153 and 279, and the southern boundaries of portion 154 southerly, westerly to the north-east corner of that portion; by a line north-easterly to the low-water mark of the South Pacific Ocean at the point of commencement.

Copmanhurst Shire, county of Richmond: Commencing on Myrtle Creek; and bounded thence by that creek from Casino to Grafton southerly to the Richmond Range; by the summit of that range generally north-westerly, and northerly to a gum tree, and a road-arrow over D.S. over 41, near Mount Grafton; thence by lines north about 10 chains and the south-western corner of portion 24, parish of Werrisbee, county of Richmond; by the western boundaries of portions 24 and 3 north, the northern boundary of portion 3 east, and the western boundary of portion 53 and a line north to Busby Creek; by that creek downwards, and the north-western boundary of portions 2 and 1, parish of Nandabah, south-easterly, and the south-western boundaries of portions 2 and 3 south-easterly, and by Myrtle Creek downwards to the point of commencement.

SCHEDULE "D."

Part of Kyogle Shire, county of Rous: Commencing on the boundary between the States of New South Wales and Queensland, at the north-eastern corner of the parish of Worendó, county of Rous; by the eastern boundary of that parish southerly to the north-east corner of the parish of Warrazambil, county of Rous; thence a line south-westerly to Bald Mountain; thence a line and the eastern boundary of the parish of Fairy Mount southerly; by part of the north boundary of the parish of Boorabee easterly; and by the northerly prolongation of the eastern boundary of that portion, the eastern boundaries of that portion, Boundary Creek and Boundary Creek upwards to the parish of Runnymede; by the western boundary of that parish westerly; and by the southern boundary of that parish, portions 81, 8, 90, 89, 87, and 88, and a line west to Eden Creek; by that creek downwards and Dyraaba Creek to the western boundary of the county of Richmond; and by that boundary generally south-westerly to the Richmond Range; by the summit of that range generally northerly to McPhersons Range, which forms the boundary between the States of New South Wales and Queensland; and by that boundary generally easterly, to the point of commencement.

SCHEDULE "E."

Part of Woodburn Shire, county of Richmond: Commencing on Myrtle Creek, at the intersection of the road from Grafton to Casino; and bounded thence by that road northerly; by Sandy Creek downwards; and by the eastern boundary of the parish of Worendó, county of Richmond, northerly to the Richmond Range; by that river downwards to the northern boundary of the municipality of Coraki; by that boundary westerly to its western and southern boundaries southerly to the Richmond River aforesaid; by that river downwards to Swampy or Boundary Creek; by that creek easterly; and by the shore of the South Pacific Ocean southerly to a post marked with a road-arrow over L.D.B. over L.C., in the parish of Werrisbee; by a line west to a post marked with a road-arrow on a spur range, which in parts forms the boundary between the Land Districts of Lismore and Grafton; by that spur range generally westerly to the Richmond Range; by that range generally westerly and south-westerly to the road from Grafton to Casino aforesaid; and by that road generally northerly, to the point of commencement. [L.G. 1919-139-2,439-32]

Signed and sealed at Sydney, this 5th day of November, 1920.

By His Excellency's Command T.

[3775] GOD SAVE THE KING

LOCAL GOVERNMENT ACT 1919 - PROCLAMATION

(L.S.) D.J.MARTIN Governor.

I, Rear Admiral Sir DAVID JAMES MARTIN, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of the provisions of section 561 of the Local Government Act 1919, alter on and from 1 January 1990, the boundaries of the Far North Coast County District, as altered by proclamation in Government Gazette No. 37 of 21 March 1969, by adding thereto the Shire of Copmanhurst. (F.88/1805)

Signed and sealed at Sydney, this eighteenth day of October, 1989.

By His Excellency's Command,

DAVID HAY

GOD SAVE THE QUEEN!



[Published in Government Gazette No. 99 of 25th July, 1980.]

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION

(L.S.) A. R. CUTLER, Governor.

23rd July, 1980.

I, Sir ARTHUR RODEN CUTLER, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the Local Government Act, 1919, do hereby—

- (1) Unite, on and from 1st October, 1980, the Municipality of Mullumbimby as described by proclamation in Government Gazette No. 73 of 24th June, 1908, and the Shire of Byron as described in Government Gazette No. 162 of 30th December, 1977.
- (2) Constitute, on and from 1st October, 1980, the area formed by the union of the said areas, as a shire, which shall be named the Shire of Byron, with boundaries as described in the Schedule hereto.
- (3) Dissolve, on and from 1st October, 1980, the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted.
- (4) Order that the ordinary elections in the year 1980 of aldermen of the Municipality of Mullumbimby, as at present constituted, and of councillors of the Shire of Byron, as at present constituted, shall not be held.
- (5) Order that the office of each alderman of the Municipality of Mullumbimby, as at present constituted, and each councillor of the Shire of Byron, as at present constituted, holding office on 19th September, 1980, shall be continued until 30th September, 1980, or until the occurrence of an extraordinary vacancy in the office, whichever first happens.
- (6) Determine that the Council of the Shire of Byron, as hereby constituted, shall consist of ten councillors.
- (7) Order that—
 - (a) an election of councillors for the Shire of Byron, as hereby constituted, shall be held on 20th September, 1980, and, subject to subparagraph (b), this election shall be deemed to be an ordinary election of councillors for that Shire held on the day appointed under section 39 (1) (b) of the said Act; and
 - (b) each councillor so elected shall assume his office as councillor on 1st October, 1980.
- (8) Order that—
 - (a) subject to subparagraph (b), the provisions of section 25A of the said Act shall be deemed to apply to the Shire of Byron, as hereby constituted, between the issue of this Proclamation and the day before the next ordinary election of councillors after the year 1980; and
 - (b) the President elected in accordance with the provisions of section 25A of the said Act shall assume his office as President on 1st October, 1980, and such office shall cease on the day appointed by the said Act for the next ordinary election of councillors after the year 1980.
- (9) Order that, for the purposes of the elections held in accordance with paragraphs (7) and (8)—
 - (a) the Shire of Byron, as hereby constituted, shall be deemed to be constituted as from the issue of this Proclamation;
 - (b) the provisions of the said Act and the Ordinances relating to elections of councillors and presidents by electors of areas shall apply to the extent to which they are not inconsistent with the provisions of paragraphs (7), (8) and (9);
 - (c) the Shire Clerk of the Shire of Byron, as at present constituted, shall be the Returning Officer and the Town Clerk of the Municipality of Mullumbimby, as at present constituted, shall be the Substitute Returning Officer;
 - (d) the said Shire Clerk shall, on the issue of this Proclamation, prepare a list of electors for the Shire of Byron, as hereby constituted, from the current rolls of electors of the Municipality of Mullumbimby, as at present constituted, and the Shire of Byron, as at present constituted, and shall thereupon certify such list as the roll of electors for the Shire of Byron, as hereby constituted;
 - (e) the Returning Officer may make use of the services of any of the servants and any of the records of the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted;
 - (f) the powers, functions and duties of the clerk referred to in section 56A of the said Act shall be held and performed by the said Shire Clerk, who may, for the purpose of performing these functions and duties, make use of the services of any of the servants and any of the records of the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted;
 - (g) each Council referred to in subparagraphs (e) and (f) and every officer and servant of such Councils shall furnish such information and afford such assistance as the Returning Officer or the said Shire Clerk, as the case may be, may require;
 - (h) the powers, functions and duties of councils referred to in clause 2 of Ordinance No. 9 shall be held and performed by the Returning Officer;
 - (i) any reference to the office of the council in Ordinances Nos 8 and 9 shall be a reference to the office of the Council of the Shire of Byron, as at present constituted;
 - (j) the electoral officers appointed in connection with the said elections shall be paid fees in accordance with the current scale of electoral fees recommended by the Shires Association of New South Wales; and
 - (k) the expenses of the said elections shall be paid from the General Fund of the Council of the Shire of Byron, as at present constituted.

- (10) Order that—
- (a) the person elected to the office of President in accordance with paragraph (8) shall convene the first meeting of the Council of the Shire of Byron, as hereby constituted, and this meeting shall be held on 1st October, 1980, at such place and at such time of commencement as that person shall determine.
 - (b) the business to be transacted at this meeting shall be as follows:
 - (i) the appointment of a person temporarily to take the minutes of the meeting;
 - (ii) the fixing of the allowance payable by the said Council to its President for the forthcoming year;
 - (iii) the appointment of the principal servants;
 - (iv) the fixing of the place and time of the next meeting;
 - (v) any other business, the introduction of which is approved by a majority of the members present.
- (11) Substitute the Council of the Shire of Byron, as hereby constituted, for the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted, so as to enable the Council of the Shire of Byron, as hereby constituted, to exercise or enforce on its own behalf any right or power formerly exercised or enforced under the provisions of any Act, ordinance, rule, regulation or by-law by the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, respectively.
- (12) Order that all rights and liabilities acquired and incurred, and all contracts and undertakings entered into, all securities lawfully given and all applications, actions, suits and proceedings begun prior to 1st October, 1980, either by or on behalf of or against the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, shall, on and after that date, be vested and attached, and may be enforced, realised and carried on by or on behalf of or against the Council of the Shire of Byron, as hereby constituted, and shall not abate or be discontinued, or be prejudicially affected by this union of areas.
- (13) Order that nothing in this Proclamation shall abrogate or affect any existing agreement between the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, and the Council of any other area in any way, except to substitute the Council of the Shire of Byron, as hereby constituted, for the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, as the case may be.
- (14) Order that all the property, assets, rights and liabilities of the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted, shall be the property, assets, rights and liabilities of the Council of the Shire of Byron, as hereby constituted.
- (15) Order that the Council of the Shire of Byron, as hereby constituted, shall, on and from 1st October, 1980, take over, complete and retain all certificates, deeds, documents and records relating to, or to be executed in, the Municipality of Mullumbimby or the Shire of Byron, as at present constituted.
- (16) Order that the valuations in force as at 30th September, 1980, in respect of the land comprised in the Municipality of Mullumbimby and the Shire of Byron, as at present constituted, shall, for the purposes of the said Act, continue in force in the Shire of Byron, as hereby constituted, as if made in respect of that Shire, until fresh valuations come into force therein.
- (17) Order that the list of electors referred to in paragraph (9) (d) shall be in force in the Shire of Byron, as hereby constituted, as from 1st October, 1980, and shall continue in force in that Shire until a fresh list comes into force therein.
- (18) Order that where for the fulfilment of its obligations and undertakings with respect to any existing loan, the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, is required by law to levy a loan rate, the Council of the Shire of Byron, as hereby constituted, shall continue to levy such rate until the loan, in respect of which the rate is leviable, is retired.
- (19) Order that all rates levied by the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, shall be continued after 1st October, 1980, and that the proceeds thereof shall be disposed of for the purposes of discharging the obligations in respect of which such rates were respectively levied.
- (20) Order that the Council of the Shire of Byron, as hereby constituted, shall, on and from 1st October, 1980, be vested with the power to levy all rates made before that date by the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted.
- (21) Order that any disallowance or surcharge which could have been made, continued, enforced, or recovered if this Proclamation had not been made, may be made, continued, enforced and recovered notwithstanding the dissolution of the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted.
- (22) Order, without prejudice, to the foregoing—
- (a) that any Inspector of Local Government Accounts may disallow in the books or accounts of the Council of the Shire of Byron, as hereby constituted, any expenditure, transfer or entry in the books or accounts of the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, which has been incurred or made in contravention of any Act or any ordinance, regulation or by-law and shall surcharge the amount of any such disallowance upon any member or servant of the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, by whom the expenditure, transfer or entry was incurred or made, or ordered to be incurred or made;
 - (b) that all liability of any member or servant of the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, in respect of any such expenditure, transfer or entry or of any deficiency or loss of such Council incurred by the culpable negligence or misconduct of such member or servant or by the failure to account for any sum to such Council shall be a liability of such member or servant to or to account therefor to the Council of the Shire of Byron, as hereby constituted, whether the amount of any such disallowance, deficiency, loss or sum be surcharged before or after 1st October, 1980.
- (23) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamation in Government Gazette No. 195 of 5th November, 1920, constituting the Far North Coast County District (under the name of the Richmond River County District), or the proclamations in Government Gazettes No. 80 of 3rd August, 1945, and No. 37 of 21st March, 1969, altering the boundaries of the said County District; and for such purposes and subject to the provisions of the said Act—
- (a) declare that the Shire of Byron, as hereby constituted, shall be a county electorate of the said County District;
 - (b) order that the determination of the Minister that the Council of the Shire of Byron, as hereby constituted, shall be entitled to elect one delegate shall be effective for the purposes of the election hereunder; and
 - (c) declare that the delegates of the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted, to the Far North Coast County Council as at 30th September, 1980, shall continue to hold office on the said County Council until a delegate to that County Council is elected by the Council of the Shire of Byron, as hereby constituted, and that upon such election the office of the firstmentioned delegates shall become vacant.
- (24) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamation in Government Gazette No. 99 of 9th May, 1952, constituting the Northern Rivers County District, or the provisions of section 3 (5) of the County Districts Reconstitution Act, 1979, and the proclamation in Government Gazette No. 184 of 21st December,

1979, reconstituting the said County District by altering its boundaries; and for such purposes and subject to the provisions of the said Act—

- (a) declare that the Shire of Byron, as hereby constituted, shall be a county electorate of the said County District; and
 - (b) declare that the delegates of the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted, to the Northern Rivers County Council as at 30th September, 1980, shall continue to hold office on the said County Council until the Council of the Shire of Byron, as hereby constituted, participates in the next general election of delegates to that County Council and that upon the election of any delegate to the said County Council by the Council of the Shire of Byron, as hereby constituted, the offices of the first-mentioned delegates shall become vacant.
- (25) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamation in Government Gazette No. 88 of 14th June, 1940, constituting the Rous County District or the proclamation in Government Gazette No. 113 of 14th July, 1950, altering the boundaries of the said County District; and for such purposes and subject to the provisions of the said Act—
- (a) declare that the Shire of Byron, as hereby constituted, shall be a county electorate of the said County District;
 - (b) order that the determination of the Minister that the Council of the Shire of Byron, as hereby constituted, shall be entitled to elect two delegates shall be effective for the purposes of the election hereunder; and
 - (c) declare that the delegates of the Council of the Shire of Byron, as at present constituted, to the Rous County Council as at 30th September, 1980, shall continue to hold office on the said County Council until two delegates to that County Council are elected by the Council of the Shire of Byron, as hereby constituted, and that upon such election the office of the first-mentioned delegates shall become vacant.
- (26) Declare that the Bangalow Urban Area as described by notification in Government Gazette No. 143 of 13th November, 1907, and the Byron Bay Urban Area as described by notification in Government Gazette No. 146 of 20th November, 1907, shall be urban areas in the Shire of Byron, as hereby constituted.
- (27) Order that—
- (a) the provisions of any Interim Development Order made under Division 7 of Part XIA of the said Act applying to any land in the Municipality of Mullumbimby or the Shire of Byron, as at present constituted, immediately before 1st October, 1980, shall continue to apply to such land;
 - (b) the Council of the Shire of Byron, as hereby constituted, shall be substituted for the Council of the Municipality of Mullumbimby and the Council of the Shire of Byron, as at present constituted, for the purposes of exercising and discharging all powers, authorities, duties and functions conferred on those Councils by any such Interim Development Order; and
 - (c) any act, matter or thing done or omitted to have been done under or in accordance with Part XIA of the said Act in respect of any land within the Municipality of Mullumbimby or the Shire of Byron, as at present constituted, by the Councils of those areas shall be deemed to have been done or omitted to have been done by the Council of the Shire of Byron, as hereby constituted.
- (28) Order that any proclamation under section 309 of the said Act declaring a portion of the Municipality of Mullumbimby, as at present constituted, to be a Residential District, shall be in force in the Shire of Byron, as hereby constituted.
- (29) Charge the Council of the Shire of Byron, as hereby constituted, with the care, control and management of all public reserves in respect of which the Council of the Municipality of Mullumbimby or the Council of the Shire of Byron, as at present constituted, is charged with the care, control and management.
- (30) Apply Part XI of the said Act to the Shire of Byron, as hereby constituted.

(31) Apply the provisions of section 288A of the said Act to that portion of the Shire of Byron, as hereby constituted, formerly comprised within the Shire of Byron, as at present constituted.

(32) Apply—

- (a) to the whole of the Shire of Byron, as hereby constituted, any Ordinance or any portion of any Ordinance which immediately before 1st October, 1980, applied to the whole of the Municipality of Mullumbimby and the whole of the Shire of Byron, as at present constituted; and
- (b) to the corresponding part of the Shire of Byron, as hereby constituted, any Ordinance or any portion of any Ordinance which immediately before 1st October, 1980, applied to the whole or part of the Municipality of Mullumbimby or the whole or part of the Shire of Byron, as at present constituted.

(33) Order that the provisions of Division 2 of Part III of the Library Act, 1939, shall apply to and in respect of the Council of the Shire of Byron, as hereby constituted. (S. 80-328)

By His Excellency's Command,

H. F. JENSEN.

GOD SAVE THE QUEEN!

SCHEDULE

Shire of Byron

Area about 561 square kilometres: Commencing on the low water mark of the South Pacific Ocean at its intersection with a line along the southern boundary of portion 64, Parish of Mooball, County of Rous; and bounded thence by that low water mark generally southeasterly to its intersection with a line along the southern boundary of portion 71, Parish of Newrybar; by that line and the western boundary of that portion westerly and northerly to the southern boundary of portion 72; by part of that boundary and part of the western boundary of that portion westerly and northerly to the south-eastern corner of portion 73; by the southern and part of the western boundaries of that portion westerly and northerly to its intersection with a line parallel to and about 225 metres rectangularly distant southerly from the northernmost northern boundary of lot 5, Deposited Plan 573855; by that line westerly to its intersection with a line along the western boundary of portion 56 and part of the western boundary of lot 3, Deposited Plan 583053; by that line northerly to its intersection with a line along the easternmost northern boundary of portion 64; by that line, the northernmost eastern and northernmost northern boundaries of that portion and the northern boundary of portion 52 westerly, northerly and again westerly; by a line along the western boundaries of portions 14 and 20 northerly to the southern boundary of portion 336, Parish of Byron; by a line along part of that boundary westerly to the north-eastern corner of portion 134, Parish of Newrybar; by part of the generally southern boundary of the Parish of Byron generally westerly to Skinners Creek; by that creek downwards to the generally northeastern boundary of lot 2, Deposited Plan 559856; by part of that boundary and the northern and western boundaries of that lot generally northwesterly, westerly and southerly to the said Skinners Creek; by that creek, Pearces and Wilsons Creeks downwards to the southwestern corner of portion 206, Parish of Bexhill; by a line along the western boundary of that portion northerly to the southwestern corner of the land in Deposited Plan 372678; by the western boundary of that land, the western and northwestern boundaries of lot 1, Deposited Plan 523341 and part of the generally northern boundary of lot 2, Deposited Plan 544881 northerly, north-easterly and generally easterly to its intersection with a line along the western boundary of portion 32, Parish of Clunes; by that line northerly to the southeastern corner of portion 1; by part of the generally southern boundary of the Parish of Clunes westerly and generally northerly to Bennys Creek; by that creek downwards to Coopers Creek; by that creek upwards to the northern boundary of lot 3, Deposited Plan 249043; by a line along that boundary, the northern boundary of lot 4 and part of the northern boundary of portion 33, Parish of Whian Whian westerly to Nightcap Range; by that range generally northwesterly to the range dividing the waters of the Richmond and Tweed Rivers; by that range generally northeasterly to a messmate tree marked broad-arrow over C over 90 shown on plan catalogued Ms. 276 Gfn; by a line northeasterly to the generally southwestern boundary of lot B, Deposited Plan 409339; by part of that boundary, the generally western boundary of that lot and part of the generally western boundary of portion 23, Parish of Toolond generally northwesterly and generally northerly to the southernmost southwestern corner of portion 138, Parish of Nullum; by the generally western and northern boundaries of that portion, a line along the northern boundaries of portions 139, 219, 220 and the land in Deposited Plan 445738 and the generally northern boundary

of lot 2, Deposited Plan 555089 generally northerly, easterly and generally easterly to the western boundary of portion 267, Parish of Billinudgel; by part of that boundary northerly to the southwestern corner of portion 265; by boundaries of that portion northerly, easterly, again northerly and again easterly; by a line along the northernmost northern boundary of portion 280 easterly to the western boundary of lot B, Deposited Plan 377124; by part of that boundary, the southern boundary of that lot and a line along the southern boundary of lot A southerly and easterly to the westernmost southwestern corner of portion 398; by boundaries of that portion easterly, southerly, again easterly and northerly; by the southern and part of the western boundaries of portion 119 easterly and northerly to the southwestern corner of portion 134; by the southern and

easternmost eastern boundaries of that portion and part of the eastern boundary of portion 120 easterly and northerly to its intersection with a line along the southern boundary of portion 156; by that line easterly to the western boundary of portion 149; by part of that boundary and the southern and part of the easternmost eastern boundaries of that portion southerly, easterly and northerly to the southwestern corner of portion 222; by the southern boundary and a line along the easternmost eastern boundary of that portion easterly and northerly to the generally southern boundary of the Parish of Mooball; by part of that boundary generally easterly to the southwestern corner of the said portion 64, Parish of Mooball; and by the said line along the southern boundary of that portion easterly to the point of commencement. (2824)



[Published in Government Gazette No. 139 of 4th
December, 1959.]

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION
(No. 139 of 1959.) E. W. WOODWARD, Governor.

25th November, 1959.

I, Lieutenant-General Sir ERIC WINSLOW WOODWARD, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the Local Government Act, 1919, do hereby alter the name of the Richmond River County District as constituted by proclamation in Government Gazette No. 195 of 5th November, 1920, and altered by proclamation in Government Gazette No. 80 of 3rd August, 1925, to the Far North Coast County District.

By His Excellency's Command,

P. D. HILLS.

GOD SAVE THE QUEEN!



[Published in Government Gazette No. 37 of 21st
March, 1969.]

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION
(L.S.) A. R. CUTLER, *Governor*.

12th March, 1969.

I, Sir ARTHUR RODEN CUTLER, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the Local Government Act, 1919, do hereby alter the boundaries of the Far North Coast County District as constituted (under the name of Richmond River County District) by proclamation in Government Gazette No. 195 of 5th November, 1920, and altered by proclamation in Government Gazette No. 80 of 3rd August, 1945, by excluding therefrom the portion of the Shire of Copmanhurst as described in the Schedule hereto, so that the county district shall comprise the City of Lismore, the Municipalities of Ballina, Casino, and Mullumbimby and the Shires of Byron, Gundurimba, Kyogle, Terania, Tintenbar, Tomki, Tweed, and Woodburn. (S. 69-139)

By His Excellency's Command,

P. H. MORTON.

GOD SAVE THE QUEEN!

SCHEDULE

Commencing at the intersection of Myrtle Creek and Trunk Road No. 83 (from Casino to Grafton); and bounded thence by that road generally southerly to the Richmond Range; by that range generally northwesterly to a gum tree marked broad arrow over D.R. over 41 near Mount Belmore; by a line north to its intersection with the westerly prolongation of the southern boundary of portion 24, Parish of Wyon, County of Richmond; by that prolongation easterly to the southwestern corner of the said portion 24; by the western boundary of that portion and the westernmost boundary and part of the northern boundary of portion 3 northerly and easterly to the southwestern corner of portion 53; by the western boundary of that portion and its prolongation northerly to Busby Creek; by that creek downwards to the northwestern boundary of portion 2, Parish of Nandabah; by part of that boundary and the northwestern boundary of portion 1 southwesterly; by the southwestern boundary of that portion and portion 3 southeasterly to Myrtle Creek; and by that creek downwards to the point of commencement. (862)

Richmond
River



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LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION
(L.S.) E. W. WOODWARD, Governor.

25th November, 1959.

I, Lieutenant-General Sir ERIC WINSLOW WOODWARD, Governor of the State of New South Wales, with the advice of the Executive Council, in pursuance of the Local Government Act, 1919, do hereby constitute the whole of the City of Lismore and the Shires of Gundurimba, Tintenbar and Woodburn as a County District for local government purposes under the name of the Richmond River County District, and I do with the like advice hereby delegate to the Council of the County District hereby constituted the power to exercise or perform for the benefit of the County District the following powers or duties:—

- (a) All the powers or duties under section 494 of the aforesaid Act relating to the prevention or mitigation of menace to the safety of life or property from floods;
- (b) all the powers or duties under section 378 of the aforesaid Act relating to the making and levying of charges or rates or both for the maintenance and management of any drainage work or service or object which the Council of the said County District is authorised by law to construct, carry on or effect, or for or towards repaying with interest any debt incurred or loan raised in respect thereof;
- (c) the power to borrow any moneys from time to time for the purpose of any work or service or any object which the Council of the said County District is authorised by law to construct, carry on, or effect;
- (d) the power under and subject to the provisions of section 188 of the aforesaid Act, to issue debentures, mortgage deeds or bonds for securing the repayment of the principal and interest of any moneys so borrowed;
- (e) the power or the duty to levy from time to time a loan rate under and subject to the provisions of section 124 of the aforesaid Act, so far as applicable, in connection with any loan or loans so raised; and
- (f) the power to levy from time to time a local rate under and subject to the provisions of section 121 of the aforesaid Act for or towards defraying the expenses of executing any work or service or object which the Council of the said County District is authorised by law to construct, carry on or effect, or for or towards repaying with interest any debt incurred or loan raised in respect thereof.

For the purpose only of the Council of the said Richmond River County District exercising the powers or performing the duties hereinbefore delegated to it, I do with the like advice hereby further delegate to the Council of the said County District the power to exercise or perform for the benefit of the said County District (but subject to the operation of the provisions contained in Part XXIX of the aforesaid Act) the powers or duties contained in the following sections of the aforesaid Act which by law the constituent Councils or any one of them may perform or exercise, that is to say,—sections 138 to 140, both inclusive (making and levying rates), section 166 (right to charges and fees), sections 167, 169 and 172 (further as to charges and fees), sections 173 to 177, both inclusive, 178A, 181A, 182, 183 and 185 to 200, both inclusive (loans), section 272 (drains outside area), sections 383 and 384 (entering land—compensation and taking land on lease), section 385 (alterations of works), section 386 (temporary roads), section 387 (maps), section 393 (construction of new drains), section 395 (proper construction and maintenance of drains), section 403 (control and regulation of drainage), section 406 (flood prevention and drainage of swamps), section 409 (clearing of rivers), section 410 (river bank erosion), section 482 (buildings for public purposes), section 494A (dredging and reclamation), section 501 (works crossing railway lines), section 503 (war expenditure), section 504A (events of national or historic importance), section 506 (extension of works outside area), sections 516, 517 and 517A (contracts), sections 518 to 520, both inclusive (sale and lease of property), section 524 (entry and other powers), section 525 (powers in relation to works and undertakings), section 528 (power to insure), section 528D (works for the Crown), section 529 (power to do necessary acts), sections 531, 532 and 536 to 536DH, both inclusive (acquisition of land), sections 586 to 601, both inclusive (legal and other proceedings), sections 602 to 608, both inclusive, and 610 to 613, both inclusive (sale of land for overdue rates), and section 615 (recovery of debts): Provided that this delegation shall not prevent the Councils concerned in the said County District from exercising the same powers in relation to any Shire or Municipal functions other than those specifically delegated to the Council of the said County District in paragraph (a) above.

I do hereby specify that the time within which the first general election of delegates to the Council of the said County District hereby constituted shall be held shall be a period of one month from 5th December, 1959. (S. 59-2,997)

By His Excellency's Command,

P. D. HILLS.

(3484)

GOD SAVE THE QUEEN!



LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION
(L.S.) A. R. CUTLER, Governor.

19th November, 1975.

I, Sir ARTHUR RODEN CUTLER, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the Local Government Act, 1919, do hereby—

(1) Divide, on and from 1st January, 1976—

(a) the Municipality of Casino, as constituted by proclamation in Government Gazette No. 18 of 15th January, 1880, reconstituted by proclamation in Government Gazette No. 733 of 15th September, 1896, altered by the Casino Municipal Boundaries Act, 1901, and again altered by proclamation in Government Gazette No. 150 of 29th November, 1929;

(b) the Shire of Tomki, as constituted by proclamation in Government Gazette No. 121 of 7th March, 1906, and altered by proclamation in Government Gazette No. 150 of 29th November, 1929; and

(c) the Shire of Woodburn, as constituted by proclamation in Government Gazette No. 211 of 15th December, 1933, and altered by proclamation in Government Gazette No. 103 of 26th October, 1962;

into two areas, as described in Schedules "B" and "C" hereto, respectively.

(2) Constitute, on and from 1st January, 1976, the area as described in Schedule "B" as a municipality which shall be named the Municipality of Casino and the area as described in Schedule "C" as a shire which shall be named the Shire of Richmond River.

(3) Determine that the Council of the said Municipality of Casino as hereby constituted, shall consist of nine (9) aldermen and, pending the election of a council upon a date to be proclaimed, appoint as the Provisional Council of the said Municipality of Casino which shall have, pending such election, all the powers of a council of a municipality, the persons whose names appear in Schedule "D" hereto, and provide that (a) such appointments shall take effect as from the issue of this Proclamation; and (b) the Provisional Council may exercise prior to 1st January, 1976, the powers of a council for or in relation to the matters and things following, that is to say—

(i) the election of a mayor;

(ii) the provision of an office for the Council;

(iii) the transfer and appointment of servants;

(iv) the apportionment of assets, rights and liabilities;

(v) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Provisional Council are necessary or expedient to enable that Council to exercise and discharge all or any of the powers of a council as from 1st January, 1976: Provided, however, that no arrangement with respect to the transfer and appointment of servants or to the apportionment of assets, rights and liabilities shall take effect prior to 1st January, 1976.

(4) Determine that the Council of the said Shire of Richmond River, as hereby constituted, shall consist of eleven (11) councillors and, pending the election of a council upon a date to be proclaimed, appoint as the Provisional Council of the said Shire of Richmond River which shall have, pending such election, all the powers of a council of a shire, the persons whose names appear in Schedule "E" hereto, and provide that (a) such appointments shall take effect as from the issue of this Proclamation; and (b) the Provisional Council may exercise prior to 1st January, 1976, the powers of a council for or in relation to the matters and things following, that is to say—

(i) the election of a President;

(ii) the provision of an office for the Council;

(iii) the transfer and appointment of servants;

(iv) the apportionment of assets, rights and liabilities;

(v) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Provisional Council are necessary or expedient to enable that Council to exercise and discharge all or any of the powers of a council as from 1st January, 1976: Provided, however, that no arrangement with respect to the transfer and appointment of servants or to the apportionment of assets, rights and liabilities shall take effect prior to 1st January, 1976.

(5) Order (a) that the valuations of land and rolls of electors and ratepayers in force as at 31st December, 1975, in respect of the land comprised in the said areas, as at present constituted, so far as such valuations and rolls relate to or are applicable to the lands included in the Municipality of Casino or the Shire of Richmond River, as hereby constituted, respectively, shall, for the purposes of the said Act, continue in force in the Municipality of Casino and the Shire of Richmond River, as hereby constituted, as the case may be, as if made in respect of that Municipality and that Shire until fresh valuations and fresh rolls, respectively, come into force therein; and (b) that the Council of the Shire of Richmond River, as hereby constituted, in respect of the part of the Shire of Tomki, as at present constituted, included in the Municipality of Casino, as hereby constituted, shall immediately after 31st December, 1975, furnish to the Council of the said Municipality of Casino copies of or extracts from the valuation books and rolls of electors and ratepayers of the Council of the Shire of Tomki, as at present constituted, showing as at 31st December, 1975, the valuations and enrolments which relate to or are applicable to the lands so included.

(6) Order that all rights and liabilities acquired and incurred, and all contracts and undertakings entered into, all securities lawfully given and all applications, actions, suits and proceedings begun prior to 1st January, 1976, either by or on behalf of or against the Council of any of the said areas, as at present constituted, shall, on and from that date, in so far as they relate to or are applicable to the lands included in the Municipality of Casino or the Shire of Richmond River, as hereby constituted, respectively, be vested in and attached, and may be enforced, realized and carried on by or on behalf of or against the Council of the Municipality of Casino or the Council of the Shire of Richmond River, as hereby constituted, as the case may be, and shall not abate or be discontinued, or be prejudicially affected, by this division of areas.

(7) Order that where for the fulfilment of its obligations and undertakings with respect to its existing loans, the Council of any of the said areas, as at present constituted, is required by law to levy a loan rate, the Council of the Municipality of Casino or the Council of the Shire of Richmond River, as hereby constituted, as the case may be, shall continue to levy such rate or rates in so far as they are required to be levied on land included in such Municipality of Casino or Shire of Richmond River, as hereby constituted, as the case may be, until the loans in respect of which the rates are leviable are retired.

(8) Order that the Council of the Municipality of Casino or the Council of the Shire of Richmond River, as hereby constituted, as the case may be, shall, on and from 1st January, 1976, be vested with the power to levy all rates levied before that date by the Council of any of the said areas, as at present constituted, in so far as such rates relate to or are leviable upon any lands included in the Municipality of Casino or the Shire of Richmond River, as hereby constituted, respectively.

(9) Order that on and from 1st January, 1976, and until the issue of a Proclamation giving effect to an arrangement with regard to the apportionment of the assets, rights and liabilities of the Council of the Municipality of Casino, the Council of the Shire of Tomki and the Council of the Shire of Woodburn, as at present constituted, between the Council of the Municipality of Casino and the Council of the Shire of Richmond River, as hereby constituted—

(a) any land or building or other real property vested in or belonging to the Council of the Shire of Tomki and the Council of the Shire of Woodburn, as at present constituted, shall be deemed to be vested in the Council of the Shire of Richmond River, as hereby constituted; and

(b) all other assets, other than rates levied before 1st January, 1976, vested in or belonging to the Council of the Shire of Tomki and the Council of the Shire of Woodburn, as at present constituted, and all liabilities of the said Councils shall be deemed to be assets and liabilities of the Council of the Shire of Richmond River, as hereby constituted, so far as such assets and liabilities form part of the General Fund of the Council of the Shire of Tomki, as at present constituted, and the General Fund, Water Supply Local Fund, Broadwater Town Improvement Local Fund, Coraki Town Improvement Local Fund, Evans Head Town Improvement Local

Fund, Woodburn Town Improvement Local Fund, Coraki Sewerage Local Fund, Evans Head Sewerage Local Fund and Woodburn Sewerage Local Fund of the Council of the Shire of Woodburn, as at present constituted.

- (10) Order that on and from 1st January, 1976, all assets, rights and liabilities of the Council of the Municipality of Casino, as at present constituted, shall be assets, rights and liabilities, of the Council of the Municipality of Casino, as hereby constituted.
- (11) Order that any disallowance or surcharge which could have been made, continued, enforced or recovered if this Proclamation had not been made, may be made, continued, enforced and recovered notwithstanding the dissolution of the Council of the Municipality of Casino, the Council of the Shire of Tomki and the Council of the Shire of Woodburn, as at present constituted.
- (12) Order, without prejudice to the foregoing:—
 - (a) that any Inspector of Local Government Accounts may disallow in the books or accounts of the Council of the Municipality of Casino or the Council of the Shire of Richmond River, as hereby constituted, any expenditure, transfer or entry in the books or accounts of the Council of the Municipality of Casino, the Council of the Shire of Tomki or the Council of the Shire of Woodburn, as at present constituted, which has been incurred or made in contravention of any Act or any ordinance, regulation or by-law and shall surcharge the amount of any such disallowance upon the members or servants of the Council of the Municipality of Casino, the Council of the Shire of Tomki or the Council of the Shire of Woodburn, as at present constituted, as the case may be, by whom the expenditure, transfer or entry was incurred or made or ordered to be incurred or made;
 - (b) that all liability of any member or servant of the Council of the Municipality of Casino, the Council of the Shire of Tomki or the Council of the Shire of Woodburn, as at present constituted, as the case may be, in respect of any such expenditure, transfer or entry or of any deficiency or loss of such Council incurred by the culpable negligence or misconduct of such member or servant or by the failure to account for any sum by such Council, shall be a liability of such member or servant to the Council of the Municipality of Casino or to the Council of the Shire of Richmond River, as hereby constituted, as the case may be, whether the amount of any such disallowance, deficiency, loss or sum be surcharged before or after 1st January, 1976.
- (13) Charge the Council of the Municipality of Casino and the Council of the Shire of Richmond River, as hereby constituted, with the care, control and management of all public reserves in respect of which any of the Councils of the areas, as at present constituted, is charged with the care, control and management in so far as such public reserves are included in the Municipality of Casino or the Shire of Richmond River, as hereby constituted, respectively.
- (14) Order that the proclamation under section 309 of the Local Government Act, 1919, published in Government Gazette No. 121 of 6th July, 1934, declaring Residential District No. 1—Woodburn Shire, shall be in force in the Shire of Richmond River, as hereby constituted.
- (15) Apply the provisions of section 288A of the aforesaid Act to the Municipality of Casino and the Shire of Richmond River, as hereby constituted.
- (16) Apply Part XI of the aforesaid Act to the portions of the Shire of Richmond River, as hereby constituted, which comprise the Shire of Tomki, as at present constituted, and the portions of the Shire of Woodburn, as at present constituted, to which Part XI applies.
- (17) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 195 of 5th November, 1920, and No. 80 of 3rd August, 1945, constituting the whole of the Municipalities of Ballina, Casino, Lismore (proclaimed as a City on 30th August, 1946) and Mullumbimby, the Shires of Byron, Gundurimba, Kyogle, Terania, Tintenbar, Tomki, Tweed and Woodburn, and part of the Shire of Copmanhurst as the Richmond River County District or the proclamation in Government Gazette No. 139 of 4th December, 1959, altering the name of the Richmond River County District to Far North Coast County District, or the proclamation in Government Gazette No. 37 of 21st March, 1969, excluding the portion of the Shire of Copmanhurst as described in the Schedule to that proclamation from the Far North Coast County District, other than to substitute the Municipality of Casino and the Shire of Richmond River, as hereby constituted, for the Municipality of Casino and the Shires of Tomki and Woodburn, as at present constituted, and for such purposes and subject to the provisions of the aforesaid Act—
 - (a) order that Francis John Ellis, Esquire, being the gentleman at present in office as the delegate elected by the Council of the Municipality of Casino shall continue in office as such delegate; and
 - (b) specify that the time for the election by the Council of the Shire of Richmond River, as hereby constituted, of its delegate shall be a period of one month from 1st January, 1976.
- (18) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 99 of 9th May, 1952, and No. 129 of 30th November, 1956, constituting the whole of the Cities of Grafton and Lismore, Municipalities of Ballina and Casino, and Shires of Bellingen, Coffs Harbour, Copmanhurst, Gundurimba, Kyogle, Maclean, Nambucca, Nymboida, Terania, Tintenbar, Tomki, Ulmarra and Woodburn, as at present constituted, as the Northern Rivers County District, other than to substitute the Municipality of Casino and the Shire of Richmond River, as hereby constituted, for the Municipality of Casino and the Shires of Tomki and Woodburn, as at present constituted, and for such purposes and subject to the provisions of the aforesaid Act—
 - (a) order that Sidney Colin Humphreys, Esquire, being the gentleman at present in office as the delegate elected by the Council of the Municipality of Casino shall continue in office as such delegate;
 - (b) declare that the part of the Shire of Richmond River, as hereby constituted, comprising the portion formerly within the Shire of Tomki shall continue with the Shire of Terania to be a combined electorate of the Northern Rivers County District as notified in Government Gazette No. 82 of 28th July, 1967;
 - (c) order that George William Gawler Strong, Esquire, being the gentleman at present in office as the delegate of that combined electorate shall continue in office as such delegate;
 - (d) declare that the part of the Shire of Richmond River, as hereby constituted, comprising the portion formerly within the Shire of Woodburn shall continue with the Gundurimba and Tintenbar Shires to be a combined electorate of the Northern Rivers County District as notified in Government Gazette No. 82 of 28th July, 1967; and
 - (e) order that Ronald Thomas Cox, Esquire, being the gentleman at present in office as the delegate of that combined electorate shall continue in office as such delegate.
- (19) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamation in Government Gazette No. 139 of 4th December, 1959, constituting the whole of the City of Lismore and the Shires of Gundurimba, Tintenbar and Woodburn, as at present constituted, as the Richmond River County District, and for such purposes and subject to the provisions of the aforesaid Act—
 - (a) declare that the part of the Shire of Richmond River, as hereby constituted, comprising the portion formerly within the Shire of Woodburn shall continue to be a county electorate of the said County District; and
 - (b) order that George Edward Wagner, Esquire, and Charles Napier Yabsley, Esquire, O.B.E., being the gentlemen at present in office as the delegates elected by the Council of the Shire of Woodburn, as at present constituted, shall continue in office as such delegates.
- (20) Apply to the whole or portions of the Municipality of Casino and the Shire of Richmond River, as hereby constituted, the ordinances set out in Schedules "F" and "G" hereto, respectively.
- (21) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 88 of 14th June, 1940, and No. 113 of 14th July, 1950, constituting the whole of the Municipality of Lismore (proclaimed as a City on 30th August, 1946) and the Shires of Byron and Woodburn, as at present constituted, as the Rous County District,

and for such purposes and subject to the provisions of the aforesaid Act—

- (a) declare that the part of the Shire of Richmond River, as hereby constituted, comprising the portion formerly within the Shire of Woodburn shall continue to be a county electorate of the said County District; and
 - (b) order that Eric John Chambers, Esquire, and Kenneth Robert Thomas, Esquire, being the gentlemen at present in office as delegates elected by the Council of the Shire of Woodburn, as at present constituted, shall continue in office as such delegates.
- (22) Order that Interim Development Order No. 1—Shire of Tomki shall continue in force in relation to the land described in Schedule "A" to this Proclamation and the Council of the Municipality of Casino shall be substituted for the Council of the Shire of Tomki for the purpose of exercising and discharging all powers, authorities, duties and functions conferred on and imposed on the Council of the Shire of Tomki by the said Interim Development Order but only in so far as the land included in the Municipality of Casino is concerned.
- (23) Order that (a) Interim Development Order No. 1—Shire of Tomki shall continue in force in relation to the land within the part of the Shire of Tomki included in the Shire of Richmond River by this Proclamation and the Council of the Shire of Richmond River shall be substituted for the Council of the Shire of Tomki for the purpose of exercising and discharging all powers, authorities, duties and functions conferred on and imposed on the Council of the Shire of Tomki by the said Interim Development Order but only in so far as the land included in the Shire of Richmond River is concerned; and (b) Interim Development Order No. 1—Shire of Woodburn shall continue in force in relation to the land within the Shire of Woodburn included in the Shire of Richmond River by this Proclamation and the Council of the Shire of Woodburn shall be substituted for the Council of the Shire of Woodburn for the purpose of exercising and discharging all powers, authorities, duties and functions conferred on and imposed on the Council of the Shire of Woodburn by the said Interim Development Order.
- (24) Fix, until the estimates for 1976 are published, the limit not exceeding which the Councils of the areas, as hereby constituted, may borrow and re-borrow by way of ~~limited overdraft~~ in respect of each of the funds transferred to or deemed to be vested in the Councils of the areas, as hereby constituted, respectively, at the amount which the Councils of the areas, as at present constituted, respectively, may, in respect of each such fund, borrow and re-borrow by way of limited overdraft as at 31st December, 1975.
- (25) Order that the provisions of Division 2 of Part III of the Library Act, 1939, as amended, shall apply to and in respect of the Council of the Municipality of Casino, as hereby constituted.
- (26) Substitute the Council of the Municipality of Casino and the Council of the Shire of Richmond River, as hereby constituted, for the Councils of the areas as at present constituted, so as to enable the Council of the Municipality of Casino or the Council of the Shire of Richmond River, as hereby constituted, as the case may be, to exercise or enforce on its own behalf any right or power formerly exercised or enforced under the provisions of any Act, rule, regulation or by-law by any of the councils of the areas, as at present constituted, so far as such rights or powers relate or are applicable to lands included in the areas of such Councils, as hereby constituted. (S. 75-1261)

By His Excellency's Command,
C. B. CUTLER.

GOD SAVE THE QUEEN!

SCHEDULE "A"

Land in the part of the Shire of Tomki included in the Municipality of Casino

Area about 7 516 hectares: Commencing on the southwestern boundary of portion 195, Parish of South Casino, County of Richmond, at its intersection with a line along the southern boundaries of portion 281 of that parish and portions 6 and 106, Parish of Wooroowoolgan; and bounded thence by that line westerly to the easternmost eastern boundary of portion 102; by part of that boundary, the easternmost southern, the westernmost eastern and the southernmost southern boundaries of that portion southerly, westerly, again southerly and again westerly; by the southern boundary and part of the western boundary of portion 103 westerly and northerly to

the prolongation easterly of the southern boundary of lot A25, Deposited Plan 5111; by that prolongation and that boundary westerly; by the southwestern boundary of that lot and the northwestern boundary and its prolongation northeasterly to the generally southern boundary of lot A21; by part of that boundary and part of the western boundary of that lot generally westerly and northerly to the generally northeastern side of the road shown in plan catalogued R. 2135-1603; by that side of that road generally northwesterly to the southeastern side of Bundock Crossing; by that side of that crossing northeasterly to the right bank of the Richmond River; by that bank upwards to the prolongation southerly of the western boundary of portion 144, Parish of Kyogle, County of Rous; by that prolongation, that boundary and the northern and westernmost northwestern boundaries of that portion northerly, easterly, and northeasterly; by the generally northwestern side of the road shown in plan catalogued R. 25944-1603 generally northeasterly; by a line across Trunk Road No. 83 (Summerland Way) northwesterly to the northwestern corner of lot 3, Deposited Plan 562738; by the southwestern boundary of that lot, lot 2 and portions 298 and 145, Parish of North Casino, County of Rous, easterly to the southernmost corner of portion 292; by the southeastern boundary of that portion northeasterly; by the prolongation northerly of the westernmost western boundary of portion 154, that boundary, the westernmost southern and the easternmost western boundaries of that portion southerly, easterly and again southerly; by a line along the easternmost southern boundary of that portion and the southern boundary of portion 155 easterly to the western boundary of portion 254; by part of that boundary southerly to the southwestern corner of that portion; by the southern boundary of that portion and its prolongation easterly to the southwestern boundary of lot 1, Deposited Plan 555289; by part of that boundary and the southwestern boundary of lot 2 and its prolongation southeasterly to the generally southeastern side of the road forming the northwestern boundaries of portions 295 and 296, the northwestern and western boundaries of portion 297 and the westernmost western boundary of portion 130; by that side of that road southwesterly and southerly to the North Coast Railway at North Casino Railway Station; by that railway generally southerly to the prolongation northwesterly of the southwestern boundary of portion 306; by that prolongation, that boundary, the southeastern boundary of that portion and part of the southeastern boundary of portion 307 southeasterly and northeasterly to the prolongation northerly of the northernmost western boundary of portion 24; by that prolongation and part of that boundary southerly to its intersection with the northern boundary of the Suburban Lands of the Town of Casino notified in Government Gazette of 4th April, 1919; by part of that boundary and part of the generally eastern boundary of the said suburban lands easterly and southerly to the southwestern corner of portion 157, Parish of Tomki; by part of the southern boundary of that portion easterly to the prolongation northerly of the eastern boundary of lot 110, Deposited Plan 976658; by that prolongation, that boundary and the eastern boundaries of lots 112, 113 and 115 southerly; by the generally northern side of State Highway No. 16 to its intersection with a line along the western boundary of lot 25; by that line southerly to the northwestern corner of lot 8; by a line easterly to the northeastern corner of lot 6; by the northern boundary of that lot westerly; by a line across the Richmond River southwesterly to the right bank; by that bank downwards to the northeastern corner of lot 2, Deposited Plan 102292; by part of the generally southeastern boundary of that lot generally southwesterly to the northeastern corner of lot 3; by a line along the eastern boundaries of that lot and lot B1, Deposited Plan 976551, southerly to the southeastern corner of that lot; by the southern boundaries of that lot and lot D and its prolongation westerly to the eastern boundary of portion 32, Parish of South Casino, County of Richmond; by part of that boundary and the eastern boundary of portion 34 southerly; by the southern boundaries of portions 34 and 33 westerly; by the northern and northwestern sides of the road shown in plan catalogued R. 8899-1603 westerly and southwesterly; by the generally northeastern side of the road from Casino to Ellangowan northwesterly to the generally eastern boundary of the Municipality of Casino as proclaimed in Government Gazette No. 150 of 29th November, 1929; and by that boundary, the generally northern and part of the generally southwestern boundaries of that municipality generally northerly, generally westerly and generally south-easterly to the point of commencement.

SCHEDULE "B"
Municipality of Casino

Area about 9 115 hectares: Commencing at the southwestern corner of portion 195, Parish of South Casino, County of Richmond; and bounded thence by part of the generally southwestern boundary of the Municipality of Casino as proclaimed

in Government Gazette No. 150 of 29th November, 1929, northwesterly to a line along the southern boundaries of portion 281 of that parish and portions 6 and 106, Parish of Woorooloolgan; by that line westerly to the easternmost eastern boundary of portion 102; by part of that boundary, the easternmost southern, the westernmost eastern and the southernmost southern boundaries of that portion southerly, westerly, again southerly and again westerly; by the southern boundary and part of the western boundary of portion 103 westerly and northerly to the prolongation easterly of the southern boundary of lot A25, Deposited Plan 5111; by that prolongation and that boundary westerly; by the southwestern boundary of that lot and the northwestern boundary and its prolongation northeasterly to the generally southern boundary of lot A21; by part of that boundary and part of the western boundary of that lot generally westerly and northerly to the generally northeastern side of the road shown in plan catalogued R. 2135-1603; by that side of that road generally northwesterly to the southeastern side of Bundock Crossing; by that side of that crossing northeasterly to the right bank of the Richmond River; by that bank upwards to the prolongation southerly of the western boundary of portion 144, Parish of Kyogle, County of Rous; by that prolongation, that boundary and the northern and westernmost northwestern boundaries of the portion northerly, easterly and northeasterly; by the generally northwestern side of the road shown in plan catalogued R. 25944-1603 generally northeasterly; by a line across Trunk Road No. 83 (Summerland Way) northwesterly to the northwestern corner of lot 3, Deposited Plan 562738; by the southwestern boundary of that lot southeasterly; by a line along the southern boundaries of that lot, lot 2 and portions 298 and 145, Parish of North Casino, County of Rous, easterly to the southernmost corner of portion 292; by the southeastern boundary of that portion northeasterly; by the prolongation northerly of the westernmost western boundary of portion 154, that boundary, the westernmost southern and the easternmost western boundaries of that portion southerly, easterly and again southerly; by a line along the easternmost southern boundary of that portion and the southern boundary of portion 155 easterly to the western boundary of portion 254; by part of that boundary southerly to the southwestern corner of that portion; by the southern boundary of that portion and its prolongation easterly to the southwestern boundary of lot 1, Deposited Plan 555289; by part of that boundary and the southwestern boundary of lot 2 and its prolongation southeasterly to the generally southeastern side of the road forming the northwestern boundaries of portions 295 and 296, the northwestern and western boundaries of portion 297 and the westernmost western boundary of portion 130; by that side of that road southwesterly and southerly to the North Coast Railway at North Casino Railway Station; by that railway generally southerly to the prolongation northwesterly of the southwestern boundary of portion 306; by that prolongation, that boundary, the southeastern boundary of that portion and part of the southeastern boundary of portion 307 southeasterly and northeasterly to the prolongation northerly of the northernmost western boundary of portion 24; by that prolongation and part of that boundary southerly to its intersection with the northern boundary of the Suburban Lands of the Town of Casino notified in Government Gazette of 4th April, 1919; by part of that boundary and part of the generally eastern boundary of the said suburban lands easterly and southerly to the southwestern corner of portion 157, Parish of Tomki; by part of the southern boundary of that portion easterly to the prolongation northerly of the eastern boundary of lot 110, Deposited Plan 976658; by that prolongation, that boundary and the eastern boundaries of lots 112, 113 and 115 southerly; by the generally northern side of State Highway No. 16 to its intersection with a line along the western boundary of lot 25; by that line southerly to the northwestern corner of lot 8; by a line easterly to the north-eastern corner of lot 6; by the northern boundary of that lot westerly; by a line across the Richmond River southwesterly to the right bank; by that bank downwards to the north-eastern corner of lot 2, Deposited Plan 102292; by part of the generally southeastern boundary of that lot generally southwesterly to the northeastern corner of lot 3; by a line along the eastern boundaries of that lot and lot B1, Deposited Plan 976551 southerly to the southeastern corner of that lot; by the southern boundaries of that lot and lot D and its prolongation westerly to the eastern boundary of portion 32, Parish

of South Casino, County of Richmond; by part of that boundary and the eastern boundary of portion 34 southerly; by the southern boundaries of portions 34 and 33 westerly; by the northern and northwestern sides of the road shown in plan catalogued R. 8899-1603 westerly and southwesterly; and by the generally northeastern side of the road from Casino to Ellangowan northwesterly to the point of commencement.

SCHEDULE "C"

Shire of Richmond River

Area about 2 460 square kilometres: The Shire of Woodburn as proclaimed in Government Gazette No. 103 of 26th October, 1962, and the Shire of Tomki as proclaimed in Government Gazette No. 150 of 29th November, 1929, but exclusive of the Municipality of Casino.

SCHEDULE "D"

Provisional Council of the Municipality of Casino

John Lawrence Carrall, Esquire; John George Crooks, Esquire; Robert James Ellem, Esquire; Francis John Ellis, Esquire; Francis Bertie Grainger, Esquire; Ronald Howard, Esquire; Sidney Colin Humphreys, Esquire; John Charles David Lane, Esquire; John McKinnon, Esquire.

SCHEDULE "E"

Provisional Council of the Shire of Richmond River

Eric John Chambers, Esquire; Ronald Thomas Cox, Esquire; Mervyn Stanley Byron Gittoes, Esquire; Francis Bertie Grainger, Esquire; Malcolm John Olive, Esquire; Barrie Wallace Collett Patch, Esquire; George William Gawler Strong, Esquire; Colin Joseph Sullivan, Esquire; Kenneth Robert Thomas, Esquire; George Edward Wagner, Esquire; Charles Napier Yabsley, Esquire, O.B.E.

SCHEDULE "F"

Ordinance applied to the Municipality of Casino:
No. 41.

Ordinances applied to portion of the Municipality of Casino:

Nos 30 (clause 9A), 30 (clause 9A (f) (i)), 39 (clause 21B), 51, 61 and 70 (clause 58.2) to the portion formerly comprised within the Municipality of Casino as constituted immediately before 1st January, 1976;

No. 48 (clause 20) to the following reserves: Oval Enclosures in Queen Elizabeth Park; golf course in Richmond Park; Swimming Pool Reserve; tennis courts enclosure in Memorial Park.

Ordinance applied to libraries in the Municipality of Casino:
No. 64.

SCHEDULE "G"

Ordinances applied to the Shire of Richmond River:
Nos 41 and 57.

Ordinances applied to portion of the Shire of Richmond River:

No. 30 (clause 67) to Bungawalbyn Bridge over Bungawalbyn Creek;

No. 35A to Broadwater Wharf; Kilgin Wharf; South Woodburn Wharf; Swan Bay Wharf; Malone's Wharf; Olive's Wharf; Robinson's Wharf; Sandy Creek Wharf;

Nos 35D, 37A, 39 (clause 21B), 61 and 75 to the portion formerly comprised within the Shire of Woodburn;

No. 48 (clause 20) to the following reserves: Evans Head Reserve (old and new portions); River Bank Park, South Woodburn; Reserve No. 54662, Coraki;

No. 51 to Evans Head Scavenging District (with boundaries as described in Government Gazette No. 70 of 15th July, 1966). Woodburn Scavenging District (with boundaries as described in Government Gazette No. 78 of 19th July, 1946). Coraki Sanitary Scavenging Area (with boundaries as described in Government Gazette

No. 78 of 19th July, 1946). Broadwater Garbage Scavenging Area (with boundaries as described in Government Gazette No. 34 of 26th March, 1971); and

No. 70 (clause 58.2) to the Village of Evans Head formerly in the Shire of Woodburn. (4918)



[Published in Government Gazette No. 138 of 22nd October, 1976.]

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION
(L.S.) A. R. CUTLER, Governor.

13th October, 1976.

I, Sir ARTHUR RODEN CUTLER, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the Local Government Act, 1919, do hereby—

(1) Divide, on and from 1st January, 1977—

(a) the City of Lismore, constituted as the Municipality of Lismore by proclamation in Government Gazette No. 75 of 5th March, 1879 (as amended by proclamation in Government Gazette No. 18 of 4th February, 1921), altered by proclamations in Government Gazettes No. 182 of 12th December, 1930, and No. 85 of 1st July, 1932 (as amended by proclamation in Government Gazette No. 63 of 11th June, 1948), and proclaimed as the City of Lismore by proclamation in Government Gazette No. 95 of 30th August, 1946, as altered by proclamation in Government Gazette No. 55 of 30th May, 1958;

(b) the Shire of Gundurimba, as constituted by proclamation in Government Gazette No. 121 of 7th March, 1906, and altered by proclamations in Government Gazettes No. 182 of 12th December, 1930, No. 85 of 1st July, 1932 (as amended by proclamation in Government Gazettes No. 63 of 11th June, 1948), and No. 55 of 30th May, 1958;

(c) the Shire of Kyogle, as constituted by proclamation in Government Gazette No. 121 of 7th March, 1926; and

(d) the Shire of Terania, as constituted by proclamation in Government Gazette No. 121 of 7th March, 1906 (as amended by proclamation in Government Gazette No. 207 of 3rd December, 1920), and altered by proclamation in Government Gazette No. 182 of 12th December, 1930,

into two areas, as described in Schedules "A" and "B" hereto, respectively.

(2) Constitute, on and from 1st January, 1977, the area as described in Schedule "A" as a municipality which shall be named the Municipality of Lismore and the area as described in Schedule "B" as a shire which shall be named the Shire of Kyogle.

(3) Proclaim the Municipality of Lismore, as hereby constituted, as the City of Lismore.

(4) Divide into ridings the Shire of Kyogle, as hereby constituted, so that the ridings of the said Shire shall be as described in Schedule "C" hereto.

(5) Determine that the Council of the said City of Lismore as hereby constituted, shall consist of fifteen (15) aldermen and, pending the election of a council upon a date to be proclaimed, appoint as the Provisional Council of the said City of Lismore which shall have, pending such election, all the powers of a council of a municipality, the persons whose names appear in Schedule "F" hereto, and provide that—

(a) such appointments shall take effect as from the issue of this Proclamation; and

(b) the Provisional Council may exercise prior to 1st January, 1977, the powers of a council for or in relation to the matters and things following, that is to say—

(i) the election of a Mayor;

(ii) the provision of an office for the Council;

(iii) the transfer and appointment of servants;

(iv) the apportionment of assets, rights and liabilities;

(v) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Provisional Council are necessary or expedient to enable that Council to exercise and discharge all or any of the powers of a council as from 1st January, 1977: Provided, however, that no arrangement with respect to the transfer and appointment of servants or to the apportionment of assets, rights and liabilities shall take effect prior to 1st January, 1977.

(6) Determine that the Council of the said Shire of Kyogle, as hereby constituted, shall consist of eight

(8) councillors and, pending the election of a council upon a date to be proclaimed, appoint as the Provisional Council of the said Shire of Kyogle which shall have, pending such election, all the powers of a council of a shire, the persons whose names appear in Schedule "G" hereto, and provide that—

(a) such appointments shall take effect as from the issue of this Proclamation; and

(b) the Provisional Council may exercise prior to 1st January, 1977, the powers of a council for or in relation to the matters and things following that is to say—

(i) the election of a President;

(ii) the provision of an office for the Council;

(iii) the transfer and appointment of servants;

(iv) the apportionment of assets, rights and liabilities;

(v) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Provisional Council are necessary or expedient to enable that Council to exercise and discharge all or any of the powers of a council as from 1st January, 1977: Provided, however, that no arrangement with respect to the transfer and appointment of servants or to the apportionment of assets, rights and liabilities shall take effect prior to 1st January, 1977.

(7) Order (a) that the valuations of land and rolls of electors and ratepayers in force as at 31st December, 1976, in respect of the land comprised in the said areas, as at present constituted, so far as such valuations and rolls relate to or are applicable to the lands included in the City of Lismore or the Shire of Kyogle, as hereby constituted, respectively, shall, for the purposes of the said Act, continue in force in the City of Lismore and the Shire of Kyogle, as hereby constituted, as the case may be, as if made in respect of that City and that Shire until fresh valuations and fresh rolls, respectively, come into force therein; and (b) that the Council of the City of Lismore, as hereby constituted, in respect of that part of the Shire of Terania, as at present constituted, included in the Shire of Kyogle, as hereby constituted, shall immediately after 31st December, 1976, furnish the Council of the said Shire of Kyogle copies of or extracts from the valuation books and rolls of electors and ratepayers of the Council of the Shire of Terania, as at present constituted, showing as at 31st December, 1976, the valuations and enrolments which relate to or are applicable to the lands so included.

(8) Order that all rights and liabilities acquired and incurred, and all contracts and undertakings entered into, all securities lawfully given and all applications, actions, suits and proceedings begun prior to 1st January, 1977, either by or on behalf of or against the Council of any of the said areas, as at present constituted, shall, on and from that date, in so far as they relate to or are applicable to the lands included in the City of Lismore and the Shire of Kyogle, as hereby constituted, respectively, be vested in and attached, and may be enforced, realized and carried on by or on behalf of or against the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted, as the case may be and shall not abate or be discontinued, or be prejudicially affected, by this division of areas.

(9) Order that where for the fulfilment of its obligations and undertakings with respect to its existing loans, the Council of any of the said areas, as at present constituted, is required by law to levy a loan rate, the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted, as the case may be, shall continue to levy such rate or rates in so far as they are required to be levied on land included in such City of Lismore or Shire of Kyogle, as hereby constituted, as the case may be, until the loans in respect of which the rates are leviable are retired.

(10) Order that the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted, as the case may be, shall, on and from 1st January, 1977, be vested with the power to levy all rates levied before that date by the Council of any of the said areas, as at present constituted, in so far as such rates

- relate to or are leviable upon any land included in the City of Lismore or the Shire of Kyogle, as hereby constituted, respectively.
- (11) Order that on and from 1st January, 1977, and until the issue of a Proclamation giving effect to an arrangement with regard to the apportionment of the assets, rights and liabilities of the Council of the City of Lismore, the Council of the Shire of Gundurimba, the Council of the Shire of Kyogle and the Council of the Shire of Terania, as at present constituted, between the Council of the City of Lismore and the Council of the Shire of Kyogle, as hereby constituted—
 - (a) any land or building or other real property vested in or belonging to the Council of the City of Lismore, the Council of the Shire of Gundurimba and the Council of the Shire of Terania, as at present constituted, shall be deemed to be vested in the Council of the City of Lismore, as hereby constituted; and
 - (b) all other assets, other than rates levied before 1st January, 1977, vested in or belonging to the Council of the City of Lismore, the Council of the Shire of Gundurimba and the Council of the Shire of Terania as at present constituted, and all liabilities of the said Councils shall be deemed to be assets and liabilities of the Council of the City of Lismore, as hereby constituted, so far as such assets and liabilities form part of the General Fund, Water Supply Local Fund, Sewerage Local Fund and Gas Works Trading Fund of the Council of the City of Lismore, as at present constituted; the General Fund and North Woodburn Water Supply Local Fund of the Shire of Gundurimba, as at present constituted; and the General Fund, Nimbin Water Supply Local Fund and Dunoon/The Channon Water Supply Local Fund of the Shire of Terania, as at present constituted.
 - (12) Order that on and from 1st January, 1977, all assets, rights and liabilities of the Council of the Shire of Kyogle, as at present constituted, shall be assets, rights and liabilities, of the Council of the Shire of Kyogle, as hereby constituted.
 - (13) Order that any disallowance or surcharge which could have been made, continued, enforced or recovered if this Proclamation had not been made, may be made, continued, enforced and recovered, notwithstanding the dissolution of the Council of the City of Lismore, the Council of the Shire of Gundurimba, the Council of the Shire of Kyogle and the Council of the Shire of Terania, as at present constituted.
 - (14) Order, without prejudice to the foregoing:
 - (a) that any Inspector of Local Government Accounts may disallow in the books or accounts of the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted, any expenditure, transfer or entry in the books or accounts of the Council of the City of Lismore, the Council of the Shire of Gundurimba, the Council of the Shire of Kyogle or the Council of the Shire of Terania, as at present constituted, which has been incurred or made in contravention of any Act or any ordinance, regulation or by-law and shall surcharge the amount of any such disallowance upon the members or servants of the Council of the City of Lismore, the Council of the Shire of Gundurimba, the Council of the Shire of Kyogle or the Council of the Shire of Terania, as at present constituted, as the case may be, by whom the expenditure, transfer or entry was incurred or made or ordered to be incurred or made;
 - (b) that all liability of any member or servant of the Council of the City of Lismore, the Council of the Shire of Gundurimba, the Council of the Shire of Kyogle or the Council of the Shire of Terania, as at present constituted, as the case may be, in respect of any such expenditure, transfer or entry or of any deficiency or loss of such Council incurred by the culpable negligence or misconduct of such member or servant or by the failure to account for any sum by such Council, shall be a liability of such member or servant to the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted, as the case may be, whether the amount of any such disallowance, deficiency, loss or sum be surcharged before or after 1st January, 1977.
 - (15) Charge the Council of the City of Lismore and the Council of the Shire of Kyogle, as hereby constituted, with the care, control and management of all public reserves in respect of which any of the Councils of the areas, as at present constituted, is charged with the care, control and management in so far as such public reserves are included in the City of Lismore or the Shire of Kyogle, as hereby constituted, respectively.
 - (16) Order that the proclamation under section 309 of the Local Government Act, 1919, published in Government Gazette No. 159 of 8th August, 1952, declaring Residential Districts Nos 1, 2 and 3—Kyogle Shire, shall be in force in the Shire of Kyogle, as hereby constituted.
 - (17) Order that paragraph (j) of section 313 of the aforesaid Act shall apply to that portion of the City of Lismore, as hereby constituted, which comprises the City of Lismore, as at present constituted.
 - (18) Apply the provisions of section 288A of the aforesaid Act to that part of the City of Lismore, as hereby constituted, which comprises the City of Lismore and portion of the Shire of Terania, as at present constituted; and that part of the Shire of Kyogle, as hereby constituted, which comprises portion of the Shire of Terania, as at present constituted.
 - (19) Apply Part XI of the aforesaid Act to the whole of the Shire of Kyogle, as hereby constituted.
 - (20) Declare that the Bonalbo Urban Area with boundaries as proclaimed and notified in Government Gazette No. 219 of 5th September, 1919; the Kyogle Urban Area with boundaries as proclaimed in Government Gazette No. 66 of 26th May, 1909, and altered by proclamations in Government Gazettes No. 37 of 18th March, 1927, No. 79 of 13th May, 1949, No. 164 of 18th September, 1953, and No. 55 of 3rd June, 1966; and the Woodenbong Urban Area with boundaries as proclaimed in Government Gazette No. 12 of 28th January, 1938, shall be urban areas in the Shire of Kyogle, as hereby constituted.
 - (21) Apply to the whole or portions of the City of Lismore and the Shire of Kyogle, as hereby constituted, the ordinances set out in Schedules "D" and "E" hereto, respectively.
 - (22) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 195 of 5th November, 1920, and No. 80 of 3rd August, 1945, constituting the whole of the Municipalities of Ballina, Casino, Lismore (proclaimed as a City on 30th August, 1946) and Mullumbimby, the Shires of Byron, Gundurimba, Kyogle, Terania, Tintenbar, Tomki, Tweed and Woodburn, and part of the Shire of Copmanhurst as the Richmond River County District or the proclamation in Government Gazette No. 139 of 4th December, 1959, altering the name of the Richmond River County District to Far North Coast County District, or the proclamation in Government Gazette No. 37 of 21st March, 1969, excluding the portion of the Shire of Copmanhurst as described in the Schedule to that proclamation from the Far North Coast County District, or the proclamation in Government Gazette No. 155 of 28th November, 1975, substituting the Municipality of Casino and the Shire of Richmond River for the Municipality of Casino and the Shires of Tomki and Woodburn, and for such purposes and subject to the provisions of the aforesaid Act—
 - (a) declare that the City of Lismore and the Shire of Kyogle, as hereby constituted, shall respectively be county electorates of the said Far North Coast County District and that the Council of the City of Lismore and the Council of the Shire of Kyogle, as hereby constituted, shall be entitled to elect two delegates and one delegate, respectively, to the Council of the Far North Coast County District;
 - (b) specify that the time for the election by the Council of the City of Lismore, as hereby constituted, of its delegates to the Council of the Far North Coast County District shall be a period of one month from 1st January, 1977; and
 - (c) order that Frederick James Flower, Esquire, being the gentleman at present in office as the delegate elected by the Council of the Shire of Kyogle, as at present constituted, shall continue in office as such delegate.
 - (23) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 99 of 9th May, 1952, and No. 129 of 30th November, 1956, constituting the whole of the Cities of Grafton and Lismore, Municipalities of Ballina and Casino, and Shires of Belligen, Coffs Harbour, Copmanhurst, Gundurimba, Kyogle,

Macleay, Nambucca, Nymbodia, Terania, Tintenbar, Tomki, Ulmarra and Woodburn, as the Northern Rivers County District, or the proclamation in Government Gazette No. 155 of 28th November, 1975, substituting the Municipality of Casino and the Shire of Richmond River for the Municipality of Casino and the Shires of Tomki and Woodburn, and for such purposes and subject to the provisions of the aforesaid Act—

- (a) declare that the part of the City of Lismore, as hereby constituted, comprising the portion formerly within the City of Lismore shall continue to be a county electorate of the said County District;
- (b) order that John Henry Philliskirk Dingle, Esquire, and Ronald Mitchell Somerville, Esquire, being the gentlemen at present in office as the delegates elected by the Council of the City of Lismore, as at present constituted, shall continue in office as such delegates;
- (c) declare that the part of the City of Lismore, as hereby constituted, comprising the portion formerly within the Shire of Gundurimba shall continue with that part of the Shire of Ballina, constituted on and from 1st January, 1977, comprising the Shire of Tintenbar as constituted immediately prior to 1st January, 1977, and that part of the Shire of Richmond River, comprising the portion formerly within the Shire of Woodburn, to be a combined electorate of the Northern Rivers County District as notified in Government Gazette No. 82 of 28th July, 1967;
- (d) order that Ronald Thomas Cox, Esquire, being the gentleman at present in office as the delegate of that combined electorate shall continue in office as such delegate;
- (e) declare that the part of the Shire of Kyogle, as hereby constituted, comprising the portion formerly within the Shire of Kyogle, shall continue to be a county electorate of the said County District;
- (f) order that Ernest Henry Harris, Esquire, being the gentleman at present in office as the delegate elected by the Council of the Shire of Kyogle, as at present constituted, shall continue in office as such delegate;
- (g) declare that the respective parts of the City of Lismore and the Shire of Kyogle, as hereby constituted, formerly within the Shire of Terania, shall continue with that part of the Shire of Richmond River comprising the portion formerly within the Shire of Tomki, to be a combined electorate of the Northern Rivers County District as notified in Government Gazette No. 82 of 28th July, 1967; and
- (h) order the George William Gawler Strong, Esquire, being the gentleman at present in office as the delegate of that combined electorate shall continue in office as such delegate.
- (24) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamation in Government Gazette No. 139 of 4th December, 1959, constituting the whole of the City of Lismore and the Shires of Gundurimba, Tintenbar and Woodburn as the Richmond River County District, or the proclamation in Government Gazette No. 155 of 28th November, 1975, constituting the Shire of Richmond River and declaring that the part of that Shire, comprising the portion formerly within the Shire of Woodburn, shall continue to be a county electorate of the said County District, and for such purposes and subject to the provisions of the aforesaid Act—
- (a) declare that the part of the City of Lismore, as hereby constituted, comprising the portion formerly within the City of Lismore and the Shire of Gundurimba shall be a county electorate of the said County District and that the Council of the City of Lismore, as hereby constituted, shall be entitled to elect four delegates to the Council of the Richmond River County District; and
- (b) specify that the time for the election by the Council of the City of Lismore, as hereby constituted, of its delegates to the Council of the Richmond River County District shall be a period of one month from 1st January, 1977.
- (25) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 88 of 14th June, 1940, and No. 113 of 14th July, 1950, constituting the whole of the Municipality of Lismore (proclaimed as a City on 30th August, 1946) and the Shires of Byron and Woodburn as the Rous County District, or the proclamation in Government Gazette No. 155 of 28th November, 1975, constituting the Shire of Richmond River and declaring that the part of that Shire, comprising the portion formerly within the Shire of Woodburn, shall continue to be a county electorate of the said County District, and for such purposes and subject to the provisions of the aforesaid Act—
- (a) declare that the part of the City of Lismore, as hereby constituted, comprising the portion formerly within the City of Lismore shall continue to be a county electorate of the said County District; and
- (b) specify that the time for the election by the Council of the City of Lismore, as hereby constituted, of its five delegates to the Council of the Rous County District shall be a period of one month from 1st January, 1977.
- (26) Order that the provisions of the City of Lismore Planning Scheme Ordinance, any Interim Development Order made under section 342v of the Act which are in force in relation to any land in the City of Lismore immediately before this Proclamation takes effect, Interim Development Order No. 36—City of Lismore, Interim Development Order No. 1—Shire of Gundurimba, any Interim Development Order made in respect of land in the Shire of Kyogle which is in force immediately before the date of this Proclamation, and Interim Development Order No. 1—Shire of Terania shall continue to apply to the lands to which they respectively applied immediately before the day upon which this Proclamation takes effect.
- (27) Order that—
- (a) the Council of the City of Lismore, as hereby constituted, shall be the responsible authority charged with the functions of carrying into effect and enforcing the City of Lismore Planning Scheme Ordinance and shall be substituted for the Council of the City of Lismore, the Council of the Shire of Gundurimba and the Council of the Shire of Terania, as presently constituted, for the purposes of exercising and discharging all powers, authorities, duties and functions conferred on those Councils by any Interim Development Order made under section 342v of the Act, Interim Development Order No. 36—City of Lismore, Interim Development Order No. 1—Shire of Gundurimba or by Interim Development Order No. 1—Shire of Terania in so far as those Interim Development Orders affect land within the City of Lismore, as hereby constituted.
- (b) The Council of the Shire of Kyogle, as hereby constituted, shall be substituted for the Council of the Shire of Kyogle, and the Council of the Shire of Terania, as presently constituted, for the purpose of exercising and discharging all powers, authorities, duties, functions conferred on those Councils by any Interim Development Order made in respect of land in the Shire of Kyogle, as presently constituted, or Interim Development Order No. 1—Shire of Terania, as the case may be, in respect of the land within the Shire of Kyogle, as hereby constituted, to which those Interim Development Orders respectively apply.
- (28) Order that any act, matter or thing done or omitted to be done by, or any resolution to prepare a scheme under Part XIIA of the Local Government Act, 1919, with respect to any land within the City of Lismore, the Shire of Gundurimba, the Shire of Kyogle or the Shire of Terania, as presently constituted, shall be deemed to have been done or omitted to have been done by, or to have been a resolution of, the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted.
- (29) Fix, until the estimates for 1977 are published, the limit not exceeding which the council of the areas, as hereby constituted, may borrow and re-borrow by way of limited overdraft in respect of each of the funds transferred to or deemed to be vested in the Councils of the area, as hereby constituted, respectively, at the amount which the Councils of the areas, as at present constituted, respectively, may, in respect of each such fund, borrow and re-borrow by way of limited overdraft as at 31st December, 1976.

(30) Order that the provisions of Division 2 of Part III of the Library Act, 1939, as amended, shall apply to and in respect of the Council of the City of Lismore and the Council of the Shire of Kyogle, as hereby constituted.

(31) Substitute the Council of the City of Lismore and the Council of the Shire of Kyogle, as hereby constituted, for the Councils of the areas as at present constituted, so as to enable the Council of the City of Lismore or the Council of the Shire of Kyogle, as hereby constituted, as the case may be, to exercise or enforce on its own behalf any right of power formerly exercised or enforced under the provisions of any Act, rule, regulation or by-law or by any of the councils of the areas, as at present constituted, so far as such rights or powers relate or are applicable to lands included in the areas of such Councils, as hereby constituted. (S. 76-717)

By His Excellency's Command,

H. F. JENSEN.

GOD SAVE THE QUEEN!

SCHEDULE "A"

City of Lismore

Area about 1 267 square kilometres: Commencing at the confluence of the Broadwater and the Richmond River; and bounded thence by the Broadwater upwards to its intersection with a line parallel to and rectangularly distant about 7 chains south of the northern boundary of portion 133, Parish of Broadwater, County of Rous; by that line westerly to a line along the western boundary of portions 239, 125, 235 and 234; by that line northerly to the westernmost northwestern corner of portion 234; by a northern boundary of that portion easterly to the southwestern corner of portion 295, Parish of Meerschaum; by part of the western boundary of that portion and the southern and western boundaries of portion 300, northerly, westerly and again northerly; by boundaries of portion 299 westerly and northerly to the south-eastern corner of portion 326; by the southern and western boundaries of that portion westerly and northerly; by part of the southern boundary of portion 222 westerly to Marom Creek; by that creek upwards to the southeastern corner of portion 49, Parish of Lismore; by boundaries of that parish generally northeasterly to Pearce's Creek; by that creek and Wilson's Creek downwards to the southwestern corner of portion 64, Parish of Bexhill; by a line along the western boundaries of that portion and portion 275 and northwestern boundaries of portion 275 northerly and northeasterly to a western boundary of the Parish of Clunes; by boundaries of that parish northerly, westerly and again northerly to Benny's Creek; by that creek downwards and Cooper's Creek upwards to the northernmost boundary of portion 33, Parish of Whian Whian; by a line along that boundary westerly to Nightcap Range; by that range and the Main Dividing Range generally north-westerly to its intersection with a line along the eastern boundary of portion 56, Parish of Hanging Rock; by that line and part of the southern boundary of that portion southerly and westerly to Websters Creek; by that creek and Hanging Rock Creek downwards to the northeastern corner of portion 168, Parish of Jiggi; by the northern and part of the western boundaries of that portion westerly and southerly to the northeastern corner of portion 82; by the northern and western boundaries of that portion, the western boundaries of portions 81 and 147 and part of the western boundary of portion 21 westerly and southerly to the northeastern corner of portion 117, Parish of Boorabee; by part of the northernmost northern boundary of that portion westerly to its intersection with a line along the eastern boundary of portion 79; by that line southerly to the northern boundary of portion 62; by part of that boundary and the eastern boundary of that portion easterly and southerly to Boundary Creek; by that creek and Back Creek downwards to the northwestern corner of portion 66, Parish of Tomki; by the western boundary of portions 66, 208 and 170 southerly; by part of the northern and the western boundaries of portion 243 westerly and southerly to Pelican Creek; by that creek downwards to the generally eastern boundary of the Parish of Tomki; by that boundary generally southerly to the northernmost boundary of portion 218; by a line south to the Richmond River; by that river downwards and its North Arm upwards to the northwestern corner of portion 7, Parish of Coraki; by the northwestern boundary of that portion southwesterly to the road forming the northeastern boundary of portion 5; by that road, the road forming the southeastern boundary of portions 5, 4, 3, 2, 1, 28 and 27 and the road forming the southwestern boundary of portion 27 southeasterly, southwesterly and northwesterly to the Richmond River; and by that river downwards to the point of commencement.

SCHEDULE "B"

Shire of Kyogle

Area about 3 589 square kilometres: Commencing on the boundary between the States of New South Wales and Queensland at its intersection with the northeastern boundary of the Parish of Worendo, County of Rous; and bounded thence by that boundary of that parish, the generally northeastern boundary of the Parish of Warrazambil and part of the generally northern boundary of the Parish of Hanging Rock generally southeasterly to its intersection with a line along the eastern boundary of portion 56, Parish of Hanging Rock; by that line and part of the southern boundary of that portion southerly and westerly to Websters Creek; by that creek and Hanging Rock Creek downwards to the northeastern corner of portion 168, Parish of Jiggi; by the northern and part of the western boundaries of that portion westerly and southerly to the northeastern corner of portion 82; by the northern and western boundaries of that portion, the western boundaries of portions 81 and 147 and part of the western boundary of portion 21 westerly and southerly to the northeastern corner of portion 117, Parish of Boorabee; by part of the northernmost northern boundary of that portion westerly to its intersection with a line along the eastern boundary of portion 79; by that line southerly to the northern boundary of portion 62; by part of that boundary and the eastern boundary of that portion easterly and southerly to Boundary Creek; by that creek and Back Creek downwards and Pine Creek upwards to the southern boundary of the Parish of Runnymede; by that boundary generally westerly, and by the southern boundary of portions 31, 8, 90, 89, 87 and 88, Parish of Stratheden, and a line west to Eden Creek; by that creek downwards and Dyaaba Creek upwards to the western boundary of the County of Richmond, and by that boundary generally southwesterly to a spur of the Richmond Range running to Mount Pickapene; by that spur range westerly to that mount; by a line north and the north boundary of the Parish of Alice, County of Drake, westerly to the Clarence River; thence by that river, Tooloom Creek and Lindsay Creek upwards to the source of the latter in Macpherson's Range; and by that range, forming the northern boundary of the State of New South Wales, generally easterly, to the point of commencement.

SCHEDULE "C"

Ridings of the Shire of Kyogle

"A" Riding

Commencing on the generally eastern boundary of the shire at the northeastern corner of portion 117, Parish of Boorabee, County of Rous; and bounded thence by part of that shire boundary, part of the generally southern and part of the generally western boundaries of the Parish of Jiggi westerly, southerly, again westerly and generally northerly to the generally southern boundary of the Parish of Fairy Mount; by part of that boundary generally westerly to the southeastern corner of lot 2, Deposited Plan 21237; by a line south to the southern side of the road forming the southern boundary of lot 1, Deposited Plan 10780; by the southern side of that road westerly to the generally eastern boundary of the railway land from Kyogle to Casino; by that boundary of that railway land generally southerly to a point east of the southeastern corner of lot 26 of the said Deposited Plan 10780; by a line along the southern boundary of that lot, crossing the Kyogle-Casino railway line, westerly to the southwestern corner of the said lot 26; by a line along the generally southern side of the road forming the generally southern boundary of lot 5, section A, Deposited Plan 4948, generally westerly to the western side of the road forming the western boundary of the said lot 5; by a line along the western side of the latter road, crossing Highfield Road, northerly to a point rectangularly distant 250 links north from the northern side of Highfield Road; by a line parallel to and 250 links rectangularly distant from that side and a northwestern side of the said Highfield Road easterly and northeasterly to the westernmost corner of lot 32, section A, Deposited Plan 6798; by the northwestern boundary of lots 2 to 32 inclusive, and the northwestern boundary of lot 1 shown on the said Deposited Plan 6798, northeasterly to the southwestern boundary of the aforesaid railway land from Kyogle to Casino; by that boundary of that railway land northwesterly to the southern boundary of portion 115, Parish of Runnymede; by that boundary of that portion westerly to the left bank of the Richmond River; by that bank of that river generally northerly to its intersection with the northeasterly prolongation of the southeastern boundary of lot 12, section 4, Deposited Plan 9078; by a line along the southeastern boundary of that lot southwesterly to the southernmost corner of the said lot 12; by part of the southwestern boundary of that lot northwesterly to a point rectangularly distant 8 chains southeasterly from the southeastern side of the road shown on plan catalogued R. 10753-1603, at the Department of Lands, Sydney; by a line parallel to and 8 chains rectangularly distant from that side, the southwestern side and the southern side of the said catalogued road southwesterly, northwesterly and westerly to the western boundary of the land comprised in Certificate of Title, volume 4123,

folio 131; by a line westerly to the easternmost corner of the land shown in miscellaneous plan of subdivision (R.P.) registered No. 21115; by the generally southern and southwestern boundaries of that land generally westerly and northwesterly to the westernmost corner of that land; by a line northwesterly across a road shown in plan catalogued R. 8545-1603 to the southwestern corner of lot 34, Deposited Plan 31724; by a line parallel to the western side of Bundock Street along the western boundaries of lot 34, lots 25 to 32, inclusive, and lots 19 to 22, inclusive, northerly to its intersection with a line parallel to the northern side of William Street along the northern boundaries of lots 14 to 17, inclusive, Deposited Plan 31724, and lots C and B, plan annexed to dealing G. 552312; by that line easterly to its intersection with the western boundary of the land shown in plan annexed to dealing F. 917046; by part of that boundary, the western boundaries of lot A, plan annexed to dealing G. 552312 and lot 13, Deposited Plan 31724 and the western and northern boundaries of lot 2, Deposited Plan 216725 northerly and easterly; by the western side of Saville Street southerly to its intersection with a line parallel to and 250 links rectangularly distant north of the northern side of William Street; by that line easterly to its intersection with a line parallel to the eastern side of Saville Street along the eastern boundaries of lots 1 to 5, inclusive, and lots 8 to 11, inclusive, Deposited Plan 31724; by that line southerly to the northern boundary of the land comprised in miscellaneous plan of subdivision (R.P.) registered No. 14169; by part of the northern boundary and the eastern boundary of that land easterly and southerly to the northern boundary of lot 2, section 4, Deposited Plan 9078; by a line along the northern boundary of lots 2 and 3 easterly to the southeastern corner of portion 44, Parish of Geneva; by a line along the eastern boundary of that portion, crossing the Richmond River, northerly to the left bank of that river; by that bank of that river generally easterly to the southeastern corner of lot 2, section 3, Deposited Plan 4973; by the southeastern boundary of that lot northeasterly; by a northeasterly boundary and part of a northwestern boundary of lot 3, southeasterly and northeasterly to the intersection of the southeasterly prolongation of the northeastern boundary of lot 23, section 1, of the said Deposited Plan 4973; by a line along the northeastern boundary of that lot northwesterly to the left bank of Fawcetts Creek; by that bank of that creek generally northeasterly to the southwestern boundary of the railway land from Kyogle to Richmond Gap; by that boundary of that railway land generally northwesterly to its intersection with the southwesterly prolongation of the northwestern boundary of portion 75, Parish of Wiangaree; by a line along the northwestern boundary of the said portion 75 northeasterly to Fawcetts Creek, forming part of the generally western boundary of the Parish of Fairy Mount; by the generally western and northern boundaries of that parish generally northerly and easterly to Horseshoe Creek; by that creek upwards to the northwestern corner of portion 85, Parish of Hanging Rock; by a line northwesterly to Bald Mountain; by a line from the said Bald Mountain to the northeastern corner of the Parish of Warrambil northeasterly to the said generally eastern boundary of the shire; and by part of that boundary generally southerly to the point of commencement.

"B" Riding

Commencing on the generally western boundary of the shire at the westernmost northwestern corner of portion 23, Parish of Mearimb, County of Buller; and bounded thence by part of the generally western boundary and the southern and eastern boundaries of that parish generally southerly, easterly and northerly to the northwestern corner of the Parish of Burgess; by the northern boundary of that parish and the generally northern boundary of the Parish of Toonambar, County of Rous, generally easterly to the southwestern corner of the Parish of Roseberry; by the generally southern and eastern boundaries of that parish generally easterly and northerly to the northeastern corner of portion 14, Parish of Roseberry; by a line north to the left bank of the Richmond River; by that bank of that river generally southeasterly to the southeastern corner of lot 2, section 3, Deposited Plan 4973; by the southeastern boundary of that lot northeasterly; by a northeastern boundary and part of a northwestern boundary of lot 3, southeasterly and northeasterly to the intersection of the southeasterly prolongation of the northeastern boundary of lot 23, section 1, of the said Deposited Plan 4973; by a line along the northeastern boundary of that lot northwesterly to the left bank of Fawcetts Creek; by that bank of that creek generally northeasterly to the southwestern boundary of the railway land from Kyogle to Richmond Gap; by that boundary of that railway land generally northwesterly to its intersection with the southwesterly prolongation of the northwestern boundary of portion 75, Parish of Wiangaree; by a line along the northwestern boundary of the said portion 75 northeasterly to Fawcetts Creek forming part of the generally western boundary of the Parish of Fairy Mount; by the generally western and northern boundaries of that parish generally northerly and easterly to Horseshoe Creek; by that creek upwards to the northwestern corner of portion 85, Parish of Hanging

Rock; by a line northwesterly to Bald Mountain; by a line from the said Bald Mountain to the northeastern corner of the Parish of Warrambil northeasterly to the generally eastern boundary of the shire; and by boundaries of the shire generally northerly, generally westerly and generally southerly to the point of commencement.

"C" Riding

Commencing on the generally western boundary of the shire at the westernmost northwestern corner of portion 23, Parish of Mearimb, County of Buller; and bounded thence by part of the generally western boundary and the southern and eastern boundaries of that parish generally southerly, easterly and northerly to the northwestern corner of the Parish of Burgess; by the northern boundary of that parish easterly to the Richmond Range; by that range generally southerly to the generally eastern boundary of the shire; and by boundaries of the shire generally southerly, westerly, northwesterly and northerly to the point of commencement.

"D" Riding

Commencing on the generally southern boundary of the Parish of Jiggi, County of Rous at its intersection with a line along the eastern boundary of portion 79, Parish of Boorabee; and bounded thence by part of that generally southern boundary and part of the generally western boundary of that parish westerly, southerly, again westerly and generally northerly to the generally southern boundary of the Parish of Fairy Mount; by part of that boundary generally westerly to the southeastern corner of lot 2, Deposited Plan 21237; by a line south to the southern side of the road forming the southern boundary of lot 1, Deposited Plan 10780; by the southern side of that road westerly to the generally eastern boundary of the railway land from Kyogle to Casino; by that boundary of that railway land generally southerly to a point east of the southeastern corner of lot 26 of the said Deposited Plan 10780; by a line along the southern boundary of that lot crossing the Kyogle-Casino railway line, westerly to the southwestern corner of the said lot 26; by a line along the generally southern side of the road forming the generally southern boundary of lot 5, section A, Deposited Plan 4948, generally westerly to the western side of the road forming the western boundary of the said lot 5; by a line along the western side of the latter road, crossing Highfield Road northerly to a point rectangularly distant 250 links north from the northern side of Highfield Road; by a line parallel to and 250 links rectangularly distant from that side and a northwestern side of the said Highfield Road easterly and northeasterly to the westernmost corner of lot 32, section A, Deposited Plan 6798; by the northwestern boundary of lots 2 to 32, inclusive, and the northwestern boundary of lot 1 shown on the said Deposited Plan 6798, northeasterly to the southwestern boundary of the aforesaid railway land from Kyogle to Casino; by that boundary of that railway land northwesterly to the southern boundary of portion 115, Parish of Runnmede; by that boundary of that portion westerly to the left bank of the Richmond River; by that bank of that river generally northerly to its intersection with the northeasterly prolongation of the southeastern boundary of lot 12, section 4, Deposited Plan 9078; by a line along the southeastern boundary of that lot southwesterly to the southernmost corner of the said lot 12; by part of the southwestern boundary of that lot northwesterly to a point of rectangularly distant 8 chains southeasterly from the southeastern side of the road shown on plan catalogued R. 10753-1603 at the Department of Lands, Sydney; by a line parallel to and 8 chains rectangularly distant from that side, the southwestern side and the southern side of the said catalogued road southwesterly, northwesterly and westerly to the western boundary of the land comprised in Certificate of Title, volume 4123, folio 131; by a line westerly to the easternmost corner of the land shown in miscellaneous plan of subdivision (R.P.), registered No. 21115; by the generally southern and southwestern boundaries of that land generally westerly and northwesterly to the westernmost corner of that land; by a line northwesterly across a road shown in plan catalogued R. 8545-1603 to the southwestern corner of lot 34, Deposited Plan 31724; by a line parallel to the western side of Bundock Street along the western boundaries of lot 34, lots 25 to 32, inclusive, and lots 19 to 22, inclusive, northerly to its intersection with a line parallel to the northern side of William Street along the northern boundaries of lots 14 to 17, inclusive, Deposited Plan 31724, and lots C and D, plan annexed to dealing G. 552312; by that line easterly to its intersection with the western boundary of the land shown in plan annexed to dealing F. 917046; by part of that boundary, the western boundaries of lot A, plan annexed to dealing G. 552312, and lot 13, Deposited Plan 31724, and the western and northern boundaries of lot 2, Deposited Plan 216725, northerly and easterly; by the western side of Saville Street southerly to its intersection with a line parallel to and 250 links rectangularly distant north of the northern side of William Street; by that line easterly to its intersection with a line parallel to the eastern side of Saville Street along the eastern boundaries of lots 1 to 5, inclusive, and lots 8 to 11, inclusive, Deposited Plan 31724; by that line southerly to the northern boundary of the land comprised in miscellaneous plan of sub-

division (R.P.), registered No. 14169; by part of the northern boundary and the eastern boundary of that land easterly and southerly to the northern boundary of lot 2, section 4, Deposited Plan 9078; by a line along the northern boundary of lots 2 and 3 easterly to the southeastern corner of portion 44, Parish of Geneva; by a line along the eastern boundary of that portion, crossing the Richmond River, northerly to the left bank of that river; by that bank of that river generally north-westerly to a point north of the northeastern corner of portion 14, Parish of Roseberry; by a line south to that corner; by the generally eastern and southern boundaries of the said Parish of Roseberry and the southern boundary of the Parish of Sherwood generally southerly and westerly to the Richmond Range; by that range generally southerly to the generally southeastern boundary of the shire; and by boundaries of the shire generally northeasterly and generally northerly to the point of commencement.

SCHEDULE "D"

Ordinances Applied to the City of Lismore

Nos 26 (clause 24 (c1)) and 41.

Ordinances Applied to Portion of the City of Lismore

Nos 30 (clause 9A), 34 (clause 24AB), 39 (clause 21B), 42 and 70 (clause 58.2) to the portion formerly comprised within the City of Lismore.

No. 48 (clause 20) to the following reserves: Stocks Park; Lismore Recreation Ground; and Nesbitt Park.

No. 37A to the portion formerly comprised within the Shire of Gundurimba.

No. 61 to the portion formerly comprised within the Shire of Terania.

Ordinance Applied to Libraries in the City of Lismore No. 64.

SCHEDULE "E"

Ordinances Applied to the Shire of Kyogle

Nos 26 (clause 24 (c1)), 41 and 61.

Ordinances Applied to Portion of the Shire of Kyogle

Nos 30 (clause 9A (to Kyogle Urban Area)), 39 (clause 21B), 40, 51 (to Bonalbo and Kyogle Urban Areas), 57 and 70 (clause 58.2 (as far as Part XI of the Act applies)), formerly comprised within the Shire of Kyogle.

SCHEDULE "F"

Provisional Council of the City of Lismore

James Byron Armstrong, Esquire; William Gordon Blair, Esquire; Allan John Clark, Esquire; John Fredrick Crowther, Esquire; John Henry Philliskirk Dingle, Esquire; Alfred Douglas Edwards, Esquire; Habib Paul Habib, Esquire; Donald Stewart Johnston, Esquire; Robert Clive McKenzie, Esquire; Mrs Shirley Mae Ryan; Harold James Shearman, Esquire; Alister Norman Somerville, Esquire; Ronald Mitchell Somerville, Esquire; George Richard Duncan Taylor, Esquire; Thomas Richmond Watt, Esquire.

SCHEDULE "G"

Provisional Council of the Shire of Kyogle

Matthew John Dougherty, Esquire; Fredrick Stanley Roberts Fairbairn, Esquire; Frederick James Flower, Esquire; Ernest Henry Harris, Esquire; Panagiotis Emanuel Petrochilos, Esquire; John James Pollard, Esquire; Howard Frank Shedden, Esquire; Arthur Edward Gordon Strong, Esquire. (2920)

division (R.P.), registered No. 14169; by part of the northern boundary and the eastern boundary of that land easterly and southerly to the northern boundary of lot 2, section 4, Deposited Plan 9078; by a line along the northern boundary of lots 2 and 3 easterly to the southeastern corner of portion 44, Parish of Geneva; by a line along the eastern boundary of that portion, crossing the Richmond River, northerly to the left bank of that river; by that bank of that river generally north-westerly to a point north of the northeastern corner of portion 14, Parish of Roseberry; by a line south to that corner; by the generally eastern and southern boundaries of the said Parish of Roseberry and the southern boundary of the Parish of Sherwood generally southerly and westerly to the Richmond Range; by that range generally southerly to the generally southeastern boundary of the shire; and by boundaries of the shire generally northeasterly and generally northerly to the point of commencement.

SCHEDULE "D"

Ordinances Applied to the City of Lismore

Nos 26 (clause 24 (c1)) and 41.

Ordinances Applied to Portion of the City of Lismore

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Ordinance Applied to Libraries in the City of Lismore

No. 64.

SCHEDULE "E"

Ordinances Applied to the Shire of Kyogle

Nos 26 (clause 24 (c1)), 41 and 61.

Ordinances Applied to Portion of the Shire of Kyogle

Nos 30 (clause 9A (to Kyogle Urban Area)), 39 (clause 21B), 40, 51 (to Bonalbo and Kyogle Urban Areas), 57 and 70 (clause 58.2 (as far as Part XI of the Act applies)), formerly comprised within the Shire of Kyogle.

SCHEDULE "F"

Provisional Council of the City of Lismore

James Byron Armstrong, Esquire; William Gordon Blair, Esquire; Allan John Clark, Esquire; John Fredrick Crowther, Esquire; John Henry Philliskirk Dingle, Esquire; Alfred Douglas Edwards, Esquire; Habib Paul Habib, Esquire; Donald Stewart Johnston, Esquire; Robert Clive McKenzie, Esquire; Mrs Shirley Mae Ryan; Harold James Shearman, Esquire; Alister Norman Somerville, Esquire; Ronald Mitchell Somerville, Esquire; George Richard Duncan Taylor, Esquire; Thomas Richmond Watt, Esquire.

SCHEDULE "G"

Provisional Council of the Shire of Kyogle

Matthew John Dougherty, Esquire; Fredrick Stanley Roberts Fairbairn, Esquire; Frederick James Flower, Esquire; Ernest Henry Harris, Esquire; Panagiotis Emanuel Petrochilos, Esquire; John James Pollard, Esquire; Howard Frank Shedden, Esquire; Arthur Edward Gordon Strong, Esquire. (2920)

LOCAL GOVERNMENT ACT, 1919.—PROCLAMATION (L.S.) A. R. CUTLER, Governor.

13th October, 1976.

I, SIR ARTHUR RODEN CUTLER, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the Local Government Act, 1919, do hereby—

- (1) Unite, on and from 1st January, 1977, the Municipality of Ballina as constituted by proclamation in Government Gazette No. 237 of 4th June, 1883, and altered by proclamation in Government Gazette No. 171 of 24th December, 1925, and the Shire of Tintenbar as constituted by proclamation in Government Gazette No. 121 of 7th March, 1906, and altered by proclamations in Government Gazettes No. 144 of 23rd December, 1908, and No. 171 of 24th December, 1925.
- (2) Constitute, on and from 1st January, 1976, the area formed by the union of the said areas, as a shire, which shall be named the Shire of Ballina, with boundaries as described in Schedule "A" hereto.
- (3) Determine, that the Council of the Shire of Ballina, as hereby constituted, shall consist of twelve (12) councillors and, pending the election of a council upon a date to be proclaimed, appoint as the Provisional Council of the said Shire of Ballina which

shall have, pending such election, all the powers of the council of a shire, the persons whose names appear in Schedule "B" hereto, and provide that (a) such appointments shall take effect as from the issue of this Proclamation; and (b) the Provisional Council may exercise prior to 1st January, 1977, the powers of a council for or in relation to the matters and things following, that is to say—

- (i) the election of a President;
 - (ii) the provision of an office for the Council;
 - (iii) the transfer and appointment of servants;
 - (iv) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the Provisional Council are necessary or expedient to enable the Council to exercise and discharge all or any of the powers of a council as from 1st January, 1977; provided, however, that no arrangement with respect to the transfer and appointment of servants shall take effect prior to 1st January, 1977.
- (4) Order that the valuations and rolls of electors and ratepayers in force as at 31st December, 1976, in respect of the land comprised in the Municipality of Ballina and the Shire of Tintenbar, respectively, as at present constituted, shall, for the purposes of the said Act, continue in force in the Shire of Ballina, as hereby constituted, as if made or prepared in respect of that Shire, until fresh valuations and fresh rolls respectively come into force therein.
 - (5) Order that all rights, and liabilities acquired and incurred, and all contracts and undertakings entered into, all securities lawfully given and all applications, actions, suits and proceedings begun prior to 1st January, 1977, either by or on behalf of or against the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, shall, on and after that date, be vested and attached, and may be enforced, realized and carried on by or on behalf of or against the Council of the Shire of Ballina, as hereby constituted, and shall not abate or be discontinued, or be prejudicially affected by this union of areas.
 - (6) Order that where for the fulfilment of its obligations and undertakings with respect to its existing loans, the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, is required by law to levy a loan rate, the Council of the Shire of Ballina, as hereby constituted, shall continue to levy such rate or rates until the loans, in respect of which the rates are leviable, are retired.
 - (7) Order that the Council of the Shire of Ballina, as hereby constituted, shall, on and from 1st January, 1977, be vested with the power to levy all rates levied before that date by the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, as the case may be.
 - (8) Order that all the assets, rights and liabilities of the Council of the Municipality of Ballina and the Council of the Shire of Tintenbar, as at present constituted, shall be assets, rights and liabilities of the Council of the Shire of Ballina, as hereby constituted, to the same extent only as the same are assets, rights and liabilities, respectively, of the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, as the case may be.
 - (9) Order that any disallowance or surcharge which could have been made, continued, enforced or recovered if this Proclamation had not been made, may be made, continued, enforced and recovered notwithstanding the dissolution of the Council of the Municipality of Ballina and the Council of the Shire of Tintenbar, as at present constituted.
 - (10) Order, without prejudice to the foregoing—
 - (a) that any inspector of Local Government Accounts may disallow in the books or accounts of the Council of the Shire of Ballina, as hereby constituted, any expenditure, transfer or entry in the books or accounts of the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, which has been incurred or made in contravention of any Act or any ordinance, regulation or by-law and shall surcharge the amount of any such disallowance upon the members or servants of the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, as the case may be, by whom the expenditure, transfer or entry was incurred or made, or ordered to be incurred or made;

- (b) that all liability of any member or servant of the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, as the case may be, in respect of any such expenditure, transfer or entry or of any deficiency or loss of such Council incurred by the culpable negligence or misconduct of such member or servant or by the failure to account for any sum to such Council shall be a liability of such member or servant to or to account therefor to, the Council of the Shire of Ballina, as hereby constituted, whether the amount of any such disallowance, deficiency, loss or sum be surcharged before or after 1st January, 1977.
- (11) Order that all the property of the Council of the Municipality of Ballina and the Council of the Shire of Tintenbar, as at present constituted, shall be the property of the Council of the Shire of Ballina, as hereby constituted.
- (12) Order that the Council of the Shire of Ballina, as hereby constituted, shall, on and from 1st January, 1977, take over, complete and retain all certificates, deeds, documents and records relating to, or to be executed in, the Municipality of Ballina and the Shire of Tintenbar, as at present constituted, as the case may be.
- (13) Order that nothing in this proclamation shall abrogate or affect any existing agreement between either or both of the Councils of the Municipality of Ballina and the Shire of Tintenbar, as at present constituted, and the Council of any other area in any way except to substitute the Council of the Shire of Ballina, as hereby constituted, for the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, respectively, as the case may be.
- (14) Charge the Council of the Shire of Ballina, as hereby constituted, with the care, control and management of all public reserves in respect of which either the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, is charged with the care, control and management.
- (15) Apply Part XI of the aforesaid Act to the whole of the Shire of Ballina, as hereby constituted.
- (16) Apply to the whole or portions of the Shire of Ballina, as hereby constituted, the Ordinances set out in Schedule "C" hereto.
- (17) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 195 of 5th November, 1920, and No. 80 of 3rd August, 1945, constituting the whole of the Municipalities of Ballina, Casino, Lismore (proclaimed as a City on 30th August, 1946) and Mullumbimby and the Shires of Byron, Gundurimba, Kyogle, Terania, Tintenbar, Tomki, Tweed and Woodburn and part of the Shire of Copmanhurst, as the Richmond River County District, or the proclamation in Government Gazette No. 139 of 4th December, 1959, altering the name of the Richmond River County District to Far North Coast County District, or the proclamation in Government Gazette No. 37 of 31st March, 1969, excluding the portion of the Shire of Copmanhurst as described in the Schedule to that proclamation from the Far North Coast County District, or the proclamation in Government Gazette No. 155 of 28th November, 1975, substituting the Municipality of Casino and the Shire of Richmond River for the Municipality of Casino and the Shires of Tomki and Woodburn, other than to substitute the Shire of Ballina, as hereby constituted, for the Municipality of Ballina and the Shire of Tintenbar, as at present constituted, and for such purposes and subject to the provisions of the aforesaid Act—
- (a) order that the Council of the Shire of Ballina, as hereby constituted, shall be entitled to elect one delegate to the Council of the Far North Coast County District;
- (b) specify that the time for the election by the Council of the Shire of Ballina, as hereby constituted, of its delegate shall be a period of one month from 1st January, 1977.
- (18) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamations in Government Gazettes No. 99 of 9th May, 1952, and No. 129 of 30th November, 1956, constituting the whole of the Cities of Grafton and Lismore, Municipalities of Ballina and Casino, and Shires of Bellingen, Coffs Harbour, Copmanhurst, Gundurimba, Kyogle, Maclean, Nambucca, Nymboida, Terania, Tintenbar, Tomki, Ulmarra and Woodburn, as the Northern Rivers County District, or the proclamation in Government Gazette No. 155 of 28th November, 1975, substituting the Municipality of Casino and the Shire of Richmond River for the Municipality of Casino and the Shires of Tomki and Woodburn, and for such purposes and subject to the provisions of the aforesaid Act—
- (a) declare that the part of the Shire of Ballina, as hereby constituted, comprising the portion formerly within the Municipality of Ballina, shall continue to be a county electorate of the said County District;
- (b) order that Raymond Lindsay O'Neill, Esquire, being the gentleman at present in office as the delegate elected by the Council of the Municipality of Ballina, as at present constituted, shall continue in office as such delegate;
- (c) declare that the part of the Shire of Ballina, as hereby constituted, comprising the portion formerly within the Shire of Tintenbar, shall continue with that part of the City of Lismore, constituted on and from 1st January, 1977, comprising the Shire of Gundurimba, as constituted immediately prior to 1st January, 1977, and that part of the Shire of Richmond River, comprising the portion formerly within the Shire of Woodburn, to be a combined electorate of the Northern Rivers County District as notified in Government Gazette No. 82 of 28th July, 1967; and
- (d) order that Ronald Thomas Cox, Esquire, being the gentleman at present in office as the delegate of that combined electorate, shall continue in office as such delegate.
- (19) Order that nothing in this Proclamation shall abrogate or affect in any way the proclamation in Government Gazette No. 139 of 4th December, 1959, constituting the whole of the City of Lismore and the Shires of Gundurimba, Tintenbar, and Woodburn as the Richmond River County District, or the proclamation in Government Gazette No. 155 of 28th November, 1975, constituting the Shire of Richmond River and declaring that the part of that Shire, comprising the portion formerly within the Shire of Woodburn, shall continue to be a county electorate of the said County District, and for such purposes and subject to the provisions of the aforesaid Act—
- (a) declare that the part of the Shire of Ballina, as hereby constituted, comprising the portion formerly within the Shire of Tintenbar, shall continue to be a county electorate of the said County District; and
- (b) order that Harold Alexander Burnett, Esquire, and Graham James Ellis, Esquire, being the gentlemen at present in office as the delegates elected by the Council of the Shire of Tintenbar, as at present constituted, shall continue in office as such delegates.
- (20) Apply the provisions of section 288A of the aforesaid Act to the portion of the Shire of Ballina, as hereby constituted, which comprises the Municipality of Ballina, as at present constituted.
- (21) Order that the proclamation under section 309 of the Local Government Act, 1919, published in Government Gazettes No. 92 of 10th August, 1923, declaring Residential District No. 1—Municipality of Ballina and No. 107 of 29th May, 1953, declaring Residential District No. 2—Municipality of Ballina, shall be in force in the Shire of Ballina, as hereby constituted.
- (22) Order that paragraph (j) of section 313 of the aforesaid Act shall apply to the portion of the Shire of Ballina, as hereby constituted, which comprises the Municipality of Ballina, as at present constituted.
- (23) Order that (a) the provisions of Interim Development Order No. 1—Municipality of Ballina and Interim Development Order No. 1—Shire of Tintenbar shall continue to apply to the lands to which they respectively applied immediately before the day upon which this Proclamation takes effect; (b) the Council of the Shire of Ballina shall be substituted for the Council of the Municipality of Ballina and the Council of the Shire of Tintenbar for the purposes of exercising and discharging all powers, authorities, duties and functions conferred on those Councils by Interim Development Order No. 1—Municipality of Ballina and Interim Development Order No. 1—Shire of Tintenbar, as the case may be.

- (24) Order that any act, matter or thing done or omitted to be done by, or any resolution to prepare a planning scheme under Part XIIA of the Local Government Act, 1919, with respect to any land within the area of the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, shall be deemed to have been done or omitted to have been done by, or to have been a resolution of, the Council of the Shire of Ballina, as hereby constituted.
- (25) Order that the provisions of Division 2 of Part III of the Library Act, 1939, as amended, shall apply to and in respect of the Council of the Shire of Ballina, as hereby constituted.
- (26) Substitute the Council of the Shire of Ballina, as hereby constituted, for the Council of the Municipality of Ballina and the Council of the Shire of Tintenbar, as at present constituted, so as to enable the Council of the Shire of Ballina, as hereby constituted, to exercise or enforce on its own behalf any right or power formerly exercised or enforced under the provisions of any Act, ordinance, rule, regulation or by-law, by the Council of the Municipality of Ballina or the Council of the Shire of Tintenbar, as at present constituted, respectively. (S. 76-717)

By His Excellency's Command,

H. F. JENSEN.

GOD SAVE THE QUEEN!

SCHEDULE "A"

Shire of Ballina

Area about 487 square kilometres: Commencing on the South Pacific Ocean at the mouth of Swampy or Boundary Creek, Parish of South Ballina, County of Richmond; and bounded thence by the middle of that creek southwesterly to the Richmond River; by the middle of that river and the Broadwater upwards to a point east of the northeastern corner of the original portion 81, Parish of Broadwater, County of Rous; by a line along the northern boundary of that portion and part of the northern boundary of the original portion 109 (passing through portions 133 and 134) westerly to its intersection with the southerly prolongation of the western boundary of portion 125; by that prolongation and boundary and the western boundaries of portions 235 and 234 northerly; by the northern boundary of the last named portion easterly; by part of the western boundary of portion 295, Parish of Meerschaum northerly; by the southern and western boundaries of portions 300, 299 and 326 westerly and northerly; by the southern boundary of portion 222 westerly to Marom Creek; by that creek upwards and the eastern boundary of the Parish of Lismore, generally northeasterly to Skinner's Creek; by that creek upwards to the southern boundary of the Parish of Byron; by part of that boundary generally easterly to the northwestern corner of portion 120, Parish of Newrybar; by the western boundaries of that portion and portion 14 southerly; by the southern boundary of the latter portion and its prolongation easterly to the middle of a road between portion 64 and portions 216, 55 and 56; by the middle of that road southerly to the prolongation of a line along the middle of a road between the southern boundary of portion 64 and a northern boundary of portion 74; by that prolongation easterly to the western boundary of portion 56; by part of that boundary southerly, the western and southern boundaries of the original portion 105 (passing through portion 75) southerly and easterly to the western boundary of portion 73; by part of that boundary and part of the southern boundary of that portion southerly and easterly to the western boundary of portion 72; by part of that boundary and part of the southern boundary of that portion southerly and easterly to the northwestern corner of portion 71; by the western and southern boundaries of that portion southerly and easterly to the South Pacific Ocean aforesaid; and thence following the contour of the coast along the low water mark (except at the entrance of any river, creek or inlet of the sea where the boundary shall be a straight line connecting two points at low water mark opposite the outermost points of the headlands at the entrance of such river, creek, or inlet of the sea) southerly, to the point of commencement.

SCHEDULE "B"

Provisional Council of the Shire of Ballina

Harold Alexander Burnett, Esquire; Clifford James Burvill, Esquire; Richard Malcolm Campbell, Esquire; Jack Stuart Easter, Esquire; Graham James Ellis, Esquire; Robert Llewellyn Franklin, Esquire; Harold Edgar Gibson, Esquire; Frederick Barrie Lancaster, Esquire; Bryan William James Marriott, Esquire; Raymond Lindsay O'Neill, Esquire; Edward John Pickup, Esquire; Harold Robin Young, Esquire.

SCHEDULE "C"

Ordinances Applied to the Shire of Ballina

Nos 41, 57 and 70 (clause 58.2).

Ordinances Applied to Portion of the Shire of Ballina

No. 48 (clause 20) to the following reserves: Enclosed portion of Clement Park No. 1; Bowling Green and Tennis Courts Enclosure in Lumley Park, Alstonville; and Wardell Recreation Reserve.

No. 51 to the portion formerly comprised within the Municipality of Ballina. The Alstonville (urban area), as declared prior to 7th January, 1949 (with boundaries as described in Government Gazette No. 6 of 11th January, 1911). Alstonville Scavenging District Extension (with boundaries as described in Government Gazette No. 143 of 20th December, 1946). Lennox Head Scavenging District (with boundaries as described in Government Gazette No. 16 of 24th January, 1947). Alstonville Scavenging District Extension (with boundaries as described in Government Gazette No. 123 of 27th July, 1951).

Nos 30 (clause 9A), 39 (clause 21B) and 42 to the portion formerly comprised within the Municipality of Ballina.

Nos 61 and 75 to the portion formerly comprised within the Shire of Tintenbar.

Ordinance Applied to the "Burns Point Ferry" in the Shire of Ballina

No. 33 (clause 3b).

Ordinance Applied to Libraries in the Shire of Ballina

No. 64.

(2680)

LOCAL GOVERNMENT ACT, 1919

SHOALHAVEN SHIRE COUNCIL: PROPOSED RESUMPTION OF LAND AT ST GEORGES BASIN

HIS Excellency the Governor, with the advice of the Executive Council and in pursuance of the Local Government Act, 1919, has approved of the Shoalhaven Shire Council's causing a notice of resumption of the land described in the Schedule hereto, together with a description of such land, to be published in the Government Gazette and in a newspaper circulating in the area in which the land is located, such land being required by the Shoalhaven Shire Council for the purpose of providing, maintaining, managing, controlling and regulating a sanitary depot for the disposal of depot rubbish. (S. 76-436)

H. F. JENSEN, Minister for Local Government.

Department of Local Government,
Sydney, 22nd October, 1976.

SCHEDULE

All that piece or parcel of land situate in the Shire of Shoalhaven, Parish of Wandrawandian and County of St Vincent, being part of lot 46, Deposited Plan 248648; Commencing on the southwestern side of The Wool Road, at the easternmost northeastern corner of the said lot 46; and bounded thence on the east by part of the eastern boundary of that lot bearing 180 degrees 44 minutes 30 seconds 140.31 metres; on the south and west by lines bearing respectively 270 degrees 44 minutes 30 seconds 272.6 metres and 44 minutes 30 seconds 286.56 metres to the said southwestern side of The Wool Road; on the northeast by that side of that road bearing successively 109 degrees 36 minutes 20 seconds 121.92 metres, 126 degrees 3 minutes 184.48 metres and 92 degrees 31 minutes 6.69 metres to the point of commencement, having an area of 6.09 hectares or thereabouts and said to be in the possession of Walter K. Mobbs Pty Limited.

Such piece or parcel of land is shown on plan with the Department of Local Government, Sydney. (7400)

LOCAL GOVERNMENT ACT, 1919

APPOINTMENT OF MEMBER OF LOCAL GOVERNMENT APPEALS TRIBUNAL

HIS Excellency the Governor, with the advice of the Executive Council and in pursuance of the Local Government Act, 1919, has been pleased to approve of the appointment of Mr J. M. Sherrard, B.E., M.I.E.Aust., to be a member of the Local Government Appeals Tribunal, as referred to in paragraph (c) of section 342AV (1) of the said Act, for a term of office expiring on the thirty-first day of August, 1977.

H. F. JENSEN, Minister for Local Government.
Sydney, 22nd October, 1976.

(2825)



[Published in Government Gazette No. 148 of 19th
November, 1976.]

LOCAL GOVERNMENT ACT, 1919—ERRATUM

PROCLAMATION under the Local Government Act, 1919,
uniting the Municipality of Ballina and the Shire of Tintenbar,
published in Government Gazette No. 138 of 22nd October,
1976, folios 4526 to 4528.

Omit in the first line of paragraph (2) to the proclamation
the figures "1976" and insert in lieu thereof the figures "1977".
(S. 76-717).

(3493) **H. F. JENSEN**, Minister for Local Government.

D. West, Government Printer, New South Wales—1976

exception is satisfied, must not be carried out by the General Manager, Sustainability.

NOTE 1: Archaeological research potential of a site is the extent to which further study of relics which are likely to be found is expected to contribute to improved knowledge about NSW History which is not demonstrated by other sites or archaeological resources.

Highway, Narooma NSW 2546 (phone 4476 2888). Copies of the Monkerai plan may be obtained from the NPWS office at Level 1, 12 Teramby Road, Raymond Terrace NSW 2315 (phone 4984 8200). Copies of the Mulgoa plan may be obtained from the NPWS office at Level 1, 10 Valentine Street, Parramatta NSW 2150 (phone 9895 7420). Copies of the Narranderra, Goonawarra and Boginderra Hills plans may be obtained from the NPWS office at 200 Yambil Street, Griffith NSW 2680 (phone 6966 8100).

The plans are also available on the web site: www.environment.nsw.gov.au.

LOCAL GOVERNMENT ACT 1993

PROCLAMATION

I, the Honourable JAMES JACOB SPIGELMAN, A.C., Lieutenant Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 397(2) of the Local Government Act 1993, do hereby amend the proclamations in force constituting or varying the constitution of Richmond River County Council, established by virtue of a proclamation that appeared in *New South Wales Government Gazette* No. 139 on 4 December 1959, by varying the constitution, in the manner described in the Schedule below.

Signed and sealed at Sydney, this 27th day of August 2008.

By His Excellency's Command,

PAUL LYNCH, M.P.,
Minister for Local Government

GOD SAVE THE QUEEN!

SCHEDULE

1. Amend the constitution to reflect that the constituent membership of the County Council encompasses the local government areas of Lismore City, Ballina Shire, and Richmond Valley.
2. Amend the powers and duties of the County Council included in Clause (a) by the addition of "...and natural resource management issues arising there from".
3. Amend the constituent Membership numbers of the County Council to two Councillors from each of the three member councils.
4. Declaring that the changes shall come into effect immediately after the ordinary local government elections to be held on 13 September 2008.

NATIONAL PARKS AND WILDLIFE ACT 1974

Araluen Nature Reserve
Monkerai Nature Reserve
Mulgoa Nature Reserve
Narranderra Nature Reserves
Goonawarra Nature Reserve
Boginderra Hills Nature Reserve
Plans of Management

PLANS of management for the above nature reserves were adopted by the Minister for Climate Change and the Environment on 21 July 2008.

Copies of the Araluen plan may be obtained from the NPWS office at the corner of Field Street and Princes

PESTICIDES ACT 1999

Notice under Section 48 (4)

NOTICE is hereby given, pursuant to section 48 (4) of the Pesticides Act 1999, that I have granted a Pilot (Pesticide Rating) Licence, particulars of which are stated in the Schedule.

COLIN RANARD,
A/Manager,
Dangerous Goods
(by delegation)

SCHEDULE

Pilot (Pesticide Rating) Licence

Name and address of Licensee	Date of Granting of Licence
John STOKES, 12 Phoenix Place, Giralang ACT 2617.	28 August 2008.
Michael MEHRTENS, PO Box 323, Innisfail QLD 4860.	28 August 2008.

PESTICIDES ACT 1999

Notice under Section 48 (4)

NOTICE is hereby given, pursuant to section 48 (4) of the Pesticides Act 1999, that I have granted an Aircraft (Pesticide Applicator) Licence, particulars of which are stated in the Schedule.

COLIN RANNARD,
A/Manager,
Dangerous Goods,
Department of Environment and Climate Change
(by delegation)

SCHEDULE

Aircraft (Pesticide Applicator) Licence

Name and address of Licensee	Date of Granting of Licence
MIKE GRIBBLE PTY. LTD., PO Box 27, Benambra Vic 3900.	28 August 2008.