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SPECIAL SUPPLEMENT

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 Cooperbrook 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.