

Administrative Centre
30 Frances St
Randwick 2031
Tel: 02 9399 0999
Fax 02 9319 1510
DX 4121 Maroubra Junction
general.manager@randwick.nsw.gov.au



INCORPORATED
AS A MUNICIPALITY
22 FEBRUARY 1859
PROCLAIMED AS
A CITY JULY 1990

2nd October, 2007

ADMINISTRATION AND FINANCE COMMITTEE MEETING

NOTICE IS HEREBY GIVEN THAT AN ADMINISTRATION AND FINANCE COMMITTEE MEETING OF THE COUNCIL OF THE CITY OF RANDWICK WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL, 90 AVOCA STREET, RANDWICK, ON TUESDAY, 9TH OCTOBER 2007 AT 6:00 P.M.

Committee Members: The Mayor, Cr B. Notley-Smith, Andrews (Chairperson), Hughes, Kenny, Matson, Nash (Deputy Chairperson), Seng & Woodsmith.

Quorum: Five (5) members.

NOTE: AT THE EXTRAORDINARY MEETING HELD ON 28TH SEPTEMBER, 2004, THE COUNCIL RESOLVED THAT THE ADMINISTRATION AND FINANCE COMMITTEE BE CONSTITUTED AS A COMMITTEE WITH FULL DELEGATION TO DETERMINE MATTERS ON THE AGENDA.

1 Apologies/Granting of leave of absences

2 Confirmation of the Minutes

CONFIRMATION OF THE MINUTES OF THE ADMINISTRATION & FINANCE COMMITTEE MEETING HELD ON TUESDAY, 11TH SEPTEMBER, 2007.

3 Declaration of Pecuniary & Non-Pecuniary Interests

4 Addressing of Committee by Members of the Public

5 Urgent Business

6 Finance

- | | | |
|-----|---|----|
| 6.1 | DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT - 59/2007 INVESTMENT REPORT - AUGUST 2007. | 2 |
| 6.2 | DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT - 60/2007 - MONTHLY FINANCIAL REPORT AS AT 31 AUGUST 2007. | 7 |
| 6.3 | DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT - 61/2007 - 2007/08 CONTINGENCY FUND - STATUS AS AT 27 SEPTEMBER 2007. | 9 |
| 6.4 | DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT - 62/2007 - OUTSTANDING RECEIVABLES - DOUBTFUL DEBT WRITE OFF. | 12 |
| 6.5 | DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT - 63/2007 - FEES & CHARGES FOR APPLICATION & CERTIFICATE FOR CLASSIFICATION OF PUBLIC LAND. | 14 |

7 Administration

- | | | |
|-----|---|----|
| 7.1 | GENERAL MANAGER'S REPORT 36/2007 - KEEP AUSTRALIA BEAUTIFUL - AUSTRALIAN SUSTAINABLE CITIES AWARDS 2007. | 18 |
| 7.2 | DIRECTOR, GOVERNANCE & FINANCIAL SERVICES' REPORT - 64/2007 - NOTICE OF ACQUISITION OF LAND - NORBAR LANE, KINGSFORD. | 20 |

8 Confidential Items (Closed Session)

9 Notices of Rescission Motions

.....
GENERAL MANAGER

Director, Governance & Financial Services' Report 59/2007



SUBJECT:	INVESTMENT REPORT - AUGUST 2007
-----------------	---------------------------------

DATE:	10 September, 2007	FILE NO:	F2004/06527
--------------	--------------------	-----------------	-------------

REPORT BY: DIRECTOR, GOVERNANCE & FINANCIAL SERVICES

INTRODUCTION:

The Local Government (General) Regulation requires that the Responsible Accounting Officer provide a written report to the ordinary meeting of the Council giving details of all monies invested and a certificate as to whether or not the investments have been made in accordance with the Act, the regulations and Council's Investment Policy No: 3.02.07.

ISSUES:

Council is authorised by s625 of the Local Government Act to invest its surplus funds. Funds may only be invested in the form of investment notified by Order of the Minister dated 23 September 2005. The Local Government (General) Regulation prescribes the records that must be maintained in relation to Council's investments.

The attached table titled "Investment Performance Report – August 2007" outlines the investment portfolio held by Council as at the end of August 2007. All investments have been made in accordance with the Act, Regulations and Council's Investment Policy.

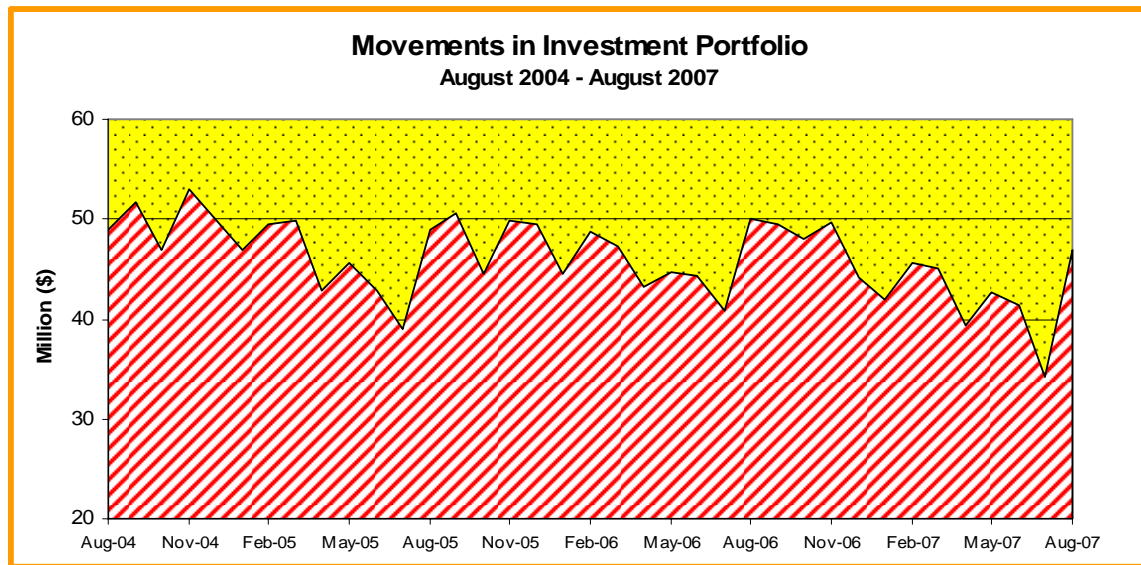
Investment Commentary

The size of the investment portfolio may vary significantly from month to month as a result of cash flows for the period. Cash outflows (expenditure) are typically relatively stable from one month to another. Cash inflows (income) are cyclical and are largely dependent on the rates instalment due dates and the timing of grant payments including receipt of the Financial Assistance Grant.

The balance of the investment portfolio as at 31 August 2007 was \$46.90 million. During August 2007 the portfolio increased by \$12.68 million.

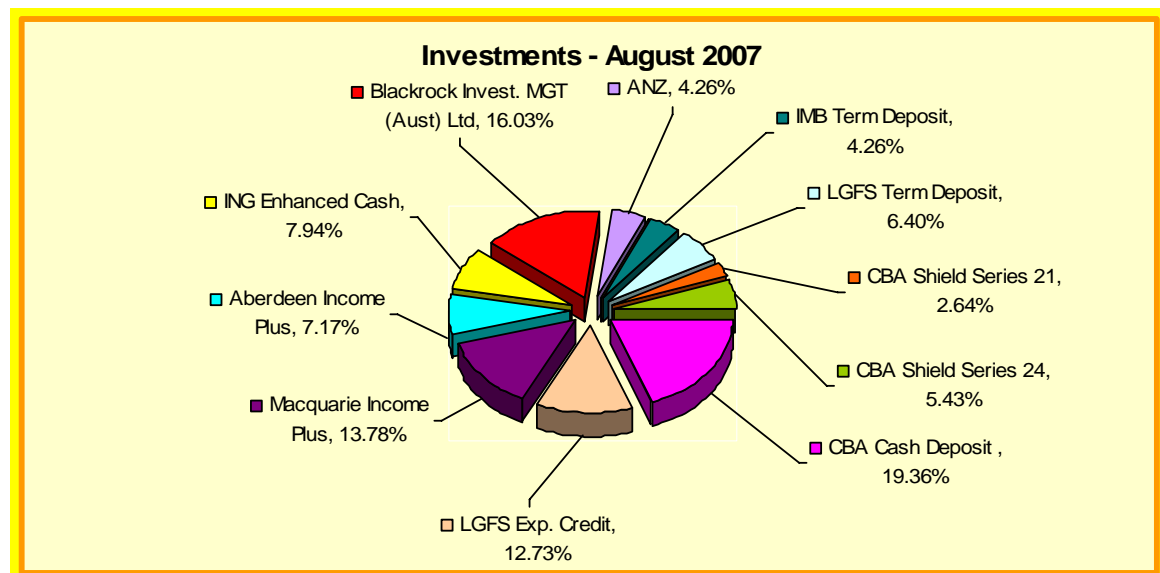
The main source of revenue during the month was from rate collections which amounted to \$19.43 million. The first rate instalment was due 31 August 2007. The second instalment is due 30 November 2007. Other major revenue during August 2007 were from the following grants: Department of Transport \$387,000, Department of Local Government \$739,036. Council also received \$366,915 from the Office of State Revenue being fines collected and the July 2007 GST refund of \$458,442.00 from the ATO.

There was capital works expenditure of \$2.12 million during August 2007. There were two payroll periods during the month and payroll related expenditure during August 2007 amounted to \$2.93 million. Other operating expenses for the month amounted to \$5.50 million.



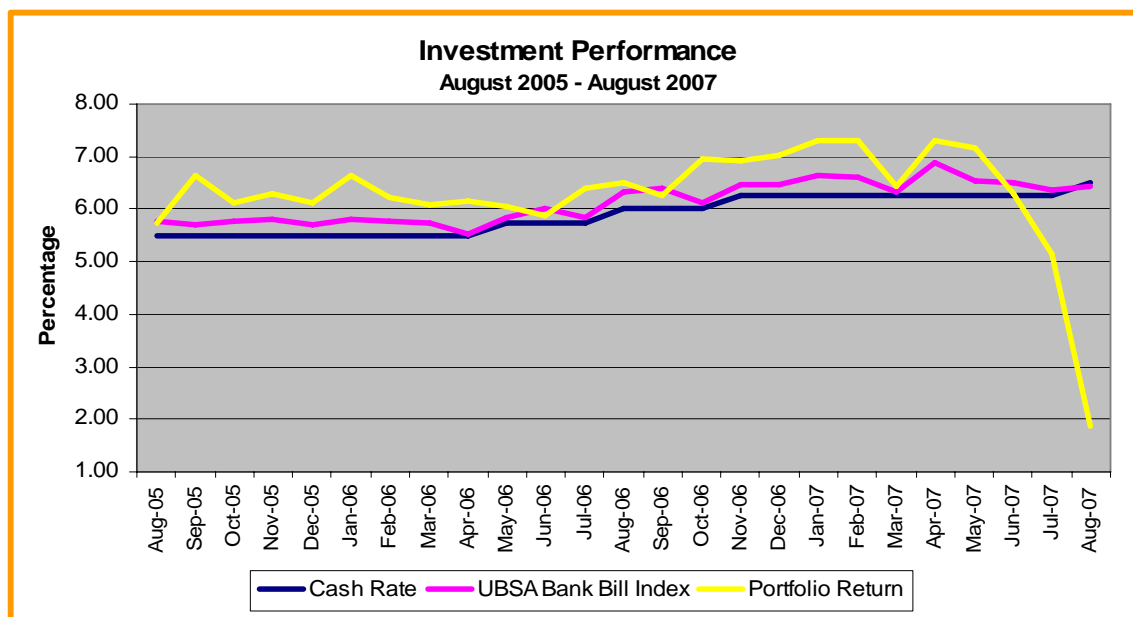
The above graph illustrates the movement in the investment portfolio since August 2004. The peaks are representative of the rates instalment periods.

The investment portfolio is diversified across a number of investment types and is spread across a number of financial institutions. The various investment types may include managed funds, term deposits, rolling rate investments, floating rate notes and on-call accounts. The following graph indicates the various investments held during August 2007.



The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities.

The graph below shows the investment return achieved against the USB Bank Bill Index and the official Reserve Bank of Australia (RBA) cash interest rate for the period August 2005 to August 2007.



Investment performance was lower than the industry benchmark UBS Australian Bank Bill Index in August 2007 with an average return after fees of 1.86%, compared with the benchmark index of 6.43%. Official Reserve Bank of Australia (RBA) cash interest rate increased from 6.25% to 6.50% during August 2007.

Month in Review

The Reserve Bank of Australia (RBA) increased the cash rate to 6.50% at its August meeting. By increasing the cash rate, the RBA is trying to take corrective action to stop the threat of inflation rising above 3%. However, economists believe that there will still be a need to further increase the cash rate to 6.75% in early 2008.

August saw the global credit market reaction to the US sub-prime mortgage collapse flow through to other forms of investment as evidenced in the attached Investment Performance Report.

Investment banks have borne the brunt of investor uncertainty because the success of their businesses, to a degree, is premised on being able to borrow cheaply. As a result of the sub-prime crisis, market interest rates have increased and cheap finance is harder to come by.

Share prices of companies with big exposure to the US housing market have also been hit. The big retail banks have been holding up relatively well. But those directly affected by what is happening in America have had their shares marked down.

What happens next will depend on the US. There is a growing fear of recession in the US which is impacting on worldwide financial markets. But locally the economic picture remains positive. The domestic economy is good overall and consumer spending is holding up."

The health of the Australian economy is less dependent on the US than it used to be. Australia's economy is more aligned with China's booming economy. But the US is the

biggest buyer of China's exports. Any slowdown in the US will decrease China's appetite for Australia's resources.

Council's Financial Operations staff are holding ongoing discussions with financial advisors to review Council's investment strategy in an attempt to minimise the effects of the recent events on Council's investment portfolio.

RELATIONSHIP TO CITY PLAN:

The relationship with the City Plan is as follows:

Outcome 1: Leadership in Sustainability.

Direction 1c: Long term financial viability is achieved.

Key Action: Investment Policy and Procedures.

FINANCIAL IMPACT STATEMENT:

Funds are invested with the aim of achieving budgeted income in 2007/2008 and outperforming the USB Australian Bank Bill Index over a 12 month period. The budget provision for income from this source is \$2,995,000. Income to 31 August 2007 amounted to \$140,001.

The recent market events have resulted in diminished investment returns for the first two months of the current financial year. The situation will be monitored closely. Any changes to budgeted income from investment earnings will be reported in subsequent quarterly reviews.

CONCLUSION:

All investments as at 31 August 2007 have been made in accordance with Policy No: 3.02.07 and the provisions of s625 of the Local Government Act and the Local Government (General) Regulation have been complied with.

RECOMMENDATION:

That the investment report for August 2007 be received and noted.

ATTACHMENT/S:

Investment Performance Report – August 2007.

.....
GEOFF BANTING
DIRECTOR, GOVERNANCE & FINANCIAL
SERVICES

.....
GREG BYRNE
MANAGER FINANCIAL OPERATIONS

Investment Performance Report – August 2007							
Investment	Credit Rating	Amount Invested	Interest Earned		Investment Performance		
			Period	FYTD	Period	FYTD	Past 12 Months
			\$	\$	%	%	%
CBA Cash Deposit (CDA)	AA	9,083,024	31,557	46,883	6.45	6.32	6.18
LGFS Expanded Credit Facility	Af	5,971,857	(31,093)	(18,454)	(5.93)	5.29	6.62
Macquarie Income Plus Enhanced Income Fund	A	6,461,962	12,972	34,319	2.72	3.99	6.18
Aberdeen Income Fund	A	3,361,081	7,730	26,545	2.83	3.38	6.18
ING Enhanced Cash Fund	Af	3,723,829	6,081	21,918	2.58	3.72	6.24
Blackrock Invest. MGT (Aust) Ltd	A	7,520,264	(64,416)	(46,040)	(9.28)	(3.37)	5.53
ANZ Bank – Three Pillars	AA-	2,000,060	12,975	25,954	7.64	7.64	7.50
					3 month BBSW + 1.20%		
IMB Term Deposit	*	2,000,000	3,764	3,764	Purchased 21 August 2007. Maturing 22 October 2007 being 62 Days @ 6.87% pa.		
LGFS Term Deposit	*	3,000,000	1,124	1,124	Purchased 29 August 2007. Maturing 28 September 2007 being 30 Days @ 6.84% pa.		
Commonwealth Bank Shield Series 21	AA	1,239,240	-	-	Purchased in April 2004. Capital is guaranteed and interest is paid at maturity. Investment estimated value as at 31 August 2007 is \$1,194,690.00 which equates to return since inception of 5.34%		
Commonwealth Bank Shield Series 24	A- Negative watch	2,546,250	16,675	33,350	7.85	7.85	7.84
					3 month BBSW + 1.50%		
Interest earned from matured investments	-	-	3,374	6,528	-	-	-
General Fund Bank Account	-	-	2,686	4,112	-	-	-
Total		46,907,566	3,427	140,001	1.86	4.35	6.53
Official (Reserve Bank of Australia) Cash Rate					6.50	6.37	6.23
UBS Australian Bank Bill Index					6.43	6.40	6.48

G:\ACCTS\Financial Operations\Investments\Investment Performance Report\TABLES

Credit Rating: * Bank Bills and Term Deposits are not credit rated. The 'f' subscript to the credit rating signifies that it is a Standard & Poors fund rating and that assets are valued at their market value.

Report Author: Aldo Meoli, Financial Accountant - Financial Operations

Director, Governance & Financial Services' Report 60/2007



SUBJECT:	MONTHLY FINANCIAL REPORT AS AT 31 AUGUST 2007
-----------------	---

DATE:	21 September, 2007	FILE NO:	F2006/00690
--------------	--------------------	-----------------	-------------

REPORT BY: DIRECTOR, GOVERNANCE & FINANCIAL SERVICES

INTRODUCTION:

Section 202 of the Local Government (General) Regulation 2005 requires that the responsible accounting officer of a council must:

- (a) establish and maintain a system of budgetary control that will enable the council's actual income and expenditure to be monitored each month and to be compared with the estimate of the council's income and expenditure, and
- (b) if any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of the council.

ISSUES:

This report provides the financial results of Council as at 31 August 2007. Attachment 1 summarises Council's Financial Performance and its Source and Application of Funds. It also summarises the operating result for each of Council's principal activities. Attachment 2 details the financial position of Council as at 31 August 2007.

RELATIONSHIP TO CITY PLAN:

The relationship with the City Plan is as follows:

Outcome: 1: Leadership in Sustainability
Direction: 1c: Long term financial viability is achieved

FINANCIAL IMPACT STATEMENT:

There is no direct financial impact for this matter.

CONCLUSION:

Council's Director Governance & Financial Services as the responsible accounting officer, advises that the projected financial position is satisfactory.

RECOMMENDATION:

That the monthly financial reports as at 31 August 2007 be noted.

ATTACHMENT/S:

1. INCOME STATEMENT & SOURCE AND APPLICATION OF FUNDS
2. BALANCE SHEET - ALL UNDER SEPARATE COVER

.....
GEOFF BANTING
DIRECTOR, GOVERNANCE & FINANCIAL
SERVICES

Director, Governance & Financial Services' Report 61/2007



SUBJECT:	2007/08 CONTINGENCY FUND - STATUS AS AT 27 SEPTEMBER 2007
-----------------	---

DATE:	27 September, 2007	FILE NO:	F2004/07396
--------------	--------------------	-----------------	-------------

REPORT BY: DIRECTOR, GOVERNANCE & FINANCIAL SERVICES

INTRODUCTION:

The purpose of this report is to detail the progressive amount of donations, allocations, waiving of fees and other similar contributions for the 2007/08 financial year.

ISSUES:

In the 2007/08 financial year there have been 20 allocations totalling \$55,221.92 as listed in the table below.

MEETING	DETAILS	NET COST TO COUNCIL
Ordinary Council – 27 June 2006	<u>Annual contribution</u> – Waiving of Greenwaste Disposal Fees or the Guriwal Aboriginal Community at La Perouse	\$6,500.00
Ordinary Council – 27 June 2006	<u>Annual contribution</u> - Waiving of fees for Special Rubbish Pick Up Service – Ronald McDonald House	\$650.00
Ordinary Council – 25 July 2006	<u>Annual contribution</u> (3 years from 2006/07) - SSROC East Timor Partnership	\$4,000.00
Ordinary Council – 26 Sept 2006	<u>Annual contribution</u> (7 years from 2006/07) Interest foregone on interest free loan - Coogee Surf Life Saving Club renovations	\$4,500.00
Ordinary Council - 26 June 2007	Coogee Surf Life Saving Club – Centenary Dinner	\$1,200.00
Ordinary Council - 26 June 2007	Financial assistance for 2007 Rock Eisteddfod – Randwick Girls & Boys High Schools	\$5,000.00
Ordinary Council - 26 June 2007	Waiving of fees - installation of banner – Eastern Suburbs Teachers Association	\$1,132.00
Ordinary Council - 26 June 2007	Waiving of fees - World Youth Day - “Journey of the World Youth Day Cross and Icon” event	\$1,371.29
Ordinary Council - 26 June 2007	Sponsorship - S.O.S Preschool	\$1,400.00
Ordinary Council – 24 July 2007	Waiving of fees - St Pauls Anglican Church Coogee - Carols by the Sea	\$1,095.00

MEETING	DETAILS	NET COST TO COUNCIL
Ordinary Council – 24 July 2007	8th Annual Des Renford Chair of Heart Research Family Gala and Charity Day – use of Des Renford Aquatic Centre	\$6,500.00
Ordinary Council – 24 July 2007	Waiving of fees – use of Town Hall for Cana Ball	\$1,548.00
Ordinary Council – 24 July 2007	Our Lady of the Rosary College - centenary celebrations	\$200.00
Ordinary Council – 28 August 2007	Waiving of fees - usage of Yarra Bay for the Emerging Athlete Program for Junior Lifesavers	\$485.90
Ordinary Council – 28 August 2007	Contribution - Maroubra Fun Run, Oktoberfest and Market Day	\$4,538.00
Ordinary Council – 28 August 2007	Waiving of fees - Development Application lodgement - South Coogee Primary School	\$1,941.00
Ordinary Council – 28 August 2007	Contribution - Gallery East "Hula Dreams" ukuleles exhibition and performance	\$2,000.00
Ordinary Council – 28 August 2007	Waiving of fees – Use of Maroubra Beach for Rugby League Tag	\$626.90
Ordinary Council – 25 th September 2007	Waiving of Fees - St Marks Anglican Church, Malabar - Carols By Candlelight	\$10,513.83
Ordinary Council – 25 th September 2007	Rosella Aboriginal Women's Vigoro Sporting Club – 75 year celebrations	\$2,000.00
TOTAL:		\$55,221.92

The amounts shown in the table above reflect the net cost to Council in providing the donation, grant or assistance. The GST, where applicable, has not been shown because it will be claimed back from the Australian Taxation Office.

RELATIONSHIP TO CITY PLAN:

The relationship with the City Plan is as follows:

- Outcome 2:** A vibrant and diverse community.
Our community will be proud to be part of our City and celebrate its range of cultures and people.
- Direction 2b:** Enrich our range of community services that meet our community's needs.
- Key Action:** Support the provision of services and facilities to meet the needs of our Target Groups.
- Celebrate the range of cultures and people within Randwick City.

FINANCIAL IMPACT STATEMENT:

Council has allocated \$120,000 in the 2007/08 budget for contingencies.

RECOMMENDATION:

That the report be received and noted.

ATTACHMENT/S:

Nil

.....
GEOFF BANTING
DIRECTOR, GOVERNANCE & FINANCIAL
SERVICES

.....
JULIE HARTSHORN
SENIOR ADMINISTRATIVE
COORDINATOR

Director, Governance & Financial Services' Report 62/2007



SUBJECT:	OUTSTANDING RECEIVABLES - DOUBTFUL DEBT WRITE OFF
-----------------	---

DATE:	25 September, 2007	FILE NO:	F2004/06527
--------------	--------------------	-----------------	-------------

REPORT BY: DIRECTOR, GOVERNANCE & FINANCIAL SERVICES

INTRODUCTION:

Section 213 of the Local Government (General) Regulation 2005 specifies restrictions on writing off debts to a council. This report provides information on outstanding debts that require a resolution of Council to write off.

ISSUES:

Council has previously resolved that an amount of \$2,500 be fixed, above which, debts to the Council may only be written off by resolution of Council. A debt below this amount can be written off by the General Manager or by the Responsible Accounting Officer under delegated authority.

The Regulations (Section 213, Cl.5) require that a debt can only be written off if it satisfies one of the following criteria:

- If the debt is not lawfully recoverable.
- As a result of a decision of a court.
- If the Council or the General Manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.

Debts requiring resolution of Council

The following debts require a resolution of Council to be written off.

Account Name	Account Description	Amount
Abou Ali	Outdoor Dining 45 Perouse Road, Randwick	\$9,039.65
Damien Wells	Outdoor Dining 127 Boyce Road, Maroubra	\$3,460.73
		\$12,500.38

Abou Ali – 45 Perouse Road, Randwick

Relates to outdoor dining licence for the period 30 June 2002 to 27 August 2004. Business has subsequently been sold. Debt was disputed from day one. Confusion existed over the name on the licence agreement which is different to the registered proprietors. A legal search against the licensee has been unable to locate the debtor.

Damian Wells – 127 Boyce Road, Maroubra

Relates to outdoor dining licence for the period 21 April 2006 to 26 August 2006. Tenant vacated property with outstanding arrears. Bond has been retained. No contact details or forwarding address have been provided. A legal search has been unable to locate the debtor.

Accordingly it is recommended that the above two outstanding debts totalling \$12,500.38 (twelve thousand, five hundred dollars and thirty eight cents) be written off.

RELATIONSHIP TO CITY PLAN:

The relationship with the City Plan is as follows:

Outcome: 1. Leadership in Sustainability.
Direction: 1 c. Long term financial viability is achieved.

FINANCIAL IMPACT STATEMENT:

A provision for doubtful debts was recognised in previous years when these amounts were first considered doubtful. The writing off of these debts will reduce the provision for doubtful debts that has been previously recognised. There will be no impact on the 2007/2008 budget.

CONCLUSION:

The recommended write off of the amounts outlined in this report are in accordance with the provisions of the Local Government (General) Regulation 2005.

RECOMMENDATION:

That outstanding receivables totalling \$12,500.38 (twelve thousand, five hundred dollars and thirty eight cents) requiring a resolution of Council be written off in accordance with the Local Government (General) Regulation 2005.

ATTACHMENT/S:

Nil

.....
GEOFF BANTING
DIRECTOR, GOVERNANCE & FINANCIAL SERVICES

.....
GREG BYRNE
MANAGER, FINANCIAL OPERATIONS

Director, Governance & Financial Services' Report 63/2007



SUBJECT:	FEES & CHARGES FOR APPLICATION & CERTIFICATE FOR CLASSIFICATION OF PUBLIC LAND
-----------------	--

DATE:	25 September, 2007	FILE NO:	F2004/06354
--------------	--------------------	-----------------	-------------

REPORT BY: DIRECTOR, GOVERNANCE & FINANCIAL SERVICES

INTRODUCTION:

Section 54 of the Local Government Act 1993, requires Council to provide to applicants on demand a certificate detailing the classification of public land.

ISSUES:

The costs involved in preparation of the certificate must be incorporated into Council's Pricing Policy & Statement of Fees & Charges. In order for the fees to be included a notice advertising the public exhibition of fees & charges will be placed in the Southern Courier in accordance with Section 610F of the Local Government Act.

RELATIONSHIP TO CITY PLAN:

The relationship with the City Plan is as follows:

Outcome 6: A liveable City.

Direction 6a: Our public assets are planned, managed and funded to meet the community expectations and defined levels of service.

FINANCIAL IMPACT STATEMENT:

The financial benefit to Council for each Certificate will be \$30.00. The charge is comparable to the cost of the Freedom of Information Application.

CONCLUSION:

Council is required to include the \$30.00 application fees & charges in the Pricing Policy and Statement of Fees & Charges.

The draft fees & charges will be publicly exhibited in accordance with the requirements of Section 610F of the Local Government Act and any submissions will be considered.

RECOMMENDATION:

That Council adopts, in principle, the draft fees & charges for the Application & Certificate for Classification of Public Land subject to any public submissions being considered.

ATTACHMENT/S:

Application & Certificate for Classification of Public Land

.....
GEOFF BANTING
DIRECTOR, GOVERNANCE & FINANCIAL
SERVICES

.....
SHARON PLUNKETT
PROPERTY COORDINATOR

Randwick City Council
Application and Certificate for Classification of Public Land

(S54 Local Government Act 1993)

Address/Location of Public Land: _____

DP/Lot No: _____

Name of Applicant: _____

Address: _____

Signature of Applicant: _____

Application Fee of \$30 must accompany this application to :
Randwick City Council
30 Frances Street
RANDWICK NSW 2031

The Public Land described above is classified as operational/community land under the Local Government Act 1993.

Signature of Authorised Officer: _____

Name of Authorised Officer: _____

Randwick City Council

Date : _____

Local Government Act 1993 No 30

54 Certificate as to classification of land

- (1) A person may apply to the council for a certificate as to the classification of any public land.
- (2) The application must be in the approved form and be accompanied by the approved fee.
- (3) The council is to issue a certificate to the applicant stating the classification of the public land as at the date of the certificate.
- (4) The production of the certificate is taken for all purposes to be conclusive proof of the matter certified.

GENERAL MANAGER'S REPORT 36/2007



SUBJECT:	KEEP AUSTRALIA BEAUTIFUL - AUSTRALIAN SUSTAINABLE CITIES AWARDS 2007
-----------------	--

DATE:	28 September, 2007	FILE NO:	F2007/00154
--------------	--------------------	-----------------	-------------

REPORT BY: GENERAL MANAGER

INTRODUCTION:

Council have been invited to attend the Keep Australia Beautiful – Australian Sustainable Cities Awards dinner in Canberra on Wednesday 24 October 2007.

ISSUES:

Authority is sought for the Mayor and his partner to represent Council at the awards dinner (as award representatives). In addition, two (2) Council staff who contributed to the project, will also be in attendance.

As this dinner coincides with the LGA conference in Coffs Harbour, authority is also sought for the Mayor and his partner to fly from Coffs Harbour to Canberra and return to Sydney.

RELATIONSHIP TO CITY PLAN:

The relationship with the City Plan is as follows:

Outcome 1: Leadership in sustainability.

FINANCIAL IMPACT STATEMENT:

The travel and accommodation expenses for the conference will be met from the Councillors' conferences and seminars budget. (Note: The conference organisers will make a small contribution towards the travel costs).

CONCLUSION:

Council have been officially invited to attend this function and the Mayor and his partner will attend as award recipients on behalf of Council and, as such, it is recommended that their airfares and associated costs be funded by Council.

RECOMMENDATION:

That the Mayor and his partner be authorised to represent Council at the Keep Australia Beautiful – Australian Sustainable Cities Awards dinner in Canberra on Wednesday 24 October 2007 and the airfares and associated costs be funded from the Councillors' conferences and seminars budget.

ATTACHMENT/S:

Nil

.....
GENERAL MANAGER

Director, Governance & Financial Services' Report 64/2007



SUBJECT:	NOTICE OF ACQUISITION OF LAND - NORBAR LANE, KINGSFORD
-----------------	--

DATE:	26 September, 2007	FILE NO:	F2004/06325
--------------	--------------------	-----------------	-------------

REPORT BY: DIRECTOR, GOVERNANCE & FINANCIAL SERVICES

INTRODUCTION:

It is necessary to officially formalise ownership of a drainage reserve known as Norbar Lane, Kingsford, for community purposes. The land contains a 900mm internal diameter reinforced concrete pipeline leading from Hay Street through to Middle Street and sits between 80 & 82 Middle Street, Kingsford.

ISSUES:

Norbar Lane was originally an open drain with concrete bottom and is now piped and covered. The land was originally comprised in a grant of 10 acres to Simeon Henry Pearce & James Pearce. The land is residual from the subdivision of the 10 acres in 1852.

The drain has been identified on Deposited Plan 192744, 76670 & 539734 and is noted on the two later plans as being owned by "Municipal Council of Randwick".

Searches of the General Register of Deeds from the Crown Grant to date could not locate a copy of a deed vesting the land or drain in Council.

Reference is made to Section 186 of the Local Government Act 1993 ("the LG Act"), "*For what purposes may a Council acquire land?*" which states:

- (1) *A council may acquire land (including an interest in land) for the purpose of exercising any of its functions.*
- (2) *Without limiting subsection (1), a council may acquire:*
 - (a) *land that is to be made available for any public purpose for which it is reserved or zoned under an environmental planning instrument, or*
 - (b) *land which forms part of, or adjoins or lies in the vicinity of, other land proposed to be acquired under this Part.*
- (3) *However, if the land acquired is, before its acquisition, community land vested in a council, the acquisition does not discharge the land from any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land or any part of the land immediately before that acquisition.*

Legal advice has been sought and it is recommended that a surveyor prepare a plan of proposed acquisition and an application be made to the Minister and/or Governor.

It must be noted that the purpose of the acquisition of the land is for maintenance of the drainage reserve i.e. community purposes and Council would wish to acquire the land with the mines and minerals contained within the land.

Upon successful application to the Minister for acquisition of the land, a notice in the Government Gazette will be required for transfer of ownership to Council.

RELATIONSHIP TO CITY PLAN:

The relationship with the City Plan is as follows:

Outcome 2: A vibrant and diverse community.

Direction 2e: Barrier free access to community facilities is provided.

FINANCIAL IMPACT STATEMENT:

There is no direct financial impact for this matter.

CONCLUSION:

Application will be required to be made to the Minister for the acquisition of the land. A Registered Surveyor will prepare a plan of proposed acquisition for inclusion in the application.

A Government Gazette notice will be required to appear in the Private Advertisements section of the Government Gazette of New South Wales publication detailing the acquisition of the land in Council in accordance with Section 186 of the Local Government Act.

RECOMMENDATION:

That Council grant authority to proceed with an application to the Minister to acquire the land for the purpose of maintaining the drainage reserve and to publish a notice in the Government Gazette acquiring the land known as Norbar Lane, Kingsford.

ATTACHMENT/S:

Nil

.....
GEOFF BANTING
DIRECTOR, GOVERNANCE & FINANCIAL
SERVICES

.....
SHARON PLUNKETT
PROPERTY COORDINATOR

