

Local Government (Savings and Transitional) Regulation 1993

[1993-272]



New South Wales

Status Information

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by Sch 5 to the [Statute Law \(Miscellaneous Provisions\) Act 2009 No 56](#) with effect from 17.7.2009.

Authorisation

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New South Wales

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Local Government (Savings and Transitional) Regulation 1993



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation may be cited as the *Local Government (Savings and Transitional) Regulation 1993*.

2 Commencement

- (1) This Regulation commences on 1 July 1993.
- (2) Clauses 48A, 48B, 48C, 48D, 49A and 52 are taken to have commenced on 1 July 1993.

3 Definitions

In this Regulation:

new Act means the *Local Government Act 1993*.

old Act means the *Local Government Act 1919*.

4 To which councils does this Regulation apply?

- (1) This Regulation applies to all councils.
- (2) This Regulation (except provisions relating to the making and levying of ordinary rates) applies to:
 - (a) county councils in the same way as it applies to councils, and
 - (b) members of county councils in the same way as it applies to councillors, and
 - (c) the chairperson of a county council in the same way as it applies to the mayor of a council.

Part 2 Provisions arising out of Chapter 4 of the new Act

5 (Repealed)

Part 3 Provisions arising out of Chapter 6 of the new Act

6 Tenders for contracts

Despite the repeal of *Ordinance No 23* made under the old Act by the *Local Government (Consequential Provisions) Act 1993*, that Ordinance continues to apply to tenders for any contract for which a council, before the repeal:

- (a) published an advertisement inviting persons to tender for the contract, or
- (b) in the case of selective tendering, published an advertisement inviting applications from persons who may be interested in tendering for the contract.

7 Application of sec 94 of the *Environmental Planning and Assessment Act 1979* and sec 64 of the new Act to certain development applications

Section 94 of the *Environmental Planning and Assessment Act 1979*, as amended by the *Local Government (Consequential Provisions) Act 1993*, and section 64 of the new Act apply to a development application made, but not finally determined, before 1 July 1993 in the same way as those sections apply to a development application made after that date.

8 Application of Division 2 of Part 3 of the *Water Supply Authorities Act 1987* to certain applications for compliance certificates

- (1) This clause applies to a council in the exercise of its functions under Division 2 of Part 3 of the *Water Supply Authorities Act 1987*, as referred to in section 64 of the new Act, with respect to an exempt application.
- (2) A council may not make any requirement of the kind referred to in section 27 (1) (b), (c) or (d) of the *Water Supply Authorities Act 1987*, as amended by the *Local Government (Consequential Provisions) Act 1993*, with respect to an exempt application, but, on compliance by the applicant with the relevant section 94 conditions, must grant the applicant a compliance certificate as referred to in section 27 (1) (a) of that Act.
- (3) In this clause:

compliance certificate means a certificate referred to in section 26 of the *Water Supply Authorities Act 1987*.

exempt application means an application for a compliance certificate that is made on the basis of a development consent granted under Part 4 of the *Environmental Planning and Assessment Act 1979*, being a development consent that is subject to a

relevant section 94 condition.

relevant section 94 condition means a condition under section 94 of the [Environmental Planning and Assessment Act 1979](#), being a condition requiring a dedication of land or a monetary contribution, or both, towards the provision of water or sewerage services.

9 Application of certain monetary contributions under sec 94 of the [Environmental Planning and Assessment Act 1979](#)

Any monetary contribution held by a council immediately before the commencement of this Regulation, being a contribution arising from a condition:

- (a) that was imposed under section 94 of the [Environmental Planning and Assessment Act 1979](#), and
- (b) that specifies that the contribution is to be applied towards providing specified water or sewerage services or towards providing water or sewerage services generally,

is to be applied towards the construction of works within the meaning of Division 2 of Part 3 of the [Water Supply Authorities Act 1987](#), or towards the repayment of money borrowed for the construction of such works, and is not to be applied towards any other purpose.

Part 4 Provisions arising out of Chapter 7 of the new Act

10 Existing licences and permits

A licence or permit issued by a council or council officer under the old Act or an ordinance under the old Act, and in force immediately before 1 July 1993, if it is of a kind for which an approval may be given under the new Act, continues in force and is taken to be an approval granted under the new Act and may be revoked or modified under the new Act.

11 Crown approvals

- (1) Nothing in the new Act requires the Crown to obtain an approval:
 - (a) to carry out an activity that was commenced to be carried out before 1 July 1993 which, if it had not been so commenced, would require approval under the new Act, or
 - (b) to carry out an activity that would otherwise require approval under the new Act if the activity is carried out under a contract entered into following the seeking, before 1 October 1993, of tenders in writing or following the publication, before 1 October 1993, of an advertisement for a proposed contract relating to the carrying out of the activity or an advertisement inviting tenders in relation to the carrying out of the activity, or
 - (c) to carry out water supply work, sewerage work or stormwater drainage work if the

work is carried out as, or as part of, subdivision works.

- (2) In this clause, **subdivision works** means any physical activity carried out in, on, under or over land in connection with the subdivision or proposed subdivision of land and includes the construction of roads and drainage systems.

12 Subdivision for lease purposes

Section 289K of the old Act applies to land in respect of which an approval is granted under the new Act to install a manufactured home, moveable dwelling or associated structure on the land in the same way as it applies to land that is licensed under Division 5B of Part 10 of the old Act.

Part 5 Provisions arising out of Chapter 9 of the new Act

13 Completion of certain proceedings to fill casual vacancies in civic office

- (1) Proceedings that were commenced before 1 July 1993 to fill a casual vacancy in a civic office that occurred before that date may be continued and completed after that date.
- (2) This clause has effect whether or not, as a result of the proceedings, a council may have more than 15 councillors.

13A Casual vacancy in office of popularly elected mayor

- (1) This clause applies to the council of an area whose mayor, immediately before 1 July 1993, was a mayor or president elected to that office by the electors.
- (2) If a by-election is required to be held to fill a casual vacancy in the office of mayor and the person elected to that vacant office does not separately hold the office of councillor, the number of councillors that the council is taken to have is the number of councillors authorised by or under section 23 or 24 of the old Act immediately before 1 July 1993 plus the mayor.
- (3) At a meeting of a council to which subclause (2) applies, the mayor does not have an original vote (except in respect of the election of a member to a county council).
- (4) This clause has effect until the day appointed for the next ordinary election of the mayor and councillors.

14 Payment of fees to councillors and mayors

- (1) Until the Remuneration Tribunal determines the annual fees payable to councillors, the fees payable to a councillor of a council must not exceed the fees payable under section 29A of the old Act to a member of the council immediately before 1 July 1993.
- (2) Until the Remuneration Tribunal determines the annual fees payable to mayors, the

fees payable to a mayor of a council must not exceed the allowance payable under section 29 of the old Act to the mayor or president of the council immediately before 1 July 1993.

Part 6 Provisions arising out of Chapter 11 of the new Act

15 Inquiries under sec 99 of the old Act

Section 99 of the old Act continues to apply to and in respect of any person in respect of whom action had been taken before its repeal as if it had not been repealed, but so applies only to the extent necessary to enable that action, and any other action consequent on the completion of that action, to be completed.

Part 7 Provisions arising out of Chapter 12 of the new Act

16 Existing delegations

A delegation under the old Act by a council that continues to have effect because of clause 3 (1) of Schedule 7 to the new Act ceases to have effect on 1 October 1993, unless sooner revoked.

Part 8 Provisions arising out of Chapter 13 of the new Act

17 Definition

In this Part, **Ordinance No 26** means *Ordinance No 26* made under the old Act as in force immediately before the repeal of that Ordinance by the [Local Government \(Consequential Provisions\) Act 1993](#).

18 Accounting records

- (1) All principal and subsidiary books of account and registers kept or used by a council under *Ordinance No 26* are taken to be accounting records of the council for the purposes of the [Local Government \(Financial Management\) Regulation 1993](#).
- (2) In particular, a General Ledger, Journal or Cash Book that is being used by a council in accordance with clause 3, 4 or 5 of *Ordinance No 26* immediately before 1 July 1993 is taken respectively to be a general ledger, general journal or cash record kept by the council for the purposes of clause 12 of the [Local Government \(Financial Management\) Regulation 1993](#).

19 Authorisation of expenditure

Expenditure approved or money voted by council under clause 16 of *Ordinance No 26* may, subject to clause 17 of that Ordinance, be incurred or spent despite the repeal of that Ordinance.

20 Bank accounts

A bank account established by a council for the purposes of clause 32 of *Ordinance No 26* is taken to be a bank account established by the council for the purposes of clause 10 of the *Local Government (Financial Management) Regulation 1993*.

21 Orders for goods

Despite the repeal of *Ordinance No 26*, clause 37 of that Ordinance continues to apply to orders for goods made by or for a council before that repeal took effect.

22 Overpayments

Despite the repeal of *Ordinance No 26*, clause 40 of that Ordinance continues to apply to overpayments made to a council before that repeal took effect.

23 Writing off money

Any resolution of a council made for the purposes of clause 41 of *Ordinance No 26* and not implemented before 1 July 1993 may be implemented despite the repeal of that Ordinance.

24 Statement of accounts

(1) Despite the repeal of *Ordinance No 26*, the provisions of Parts 11 and 12 of that Ordinance relating to:

(a) the preparation and auditing of statements of accounts of a council and of committees appointed by a council, and

(b) the preparation of ledger balances in relation to a council, and

(c) the completion of a council's subsidiary books and registers,

continue to apply to a council and to the committees of a council with respect to any period before 1 July 1993.

(2) Despite the repeal of *Ordinance No 26*, clause 50AB of that Ordinance continues to apply to a council in relation to making available for inspection the council's annual statements of accounts for any period before 1 July 1993.

(3) For the purposes of applying subclause (1), a reference to the Clerk of a council is to be read as a reference to the general manager of the council.

25 Appointment of auditor

If the appointment of a person made before 1 July 1993 as a council's auditor would end after that date and before 30 June 1994, the council may extend the appointment to a date not later than 30 June 1995.

26 Annual report for the period 1.1.93-31.12.93

- (1) Section 428 of the new Act applies with respect to the period of 12 months from 1 January 1993 to 31 December 1993:
 - (a) as if the words “with respect to the objectives and performance targets set out in its management plan” were omitted from section 428 (1), and
 - (b) as if the words “(measured in accordance with the criteria set out in the relevant management plan)” were omitted from section 428 (2) (b), and
 - (c) as if the references in that section to a year were references to that period of 12 months.
- (2) A council is not required to include in a report for the period of 12 months from 1 January 1993 to 31 December 1993 any matter referred to in section 428 (2) (c) of the new Act relating to a period before 1 July 1993.

27 Annual report for the period 1.1.94-30.6.94

- (1) Section 428 of the new Act applies with respect to the period of 6 months from 1 January 1994 to 30 June 1994:
 - (a) as if the words “with respect to the objectives and performance targets set out in its management plan” were omitted from section 428 (1), and
 - (b) as if subsection (2) (b) were omitted, and
 - (c) as if the references in that section to a year were references to that period of 6 months.
- (2) The report prepared in accordance with this clause is to be included as a supplement to the annual report for the year ending on 30 June 1995.

28 Inspections under sec 212 of the old Act

- (1) Sections 433 and 434 of the new Act apply to an investigation carried out by a person under clause 51 (1) of Schedule 7 to that Act in the same way as they apply to an investigation carried out by a Departmental representative under Division 1 of Part 5 of Chapter 13 of the new Act.
- (2) The person by whom the investigation is carried out is taken to be a Departmental representative for the purposes of those sections.

Part 9 Provisions arising out of Chapter 14 of the new Act

29 Complaints concerning contraventions of the old Act

- (1) A person may make a complaint to the Director-General, or the Director-General may

make a complaint, that a person has or may have contravened Division 9A of Part 4 of the old Act.

- (2) Part 3 of Chapter 14 of the new Act applies to a complaint made under this clause in the same way as it applies to a complaint made under section 460 of the new Act.

Part 10 Provisions arising out of Chapter 15 of the new Act

Division 1 Preliminary

30 Definition

In this Part, ***transition period*** means the period from 1 January 1994 to 30 June 1994.

Division 2 Making and levying of rates and annual charges for period 1.1.94 to 30.6.94

31 Application of Division 2

This Division applies to the making and levying of rates and annual charges for the transition period.

32 Halving of a full year's rates and annual charges

- (1) Rates and annual charges are to be made under the old Act (and the ordinances under the old Act) for the whole of the year commencing on 1 January 1994 as if the old Act (and those ordinances) had not been repealed, but subject to this Part.
- (2) However, the rate or annual charge is to be levied on a parcel of rateable land subject to the rate or charge only for the transition period.
- (3) The amount of a rate (including the minimum amount of a rate) or annual charge (including a minimum charge and a standard charge) levied for the transition period on a parcel of rateable land subject to the rate or charge is to be one-half of the amount (disregarding any fraction of a cent) that would, but for this Part, be levied on the parcel under the old Act for the whole of the year commencing on 1 January 1994.
- (4) An amount of a shortfall caught up in accordance with section 131A (1B) of the old Act is not required to be halved for the purposes of this clause and may be caught up fully.

33 Transition period taken to be a rating year

The transition period is taken to be a year (or a rating year) for the purposes of sections 118, 118AB, 118AC, 124, 126A, 139, 139A, 158A, 160AA (10), 160C, 165B, 165C, 165D, 165E, 165F, 171, 378 (3B) and 379 (5) (b) of the old Act.

34 Provisions of the old Act that do not apply

Sections 118AAA, 118AC (4), 132A, 158, 158A, 160, 160A, 160AA (9A), 160DA, 163 and

378 (4) of the old Act do not apply to the making and levying of rates for the transition period, but, subject to this Regulation, the corresponding provisions of the new Act, in so far as they are relevant, do apply.

34A Application to have land declared to be farm land for transition period

In order to have effect in the transition period, an application under section 118AC of the old Act must be made before 31 December 1993, unless the council, at its discretion, agrees to accept an application made after that date.

34B Rating of mines

In the case of a mine:

- (a) if a rate is made and levied for the transition period on a valuation based on output in accordance with section 153 of the old Act—section 118A of the old Act applies to the rate so levied, and
- (b) if a rate is made and levied for the transition period on the land value—section 118A of the old Act does not apply to the rate so levied.

34C Minimum amount of general rate

Clause 28B of *Ordinance No 5* made under the old Act applies to the making and levying of rates for the transition period as if the reference in that clause to the amount of \$259 were a reference to the amount of \$268.

35 Advertisement of estimates

- (1) The estimates required to be advertised under section 138 of the old Act are to show the estimates for the council's consolidated fund for the transition period.
- (2) The estimates are to include:
 - (a) the amount of each rate made as referred to in clause 32 (1), and
 - (b) the estimated income from each such rate for the transition period.
- (3) The estimates are required to be accompanied by a statement that explains that the estimates are for the transition period only.

36 Rate notice for transition period

The rate notice for a parcel of rateable land for the transition period is:

- (a) to show:
 - (i) the amount of the rates and annual charges that would, but for clause 32 (3), have been levied on the parcel for the whole of the year commencing on 1 January 1994, and

(ii) the amount levied in accordance with clause 32 (3), and

(b) to explain clearly that the amount levied is levied for the transition period only and that rates and annual charges will thereafter be made and levied under the new Act for yearly periods commencing on 1 July.

37 Arrangements for payment of rates and annual charges

- (1) Rates and annual charges levied for the transition period become due and payable to the council on the expiration of 1 month after service of the rate notice.
- (2) The rates and annual charges may be paid:
 - (a) as a lump sum, or
 - (b) by instalments in accordance with subclause (3), or
 - (c) by instalments in accordance with section 160D of the old Act.
- (3) A person liable to pay rates and annual charges levied for the transition period may pay the rates and charges in 2 instalments, 1 month and 3 months, respectively, after service of the rate notice. Each instalment is to be one-half of the amount levied for the transition period, disregarding any remainder, together, in the case of the first instalment, with that remainder.
- (4) If the full amount of the rates, or the water and sewerage charges made under section 378A of the old Act, levied for the transition period, or the first instalment of those rates or charges, is unpaid on the expiration of 1 month after service of the rate notice:
 - (a) interest accrues on the amount of the first instalment of the rates or charges on a daily basis, and
 - (b) the second instalment of the rates or charges does not then become immediately due and payable but only becomes due and payable and attracts interest on a daily basis if it is unpaid on the expiration of 3 months after service of the rate notice.
- (5) Interest accrues at a simple or compound rate as determined by the council and notified in the rate notice or in a notice that accompanies the rate notice.
- (6) Interest accrues on a daily basis on the amount of any rates, or the amount of any water or sewerage charges made under section 378A of the old Act, that is due and payable but unpaid as at 31 December 1993 at a simple or compound rate as determined by the council and notified before that date to the person liable to pay the rates or charges.
- (7) Other charges imposed during the transition period and unpaid by the date on which

they become due and payable are not liable to interest.

38 Rebates under sec 139A of the old Act

A rebate under section 139A of the old Act applies to the amount of a rate levied in accordance with this Part.

39 Existing agreements to pay rates

The respective proportions under section 151 (3) of the old Act of a general rate levied for the transition period are to be of so much of the general rate as is equal to one-half of the amount of five-twelfths of a cent in the dollar on the land value of the land.

40 Reduction of rates payable by eligible pensioners

In the application of section 160AA of the old Act to rates made in the transition period:

(a) **eligible pensioner** means:

(i) a person who receives a pension, benefit or allowance under Chapter 2 of the [Social Security Act 1991](#) of the Commonwealth, or a service pension under Part III of the [Veterans' Entitlements Act 1986](#) of the Commonwealth, and who is the holder of a Pensioner Concession Card issued by or on behalf of the Commonwealth Government, or

(ii) a person who receives a pension from the Commonwealth Department of Veterans' Affairs as:

- the widow or widower of a member of the Defence or Peacekeeping Forces, or
- the unmarried mother of a deceased unmarried member of the Defence or Peacekeeping Forces, or
- the widowed mother of a deceased unmarried member of the Defence or Peacekeeping Forces,

and who does not have income and assets that would prevent him or her from being granted a Pensioner Concession Card if he or she were eligible for such a card, or

(iii) a person who receives a special rate of pension under section 24 of the [Veterans' Entitlements Act 1986](#) of the Commonwealth, and

(b) references to \$250 and \$87.50 are taken to be references to \$125 and \$43.75, respectively.

41 Extension of garbage removal charges

The amount of a charge to which a person is subject under section 165E of the old Act for the transition period is one-half of the amount calculated in accordance with that section.

42 Application of new general valuations of rateable land

The transition period is not a year for the purposes of section 62 of the *Valuation of Land Act 1916*. Consequently, new general valuations are not to be used in making and levying rates for the transition period.

Division 3 Limit of annual income from rates and charges for year commencing 1.7.94

43 Notional general income of a council for the previous year

In making rates and charges for the year commencing on 1 July 1994, the notional general income of a council for the previous year, for the purposes of section 509 (2) of the new Act, is the amount that would have been derived if the same rates and charges as were made to produce the general income for the transition period had been made but, in the case of rates, had been made in respect of:

- (a) the valuations of rateable land in the council's valuation record applicable as at 30 June 1994 and having the same base date, and
- (b) any estimates of increase in value of rateable land that are provided to the council under section 513 of the new Act in respect of the transition period.

44 Maximum annual charge for domestic waste management services

Section 510 for the new Act does not prevent a council that did not make an annual charge specifically for domestic waste management services before 1 July 1994 from making such a charge.

45 Catching up of shortfall in general income

- (1) A shortfall referred to in section 131A (1B) of the old Act occurring for the year commencing on 1 January 1993 and not caught up in the making of general purpose rates for the year commencing on 1 January 1994 may be caught up in the year commencing on 1 July 1994 or the year commencing on 1 July 1995.
- (2) If:
 - (a) the general purpose rates made by a council in accordance with clause 32 (1) for the whole of the year commencing on 1 January 1994 had been levied for the whole year under the old Act, and
 - (b) those rates if so levied would have produced an amount which is less than the maximum permissible under section 131A (1) of the old Act for that year,the shortfall is to be halved for the purpose of determining the amount of a shortfall that may be caught up in accordance with section 511 of the new Act.

Division 4 Miscellaneous

46 Application of Parts 7 and 14 of the old Act

Parts 7 and 14 of the old Act (and any ordinances made for the purposes of that Part) apply, for the purposes of this Part, with such modifications as may be necessary having regard to the provisions of this Part and the new Act.

47 Application of Chapter 15 of the new Act

Chapter 15 of the new Act and any regulations made for the purposes of that Chapter:

- (a) do not authorise the making or levying of a rate or charge for a year commencing before 1 July 1994, and
- (b) do not affect a rate or charge made under the old Act (or the old Act as applied by this Part) before that date, whether the rate or charge was levied before or after that date, except as provided by this Part.

48 Recovery of rates and charges made before 1.7.94

- (1) A rate or charge made and levied before 1 July 1994 under the old Act (or the old Act as applied by this Part) and any interest or extra charges accrued under the old Act (or the old Act as applied by this Part) on such a rate or charge are, for the purpose only of enabling their recovery under the new Act, taken to be made or levied, or to have accrued, under the new Act.
- (2) A rate, or part of a rate, postponed under section 160C of the old Act is taken to be postponed under Division 2 of Part 8 of Chapter 15 of the new Act.
- (3) For the purposes of sections 595 and 713 of the new Act, the transition period is taken to be a year.
- (4) A rate or charge made before 1 July 1994 under the old Act (or the old Act as applied by this Part) but not levied before that date may be levied after that date as if the rate or charge had been made under the new Act.
- (5) Except to the extent to which this clause otherwise provides, nothing in this clause affects the operation of section 30 of the *Interpretation Act 1987*.

48A Certificates under sec 160 of the old Act

A certificate issued after 1 July 1993 by a council and expressed to be a certificate under section 160 of the old Act is taken to be a certificate issued under section 603 of the new Act and has effect accordingly.

48B Transfers of land under sec 160A of the old Act

A transfer dated or effected after 1 July 1993 and expressed to be a transfer under section

160A of the old Act is taken to be a transfer under section 570 of the new Act and has effect accordingly.

48C Notices (including notices of transfer) under sec 163 of the old Act

A notice dated or given after 1 July 1993 and expressed to be a notice under section 163 of the old Act is taken to be a notice under section 604 of the new Act and has effect accordingly.

48D Council fees for services

- (1) Section 612 of the new Act does not apply to the determination by the council of the amount of an approved fee to be charged by the council before 1 July 1994.
- (2) Nothing in the new Act or this clause limits the operation of section 167 of the old Act to a charge or fee fixed by a council before 1 July 1994.

49 Saving for certain inscribed stock, debentures etc

Inscribed stock, debentures, mortgage-deeds and bonds issued by a council in accordance with section 188 of the old Act are not affected by the repeal of that Act.

Part 10A Provisions arising out of 1996 edition of Building Code of Australia

49A Definitions

In this Part:

BCA 1990 means the 1990 edition of the document entitled *Building Code of Australia* published by the Australian Building Codes Board, and incorporating New South Wales variations set out in the relevant appendix to that Code, as in force on 17 July 1995.

BCA 1996 has the same meaning as the expression *Building Code of Australia* has in the [Local Government \(Approvals\) Regulation 1993](#).

49B Compliance with BCA 1990 taken to be compliance with BCA 1996

Despite the amendments made to the [Local Government \(Approvals\) Regulation 1993](#) by the [Local Government Regulations Amendment \(Building Code of Australia\) Regulation 1997](#):

- (a) the plans and specifications accompanying an application for approval to erect a building, being an application that is made on or before 30 September 1997, are taken to comply with Volume Two of the BCA 1996 if those plans and specifications would comply with (or satisfy the requirements of) the BCA 1990, and
- (b) for the purposes of paragraph (a), if the provisions of the BCA 1990 would be complied with in the erection of the proposed building, the provisions of Volume Two of

the BCA 1996 are taken to be complied with in the erection of the proposed building.

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49C National works

The repeal of Part 26 of the old Act does not affect the status as a national work of a work or place that was a national work immediately before the repeal. Such a work or place is taken to be a national work for the purposes of Part 9 of the *Public Works Act 1912*.

50 Saving of notifications with respect to certain public works

- (1) Any work the subject of a notification published in the Gazette before 1 July 1993 under section 36 (2) or (7) of the *State Roads Act 1986* is to be maintained, managed and administered in accordance with the notification as if the notification were a notice published in the Gazette under section 154 (1) or (4), as the case requires, of the *Public Works Act 1912*, as amended by the *Local Government (Consequential Provisions) Act 1993*.
- (2) Section 155 of the *Public Works Act 1912*, as amended by the *Local Government (Consequential Provisions) Act 1993*, applies to a dispute arising under subclause (1) in the same way as it applies to a dispute arising under section 154 of that Act.

51 Validity of certain documents

A document issued on or after 1 July 1993 which is expressed to be issued under the old Act or an ordinance made or deemed to have been made under the old Act is not invalid if the document could be issued under the new Act or the regulations made under the new Act.

52 References to unrepealed provisions of the old Act

Clause 4 of Schedule 7 to the new Act does not apply to:

- (a) a provision of the old Act that was not repealed by the *Local Government (Consequential Provisions) Act 1993*, or
- (b) a provision of the old Act that is repealed by the *Local Government (Consequential Provisions) Act 1993* but the repeal of which has not taken effect.

53 Subdivisions for lease purposes

- (1) An application made, but not determined, before the appointed day, as referred to in section 289K (1) of the old Act is to be determined in accordance with the old Act as if that subsection had not been repealed.
- (2) Section 289K (2) of the old Act continues to apply to and in respect of any plan of subdivision affected by a determination referred to in section 289K (1) of the old Act (including a determination arising under subclause (1)) as if that subsection had not

been repealed.

- (3) A plan of subdivision the subject of a recording referred to in section 289K (2) of the old Act (including a recording arising under subclause (2)) is taken to be a plan of subdivision for lease purposes for the purposes of Division 3B of Part 2 of the [Conveyancing Act 1919](#).
- (4) In this clause, **appointed day** means the day appointed under section 2 of the [Local Government \(Consequential Provisions\) Act 1993](#) for the commencement of the uncommenced provisions of that Act.