

Appendix 8

Local Government Act 1993

Extract – Schedule 7

Local Government Act 1993 No 30

Current version for 30 August 2016 to date (accessed 21 September 2016 at 10:27)

[Schedule 7](#)

Schedule 7 Savings, transitional and other provisions consequent on the enactment of this Act

(Section 749)

Part 1 Preliminary

1 Definition

In this Schedule:

old Act means the [Local Government Act 1919](#).

2 Regulations—general

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act and the following Acts:

[Impounding Act 1993](#)

Local Government (Consequential Provisions) Act 1993

[Roads Act 1993](#)

Traffic (Parking Regulation) Amendment Act 1993

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later day.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

3 General saving

- (1) If anything done or commenced under a provision of an instrument repealed by the *Local Government (Consequential Provisions) Act 1993* has effect or is not completed immediately before the repeal of the provision and could have been done or commenced under a provision of an Act specified in clause 2 (1) if the provisions of the Act had been in force when the thing was done or commenced:
- (a) the thing done continues to have effect, or
- (b) the thing commenced may be completed.
- (2) This clause is subject to any express provision of this Act or the regulations on the matter.

4 Construction of references to the old Act and its provisions

- (1) Except as provided by this clause, a reference in any instrument to the old Act (or a provision of the old Act) is to be read as a reference to that instrument or the following instruments (or that provision of such an instrument) that, having regard to the reference and the context in

which the reference occurs, most nearly corresponds to the old Act (or the provision of the old Act):

- this Act
 - the *Impounding Act 1993*
 - the *Roads Act 1993*
 - the *Traffic Act 1909*
 - the regulations made under those Acts.
- (2) The regulations may provide that a reference in any instrument or a specified instrument to the old Act (or a specified provision of the old Act) is to be read as a reference to another specified instrument (or a specified provision of such an instrument).

5 Saving of certain proclamations

Any proclamation in force under the old Act immediately before 1 July 1993 is taken to be a proclamation under this Act.

Part 2 Provisions arising out of Chapter 6 (What are the service functions of councils?)

6 Classification of existing public land

- (1) This clause applies to all public land within a council's area as at the commencement of Part 2 of Chapter 6 (the *relevant commencement*).
- (2) On the relevant commencement, the following land that is vested in or under the control of a council is taken to have been classified as community land:
- (a) land comprising a public reserve,
 - (b) land subject to a trust for a public purpose,
 - (c) land dedicated as a condition of a development consent under section 94 of the *Environmental Planning and Assessment Act 1979*,
 - (d) land reserved, zoned or otherwise designated for use under an environmental planning instrument as open space,
 - (e) land controlled by a council that is vested in the corporation constituted by section 8 (1) of the *Environmental Planning and Assessment Act 1979*.
- (3) Within 1 year after the relevant commencement, a council may, by resolution, classify, as community land or operational land, any public land that is vested in it or under its control and that is not classified by subclause (2).
- (4) A resolution under subclause (3) to classify public land that is not owned by the council must not be made without the consent of the owner.
- (5) On the making of a resolution under subclause (3) that classifies public land as operational land, the land is discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, subject to the terms of the resolution, but is not discharged from:
- (a) any reservations that except land out of a Crown grant relating to the land, and
 - (b) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

- (6) The classification of public land by resolution under subclause (3) may be changed only by a local environmental plan or, in the case of land that has been classified as operational land, by a resolution under section 33.
- (7) Any public land that may be classified by resolution under subclause (3) and that is not classified within 1 year after the relevant commencement is taken to have been classified as community land.
- (8) The provisions of this clause are in addition to, and do not limit the operation of, the other provisions of this Act with respect to the classification of land.

7 Land to which sec 32 applies