

Queensland



Local Government Act 1993

**LOCAL GOVERNMENT
(LIMITED REVIEWABLE
LOCAL GOVERNMENT
MATTERS) REGULATION
1998**

**Reprinted as in force on 20 November 2000
(includes amendments up to SL No. 285 of 2000)**

Reprint No. 1B *

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* Minor differences in style between this reprint and another reprint with the same number are due to the conversion to another software program. The content has not changed.

Information about this reprint

This regulation is reprinted as at 20 November 2000. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



LOCAL GOVERNMENT (LIMITED REVIEWABLE LOCAL GOVERNMENT MATTERS) REGULATION 1998

TABLE OF PROVISIONS

| Section | | Page |
|---|---|------|
| PART 1—PRELIMINARY | | |
| 1 | Short title | 3 |
| 2 | Definitions | 3 |
| 3 | Relevant areas and receiving and transferring local governments | 6 |
| PART 2—IMPLEMENTATION OF LIMITED REVIEWABLE LOCAL GOVERNMENT MATTERS | | |
| 4 | Changes in external boundaries | 7 |
| 5 | New external boundaries | 7 |
| PART 3—PROVISIONS FOR FACILITATING IMPLEMENTATION OF LIMITED REVIEWABLE LOCAL GOVERNMENT MATTERS | | |
| <i>Division 1—Receiving local government's expanded role</i> | | |
| 6 | Receiving local government to take over certain functions and powers | 10 |
| 7 | Application of receiving local government's local laws to relevant area . . . | 10 |
| <i>Division 2—Instruments</i> | | |
| 8 | Existing instruments to continue in force | 10 |
| <i>Division 3—Financial matters</i> | | |
| 9 | Levying rates already made or imposed | 11 |
| 10 | Recovery of unpaid rates | 12 |
| <i>Division 4—Planning schemes and related matters</i> | | |
| 11 | Existing planning schemes continue | 12 |
| 12 | Continuing application of decisions | 13 |
| 13 | Outstanding applications | 13 |
| 14 | Appeals | 14 |

*Local Government (Limited Reviewable Local
Government Matters) Regulation 1998*

Division 5—General

| | | |
|----|---|----|
| 15 | Valuation of lands | 14 |
| 16 | Ownership of material in fixed assets | 15 |
| 17 | Reference in documents to transferring local government | 15 |
| 18 | Duty to facilitate change in boundaries | 15 |

ENDNOTES

| | | |
|---|---|----|
| 1 | Index to endnotes | 16 |
| 2 | Date to which amendments incorporated | 16 |
| 3 | Key | 16 |
| 4 | Table of earlier reprints | 17 |
| 5 | List of legislation | 17 |
| 6 | List of annotations | 17 |

LOCAL GOVERNMENT (LIMITED REVIEWABLE LOCAL GOVERNMENT MATTERS) REGULATION 1998

[as amended by all amendments that commenced on or before 20 November 2000]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Local Government (Limited Reviewable Local Government Matters) Regulation 1998*.

2 Definitions

In this regulation—

“**Cambooya/Gatton relevant area**” means the following areas shown in attachment B of the Cambooya/Gatton report as part of the local government area of the Shire of Gatton—

- (a) lot 122 on crown plan CC468;
- (b) lot 23 on crown plan CC138;
- (c) lot 57 on crown plan CC749;
- (d) lot 137 on survey plan 107986;
- (e) lot 121 on crown plan CC457;
- (f) lot 140 on crown plan CC934;
- (g) the western half of the road adjoining the eastern boundary of lot 140 on crown plan CC934.

“**Cambooya/Gatton report**” means the report of September 2000 called ‘Local Government Electoral & Boundaries Review Commission—Report on the limited reviewable local government matter affecting Cambooya Shire/Gatton Shire—Changes to the

external boundaries of the area of the Shire of Cambooya and the area of the Shire of Gatton’.

“commencing day”, for a matter relating to the following relevant areas, means the day stated for the area—

- (a) Gold Coast/Logan relevant area and Maroochy/Noosa relevant area no. 1—4 September 1998;
- (b) Logan/Brisbane relevant area, Maroochy/Noosa relevant area no. 2 and Murilla/Bendemere relevant area—1 September 2000;
- (c) Cambooya/Gatton relevant area and Tiaro/Cooloola relevant area—1 December 2000.

“existing planning scheme”, for a relevant area, means the planning scheme in force for the relevant area immediately before the commencing day.

“Gold Coast/Logan relevant area” means the review area shown in attachment A of the Gold Coast/Logan report as part of the local government area of the City of Gold Coast.

“Gold Coast/Logan report” means the report of July 1998 called ‘Local Government Electoral & Boundaries Review Commission - Report on the limited reviewable local government matter affecting Gold Coast City Council/Logan City Council - Changes to the external boundaries of the area of the Gold Coast City Council and the area of the Logan City Council’.

“Logan/Brisbane relevant area” means the parts of lot 1 on crown plan SL12002, Priestdale Road and Ford Road shown in attachment B of the Logan/Brisbane report as part of the local government area of the City of Brisbane.

“Logan/Brisbane report” means the report of May 2000 called ‘Local Government Electoral and Boundaries Review Commission—Report on the limited reviewable local government matter affecting Logan City/Brisbane City—Changes to the external boundaries of the area of the City of Logan and the area of the City of Brisbane.’

“Maroochy/Noosa relevant area no. 1” means the part of lot 11 on RP907536 shown in attachment A of the Maroochy/Noosa report no. 1 as part of the local government area of the Shire of Maroochy.

“Maroochy/Noosa relevant area no. 2” means lot 1 on RP32774 shown in attachment A of the Maroochy/Noosa report no. 2 as part of the local government area of the Shire of Maroochy.

“Maroochy/Noosa report no. 1” means the report of May 1998 called ‘Local Government Electoral & Boundaries Review Commission—Report on the limited reviewable local government matter affecting Maroochy Shire/Noosa Shire—Changes to the external boundaries of the area of the Shire of Maroochy and the area of the Shire of Noosa’.

“Maroochy/Noosa report no. 2” means the report of March 2000 called ‘Local Government Electoral & Boundaries Review Commission—Report on the limited reviewable local government matter affecting Noosa Shire/Maroochy Shire—Changes to the external boundaries of the area of the Shire of Noosa and the area of the Shire of Maroochy’.

“Murilla/Bendemere relevant area” means lot 8 on crown plan BWR470 shown in attachment A of the Murilla/Bendemere report as part of the local government area of the Shire of Bendemere.

“Murilla/Bendemere report” means the report of November 1999 called ‘Local Government Electoral and Boundaries Review Commission—Report on the limited reviewable local government matter affecting Murilla Shire/Bendemere Shire—Changes to the external boundaries of the area of the Shire of Murilla and the area of the Shire of Bendemere.

“planning legislation” means—

- (a) the *Local Government (Planning and Environment) Act 1990*; or
- (b) the *Integrated Planning Act 1997*.

“rate” means a rate or charge levied or imposed under the Act by a local government on land in the local government’s area, and includes any interest accrued, or premium owing, on the rate or charge.

“receiving local government” see section 3.

“relevant area” see section 3.

“Tiaro/Cooloola relevant area” means lot 85 on crown plan MCH670 shown in attachment B of the Tiaro/Cooloola report as part of the local government area of the Shire of Cooloola.

“Tiaro/Cooloola report” means the report of August 2000 called ‘Local Government Electoral & Boundaries Review Commission—Report

on the limited reviewable local government matter affecting Tiaro Shire/Coolooloa Shire—Changes to the external boundaries of the area of the Shire of Tiaro and the area of the Shire of Coolooloa’.

“**transferring local government**” see section 3.

3 Relevant areas and receiving and transferring local governments

(1) Each of the following is a “**relevant area**”—

- (a) Gold Coast/Logan relevant area;
- (b) Logan/Brisbane relevant area;
- (c) Maroochy/Noosa relevant area no. 1;
- (d) Maroochy/Noosa relevant area no. 2;
- (e) Murilla/Bendemere relevant area;
- (f) Cambooya/Gatton relevant area;
- (g) Tiaro/Coolooloa relevant area.

(2) Each of the following is a “**receiving local government**”—

- (a) for the Gold Coast/Logan relevant area—the Council of the City of Logan;
- (b) for the Logan/Brisbane relevant area—the Council of the City of Logan;
- (c) for the Maroochy/Noosa relevant area no. 1—the Council of the Shire of Noosa;
- (d) for the Maroochy/Noosa relevant area no. 2—the Council of the Shire of Noosa;
- (e) for the Murilla/Bendemere relevant area—the Council of the Shire of Murilla;
- (f) for the Cambooya/Gatton relevant area—the Council of the Shire of Cambooya;
- (g) for the Tiaro/Coolooloa relevant area—the Council of the Shire of Tiaro.

(3) Each of the following is a “**transferring local government**”—

- (a) for the Gold Coast/Logan relevant area—the Council of the City of Gold Coast;

- (b) for the Logan/Brisbane relevant area—the Council of the City of Brisbane;
- (c) for the Maroochy/Noosa relevant area no. 1—the Council of the Shire of Maroochy;
- (d) for the Maroochy/Noosa relevant area no. 2—the Council of the Shire of Maroochy;
- (e) for the Murilla/Bendemere relevant area—the Council of the Shire of Bendemere;
- (f) for the Cambooya/Gatton relevant area—the Council of the Shire of Gatton;
- (g) for the Tiaro/Cooloola relevant area—the Council of the Shire of Cooloola.

PART 2—IMPLEMENTATION OF LIMITED REVIEWABLE LOCAL GOVERNMENT MATTERS

4 Changes in external boundaries

(1) The external boundaries of the local government area of each transferring local government are changed by excluding the relevant area for which the local government is the transferring local government.

(2) The external boundaries of the local government area of each receiving local government are changed by including the relevant area for which the local government is the receiving local government.

5 New external boundaries

(1) Map no. LGB58 edition 4 shows the external boundaries of the local government area of the City of Gold Coast with the Gold Coast/Logan relevant area excluded.

(2) Map no. LGB78 edition 7 shows—

- (a) the external boundaries of the local government area of the City of Logan with the Gold Coast/Logan relevant area included; and

- (b) the internal boundaries of the local government area of the City of Logan with the Gold Coast/Logan relevant area included in division 10 of the area.

(3) Map no. LGB82 edition 4 shows the external boundaries of the local government area of the Shire of Maroochy with the Maroochy/Noosa relevant area no. 1 excluded.

(4) Map no. LGB100 edition 4 shows—

- (a) the external boundaries of the local government area of the Shire of Noosa with the Maroochy/Noosa relevant area no. 1 included; and
- (b) the internal boundaries of the local government area of the Shire of Noosa with the Maroochy/Noosa relevant area no. 1 included in division 1 of the area.

(5) Map no. LGB1 edition 6, sheets 1 to 4, shows the external boundaries of the local government area of the City of Brisbane with the Logan/Brisbane relevant area excluded.

(6) Map no. LGB78 edition 9 shows—

- (a) the external boundaries of the local government area of the City of Logan with the Logan/Brisbane relevant area included; and
- (b) the internal boundaries of the local government area of the City of Logan with the Logan/Brisbane relevant area included in division 1 of the local government area.

(7) Map no. LGB82 edition 6 shows the external boundaries of the local government area of the Shire of Maroochy with the Maroochy/Noosa relevant area no. 2 excluded.

(8) Map no. LGB100 edition 5 shows—

- (a) the external boundaries of the local government area of the Shire of Noosa with the Maroochy/Noosa relevant area no. 2 included; and
- (b) the internal boundaries of the local government area of the Shire of Noosa with the Maroochy/Noosa relevant area no. 2 included in division 1 of the local government area.

(9) Map no. LGB14 edition 2 shows the external boundaries of the local government area of the shire of Bendemere with the Murilla/Bendemere relevant area excluded.

(10) Map no. LGB96 edition 2 shows—

- (a) the external boundaries of the local government area of the shire of Murilla with the Murilla/Bendemere relevant area included; and
- (b) the internal boundaries of the local government area of the shire of Murilla with the Murilla/Bendemere relevant area included in division 2 of the local government area.

(11) Map no. LGB54 edition 3 shows the external boundaries of the local government area of the Shire of Gatton with the Cambooya/Gatton relevant area excluded.

(12) Map no. LGB31 edition 3 shows—

- (a) the external boundaries of the local government area of the Shire of Cambooya with the Cambooya/Gatton relevant area included; and
- (b) the internal boundaries of the local government area of the Shire of Cambooya with the Cambooya/Gatton relevant area included in division 3 of the local government area.

(13) Map no. LGB39 edition 4 shows the external boundaries of the local government area of the Shire of Cooloola with the Tiaro/Cooloola relevant area excluded.

(14) Map no. LGB121 edition 2 shows—

- (a) the external boundaries of the local government area of the Shire of Tiaro with the Tiaro/Cooloola relevant area included; and
- (b) the internal boundaries of the local government area of the Shire of Tiaro with the Tiaro/Cooloola relevant area included in division 3 of the local government area.

PART 3—PROVISIONS FOR FACILITATING IMPLEMENTATION OF LIMITED REVIEWABLE LOCAL GOVERNMENT MATTERS

Division 1—Receiving local government’s expanded role

6 Receiving local government to take over certain functions and powers

(1) This section applies if, under an Act—

- (a) a local government may perform a function or exercise a power; and
- (b) the transferring local government for a relevant area started to perform the function or exercise the power for the relevant area before the commencing day, but did not finish performing the function or exercising the power.

(2) The receiving local government for the relevant area may perform the function or exercise the power.

Example—

If a person made an application about land in the Maroochy/Noosa relevant area no. 1 to the Council of the Shire of Maroochy under an Act, the Council for the Shire of Noosa may deal with it.

7 Application of receiving local government’s local laws to relevant area

(1) The local laws of the receiving local government for a relevant area in force immediately before the commencing day apply to the relevant area.

(2) This section is to avoid doubt, and has effect subject to division 2.

Division 2—Instruments

8 Existing instruments to continue in force

(1) This section applies to an instrument (other than a local law, or an instrument made under the planning legislation) that—

- (a) was made by the transferring local government for a relevant area under an Act or a local law before the commencing day about—
 - (i) a resident in the relevant area; or
 - (ii) an owner of land in the relevant area; or
 - (iii) land in the relevant area; or
 - (iv) a person's entitlement to carry out an activity in the relevant area; and
- (b) is in force immediately before the commencing day.

(2) For the purposes of the receiving local government for the relevant area dealing with an instrument made under an Act, the instrument is taken to have been made under the Act by the receiving local government.

(3) For the purposes of the receiving local government for the relevant area dealing with an instrument made under a local law—

- (a) the local law under which the instrument was made is taken to be a local law of the receiving local government; and
- (b) the instrument is taken to have been made by the receiving local government under the local law and to be in force for the relevant area; and
- (c) the receiving local government is responsible for administering the local law in order to deal with the instrument; and
- (d) the instrument continues in force until it would have otherwise ended under the local law.

Division 3—Financial matters

9 Levying rates already made or imposed

(1) This section applies if, immediately before the commencing day, the transferring local government for a relevant area—

- (a) had made or imposed a rate for land in the relevant area; but
- (b) had not given a notice levying the rate on a person or otherwise demanded payment of the rate.

(2) The receiving local government for the relevant area may give the person a notice levying the rate, or may otherwise demand payment of the

rate, in the way the transferring local government could have given the notice or demanded payment.

(3) The receiving local government is taken to have made or imposed the rate.

10 Recovery of unpaid rates

(1) This section applies if—

- (a) before the commencing day the transferring local government for a relevant area had made and levied, or imposed and levied, a rate about land in the relevant area on a person; and
- (b) immediately before the commencing day the rate had not been paid.

(2) If the time for payment of the rate had not ended before the commencing day—

- (a) the time continues to run; and
- (b) the amount of the rate is payable by the person to the receiving local government for the relevant area.

(3) If the time for payment of the rate had ended before the commencing day, the rate (together with interest accruing on the rate) becomes payable by the person to the receiving local government.

(4) The receiving local government—

- (a) is taken to have made and levied, or imposed and levied, the rate; and
- (b) may receive payment of, or recover, the amount of the rate.

(5) If, on or after the commencing day, the transferring local government receives the amount of the rate, the transferring local government must pay the amount to the receiving local government.

Division 4—Planning schemes and related matters

11 Existing planning schemes continue

(1) An existing planning scheme for a relevant area—

- (a) continues to apply to the relevant area until—
 - (i) the planning scheme for the local government area of the receiving local government for the relevant area is amended to include the relevant area; or
 - (ii) a new planning scheme incorporating the relevant area is approved under the planning legislation; and
- (b) is to be implemented, administered and enforced by the receiving local government to the extent it relates to the relevant area; and
- (c) for paragraph (b), is taken to be part of a planning scheme for the local government area of the receiving local government; and
- (d) binds the receiving local government.

(2) To the extent that an instrument in force under an existing planning scheme for a relevant area immediately before the commencing day relates to the relevant area, it continues in force until it expires or is repealed under the existing planning scheme or a planning scheme replacing the existing planning scheme in whole or relevant part.

Examples of continuing instruments—

Applications, approvals and consents.

(3) In this section—

“relevant area” includes a part of the relevant area.

12 Continuing application of decisions

(1) This section applies to a decision made by the transferring local government for a relevant area before the commencing day under an existing planning scheme for land in the relevant area.

(2) The decision continues to apply to the land and for that purpose is taken to have been made by the receiving local government for the relevant area.

13 Outstanding applications

(1) This section applies to an application that—

- (a) was made to the transferring local government for a relevant area before the commencing day under an Act, or an existing planning scheme for the relevant area, in relation to land in the area; and
- (b) had not been finally decided before the commencing day.

(2) As soon as practicable after the commencing day, the transferring local government must pay the fees received by it for the application to the receiving local government for the relevant area.

(3) The receiving local government must decide the application.

(4) If, before the commencing day, the transferring local government had started to investigate the application, it is sufficient compliance with subsection (2) if, as soon as practicable after the commencing day, it gives the receiving local government—

- (a) the results of its investigation of the application; and
- (b) the fees received by it, less a reasonable amount for the costs of its investigation of the application.

14 Appeals

(1) This section applies to an appeal that—

- (a) was started before the commencing day against a decision of the transferring local government for a relevant area made under an existing planning scheme for the relevant area; and
- (b) had not been completed before the commencing day.

(2) The receiving local government for the relevant area takes the place of the transferring local government in the appeal.

Division 5—General

15 Valuation of lands

(1) The valuation of land in a relevant area immediately before the commencing day continues to be the valuation of the land until a further valuation applies to the land.

(2) Subsection (1) applies subject to an objection or appeal under the *Valuation of Land Act 1944* about the valuation, but the objection or appeal

may not be based on the fact the land is no longer in the local government area it was in at the time of the valuation.

(3) In this section—

“**valuation**”, of land, means the unimproved value of the land under the *Valuation of Land Act 1944*.

16 Ownership of material in fixed assets

(1) The materials of all roads, bridges and other public works in a relevant area belong to the receiving local government for the relevant area.

(2) This section is to avoid doubt.

17 Reference in documents to transferring local government

In a document about a relevant area (including, for example, a contract to which the transferring local government for the relevant area was a party), a reference to the transferring local government may, as appropriate, be taken to be a reference to the receiving local government for the relevant area.

18 Duty to facilitate change in boundaries

(1) Each transferring and receiving local government for a relevant area must do all acts and things necessary or desirable to help in the implementation of the external boundary changes involving the relevant area.

(2) Without limiting subsection (1), each transferring local government for a relevant area must give the receiving local government for the relevant area the records necessary to enable compliance with this regulation.

ENDNOTES

1 Index to endnotes

| | | Page |
|---|---|------|
| 2 | Date to which amendments incorporated | 16 |
| 3 | Key | 16 |
| 4 | Table of earlier reprints | 17 |
| 5 | List of legislation | 17 |
| 6 | List of annotations | 17 |

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 20 November 2000. Future amendments of the Local Government (Limited Reviewable Local Government Matters) Regulation 1998 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

| Key | Explanation | Key | Explanation |
|--------|--------------------------------|--------|---|
| AIA | = Acts Interpretation Act 1954 | prev | = previous |
| amd | = amended | (prev) | = previously |
| amdt | = amendment | proc | = proclamation |
| ch | = chapter | prov | = provision |
| def | = definition | pt | = part |
| div | = division | pubd | = published |
| exp | = expires/expired | R[X] | = Reprint No.[X] |
| gaz | = gazette | RA | = Reprints Act 1992 |
| hdg | = heading | reloc | = relocated |
| ins | = inserted | renum | = renumbered |
| lap | = lapsed | rep | = repealed |
| notfd | = notified | s | = section |
| o in c | = order in council | sch | = schedule |
| om | = omitted | sdiv | = subdivision |
| orig | = original | SIA | = Statutory Instruments Act 1992 |
| p | = page | SIR | = Statutory Instruments Regulation 1992 |
| para | = paragraph | SL | = subordinate legislation |
| prec | = preceding | sub | = substituted |
| pres | = present | unnum | = unnumbered |

*Local Government (Limited Reviewable Local
Government Matters) Regulation 1998*

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

| Reprint No. | Amendments included | Reprint date |
|-------------|-----------------------|-------------------|
| 1 | none | 18 September 1998 |
| 1A | to SL No. 212 of 2000 | 1 September 2000 |

5 List of legislation

Local Government (Limited Reviewable Local Government Matters) Regulation 1998 SL No. 248

made by the Governor in Council on 3 September 1998
notfd gaz 4 September 1998 pp 68–9
commenced on date of notification
exp 3 September 2009 (see SIA s 54)

as amended by—

Local Government Legislation Amendment Regulation (No. 2) 2000 SL No. 212 pts 1, 4

notfd gaz 18 August 2000 pp 1394–5
commenced on date of notification

Local Government Legislation Amendment Regulation (No. 3) 2000 SL No. 285 pts 1, 3

notfd gaz 17 November 2000 pp 1093–5
commenced on date of notification

6 List of annotations

Definitions

- s 2 def “**commencing day**” sub 2000 SL No. 212 s 13(1)–(2)
amd 2000 SL No. 285 s 5(1)
def “**Cambooya/Gatton relevant area**” ins 2000 SL No. 285 s 5(2)
def “**Cambooya/Gatton report**” ins 2000 SL No. 285 s 5(2)
def “**Logan/Brisbane relevant area**” ins 2000 SL No. 212 s 13(2)
def “**Logan/Brisbane report**” ins 2000 SL No. 212 s 13(2)
def “**Maroochy/Noosa relevant area**” om 2000 SL No. 212 s 13(1)
def “**Maroochy/Noosa relevant area no. 1**” ins 2000 SL No. 212 s 13(2)
def “**Maroochy/Noosa relevant area no. 2**” ins 2000 SL No. 212 s 13(2)
def “**Maroochy/Noosa report**” om 2000 SL No. 212 s 13(1)
def “**Maroochy/Noosa report no. 1**” ins 2000 SL No. 212 s 13(2)
def “**Maroochy/Noosa report no. 2**” ins 2000 SL No. 212 s 13(2)

*Local Government (Limited Reviewable Local
Government Matters) Regulation 1998*

def “**Murilla/Bendemere relevant area**” ins 2000 SL No. 212 s 13(2)

def “**Tiaro/Cooloola relevant area**” ins 2000 SL No. 285 s 5(2)

def “**Tiaro/Cooloola report**” ins 2000 SL No. 285 s 5(2)

Relevant areas and receiving and transferring local governments

s 3 sub 2000 SL No. 212 s 14
amd 2000 SL No. 285 s 6

New external boundaries

s 5 amd 2000 SL No. 212 s 15; 2000 SL No. 285 s 7

Receiving local government to take over certain functions and powers

s 6 amd 2000 SL No. 212 s 16

Valuation of lands

s 15 amd 2000 SL No. 212 s 17

PART 4—REPEAL OF CERTAIN REGULATIONS

pt 4 (s 19) om 2000 SL No. 212 s 18

**PART 5—AMENDMENT OF LOCAL GOVERNMENT (AREAS)
REGULATION 1995**

pt 5 (ss 20–21) om R1 (RA s 40)