



New South Wales

Local Government Amendment (Stormwater) Bill 2005

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Local Government Act 1993* (the *Principal Act*) to allow councils to levy an annual charge for stormwater management services.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Local Government Act 1993* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] inserts section 496A in the Principal Act. The proposed section provides that a council may levy an annual charge for the provision of stormwater management services to certain land.

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Explanatory note

Schedule 1 [4] inserts section 510A in Part 2 (Limit of annual income from rates and charges) of Chapter 15 of the Principal Act. The proposed section provides that the regulations are to prescribe the maximum amount that a council may charge for stormwater management services. **Schedule 1 [2]** amends section 505 of the Principal Act to provide that annual charges for stormwater management services are not part of the general income of a council for the purposes of Part 2 of Chapter 15 of the Principal Act.

Schedule 1 [8] inserts a definition of *stormwater management service* in the Dictionary to the Principal Act. The term is defined to mean a service to manage the quantity or quality, or both, of stormwater that flows off land, and to include a service to manage the re-use of stormwater for any purpose.

Schedule 1 [3] and [5]–[7] make other consequential amendments.

First print



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New South Wales

Local Government Amendment (Stormwater) Bill 2005

No. , 2005

A Bill for

An Act to amend the *Local Government Act 1993* to allow councils to make and levy annual charges for the provision of stormwater management services; and for other purposes.

| | |
|---|---|
| The Legislature of New South Wales enacts: | 1 |
| 1 Name of Act | 2 |
| This Act is the <i>Local Government Amendment (Stormwater) Act 2005</i> . | 3 |
| 2 Commencement | 4 |
| This Act commences on a day or days to be appointed by proclamation. | 5 |
| 3 Amendment of Local Government Act 1993 No 30 | 6 |
| The <i>Local Government Act 1993</i> is amended as set out in Schedule 1. | 7 |

| | | |
|-------------------|---|----------------------|
| Schedule 1 | Amendments | 1 |
| | (Section 3) | 2 |
| [1] | Section 496A | 3 |
| | Insert after section 496: | 4 |
| 496A | Making and levying of annual charges for stormwater management services | 5 6 |
| | (1) A council may, in accordance with the regulations, make and levy an annual charge for the provision of stormwater management services for each parcel of rateable land for which the service is available. | 7 8 9 10 |
| | (2) Subsection (1) does not authorise or permit a council to make or levy an annual charge for the provision of stormwater management services for rateable land that is: | 11 12 13 |
| | (a) owned by the Crown, and | 14 |
| | (b) held under a lease for private purposes granted under the <i>Housing Act 2001</i> or the <i>Aboriginal Housing Act 1998</i> . | 15 16 |
| | Note. Section 555 (1) (a) provides that land owned by the Crown is not rateable land unless it is held under a lease for a private purpose. | 17 18 |
| [2] | Section 505 Application of Part | 19 |
| | Insert after section 505 (a) (iv): | 20 |
| | (v) annual charges for stormwater management services, and | 21 22 |
| [3] | Section 505 (c) | 23 |
| | Insert at the end of section 505 (b): | 24 |
| | , and | 25 |
| | (c) annual charges made and levied towards the cost of providing stormwater management services. | 26 27 |
| [4] | Section 510A | 28 |
| | Insert after section 510: | 29 |
| 510A | Maximum annual charge for stormwater management services | 30 |
| | (1) The regulations are to prescribe the maximum annual charge that a council may levy for the provision of stormwater management services for parcels of land in respect of which such a charge may be levied. | 31 32 33 34 |

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Schedule 1 Amendments

| | | |
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| (2) | The annual charge for the provision of stormwater management services for a parcel of land in respect of which such a charge may be levied must not exceed the maximum annual charge prescribed by the regulations under subsection (1). | 1 2 3 4 |
| [5] | Section 512 Effect of contravening section 509, 510, 510A, 511 or 511A Insert “510A,” after “510,” in section 512 (1). | 5 6 |
| [6] | Chapter 15, Table headed “Rates and charges” Insert after “• Waste management services (other than domestic waste management services)” the following matter: <ul style="list-style-type: none">• Stormwater management services | 7 8 9 10 |
| [7] | Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts Insert at the end of clause 1 (1): <i>Local Government Amendment (Stormwater) Act 2005</i> | 11 12 13 14 |
| [8] | Dictionary Insert in alphabetical order: <i>stormwater management service</i> means a service to manage the quantity or quality, or both, of stormwater that flows off land, and includes a service to manage the re-use of stormwater for any purpose. | 15 16 17 18 19 20 |