

Passed by both Houses



New South Wales

Water Management Amendment (Central Coast Council) Bill 2024

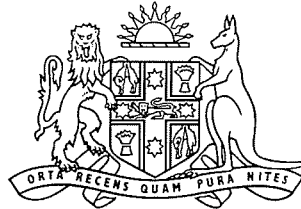
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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2024



New South Wales

Water Management Amendment (Central Coast Council) Bill 2024

Act No _____, 2024

An Act to amend the *Water Management Act 2000* to provide that Central Coast Council is no longer a water supply authority; to make related amendments to other legislation; and to repeal the *Central Coast Water Corporation Act 2006*.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Water Management Amendment (Central Coast Council) Act 2024*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Water Management Act 2000 No 92

[1] Schedule 3 Water supply authorities

Omit “Gosford City Council” and “Wyong Council” from Part 2.

[2] Schedule 9 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provisions consequent on enactment of Water Management Amendment (Central Coast Council) Act 2024

Recovery and levying of service charges

- (1) Despite the amendment of Schedule 3 by the amending Act—
 - (a) a determination made by Central Coast Council (the *Council*) under section 315 for a charging year commencing on or before 1 July 2024 continues to have effect, and
 - (b) a landholder who, immediately before the commencement of the amending Act, was liable to pay the Council a levied service charge remains liable to pay the levied service charge to the Council, as if the Council were a water supply authority, and
 - (c) sections 316 and 317 continue to apply in relation to the Council for the purposes of a levied service charge, as if the Council were a water supply authority, and
 - (d) the Council may, in accordance with Chapter 6, Part 2, Division 6, levy drainage service charges for stormwater for the charging year commencing on 1 July 2025 as if the Council were a water supply authority, and
 - (e) Chapter 7, Part 4, Division 1 continues to apply, as if the Council were a water supply authority, in relation to—
 - (i) a levied service charge, and
 - (ii) a drainage service charge levied under paragraph (d), and
 - (f) the *Water Management (General) Regulation 2018* continues to apply, as if the Council were a water supply authority, in relation to—
 - (i) a levied service charge, and
 - (ii) a drainage service charge levied under paragraph (d).
- (2) A water service charge or sewerage service charge paid to the Council under this Act, whether before or after the commencement of the amending Act, may be used by the Council for water supply or sewerage services provided under this Act or the *Local Government Act 1993*.
- (3) The *Water Management (General) Regulation 2018*, Part 9, Division 8, Subdivision 5 continues to apply, despite its repeal by the amending Act, in relation to—
 - (a) a levied service charge, and
 - (b) a drainage service charge levied under subclause (1)(d).
- (4) In this clause—

amending Act means the *Water Management Amendment (Central Coast Council) Act 2024*.

levied service charge means a service charge levied by the Council as a water supply authority before the commencement of the amending Act.

Schedule 2 Amendment of Local Government Act 1993 No 30

[1] Section 409 The consolidated fund

Insert after section 409(5)—

- (5A) Despite subsection (3)(a), money received by Central Coast Council as a result of the levying of a special rate or charge for the purposes of water supply or sewerage services may be used for water supply or sewerage services.

[2] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Water Management Amendment (Central Coast Council) Act 2024

Use of special rates and charges for water supply and sewerage services

Section 409(5A), as inserted by the *Water Management Amendment (Central Coast Council) Act 2024*, Schedule 2[1], extends to money received by Central Coast Council as a result of the levying of a special rate or charge for the purposes of water supply or sewerage services before the commencement of the subsection.

Schedule 3 Amendment of Independent Pricing and Regulatory Tribunal Act 1992 No 39

[1] Sections 24F(d1) and 24FC(1)(c1)

Omit the paragraphs.

[2] Schedule 1 Government agencies for which Tribunal has standing reference

Insert after the matter relating to “Water supply authorities”—

Central Coast Council, but excluding stormwater drainage services

[3] Schedule 4 Savings and transitional provisions

Insert at the end of clause 1(1)—

another Act that amends this Act

[4] Schedule 4

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Water Management Amendment (Central Coast Council) Act 2024

Application of Tribunal determination to Central Coast Council

- (1) The existing determination continues to apply to Central Coast Council (the **Council**) after the commencement of the amending Act in relation to the Council’s provision of services under the *Local Government Act 1993* in the same way it applied to the Council in relation to the Council’s provision of services as a water supply authority.
- (2) Subclause (1) extends to the Council’s provision of stormwater drainage services for the charging year commencing on 1 July 2025, as if the Council were a water supply authority.
- (3) Despite the existing order, clause 3(c), stormwater drainage services provided by the Council are taken to be a government monopoly service for the charging year commencing on 1 July 2025.
- (4) In this clause—

amending Act means the *Water Management Amendment (Central Coast Council) Act 2024*.

charging year has the same meaning as it had in the *Water Management Act 2000*, Chapter 6, Part 2 in relation to the Council in its capacity as a water supply authority immediately before the commencement of the amending Act.

existing determination means the Tribunal’s determination for the purposes of this Act, section 11(1)(a) entitled *Maximum prices for water, wastewater and other services supplied by Central Coast Council from 1 July 2022*, published by the Tribunal in May 2022.

existing order means the *Independent Pricing and Regulatory Tribunal (Water, Sewerage and Drainage Services) Order 1997* made by the Premier under this Act, section 4 on 5 February 1997.

Schedule 4 Repeal

Repeal of Central Coast Water Corporation Act 2006 No 105

The *Central Coast Water Corporation Act 2006* is repealed.

Schedule 5 Consequential amendments

5.1 Energy and Utilities Administration Act 1987 No 103

[1] Section 3 Definitions

Omit “and” from the end of section 3(1), definition of *State water agency*, paragraph (c).

[2] Section 3(1), definition of “State water agency”, paragraph (d)

Omit the paragraph.

5.2 Industrial Relations (National System Employers) Order 2009

Schedule 1 Non-national system employers

Omit “Central Coast Water Corporation” from Part 5.

5.3 Water Management (General) Regulation 2018

[1] Clause 117 Central Coast Council

Omit the clause.

[2] Clause 122 Application

Omit clause 122(b).

[3] Clause 123 Installation and maintenance of water service by owner

Insert “granted by the water supply authority under Division 5, Subdivision 3” after “permit” in clause 123(1)(a).

[4] Clause 123(2)

Omit the subclause.

[5] Clause 142

Omit the clause. Insert instead—

142 Application

This division applies to Essential Energy’s sewerage system.

[6] Clause 143 Installation and maintenance of sewerage service by owner

Insert “granted by the relevant water supply authority under Division 5, Subdivision 3” after “permit” in clause 143(1)(a).

[7] Clause 143(2)

Omit the subclause.

[8] Clause 190 Application

Omit clause 190(b).

[9] Part 9 Water supply authorities

Omit Division 8, Subdivision 5.