

Passed by both Houses



New South Wales

Local Government Amendment (Rates— Merged Council Areas) Bill 2017

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council
2017

Clerk of the Parliaments



New South Wales

Local Government Amendment (Rates— Merged Council Areas) Bill 2017

Act No , 2017

An Act to amend the *Local Government Act 1993* with respect to the maintenance of pre-merger rate paths for land in the areas of newly merged councils; and for related purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Local Government Amendment (Rates—Merged Council Areas) Act 2017*.

2 Commencement

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

Schedule 1 Amendment of Local Government Act 1993 No 30

Section 218CB

Insert after section 218CA:

218CB Transitional provision for maintenance of pre-amalgamation rate paths

- (1) The Minister may make a determination for the purpose of requiring a new council, in levying rates for land, to maintain the rate path last applied for the land by the relevant former council.
- (2) A determination applies to the levying of rates by the new council for the 3 rating years immediately following the rating year for which the relevant proclamation makes provision for the levying of rates (*the relevant period*).
- (3) Without limiting the content of a determination, a determination is to set out the methodology that the new council is to apply when setting rates for land for the relevant period, including in relation to the following:
 - (a) the structure of rates,
 - (b) the categorisation or subcategorisation of land for rating purposes,
 - (c) the calculation of the new council's notional general income for rating purposes,
 - (d) the treatment of any variation of a former council's notional general income under Part 2 of Chapter 15 that would have been applicable, had the amalgamation effected by the relevant proclamation not occurred, to the determination of rates and charges for land within the new area.
- (4) A determination must be published in the Gazette and may be revoked or varied only by a further determination of the Minister published in the Gazette.
- (5) While a determination is in force, the provisions of this Act that apply in relation to rates are modified to the extent necessary to give effect to the determination.
- (6) This section does not apply to a new council constituted before 12 May 2016.
- (7) This section does not affect any power to make a proclamation under this Part relating to rates.
- (8) Nothing in this section prevents Mid-Coast Council from making an application under section 508A during the relevant period.
- (9) A determination under this section is to take into account a determination under section 508A made on an application referred to in subsection (8).
- (10) A determination under section 508A made on an application referred to in subsection (8) has effect despite subsection (5).
- (11) Any prohibition that expressly prevents any new council from making an application under section 508A that is contained in the guidelines made under that section does not apply to Mid-Coast Council.
- (12) In this section:
former council, in relation to a new council, means a council of a former area.
new area means the area constituted by the amalgamation of areas (*former areas*) by the relevant proclamation.

new council means the council of a new area constituted by section 219.

relevant proclamation means the proclamation made pursuant to Part 1 of Chapter 9 that amalgamates former areas into the new area and constitutes the new council.