



New South Wales

Local Government and Valuation of Land Amendment (Water Rights) Act 2005 No 49

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Local Government Act 1993 No 30	2
4 Amendment of Valuation of Land Act 1916 No 2	2
5 Amendment of Water Management Act 2000 No 92	2
Schedule 1 Amendment of Local Government Act 1993	3
Schedule 2 Amendment of Valuation of Land Act 1916	5



New South Wales

Local Government and Valuation of Land Amendment (Water Rights) Act 2005 No 49

Act No 49, 2005

An Act to amend the *Local Government Act 1993* and the *Valuation of Land Act 1916* with respect to the levying of rates and charges and the valuation of land as a consequence of the *Water Management Act 2000* having severed certain water rights from the land to which those rights were formerly bound; and for other purposes. [Assented to 27 June 2005]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Local Government and Valuation of Land Amendment (Water Rights) Act 2005*.

2 Commencement

This Act commences, or is taken to have commenced, on 1 July 2005.

3 Amendment of Local Government Act 1993 No 30

The *Local Government Act 1993* is amended as set out in Schedule 1.

4 Amendment of Valuation of Land Act 1916 No 2

The *Valuation of Land Act 1916* is amended as set out in Schedule 2.

5 Amendment of Water Management Act 2000 No 92

The *Water Management Act 2000* is amended by omitting Schedule 8.29 [1], [2] and [8].

Schedule 1 Amendment of Local Government Act 1993

(Section 3)

- [1] **Section 512 Effect of contravening section 509, 510, 511 or 511A**
Omit “approval, and” from section 512 (1) (b) (ii). Insert instead “approval.”.
- [2] **Section 512 (1) (b) (iii)**
Omit the subparagraph.
- [3] **Chapter 15, Table headed “Rates and charges”**
Insert after “• Intensity of land use” the following matter:
- Irrigability of the land
- [4] **Section 529 Rate may be the same or different within a category**
Insert “, the irrigability of the land” after “land use” in section 529 (2) (a).
- [5] **Section 529 (4)**
Insert after section 529 (3):
- (4) Land may be taken to be irrigable for the purposes of subsection (2) (a) if, and only if, it is the subject of a water right within the meaning of the *Valuation of Land Act 1916*.
- [6] **Section 530 Ad valorem rate for the category “farmland”**
Omit the section.
- [7] **Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts**
Insert at the end of clause 1 (1):
- Local Government and Valuation of Land Amendment (Water Rights) Act 2005*

[8] Schedule 8

Insert at the end of the Schedule, with appropriate Part and clause numbers:

**Part Provisions consequent on enactment of
Local Government and Valuation of Land
Amendment (Water Rights) Act 2005**

Definition

In this Part, *2005 amending Act* means the *Local Government and Valuation of Land Amendment (Water Rights) Act 2005*.

Maximum rate increases for farmland during first 5 years

- (1) This clause applies to ordinary rates levied for the year commencing 1 July 2005 or any of the next 4 years following the commencement of the 2005 amending Act.
- (2) Subject to the provisions of any proclamation in force under section 213 or 218C, the amount that may be levied as an ordinary rate for any parcel of land in the category “farmland”, or any sub-category of that category, must not be more than 20 per cent above the amount levied as an ordinary rate for that parcel for the previous year.

Schedule 2 Amendment of Valuation of Land Act 1916

(Section 4)

[1] Section 4 Definitions

Omit the definition of *Water right* from section 4 (1). Insert instead:

water right means a right or authority (however described) under the *Water Management Act 2000*, the *Water Act 1912* or any other Act, being a right or authority to construct, install or use works of irrigation, or to use water supplied by works of irrigation.

[2] Section 6A Land value

Insert after section 6A (3):

- (4) For the purpose of determining the value of a water right, the value of any water secured by, or referable to, that right is to be ignored.

[3] Schedule 2 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Local Government and Valuation of Land Amendment (Water Rights) Act 2005

[4] Schedule 2, Part 4

Omit the Part. Insert instead:

**Part 4 Provisions consequent on enactment of
Local Government and Valuation of Land
Amendment (Water Rights) Act 2005**

14 Existing land values unaffected

The amendments made to this Act by the *Local Government and Valuation of Land Amendment (Water Rights) Act 2005* do not affect any valuations of land made before the commencement of those amendments.

[Second reading speech made in—
Legislative Assembly on 21 June 2005
Legislative Council on 22 June 2005]

BY AUTHORITY