



New South Wales

Local Government Amendment (Stormwater) Act 2005 No 70

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New South Wales

Local Government Amendment (Stormwater) Act 2005 No 70

Act No 70, 2005

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. [Assented to 19 October 2005]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Local Government Amendment (Stormwater) Act 2005*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Local Government Act 1993 No 30

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

Schedule 1 Amendments

(Section 3)

[1] Section 496A

Insert after section 496:

496A Making and levying of annual charges for stormwater management services

- (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.
- (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:
 - (a) owned by the Crown, and
 - (b) held under a lease for private purposes granted under the *Housing Act 2001* or the *Aboriginal Housing Act 1998*.

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.

[2] Section 505 Application of Part

Insert after section 505 (a) (iv):

- (v) annual charges for stormwater management services, and

[3] Section 505 (c)

Insert at the end of section 505 (b):

- , and
- (c) annual charges made and levied towards the cost of providing stormwater management services.

[4] Section 510A

Insert after section 510:

510A Maximum annual charge for stormwater management services

- (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.

- (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).

[5] Section 512 Effect of contravening section 509, 510, 510A, 511 or 511A

Insert “510A,” after “510,” in section 512 (1).

[6] Chapter 15, Table headed “Rates and charges”

Insert after “• Waste management services (other than domestic waste management services)” the following matter:

- Stormwater management services

[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 Amendment (Stormwater) Act 2005

[8] Dictionary

Insert in alphabetical order:

stormwater management service 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.

[Second reading speech made in—

Legislative Assembly on 13 September 2005

Legislative Council on 12 October 2005]

BY AUTHORITY