



New South Wales

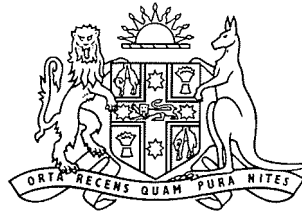
# Local Government Amendment (Rates— Merged Council Areas) Act 2017 No 8

## Contents

---

	Page
1 Name of Act	2
2 Commencement	2
<b>Schedule 1</b> <b>Amendment of Local Government Act 1993 No 30</b>	<b>3</b>

---



New South Wales

# **Local Government Amendment (Rates— Merged Council Areas) Act 2017 No 8**

Act No 8, 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. [Assented to 31 March 2017]

---

**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.

[Second reading speech made in—  
Legislative Council on 8 March 2017  
Legislative Assembly on 29 March 2017]