



New South Wales

# Water Management Amendment (Central Coast Council) Act 2024 No 49

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New South Wales

# Water Management Amendment (Central Coast Council) Act 2024 No 49

Act No 49, 2024

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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*. [Assented to 15 August 2024]

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**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.

[Second reading speech made in—  
Legislative Assembly on 21 June 2024  
Legislative Council on 8 August 2024]