



New South Wales

# Local Government (General) Amendment (Stormwater) Regulation 2006

under the

Local Government Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

KERRY HICKEY, M.P.,  
Minister for Local Government

## Explanatory note

The object of this Regulation is to amend the *Local Government (General) Regulation 2005*:

- (a) to prescribe the maximum amount that may be charged by a council for the provision of stormwater management services, and
- (b) to provide that certain information regarding stormwater management services is to be included in a council's draft management plan, and
- (c) to provide that a council's annual report is to include certain information relating to the provision of stormwater management services.

This Regulation is made under the *Local Government Act 1993*, including sections 403 (1), 428 (2) (r), 496A and 748 (the general regulation-making power).

## **2006 No 176**

Clause 1            Local Government (General) Amendment (Stormwater) Regulation 2006

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### **Local Government (General) Amendment (Stormwater) Regulation 2006**

under the

Local Government Act 1993

#### **1 Name of Regulation**

This Regulation is the *Local Government (General) Amendment (Stormwater) Regulation 2006*.

#### **2 Commencement**

This Regulation commences on 13 April 2006.

#### **3 Amendment of Local Government (General) Regulation 2005**

The *Local Government (General) Regulation 2005* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 3)

**[1] Clauses 125A and 125AA**

Insert after clause 125:

**125A Annual charges for stormwater management services**

- (1) For the purposes of section 496A of the Act, a council may make or levy an annual charge for stormwater management services only in respect of urban land that is categorised for rating purposes as residential or business.  
**Note.** Part 3 of Chapter 15 of the Act allows a council to categorise each parcel of land within its area.
- (2) A council may not make or levy an annual charge for the provision of stormwater management services in respect of a parcel of land if:
  - (a) the parcel of land is vacant land, or
  - (b) the parcel of land is subject to a special rate or charge that has been made for or towards meeting the cost of any works, services, facilities or activities the primary purpose of which is the provision of stormwater management services.
- (3) A council may not make or levy an annual charge for the provision of stormwater management services if the council has received an instrument from the Minister under section 508 or 508A of the Act which specifies the percentage by which the council may vary its income and the instrument imposes a condition with respect to that variation to the effect that the primary purpose of the variation is to fund stormwater management services.
- (4) A council may not make or levy an annual charge for the provision of stormwater management services for a parcel of land that exceeds:
  - (a) if the anticipated cost of providing stormwater management services to the parcel of rateable land is less than the maximum annual charge in respect of the parcel of rateable land—the anticipated cost, or
  - (b) if the anticipated cost referred to in paragraph (a) is equal to or greater than the maximum annual charge in respect of the parcel of rateable land—the maximum annual charge for the parcel of rateable land.

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Schedule 1 Amendments

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(5) In this clause:

*maximum annual charge*, in respect of a parcel of land, means the maximum annual charge that may be made or levied by a council in respect of the parcel of rateable land in accordance with clause 125AA.

*urban land* means land within a city, town or village.

### 125AA Maximum annual charge for stormwater management services

For the purposes of section 510A of the Act, the maximum annual charge for stormwater management services that may be levied in respect of a parcel of rateable land is:

- (a) for land categorised as residential—\$25, and
- (b) for land categorised as business—\$25, plus an additional \$25 for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres.

### [2] Clause 200A

Insert after clause 200:

#### 200A Additional matters to be included in draft management plans—stormwater management services

- (1) For the purposes of the fifth dot point of section 403 (1) of the Act, any activity relating to stormwater management services in respect of which the council proposes to levy an annual charge is prescribed as a matter with respect to which a draft management plan must contain a statement.
- (2) The statement in a draft management plan of a council relating to any proposed activity referred to in subclause (1) must include the following:
  - (a) particulars of the stormwater management services that are to be funded by the annual charge,
  - (b) particulars of the stormwater management services that are to be funded from sources other than the annual charge,
  - (c) particulars of any stormwater management services that are to be funded from the annual charge and from other sources noting the proportion funded from other sources,
  - (d) particulars of the council's proposed expenditure for the provision of stormwater management services.
- (3) If a council proposes to levy an annual charge for stormwater management services on land for which a relevant charge has

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been, or is to be, levied to fund works or activities that have as their primary purpose the provision of storm water management services, the statement referred to in subclause (1) must also include:

- (a) particulars of the activities to be funded by the relevant charge, and
  - (b) particulars of how those activities differ from those funded by the annual charge for stormwater management services, and
  - (c) particulars of the activities that are jointly funded by the relevant charge and the annual charge for stormwater management services, noting the proportion.
- (4) If a council proposes to levy an annual charge for stormwater management services on land that is subject to a catchment action plan, the statement referred to in subclause (1) must indicate that the council has considered the plan when preparing the statement.
- (5) In this clause:
- catchment action plan** has the same meaning as in the *Catchment Management Authorities Act 2003*.
- relevant charge** means any of the following:
- (a) a rate within the meaning of the *Hunter Water Act 1991*,
  - (b) a river management service charge, drainage service charge or flood mitigation service charge levied under section 310 to the *Water Management Act 2000*,
  - (c) a stormwater drainage area charge within the meaning of the *Sydney Water Act 1994*,
  - (d) a catchment contribution within the meaning of Schedule 4 to the *Catchment Management Authorities Act 2003*.

**[3] Clause 217 Additional information for inclusion in annual report**

Insert after clause 217 (1) (d):

- (e) if the council has levied an annual charge for stormwater management services—a comparison of the actual stormwater management services made available by the council during the year (measured in accordance with the criteria set out in the relevant management plan) with the projected stormwater management services that were proposed to be made available (outlined in the management plan relating to the year concerned), together with a statement of the reasons for any difference between them.

BY AUTHORITY