

Passed by both Houses



New South Wales

Local Government Amendment (Rates— Merged Council Areas) Bill 2017

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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.