

HUNTER DISTRICT WATER, SEWERAGE AND
DRAINAGE (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 64, 1975.

An Act to provide for the levying of differential rates with respect to residential land; to make further provision with respect to the postponement, in certain circumstances, of rates levied by the Hunter District Water Board; and for these and other purposes to amend the Hunter District Water, Sewerage and Drainage Act, 1938. [Assented to, 23rd October, 1975.]

BE

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Hunter District Water, Sewerage and Drainage (Amendment) Act, 1975".

Commencement.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Sections 4, 5 and 7 shall be deemed to have commenced on 1st July, 1975.

Principal Act.

3. The Hunter District Water, Sewerage and Drainage Act, 1938, is, in this Act, referred to as the Principal Act.

Differential rates applicable in respect of residential land for the period of 12 months commencing 1st July, 1975.

4. (1) In this section—

"board" means the Hunter District Water Board;

"company" means a company or foreign company within the meaning of the Companies Act, 1961;

"flat" means flat as defined in section 89A (1) of the Principal Act;

"mixed development land" means mixed development land as defined in section 89A (1) of the Principal Act, but does not include—

(a) any such land exceeding one hectare in area that is owned, either solely or jointly or in common with another person or persons, by a company, except land that is owned by a trustee company in the capacity of executor, administrator or trustee; or

(b)

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(b) any such land exceeding one hectare in area **No. 64, 1975** that is owned, either solely or jointly or in common with another person or persons, by a trustee company in the capacity of trustee for another company;

“residential land” means residential land as defined in section 89A (1) of the Principal Act, but does not include—

(a) any such land exceeding one hectare in area that is owned, either solely or jointly or in common with another person or persons, by a company, except land that is so owned by a trustee company in the capacity of executor, administrator or trustee; or

(b) any such land exceeding one hectare in area that is owned, either solely or jointly or in common with another person or persons, by a trustee company in the capacity of trustee for another company;

“trustee company” means a trustee company within the meaning of the Trustee Companies Act, 1964, or the Public Trustee.

(2) Subject to section 100 (7) of the Principal Act, subsections (3) and (4) shall apply, in respect only of the period of twelve months commencing on 1st July, 1975, or any part of that period, to and in respect of any water, sewerage or stormwater drainage rates charged by the board—

(a) on residential land on the basis of the unimproved value of that land; or

(b) on such part of mixed development land as is residential land on the basis of the unimproved value of that part.

(3)

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(3) The amount of rates payable in respect of residential land, other than residential land referred to in paragraph (c) of the definition of "residential land" in section 89A (1) of the Principal Act, shall be the aggregate of—

- (a) the amount of rates that would result from charging the rate levied by the board on so much of the unimproved value of the land as does not exceed \$7,000;
- (b) the amount of rates that would result from charging one-half of the rate so levied on so much (if any) of the unimproved value of the land as exceeds \$7,000 but does not exceed \$14,000; and
- (c) the amount of rates that would result from charging one-quarter of the rate so levied on so much (if any) of the unimproved value of the land as exceeds \$14,000.

(4) Where the rate is levied on the unimproved value of—

- (a) residential land, being residential land referred to in paragraph (c) of the definition of "residential land" in section 89A (1) of the Principal Act; or
- (b) such part of mixed development land as is residential land,

the amount of rates so levied that is payable in respect of the land shall be the aggregate of the rates that would be payable in respect of all of the flats comprised in the building on the land if each such flat were—

(c)

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(c) ratable as a separate parcel of land which had an ^{No. 64, 1975} unimproved value equal to an amount ascertained by dividing the unimproved value of the residential land referred to in paragraph (a) or of the part referred to in paragraph (b) by the number of flats comprised in the building on the land; and

(d) residential land to which subsection (3) relates.

(5) If the one-half or one-quarter of the rate referred to in subsection (3) (b) or (c) is an amount that contains more than four decimal places, one-half or one-quarter of that rate shall, for the purposes of subsection (3) (b) or (c), as the case may be, be that amount disregarding the decimal places in excess of four.

5. The Principal Act is amended by omitting from ^{Amendment of} paragraph (b) of the definition of "residential land" in section ^{Act No. 11, 1938.} 89A (1) the words "six acres" and by inserting instead the matter "2.5 hectares".

^{Sec. 89A.}
^(Interpretation.)

6. The Principal Act is further amended by inserting after ^{Further amendment of Act No. 11, 1938.} section 100 the following section :—

^{Sec. 100AA.}

100AA. Where the board, in respect of the period of twelve months commencing on 1st July, 1976, or any subsequent period of twelve months commencing on 1st July, determines that any water, sewerage or stormwater drainage rate shall be levied on the assessed annual value or the unimproved value of any residential land, or of that part of any mixed development land which is

residential

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residential land, the board may, by the resolution by which it makes that determination or by a subsequent resolution, determine that that rate shall differ according to any one or more of the following factors :—

- (a) the amount of the assessed annual value or the unimproved value of the land ;
- (b) the class or description of the land ; or
- (c) any other prescribed factor,

and the rates in respect of that land shall be payable accordingly.

Further
amendment
of Act No.
11, 1938.

Sec. 104B.
(Power to
reduce
rates.)

7. The Principal Act is further amended by omitting section 104B (7) and by inserting instead the following subsection :—

(7) The board shall postpone payment of such part of the rates levied in any rating year to which a determination or redetermination under subsection (2) or (5) relates as remains after calculating the amount of rates that would be payable in respect of that part of the unimproved value of the land other than the attributable part and deducting the amount so calculated from the whole amount of the rates so levied.