

1995—No. 423

**WATER BOARD(CORPORATISATION) ACT 1994—
REGULATION**

(Sydney Water Corporation Limited (Finance) Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Water Board (Corporatisation) Act 1994, has been pleased to make the Regulation set forth hereunder.

CRAIG KNOWLES, M.P.,
Minister for Urban Affairs and Planning.

Citation

1. This Regulation may be cited as the Sydney Water Corporation Limited (Finance) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. In this Regulation:

“**apportionment factor**”, in relation to mixed development land, means the apportionment factor for the land determined under the Valuation of Land Act 1916;

“**charge**” means an availability charge, a service charge or a stormwater drainage area charge;

“**Corporation**” means Sydney Water Corporation Limited referred to in the Act;

“**land**” includes an estate or interest in land;

“**mixed development land**” has the same meaning as it has in section 58C (1) of the Valuation of Land Act 1916;

“owner” of land includes the holder of an estate or interest in the land;

“the Act” means the Water Board (Corporatisation) Act 1994.

Objection to certain fees or charges

4. (1) If a fee or charge has been imposed on land on the basis of a classification of the land made by the Corporation according to:

- (a) the purpose for which the land is actually being used; or
- (b) a purpose for which the land is capable of being used,

the person liable to pay the fee or charge may, within 21 days after being served with notice of the fee or charge, object to the fee or charge.

(2) An objection may be made only on the ground that the classification of the land according to which the fee or charge was imposed was incorrect.

(3) An objection is to be made by lodging with the Corporation, or by serving on the Corporation by post, a written statement of the ground for the objection and the reasons why the objector believes the ground exists.

(4) The Corporation:

- (a) may allow, or disallow, an objection; and
- (b) must give the objector written notice of its decision on the objection.

Appeal relating to objection to fee or charge

5. (1) An objector under clause 4 who is dissatisfied with the decision of the Corporation on the objection may appeal to the Land and Environment Court against the decision not later than one month after being notified of the decision.

(2) The only ground for an appeal against a decision on an objection is the ground on which the objection was made.

(3) The Land and Environment Court may allow or dismiss an appeal in whole or in part.

Application of apportionment factor

6. A fee or charge that is imposed on mixed development land on the basis of the land value, or the assessed annual value, of the land is to be apportioned between the various parts of the land in accordance with any apportionment factor applicable to the land.

Repeal

7. (1) The Water Board (Finance) Regulation 1988 is repealed.

(2) Any act, matter or thing that was done for the purposes of or, immediately before the repeal of the Water Board (Finance) Regulation 1988, had effect under that Regulation is taken to have been done for the purposes of or to have effect under this Regulation.

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EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, in substantially the same form, such parts of the Water Board (Finance) Regulation 1988 (which was continued in force by the Water Board (Corporatisation) Act 1994) as are of continuing utility. The new Regulation deals with the following matters:

- (a) objections and appeals concerning the imposition of fees and availability charges, service charges and stormwater drainage area charges (clauses 4 and 5);
- (b) other minor, consequential or ancillary matters (clauses 1–3, 6 and 7).

This Regulation is made under the Water Board (Corporatisation) Act 1994, including section 106 (the general regulation-making power) and Schedule 9 (Savings, transitional and other provisions).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
