

1991—No. 602

CATCHMENT MANAGEMENT ACT 1989—REGULATION

(Hunter Catchment Management Trust Regulation 1991)

NEW SOUTH WALES



[Published in Gazette No. 163 of 22 November 1991]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Catchment Management Act 1989, has been pleased to make the Regulation set forth hereunder.

GARRY WEST

Minister for Conservation and Land Management.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Hunter Catchment Management Trust Regulation 1991.

Commencement

2. This Regulation commences on 22 November 1998.

Definitions

3. In this Regulation:

“**the Act**” Catchment Management Act 1989;

“**Trust**” means the Hunter Catchment Management Trust.

PART 2—TRUST AND PURPOSE AREA

Catchment management purpose of the Trust

4. For the purposes of section 26 of the Act, the total catchment management purpose of the Trust is to promote and co-ordinate the sustainable use and management of land, water, vegetation and other

natural resources in the Trust area on a water catchment basis, so as to balance resource utilisation and conservation.

Trust area

5. (1) The Trust is to prepare a map depicting its area.

(2) The map is to be retained in the office of the Trust and may be inspected by any person free of charge at any time when the office is open.

PART 3—CATCHMENT CONTRIBUTIONS

Division 1—Levy procedure

Basis of levying catchment contributions

6. For the purposes of section 41 of the Act, a catchment contribution is to be levied according to the land value within the meaning of the Valuation of Land Act 1916, of all land within the catchment contribution area that has a land value in excess of \$300 and is ratable for the time being under the provisions of the Local Government Act 1919.

Determination relating to catchment contributions

7. A determination for the purposes of section 43 of the Act is to be made by resolution of the Trust.

Service of notice of catchment contribution

8. A notice for the purposes of section 44 of the Act:

- (a) may be served personally or by post; and
- (b) may be served separately OH, if the Trust so resolves, together with or so as to form part of a council rate notice or other statutory notice served on the owner of the parcel of land in respect of which the relevant catchment contribution has been levied.

Division 2—Liability to pay contributions

Liability of joint owners

9. (1) If land is owned or held jointly by two or more persons liable to pay a catchment contribution in respect of the land:

- (a) they are each jointly and severally liable for payment of the catchment contribution; and

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- (b) as between themselves, each is only liable for such part of the catchment contribution as is proportionate to the interest owned or held by the person in the land.

(2) If one of the persons referred to in subclause (1) pays more than the proportionate part of a catchment contribution that the person is required by that subclause to pay, the excess may be recovered by way of contribution from the others jointly liable.

Liability on disposing of or acquiring land

10. (1) If a person:

- (a) disposes of any land; and
- (b) pays to the Trust a catchment contribution levied on the land that became payable after disposal of the land,

the person may recover the amount of the catchment contribution from the person who acquired the land.

(2) A person who:

- (a) becomes the owner of my land and
- (b) pays to the Trust a catchment contribution in respect of the land that was payable before the person became the owner,

may recover the whole or a proper proportion of the catchment contribution from the person liable for its payment at the time notice of it was served.

(3) Subclause (2) does not apply to a person who holds land under a lease from the Crown or the Trust (whether or not the land was previously held under such a lease) that was granted after the catchment contribution was levied or became applicable.

Daily basis of apportionment of catchment contribution

11. As between a person liable to pay a catchment contribution in respect of land and:

- (a) a person who acquires the land during the relevant charging year; or
- (b) the person from whom the land was acquired during the relevant charging year,

the catchment contribution is to be apportioned on a daily basis.

Liability of tenant

12. (1) A tenant of land in respect of which a catchment contribution has remained unpaid for at least one month after becoming due is liable for payment of the catchment contribution if the Trust serves on the tenant a notice requiring the payment to be made.

(2) A tenant who pays a catchment contribution in accordance with a notice served under subclause (1) may set off the amount paid against rent due.

(3) If no rent is due, or if the amount paid to the Trust exceeds the rent due, the tenant may:

- (a) set off the amount paid, or the excess, against accruing rent; or
- (b) recover the amount paid, or the excess, as a debt due from the owner to the tenant.

(4) A tenant who pays a catchment contribution for a period extending beyond the term of the tenancy may recover the amount paid as a debt due from the owner to the tenant.

(5) The receipt of the Trust for an amount paid under this clause is, to the extent of the amount shown in the receipt, a discharge of the tenant from payment of the rent.

(6) In this clause:

“**tenant**” includes any occupier;

“**rent**” includes money payable under a lease, licence or permit.

Division 3—Recovery of contributions**Collection of catchment contributions**

13. A local authority with whom the Trust has entered into an agreement for the collection of catchment contributions on behalf of the Trust must remit to the Trust as soon as practicable after the expiration of each month, but in all cases within 30 days after the collection of such contributions, the money collected by it In payment of the catchment contribution during that month less my amount the local authority is entitled to retain as commission in accordance with the agreement.

Interest on overdue contributions

14. For the purposes of section 48 of the Act, the maximum interest payable on overdue catchment contributions is the maximum interest applicable to the payment of overdue council rates for the time being under the provisions of the Local Government Act 1919.

General power to defer or waive payment

15. (1) The Trust may:

- (a) defer payment of a catchment contribution, or any other charge or fee, on such conditions as it thinks fit; or
- (b) waive such a payment or any part of it,

if the Trust is of the opinion that reasonable cause has been shown for the deferral or waiver.

(2) The Trust may establish an account from which to fund any such deferral or waiver.

PART 4—MISCELLANEOUS**Repeal**

16. (1) The Hunter Valley Catchment Management Trust (Transitional) Regulation 1990 is repealed.

(2) The provisions of clause 7 of that regulation are taken to continue to apply to catchment contributions for 1991 levied by the Trust.

Fee for certificate as to amount payable on parcel of land

17. For the purposes of section 51 of the Act, the prescribed fee is an amount equal to the fee charged by the local council covering the land in question for a certificate from the council containing particulars of the amount (if any) payable to the council in respect of council rates.

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EXPLANATORY NOTE

The object of this Regulation is prescribed matters ancillary to the operation of the Catchment Management Act 1989, in so far as that Act affects land within the jurisdiction of the Hunter Catchment Management Trust (that is, land within the catchment boundaries of the Hunter River).

In particular, the Regulation:

- (a) prescribes the catchment management purpose of the Trust; and
- (b) prescribes the basis for levying future catchment contributions; and
- (c) makes provision with respect to the interest that may be charged for late payment of contribution.

The Regulation repeals the Hunter Valley Catchment Management Trust (Transitional) Regulation 1990.
