



New South Wales

Hunter-Central Rivers Catchment Management Authority Regulation 2005

under the

Catchment Management Authorities Act 2003

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Catchment Management Authorities Act 2003*.

CRAIG KNOWLES, M.P.,
Minister for Natural Resources

Explanatory note

The object of this Regulation is to provide for the levying of catchment contributions within catchment contribution area of the Hunter-Central Rivers Catchment Management Authority (*the Authority*).

This Regulation deals with the following matters:

- (a) the procedure for the levying of contributions to the Authority from owners of land within a catchment contribution area,
- (b) the liability of owners of such land to pay contributions so levied,
- (c) the recovery of contributions so levied from the owners of such land,
- (d) other matters of a formal, minor or ancillary nature.

This Regulation is made under the *Catchment Management Authorities Act 2003*, and, in particular, under section 40 (the general regulation-making power) and clauses 2, 4, 7, 11 and 14 of Schedule 4 to the Act.

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Hunter-Central Rivers Catchment Management Authority Regulation 2005

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Catchment Management Authorities Act 2003

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Hunter-Central Rivers Catchment Management Authority Regulation 2005*.

2 Definitions

- (1) In this Regulation:
 - catchment contribution* has the same meaning as in Schedule 4 to the Act.
 - catchment contribution area* has the same meaning as in Schedule 4 to the Act.
 - the Act* means the *Catchment Management Authorities Act 2003*.
 - the Authority* means the Hunter-Central Rivers Catchment Management Authority.
 - the Board* means the Hunter-Central Rivers Catchment Management Authority Board.
- (2) Notes included in this Regulation do not form part of this Regulation.

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Clause 3 Hunter-Central Rivers Catchment Management Authority Regulation 2005

Part 2 Levying of catchment contributions

Part 2 Levying of catchment contributions

3 Authority may levy catchment contributions

- (1) For the purpose of clause 2 (2) (b) of Schedule 4 to the Act, the Authority is authorised to levy a catchment contribution on any land within its area of operations that is within a catchment contribution area.
- (2) A map depicting land within a catchment contribution area, within the area of operations of the Authority, is to be retained in the office of the Authority and may be inspected by any person free of charge at any time the office is open.

4 Basis of levying catchment contributions

For the purpose of clause 4 (1) of Schedule 4 to the Act, a 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 *Local Government Act 1993*.

5 Determinations relating to catchment contributions

The Authority must not make a determination under clause 6 (1) of Schedule 4 to the Act unless a draft of the proposed determination is made available to each of the members of the Board before making such a determination.

6 Service of notice

A notice for the purposes of clause 7 (2) of Schedule 4 to the Act:

- (a) may be served personally or by post, and
- (b) may be served separately or, if the Authority so decides, 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 a catchment contribution has been levied.

Part 3 Liability to pay catchment contributions

7 Expenses of tracing persons

- (1) The Authority may add to the amount of catchment contribution any reasonable expenses incurred in tracing the person liable to pay the catchment contribution.
- (2) Those expenses may be recovered as catchment contributions at the same time as any catchment contributions and without the need to give notice concerning them.

8 Liability of joint owners

- (1) If land within the catchment contribution area is owned or held jointly by 2 or more persons:
 - (a) they are jointly and severally liable for payment of the catchment contribution in respect of the land, and
 - (b) as between themselves, each is liable only for such part of the contribution as is proportionate to the interest owned or held by the person in the land.
- (2) If one of those persons pays more than that person's proportionate part of a catchment contribution, he or she may recover the excess by way of contribution from the other persons.

9 Liability on disposing of land

- (1) The liability of a person to pay a catchment contribution in respect of any land does not cease on disposal of the land if notice of the contribution, in a form approved by the Authority:
 - (a) was given before disposal of the land, or
 - (b) is given after the disposal of the land, but before notice of the disposal is given to the Authority.
- (2) If a person:
 - (a) disposes of any land, and
 - (b) pays a contribution levied on the land that became payable to the Authority after disposal of the land and before the notice of the disposal is given to the Authority,the person may recover the amount of the catchment contribution from the person who acquired the land.
- (3) Without limiting subclause (1), a person is taken to have given notice of the disposal of the land if notice of the disposal is lodged with the Registrar-General in accordance with the *Conveyancing Act 1919* or the *Real Property Act 1900* (as the case may be).

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Clause 10 Hunter-Central Rivers Catchment Management Authority Regulation 2005

Part 3 Liability to pay catchment contributions

10 Daily basis of apportionment of catchment contribution

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

- (a) a person who acquires the land, or
- (b) the persons from whom the land was acquired,

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

11 Liability of new owner

- (1) A person who, by becoming the owner of land, becomes liable to pay a catchment contribution levied on the land is liable for payment of all current catchment contributions, and all arrears of contributions, levied on the land even if notice of them was not given to the person until after the person became the owner of the land.

- (2) A person who:

- (a) becomes the owner of land, and
- (b) pays to the Authority 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 persons liable for the payment at the time the notice was served.

12 Proportionate liability for catchment contributions

- (1) A catchment contribution is proportionate to the portion of the year for which the land is leviable and to the portion of the land that is leviable.
- (2) If an amount of catchment contribution is paid in excess of the liability for a catchment contribution because of the operation of this clause, the Authority:
 - (a) must refund the amount of the excess, or
 - (b) must credit it towards payment of any amount then payable to the Authority by the person who would otherwise be entitled to a refund.

Part 4 Recovery of catchment contributions

13 Collection of catchment contributions

An appropriate local agency with which the Authority has entered into an agreement for the collection of contributions on behalf of the Authority under clause 9 of Schedule 4 to the Act must remit to the Authority, 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 contribution during that month, less any amount the local agency is entitled to retain as a commission in accordance with the agreement.

14 Interest on overdue contributions

For the purpose of clause 11 (1) of Schedule 4 to the Act, the prescribed rate of interest is equal to the rate of interest set by the local council under section 566 of the *Local Government Act 1993* for unpaid rates and charges for the local government area in which the land concerned is located.

15 Waiver or deferral of payment

The Authority may:

- (a) defer payment of a catchment contribution, or
- (b) waive payment of a catchment contribution or any part of it, in the case of hardship.

16 Fee for certificate as to amount payable on land

For the purpose of clause 14 (1) of Schedule 4 to the Act, the prescribed fee is an amount equal to the fee charged by the local council for the local government area in which the land concerned is located for a certificate from the local council containing particulars of the amount (if any) payable to the local council in respect of council rates.

Note. A certificate issued under clause 14 of Schedule 4 to the Act contains particulars of the amounts payable (if any) to the authority in respect of a parcel of land. Amounts payable to an authority may include amounts that a person has to pay to the authority by virtue of clause 3 of Schedule 6 to the Act. Clause 3 of Schedule 6 to the Act provides that the assets and liabilities of a committee or trust under the *Catchment Management Act 1989* become the assets and liabilities of the authority whose area of operations includes the majority of the area of operations of the committee or trust under the *Catchment Management Act 1989*.

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Clause 17 Hunter-Central Rivers Catchment Management Authority Regulation 2005

Part 5 Miscellaneous

Part 5 Miscellaneous

17 Savings and transitional provisions

- (1) An arrangement between the Hunter Catchment Management Trust and an appropriate local agency under section 46 of the *Catchment Management Act 1989* that was in force immediately before the repeal of that Act is taken to be an arrangement between the Authority and the appropriate local agency under clause 9 of Schedule 4 to the *Catchment Management Authorities Act 2003*.
- (2) Without limiting subclause (1), an arrangement to which that subclause applies is subject to the same terms and conditions applicable to the arrangement immediately before the repeal of the *Catchment Management Act 1989*.

BY AUTHORITY
