

Water Management (Upper Parramatta River Catchment Trust) Regulation 2000

[2000-549]



New South Wales

Status Information

Currency of version

Repealed version for 1 January 2001 to 25 August 2005 (accessed 16 July 2024 at 16:15)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Previously named**
Water Supply Authorities (Upper Parramatta River Catchment Trust) Regulation 2000
- **Note**
The *Water Management (Upper Parramatta River Catchment Trust) Regulation 2000* (formerly *Water Supply Authorities (Upper Parramatta River Catchment Trust) Regulation 2000*) made under the *Water Supply Authorities Act 1987* is on and from 1.1.2001 taken to be a regulation under the *Water Management Act 2000 No 92*. See clause 25 of Schedule 9 to the *Water Management Act 2000*.
- **Repeal**
The Regulation was repealed by cl 3 of the *Water Management (Water Supply Authorities) Amendment Regulation 2005 (508)* (GG No 107 of 26.8.2005, p 5972) with effect from 26.8.2005.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the *Interpretation Act 1987*.

File last modified 26 August 2005

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New South Wales

Contents

Part 1 Preliminary	4
1 Name of Regulation	4
2 Commencement	4
3 Definitions	4
4 Area of operations of Trust.....	4
5 Functions of Trust.....	5
Part 2 Service charges and other charges	5
6 Classification of land.....	5
7 Basis of levying service charges.....	5
8 Determinations by Trust	5
9 Payment to Trust.....	5
10 Payment by instalments	5
11 (Repealed)	6
12 Adjustment of service charge	6
13 Objection to certain service charges	6
14 Appeal relating to objection to service charge	7
15 General power to defer or waive payment	7
Part 3 Flood plain and river management area	7
16 Notice of flood plain or river management area	7
Part 4 Miscellaneous	8

17 (Repealed)	8
18 Service of notices	9
19 Recording of service charge	9
20-28 (Repealed)	10
29 Savings provision.....	10

Water Management (Upper Parramatta River Catchment Trust) Regulation 2000



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Water Management (Upper Parramatta River Catchment Trust) Regulation 2000*.

2 Commencement

This Regulation commences on 1 September 2000.

Note—

This Regulation replaces the *Water Supply Authorities (Upper Parramatta River Catchment Trust) Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

land includes an estate or interest in land.

owner of land includes the holder of an estate or interest in the land.

the Act means the *Water Management Act 2000*.

Trust means the Upper Parramatta River Catchment Trust.

(2) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

4 Area of operations of Trust

For the purposes of section 289 (1) of the Act, the area of operations of the Trust is the area shown bounded by a red line on the map numbered 45/1203 deposited in the office of the Department of Land and Water Conservation at Parramatta, not including the area shown bounded by a red line on the map marked “Upper Parramatta River Catchment Trust—Excluded Area” deposited in that office.

5 Functions of Trust

For the purposes of section 289 (2) (b) of the Act, the Trust has, and may exercise, in its area all the functions of an Authority under the Act other than functions relating to the supply of water, the provision of sewerage services and the disposal of trade waste and waste water.

Part 2 Service charges and other charges

6 Classification of land

For the purposes of section 313 (Classification of lands) of the Act, the Trust may classify land for the purpose of levying service charges according to either or both of the following factors:

- (a) the purpose for which the land is actually being used,
- (b) the intensity with which the land is being used for that purpose.

7 Basis of levying service charges

For the purposes of section 314 (Basis of levying service charges) of the Act, the Trust may levy service charges according to either or both of the following bases:

- (a) a flat rate for all land of a particular classification,
- (b) the area of the land on which the service charge is being levied.

8 Determinations by Trust

A determination referred to in section 315 (1) of the Act is to be made by resolution of the Board of the Trust.

9 Payment to Trust

Payment to the Trust of a service charge:

- (a) is due within the time, and
- (b) may be made in any manner,

notified by the Trust when giving notice of the service charge.

10 Payment by instalments

- (1) The Trust may notify a person liable to pay service charges levied, or other charges imposed, that payment of the service charges or other charges may be made to the Trust by a stated number of instalments of specified amounts.
- (2) If there is a failure to make a payment in accordance with the notification, the total unpaid balance may be treated by the Trust as an overdue amount of service charges

or other charges even if payment by instalments had commenced.

11 (Repealed)

12 Adjustment of service charge

- (1) If a service charge has been levied on land on the basis of a classification made by the Trust under clause 6 and the Trust later decides that the classification was incorrect, the Trust is to adjust the service charge according to the correct classification.
- (2) If the Trust does not adjust the service charge and an application for it to do so is made to the Trust in writing stating the grounds of the application, the Trust:
 - (a) may adjust the service charge or may refuse to do so, and
 - (b) must give the applicant written notice of its decision.
- (3) If a service charge is adjusted under this clause, the Trust:
 - (a) must give written notice of the adjustment to the person liable to pay the service charge, and
 - (b) may recover any increase as if it were part of the service charge even if an objection or appeal has been lodged but not determined, and
 - (c) must refund any amount by which a service charge already paid has been decreased or credit the amount towards payment of any amount then payable by the person liable to pay the service charge to the Trust.

13 Objection to certain service charges

- (1) If a service charge is levied on land on the basis of a classification made by the Trust under clause 6, the person liable to pay the service charge may, within one month after being served with notice of the levying of the service charge, object to the service charge.
- (2) If an adjustment made under clause 12 results in a service charge being increased, the person liable to pay the amount of the increase may, within one month after being given notice of the increase, object to the adjustment.
- (3) If application is made to the Trust under clause 12 to adjust a service charge and the Trust:
 - (a) refuses to adjust the service charge, or
 - (b) refuses to adjust the service charge in the manner sought in the application, the applicant may, within one month after being notified of the refusal, object to the refusal.

- (4) An objection:
 - (a) under subclause (1) may be made only on the ground that the classification of the land according to which the service charge was levied was incorrect, and
 - (b) under subclause (2) may be made only on the ground that the classification of the land according to which the service charge was adjusted was incorrect, and
 - (c) under subclause (3) may be made only on the ground that the refusal by the Trust was incorrect.
- (5) An objection is to be made by lodging with the Trust, or by serving on the Trust by post, a written statement of the ground for the objection and the reasons why the objector believes the ground exists.
- (6) The Trust:
 - (a) may allow, or disallow, an objection, and
 - (b) must give the objector written notice of its decision on the objection.

14 Appeal relating to objection to service charge

- (1) An objector under clause 13 who is dissatisfied with the decision of the Trust 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.

15 General power to defer or waive payment

- (1) The Trust may, if it is of the opinion that reasonable cause has been shown:
 - (a) defer payment of a service charge, or any other charge or fee, on such conditions as it thinks fit, or
 - (b) waive such a payment or any part of it.
- (2) The Trust may establish an account from which to fund the deferral or waiver of payments.

Part 3 Flood plain and river management area

16 Notice of flood plain or river management area

- (1) The Trust must keep in its office a map of any flood plain or river management area within its area.

- (2) The Trust must make the map available for inspection at reasonable times during its ordinary office hours.
- (3) The Trust must publish in at least one newspaper circulating in the flood plain or the river management area, as the case may be, a notice to the effect that:
 - (a) the land concerned has been declared to be a flood plain or a river management area, and
 - (b) a map of the flood plain or river management area may be inspected at a specified place or specified places, and
 - (c) flood mitigation service charges or river management service charges, as the case may be, are to be levied on land in the flood plain or river management area within a specified time, and
 - (d) an objection to the inclusion of an owner's land in the flood plain or river management area may be lodged with the Trust but only on the ground:
 - (i) in the case of land within a flood plain—that the land does not benefit from flood mitigation services proposed to be undertaken, or
 - (ii) in the case of land within a river management area—that the surface or run-off water from the land does not drain onto other land within the area, and
 - (e) an objection must be in writing and must be lodged with the Trust before a specified day (being a date that is not earlier than 14 days after the publication of the notice), and
 - (f) an objection will be referred by the Trust to an adjudicator for determination, and
 - (g) an objector is not entitled to appear, or to be represented, before the adjudicator without being required by the adjudicator to do so.
- (4) The Trust must:
 - (a) appoint a person (other than a person subject to the direction or control of the Trust) as an adjudicator on objections relating to the flood plain or river management area, and
 - (b) refer all duly lodged objections to the adjudicator, and
 - (c) serve personally or by post on each objector, at the address of the objector last known to the Trust, notice of the decision of the adjudicator on the objection.

Part 4 Miscellaneous

17 (Repealed)

18 Service of notices

- (1) A notice under the Act to a Department of the Government may be served on the Department Head.
- (2) A notice under the Act to a corporation constituted by or under an Act may be served:
 - (a) by leaving it at the principal or other office of the corporation with a person apparently employed there who seems to be at least 16 years old, or
 - (b) in any manner authorised by or under the Act by which the corporation is constituted.
- (3) A notice under the Act to a person liable for payment of a service charge or other charge, or to a person who is owner or occupier of land or a building, may be served:
 - (a) personally, or
 - (b) by leaving it, at the place where the person to be served lives or carries on business, with a person apparently employed or residing there who seems to be at least 16 years old, or
 - (c) by post to the residence or place of business of the person to be served last known to the Trust, or
 - (d) by affixing it to a conspicuous part of the land or building.
- (4) A notice under the Act may be served on a person who appears to be absent from the State, and who has authorised service on an agent, by serving it on the agent of the person as if the agent were the person to be served.
- (5) If a notice relates to unoccupied land or premises and the address of the owner is not known to the Trust, the notice may be served by an advertisement that:
 - (a) is published in a newspaper circulating in the Trust's area, and
 - (b) states the name of the owner of the land or premises, if known to the Trust, and
 - (c) if the notice is notice of a service charge—states its amount, the period to which the charge relates and that a detailed notice of the service charge may be obtained at the office of the Trust, and
 - (d) states that the advertisement operates as service of the notice.
- (6) It is a sufficient description of the addressee of a notice to be served if the notice specifies "the owner", "the occupier" or other apt description.

19 Recording of service charge

- (1) The Trust must keep records relating to each service charge as required by the

Ministerial Corporation and must keep the records in a manner approved by the Ministerial Corporation.

- (2) An amendment of the records kept under this clause may be made by:
- (a) inserting the name of a person who claims to be, and is, entitled to be recorded as owner or occupier, or
 - (b) inserting the name of a person to whom an account for a service charge should have been rendered or who has, since the levying of a service charge, become liable to pay it, or
 - (c) omitting the name of a person whose name should not have been recorded, or
 - (d) increasing or reducing the amount of a service charge, whether as a result of an error in recording or notifying it, as a result of an adjustment or objection or as a result of an appeal, or
 - (e) inserting particulars of land that should have been the subject of a service charge, or
 - (f) by making such other amendments as will ensure conformity of the records with the Act.
- (3) A liability to make a payment as a result of an amendment accrues on the making of the amendment but the payment is not overdue if made within one month after notice of the amendment and of the resulting liability has been given to the person liable.

20-28 (Repealed)

29 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Water Supply Authorities (Upper Parramatta River Catchment Trust) Regulation 1995*, had effect under that Regulation is taken to have effect under this Regulation.