

Water Management (Water Supply Authorities—Finance) Regulation 1996

[1996-149]



New South Wales

Status Information

Currency of version

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Provisions in force

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

Notes—

- **Previously named**
Water Supply Authorities (Finance) Regulation 1996
- **Note**
The *Water Management (Water Supply Authorities—Finance) Regulation 1996* (formerly *Water Supply Authorities (Finance) Regulation 1996*) 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The Regulation was repealed by the *Subordinate Legislation Act 1989 No 146*, sec 10 (2) with effect from 1.9.2004.

Authorisation

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File last modified 1 September 2004

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New South Wales

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Water Management (Water Supply Authorities—Finance) Regulation 1996



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation may be cited as the *Water Management (Water Supply Authorities—Finance) Regulation 1996*.

2 Commencement

This Regulation commences on 1 May 1996.

3 Application of Regulation

This Regulation applies to the following Authorities:

- (a) Australian Inland Energy Water Infrastructure,
- (b) Cobar Water Board,
- (c) Gosford City Council,
- (d) Wyong Shire Council.

4 Definitions

In this Regulation:

apportionment factor means an apportionment factor determined under the *Valuation of Land Act 1916*.

Authority means a water supply authority.

dwelling means a room or suite of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate place of living.

land includes an estate or interest in land.

mixed development land has the same meaning as it has in section 14X (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 Management Act 2000*.

5 Area of operations of Authorities

For the purposes of section 13 (1) of the Act:

- (a) Australian Inland Energy Water Infrastructure's area of operations is the area of land shown cross-hatched on the map marked "Area of Operations of Broken Hill Water Board" deposited in the office of Australian Inland Energy Water Infrastructure, and
- (b) Cobar Water Board's area of operations is the area shown on the plan numbered 54524 and deposited in the office of Cobar Shire Council, and
- (c) Gosford City Council's area of operations is its area under the *Local Government Act 1993*, and
- (d) Wyong Shire Council's area of operations is its area under the *Local Government Act 1993*.

Part 2 Service charges and other charges

6 Fees and charges other than service charges

The fees and charges (other than service charges) that an Authority may, under section 310 (2) of the Act, impose for goods supplied, or for services provided, are to be determined by resolution.

7 Classification of land

For the purposes of section 313 of the Act, an Authority may classify land for the purpose of levying service charges according to one or more 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,
- (c) the purposes for which the land is capable of being used,
- (d) the nature and extent of water and sewerage services connected to the land.

8 Basis of levying service charges

(1) For the purposes of section 314 of the Act, an Authority may levy service charges according to one or more of the following bases:

- (a) the land value of the land within the meaning of the *Valuation of Land Act 1916*,

- (b) the assessed annual value of the land within the meaning of the *Valuation of Land Act 1916*,
 - (c) the nominal size of the water service pipe supplying water to the land,
 - (d) the size of the water meter registering water supply to the land,
 - (e) the nominal size of the sewerage service pipe discharging sewage from the land,
 - (f) the area of the land,
 - (g) the cost of providing the service, as assessed by the Authority,
 - (h) the degree of use of the service, as assessed by the Authority,
 - (i) the classification of the land, as determined by the Authority under clause 7.
- (2) A determination to levy service charges on a basis specified in subclause (1) (a) or (b) must specify the base date that is to apply.
- (3) For the purposes of subclause (1) (c), the nominal size of a water service pipe supplying water to land is:
- (a) the nominal size of the pipe at the point where it joins the water meter registering water supply to the land, or
 - (b) if there is no such water meter—the nominal size of the pipe at the point where it joins the Authority’s water main.
- (4) For the purposes of subclause (1) (e), the nominal size of the sewerage service pipe discharging sewage from the land is the nominal size of the pipe at the point where it joins the Authority’s sewer.
- (5) In this clause, **nominal size** has the same meaning as **nominal size (DN)** has in Australian Standard Specification number AS3500.0-1990 entitled “National plumbing and drainage code” of the Standards Association of Australia.

9 Method of levying service charge on dwelling under company title

- (1) For the purposes of this Regulation:
- (a) a person who, because of the ownership of shares in a company, is entitled to occupy a dwelling in a building containing 2 or more such dwellings is taken to be the owner of the land comprising the dwelling, and
 - (b) the land value of the land is that proportion of the land value of the land on which the building is erected as the number of shares in the company owned by the person bears to the total number of shares issued by the company.
- (2) The secretary of such a company must notify the Authority of:

- (a) the names and addresses of all owners of shares in the company and of the number of shares issued to each owner, and
 - (b) changes in ownership of any shares in the company.
- (3) A service charge is not payable by the company to the extent to which it is payable by the owners of shares in the company.

10 Determinations by Authority

A determination made by an Authority under section 315 (1) of the Act is to be made by resolution.

11 Application of apportionment factor

A service charge that is levied 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 the apportionment factor for the land.

12 Payment of service charges and other charges

Payment to an Authority of a service charge or other charge:

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

notified by the Authority when giving notice of the service charge or other charge.

13 Payment by instalments

- (1) An Authority 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 Authority 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 Authority as an overdue amount of service charges or other charges even if payment by instalments had commenced.

14 (Repealed)

15 General power to defer or waive payment of service charges or other charges or fees

- (1) An Authority may, if 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) An Authority may establish an account from which to fund any such deferral or waiver.

16 Adjustment of service charge

- (1) If a service charge has been levied on land on the basis of a classification made by an Authority under clause 7 and the Authority later decides that the classification was incorrect, the Authority is to adjust the service charge according to the correct classification.
- (2) If a service charge has been levied, or has been adjusted under subclause (1), on land on the basis of a classification made by an Authority under clause 7 and the land later ceases to belong to that class, the Authority is to adjust the service charge according to the new classification, on and from the date of the change of classification.
- (3) If an apportionment factor on which a service charge in respect of mixed development land is based ceases to be appropriate and is redetermined, the Authority is to adjust the service charge on the basis of the redetermined apportionment factor from the date of the redetermination.
- (4) An adjustment may take into account more than one change of class or redetermination of an apportionment factor occurring or made during the period to which the adjustment relates.
- (5) If the Authority has not acted under subclause (1), (2), (3) or (4) and an application for it to do so is made to the Authority in writing stating the grounds of the application, the Authority:
 - (a) may act under subclause (1), (2), (3) or (4) or may refuse to do so, and
 - (b) must give the applicant written notice of its decision.
- (6) If a service charge is adjusted under this clause, the Authority:
 - (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 Authority.

17 Objection to certain service charges

- (1) If a service charge is levied on land on the basis of a classification made by an Authority under clause 7, 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 16 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 an Authority under clause 16 to adjust a service charge and the Authority:
 - (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, or
 - (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, or
 - (c) under subclause (3) may be made only on the ground that the refusal by the Authority was incorrect.
- (5) An objection is to be made by lodging with the Authority, or by serving on the Authority by post, a written statement of the ground under subsection (4) for the objection and the reasons why the objector believes the ground exists.
- (6) An Authority:
 - (a) may allow, or disallow, an objection, and
 - (b) must give the objector written notice of its decision on the objection.

18 Appeal relating to objection to service charge

- (1) An objector under clause 17 who is dissatisfied with the decision of the Authority 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.

Part 3 Reduction and postponement of service charges and other

charges

Division 1 Preliminary

19 Application of Part

- (1) This Part applies to the reduction and postponement of service charges and other charges levied by an Authority that is not a local government council.
- (2) In the case of an Authority that is a local government council, the provisions of the *Local Government Act 1993* (and the regulations under that Act) that apply to the reduction and postponement of rates and charges under that Act apply to the reduction and postponement of service charges and other charges under the *Water Management Act 2000*.
- (3) Subclause (2) does not extend to the requirement, under section 581 of the *Local Government Act 1993*, for councils to be reimbursed for a proportion of amounts written off under that Act.

20 Definitions

- (1) In this Part:

consumption charge means a charge (other than a service charge) imposed by an Authority for the consumption of water.

eligible pensioner, in relation to a dwelling, means a person who occupies the dwelling as his or her sole or principal place of living and:

- (a) who receives a pension, benefit or allowance under Chapter 2 of the *Social Security Act 1991* of the Commonwealth, or a service pension under Part III of the *Veterans' Entitlements Act 1986* of the Commonwealth, and who is the holder of a pensioner concession card issued by or on behalf of the Commonwealth, or
- (b) who receives a pension from the Commonwealth Department of Veterans' Affairs as:
 - (i) the widow or widower of a member of the Australian Defence or Peacekeeping Forces, or
 - (ii) the unmarried mother of a deceased unmarried member of either of those Forces, or
 - (iii) the widowed mother of a deceased unmarried member of either of those Forces,

and does not have income and assets that would prevent the person from being granted a pensioner concession card (assuming he or she was eligible for such a

card), or

- (c) who receives a special rate of pension under section 24 of the *Veterans' Entitlements Act 1986* of the Commonwealth.

instalment, in relation to a service charge, means an instalment payable under clause 13 in respect of the charge.

service charge includes an instalment of a service charge.

water service charge includes a drainage service charge levied in conjunction with the water service charge.

- (2) In this Part, a reference to the time at which a service charge is levied is, in the case of an instalment of the service charge, a reference to the time at which the instalment is due for payment.

Division 2 Reductions for pensioners

21 When entitlement arises

An Authority is to reduce a service charge under this Division if:

- (a) an application for the reduction is made to the Authority by an eligible pensioner, and
- (b) as at the day on which the service charge is levied, the Authority is satisfied that the eligible pensioner is solely or jointly liable for payment of the service charge, and
- (c) evidence is produced to the Authority sufficient to enable the reduction to be calculated.

22 Eligible pensioner solely liable or jointly liable for service charge

- (1) An eligible pensioner who is liable for any service charge for land is entitled to a reduction in the amount that he or she is liable to pay, for all service charges for that land, of an amount equal to his or her nominal liability for all service charges for the land divided by the total number of persons by whom those service charges are payable.
- (2) For the purposes of this clause, an eligible pensioner's nominal liability for all service charges for land is the lesser of the following amounts:
 - (a) an amount equivalent to one half of the sum of all service charges payable for that land in respect of the current charging period, or
 - (b) an amount equivalent to:
 - (i) the amount specified by the Minister, for the purposes of this clause, by order published in the Gazette, or

- (ii) if the only service charge payable for that land is a water service charge, one half of the amount referred to in subparagraph (i).

23 Reduction of instalment

The amount of reduction of an instalment to which an eligible pensioner is entitled is (subject to any necessary adjustment in the case of unequal instalments) an amount equal to the amount of the reduction that would have been authorised under this Division if:

- (a) the person liable to pay the service charge of which the instalment is a part had been entitled to a reduction of the service charge under this Division at the time it was levied, and

- (b) the service charge had not been paid by instalments,

divided by the number of instalments payable divided by the total number of persons by whom the service charges or water service charge for that land are or is payable.

24 Application by person who becomes eligible pensioner after charge or contribution is levied

If a person becomes an eligible pensioner after the day on which a service charge or consumption charge is levied, the person is entitled to a reduction of the service charge or consumption charge proportionate to the number of days remaining after the day on which the person becomes an eligible pensioner in the year in which the service charge or consumption charge is levied.

Division 3 Other reductions

25 Extension of reduction to avoid hardship

- (1) If the Minister considers it proper to do so to avoid hardship, the Minister may, by order, direct that:

- (a) a person specified in the order:

- (i) who occupies a dwelling as his or her sole or principal place of living together with an eligible pensioner for whom the dwelling is his or her sole or principal place of living, and

- (ii) who is jointly liable with that eligible pensioner or with that eligible pensioner and one or more other persons for a service charge for the land on which that dwelling is situated, and

- (iii) who would not otherwise be entitled to a reduction of the service charge under this Part, or

- (b) any person belonging to a class of persons specified in the order, being persons

referred to in paragraph (a),

is taken, for the purposes of this Part, to be or to have been an eligible pensioner.

(2) If the Minister considers it proper to do so to avoid hardship, the Minister may, by order, direct that:

(a) an eligible pensioner specified in the order who, although not liable, or although not liable jointly with one or more persons, to do so, has, for a period as, in the opinion of the Minister, warrants the making of the order under this clause, paid the whole of the service charges for the land on which that dwelling is situated or is, in the opinion of the Minister, likely to pay the whole of the service charges in circumstances that in the opinion of the Minister to warrant the making of an order under this subclause, or

(b) any person belonging to a class of persons specified in the order, being persons referred to in paragraph (a),

is taken, for the purposes of this Part, to be or to have been the person solely liable in respect of the land on which the dwelling is situated.

(3) An order under this clause:

(a) takes effect on the day that it is made or on such earlier or later day as is specified in the order, and

(b) has effect according to its terms.

Division 4 General provisions concerning reductions

26 Making of application

(1) An application to an Authority under this Part must be made to the Authority within the time, and in the manner, determined by the Authority.

(2) A person who makes a wilfully false statement in an application under this Part is guilty of an offence.

Maximum penalty: 20 penalty units.

27 Refund of certain overpayments

If a person:

(a) has paid in full a service charge or consumption charge for a charging year, and

(b) would have been entitled to a reduction of the service charge or consumption charge if it had been paid by instalments, and

(c) applies to the Authority for a refund of the amount of the reduction,

the Authority must make the refund or credit the amount towards payment of any amount then payable in relation to the land concerned by the person liable to pay the amount to the Authority.

28 Exoneration from liability

An eligible pensioner is not liable for a service charge or consumption charge beyond the amount of his or her liability as reduced in accordance with this Part.

29 Recovery of amount of reduction

An Authority is not entitled to repayment of an amount by which a service charge or consumption charge is reduced under this Part unless the reduction was made on the basis of a false statement in the application for the reduction.

Division 5 Postponement of service charges

30 (Repealed)

31 Application to be referred to Valuer-General

- (1) The Authority must refer the application to the Valuer-General to determine the attributable part of the land value of the land if the Authority is satisfied that the land is land to which this Division applies.
- (2) The Valuer-General is, on determination of the attributable part of the land value of the land, to notify the Authority of the determination.

32 Attributable part of land value of land

The attributable part of the land value of the land is determined by deducting from the land value the value that the land would have if the land could be used only as the site of a single dwelling-house.

33 Determination of attributable part of land value by Valuer-General

The Valuer-General must not, in determining the attributable part of the land value of the land, take into account any portion of the land that the Valuer-General considers to be in excess of that which is reasonably necessary to be occupied or used in conjunction with the single dwelling-house.

34 Redetermination of attributable part of land value

- (1) An Authority is to request the Valuer-General to redetermine the attributable part of the land value of the land if the valuation on the basis of which the existing determination was made:
 - (a) ceases to be the land value on which a service charge is levied, or

(b) is altered on objection or on correction of a clerical error or misdescription.

(2) The Valuer-General is, on redetermination of the attributable part of the land value of the land, to notify the Authority of the redetermination.

35 Use of determination of attributable part of land value

The attributable part of the land value determined, or redetermined, by the Valuer-General may be used by an Authority for the purpose of deferring service charges only while the circumstances that made the land eligible for a deferral of service charges under this Division continue to exist and the valuation of the land value for which the determination was made remains in use for the purpose of levying service charges.

36 Postponement of service charge

The Authority must postpone payment of such part of the service charge levied in a charging year as remains after deducting from the service charge levied the amount of the service charge that would have been levied if the land value of the land had not included the attributable part.

37 Interest on postponed service charges

Interest accrues on parts of service charges postponed under this Division as if the service charges were overdue service charges and, for this purpose, the due dates for payment are taken to be the respective dates on which the parts of the service charges that were payable became due.

38 Paid service charge to be refunded

On receiving a redetermination of the attributable part of the land value of the land, the Authority:

(a) must refund any amount that was overpaid or credit the amount towards payment of any amount then payable in relation to the land by the person liable to pay the amount to the Authority, or

(b) may recover as arrears any amount that was not paid,
pending receipt of the redetermination.

39 Entitlement to postponement ceases

A person ceases to be entitled to a postponement of a service charge under this Division if the whole of the parcel of land used or occupied solely as a site of a single dwelling-house ceases to be so used or occupied.

40 Change of circumstances

If an applicable parcel ceases to be used or occupied solely as the site of a single

dwelling-house after a postponement of payment under this Division:

- (a) the person liable for payment of the service charge must notify the Authority of the date of cessation of the use, and
- (b) the total amount postponed during the period of 5 charging years that last preceded cessation of the use becomes payable to the Authority and may be recovered on the expiration of one month after cessation of the use.

41 Service charge to be written off after 5 years

- (1) If 5 years have elapsed since the commencement of a charging year for which part of the service charges levied on land have been postponed under this Division, the part postponed and any interest accrued on that part must be written off by the Authority.
- (2) Nothing in this clause affects the right of the Authority to recover service charges and interest, even though they have been written off under this clause, if it subsequently appears to the Authority that they should not have been written off.

Part 4

42, 43 (Repealed)

Part 5 Drainage areas

44 Notice of drainage area

- (1) On the declaration under section 308 (2) of the Act of a drainage area for an Authority, the Authority must deposit a map of the drainage area in its office.
- (2) The Authority must make the map available for inspection at reasonable times during its ordinary office hours.
- (3) The Authority must serve on each owner of land in the drainage area, personally or by post at the address of the owner last known to the Authority, a notice to the effect that:
 - (a) the drainage area has been declared, and
 - (b) a map of the drainage area may be inspected at a specified place or specified places, and
 - (c) drainage service charges are to be levied on land in the drainage area within a specified time, and
 - (d) an objection to inclusion of the owner's land in the drainage area may be lodged with the Authority but only on the ground that surface or run-off water could not drain from the objector's land into the drainage area, and

- (e) an objection must be in writing and must be lodged with the Authority before a specified date (being a date that is not earlier than 14 days after service of the notice), and
- (f) an objection will be referred by the Authority to an adjudicator for determination, and
- (g) an objector is not entitled to appear, or be represented, before the adjudicator without being required by the adjudicator to do so.

(4) The Authority:

- (a) must appoint a person (other than a person subject to the direction and control of the Authority) as an adjudicator on objections relating to a particular drainage area, and
- (b) must refer all duly lodged objections to the adjudicator, and
- (c) must serve on each objector, personally or by post at the address of the objector last known to the Authority, notice of the decision of the adjudicator on the objection.

Part 6 Miscellaneous

45 (Repealed)

46 Meters

- (1) An Authority may install, and may charge hire for:
 - (a) meters for measuring the quantity of water supplied, and
 - (b) pipes and apparatus for the conveyance, reception and storage of water.
- (2) An Authority may, instead of acting under subclause (1), require an owner, occupier or other person requiring a supply of water:
 - (a) to install the meters, pipes or apparatus referred to in that subclause, and
 - (b) to effect the installation in accordance with the Authority's requirements, and
 - (c) to maintain the installation in good working order.

47 Cutting off or restricting supply of water

An Authority may cut off or restrict the supply of water to land in any one or more of the following circumstances:

- (a) if a meter or instrument used to measure the supply is out of repair or, in the opinion of the Authority, is registering incorrectly,

- (b) if service charges or other charges relating to the land are unpaid,
- (c) in order to effect repairs or to clean a main,
- (d) if the Authority is of the opinion that it is unavoidably necessary to do so or because of an accident,
- (e) if the owner, occupier or person requiring a supply of water fails to comply with the conditions of supply or the requirements of the Authority in relation to the installation, repair or alteration of a meter or other instrument for measuring water or of water or sewerage connections, pipes, fittings or appliances connected, or intended to be connected, directly or indirectly to a main,
- (f) in order to repair or alter such connections, pipes, fittings or appliances,
- (g) if the owner, occupier or person requiring a supply of water fails to do anything that, under a provision of the Act or of a regulation made under the Act, ought to be done to prevent waste, misuse, undue consumption or contamination of the water of, or supplied by, the Authority,
- (h) if it is necessary to do so in order to conserve supplies in a time of drought or other scarcity.

48 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 Authority serving the notice, 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 Authority serving the notice, it may be served by an advertisement that:
 - (a) is published in a newspaper circulating in the Authority's area, and
 - (b) states the name of the owner of the land or premises, if known to the Authority, 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 Authority, 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.

49 Recording of service charge

- (1) An Authority must keep records relating to each service charge as required by the Minister and must keep the records in a manner approved by the Minister.
- (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.

50-58 (Repealed)

58A Information to accompany applications under section 305

For the purposes of section 305 (2) of the Act, an application for a certificate of compliance for development must be accompanied by information as to whether or not the development is the subject of development consent or a complying development certificate under the *Environmental Planning and Assessment Act 1979* and, if so, must also be accompanied by a copy of the development consent or complying development certificate.

58B Development that may be subject to section 306 requirements

For the purposes of section 306 of the Act, the following kinds of development are prescribed as development to which that section applies:

- (a) the erection, enlargement or extension of a building or the placing or relocating of a building on land,
- (b) the subdivision of land,
- (c) the change of use of land.

58C Savings and transitional provisions consequent on enactment of *Environmental Planning and Assessment Amendment Act 1997*

- (1) Any agreement that, immediately before the appointed day, was in force under section 25 of the unamended Act continues to have effect as if the amending Act had not been enacted.
- (2) Any application that was made under section 26 of the unamended Act before the appointed day, but was not determined before that day, is taken to be an application under section 24 of the amended Act.
- (3) Any notice that, immediately before the appointed day, was in force under section 27 of the unamended Act is taken to be a notice in force under section 25 of the amended Act.
- (4) Any compliance certificate that was issued under section 27 of the unamended Act before the appointed day is taken to be a certificate of compliance issued under section 26 of the amended Act.
- (5) Any security that was lodged for the purposes of section 27 of the unamended Act before the appointed day is taken to be security lodged for the purposes of section 25 of the amended Act.
- (6) Any determination that, immediately before the appointed day, was in force under

section 27A of the unamended Act is taken to be a determination in force under section 25 of the amended Act.

(7) In this clause:

amended Act means the *Water Supply Authorities Act 1987*, as amended by the amending Act.

amending Act means the *Environmental Planning and Assessment Amendment Act 1997*.

appointed day means the day appointed under section 2 of the amending Act for the commencement of that Act.

unamended Act means the *Water Supply Authorities Act 1987*, as in force immediately before the appointed day.

59 Repeal

(1) The following Regulations are repealed:

(a) the *Water Supply Authorities (Area of Operations) Regulation 1987*,

(b) the *Water Supply Authorities (Finance) Regulation 1987*.

(2) Any act, matter or thing that, immediately before the repeal of a Regulation referred to in subclause (1), had effect under that Regulation continues to have effect under this Regulation.