

South Australia

## **Natural Resources Management (Financial Provisions) (Regional NRM Levies) Variation Regulations 2006**

under the *Natural Resources Management Act 2004*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Natural Resources Management (Financial Provisions) (Regional NRM Levies) Variation Regulations 2006*.

#### **2—Commencement**

These regulations come into operation on the day on which section 96 of the *Natural Resources Management Act 2004* comes into operation.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Natural Resources Management (Financial Provisions) Regulations 2005***

#### **4—Insertion of regulations 4A and 4B**

After regulation 4 insert:

##### **4A—Costs of councils—section 96**

- (1) This regulation makes provision with respect to the operation of section 96 of the Act.
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Part 2—Variation of *Natural Resources Management (Financial Provisions) Regulations 2005*

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- (2) For the purposes of this regulation—
- (a) **establishment costs** are costs directly associated with—
- (i) a council being required to impose a regional NRM levy on rateable land within its area (or part of its area) in a particular financial year after not being required to impose such a levy in the immediately preceding financial year; or
- (ii) a council being required to impose a regional NRM levy on rateable land within its area (or part of its area) in a particular financial year on a basis under section 95(3)(a) of the Act that is different to the basis that applied with respect to the immediately preceding financial year, other than where any additional costs incurred by the council on account of the change to the basis for the levy are not significant;
- (b) **ongoing costs** are annual costs directly associated with a council imposing and collecting a regional NRM levy, other than costs that a council would incur in any event on account of the imposition and collection of rates under the *Local Government Act 1999*.
- (3) Subject to this regulation, the costs that a council may recover with respect to a particular financial year will be determined according to whether the council is claiming—
- (a) establishment costs; or
- (b) ongoing costs; or
- (c) both establishment costs and ongoing costs.
- (4) The amount that a council may recover as establishment costs will be—
- (a) fair costs incurred by the council with respect to—
- (i) consulting with the relevant regional NRM board in relation to the basis for the regional NRM levy; and
- (ii) establishing the ability of the council's rating system to deal with the regional NRM levy; and
- (iii) making any amendments to the council's rating system on account of the imposition of the regional NRM levy; and
- (iv) conducting any tests involving the council's rating system on account of the imposition of the regional NRM levy; and
- (v) setting up and assigning codes within the council's rating system on account of the imposition of the regional NRM levy; and

- (vi) obtaining any new assessment or valuation information on account of the imposition of the regional NRM levy; and
  - (vii) confirming the imposition of the appropriate levy with respect to rateable land in the area of the council; or
- (b) \$7 918 (indexed), plus 52 cents (indexed) for each assessment of levy against a piece of rateable land, adjusted, if necessary, under subregulation (5),  

(on the basis that the council will decide whether it recovers its costs under paragraph (a) or under paragraph (b)).
- (5) If a council is claiming establishment costs under paragraph (b) of subregulation (4) from 2 or more regional NRM boards with respect to a particular financial year, the component under that paragraph represented by \$7 918 (indexed) will be reduced, with respect to the payment to each regional NRM board, to 60% of the amount that would otherwise apply.
- (6) The amount that a council may recover as ongoing costs will be \$1 848 (indexed), plus 18 cents (indexed) for each assessment of levy against a piece of rateable land.
- (7) A council seeking to recover any costs with respect to a particular financial year should, as a preliminary step, furnish to the relevant regional NRM board a reasonable estimate of the costs that the council expects to claim—
  - (a) as establishment costs (if relevant); and
  - (b) as ongoing costs.
- (8) Any estimate under subregulation (7) should be furnished to the regional NRM board before the board finalises its draft budget for inclusion in its draft plan for the relevant financial year for the purposes of consultation under the Act.
- (9) A regional NRM board must, after taking into account any information furnished by a council under subregulation (7), include in its regional NRM plan for the relevant financial year the amounts that it considers to be appropriate for the council to receive with respect to establishment costs (if relevant) and ongoing costs.
- (10) A council must (after declaring the relevant levy) furnish to a regional NRM board from which it is seeking to recover costs an invoice that sets out the amount or amounts that the council is claiming for establishment costs (if relevant) and ongoing costs, and the calculations used by the council to determine any such amount or amounts.
- (11) A council should, except in a case involving extraordinary administrative difficulty, furnish an invoice under subregulation (10) by 31 March in the financial year with respect to which the relevant regional NRM levy is imposed.

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- (12) A regional NRM board must, within 30 days after receiving an invoice from a council (treating any amount claimed as establishment costs and any amount claimed as ongoing costs separately)—
- (a) pay the amount claimed by the council; or
  - (b) if the amount claimed by the council is based on the council's determination of fair costs and is higher than the relevant amount specified by the board in its regional NRM plan under subregulation (9), and the board considers that the amount that has been claimed should be reviewed—pay the amount specified in the plan and then immediately refer the matter to the Chief Officer so that the Chief Officer can determine whether or not the outstanding amount of the council's claim should be paid (wholly or in part).
- (13) The Chief Officer must make a determination within 60 days after a matter is referred under subregulation (12) (and a determination of the Chief Officer will have effect as a determination of the fair costs of the relevant council).
- (14) An amount specified by this regulation that is followed by the word (*indexed*) must be adjusted with respect to each financial year, beginning with the 2007/2008 financial year, by multiplying the amount by a proportion obtained by dividing the CPI for the September quarter of the immediately preceding year by the CPI for the September quarter, 2005, on the basis that the quotient used for the purposes of the adjustment will be calculated to 2 decimal places and that the amount obtained from the adjustment will be rounded—
- (a) in the case of an amount expressed in dollars—to the nearest dollar;
  - (b) in the case of an amount expressed in cents—to the nearest cent.
- (15) For the purposes of the operation of subregulation (2), a levy imposed by a council under Part 8 Division 2 of the *Water Resources Act 1997* with respect to the 2005/2006 financial year will be taken to be a regional NRM levy that has been imposed under the *Natural Resources Management Act 2004* (declared on a basis that corresponds to the basis on which the levy was declared under the *Water Resources Act 1997*).

**4B—Exclusions from operation of section 97**

Any land that is non-rateable land under section 147 of the *Local Government Act 1999* is excluded from the operation of section 97 of the Act.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 2 February 2006

No 18 of 2006