

New South Wales



ANNO DUODECIMO

ELIZABETHÆ II REGINÆ

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Act No. 47, 1963.

An Act to prohibit the subdivision of land within the area of operations of the Metropolitan Water Sewerage and Drainage Board unless certain requirements have been complied with; to confer on the said Board certain powers relating to agreements for the construction of water and sewer mains and ancillary works; for these purposes to amend the Local Government Act, 1919, as amended by subsequent Acts, and the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 13th December, 1963.]

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An Act to prohibit the subdivision of land within the area of operations of the Metropolitan Water Sewerage and Drainage Board unless certain requirements have been complied with; to confer on the said Board certain powers relating to agreements for the construction of water and sewer mains and ancillary works; for these purposes to amend the Local Government Act, 1919, as amended by subsequent Acts, and the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 13th December, 1963.]

BE



*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title,  
citation and  
commence-  
ment.

1. (1) This Act may be cited as the "Local Government and Metropolitan Water, Sewerage, and Drainage (Amendment) Act, 1963".

(2) The Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Metropolitan Water, Sewerage, and Drainage Act, 1924-1963.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment  
of Act No.  
41, 1919.

2. The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Sec. 327.  
(Conditions  
to be  
observed be-  
fore opening  
new roads  
or sub-  
divisions.)

(a) (i) by inserting in paragraph (d) of subsection one of section three hundred and twenty-seven after the words "complied with" the words "and, in the case of a subdivision of land that provides for the opening of a public road, such land being within, or partly within, the area of operations, within the meaning of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, of the Metropolitan Water Sewerage and Drainage Board, has certified, or is deemed to have certified, that the requirements, relating to the plan of subdivision, of section 34B of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, have been complied with";

(ii)

*Local Government and Metropolitan Water, Sewerage, and Drainage (Amendment).*

(ii) by inserting in paragraph (b) of subsection two of the same section after the words "complied with" the words "and, where the land comprised in the plan of subdivision is within, or partly within, the area of operations, within the meaning of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, of the Metropolitan Water Sewerage and Drainage Board, has certified, or is deemed to have certified, that the requirements, relating to the plan of subdivision, of section 34B of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, have been complied with";

(b) by inserting next after section three hundred and thirty-one the following new section :— New sec. 331A.

331A. (1) Where—

- (a) the council approves, or approves subject to conditions, of an application under this Division (other than an application relating only to the opening of a public road) in respect of land which is, or part of which is, within the area of operations, within the meaning of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, of the Metropolitan Water Sewerage and Drainage Board; or
- (b) an award, other than an award disallowing the decision or all of the decisions appealed from, as the case may be, has been made under subsection one of section 341L of this Act by the Board of Subdivision Appeals in respect of any such land,

Procedure where plan of subdivision relates to land within the area of operations of the Metropolitan Water Sewerage and Drainage Board.

the council shall as soon as practicable after the approval was given or the award was made forward to the Metropolitan Water Sewerage and Drainage Board a copy of the plan of subdivision, together with



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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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with a copy of any conditions subject to which the council approved of the application and a copy of any such award relating to the application.

(2) The council shall cause to be endorsed on every notice of its decision given under subsection three of section three hundred and thirty-one of this Act (other than a notice that the application has been disapproved) a statement that the land may not be subdivided until a certificate has been obtained from the Metropolitan Water Sewerage and Drainage Board that the applicant has complied with the requirements, relating to the plan of subdivision, of section 34B of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts.

(3) (a) The town or shire clerk shall not give a certificate under paragraph (d) of subsection one, or paragraph (b) of subsection two, of section three hundred and twenty-seven of this Act in relation to any land within, or partly within, the area of operations, within the meaning of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, of the Metropolitan Water Sewerage and Drainage Board unless there has been lodged with him a certificate, relating to the plan of subdivision of such land, issued under section 34B of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts.

(b) Where the council has, before the commencement of the Local Government and Metropolitan Water, Sewerage, and Drainage (Amendment) Act, 1963, approved, or approved subject to conditions, of a plan of subdivision and the town or shire clerk has not, at such commencement, given his certificate in respect of such plan of subdivision under paragraph (d) of subsection one, or paragraph (b) of subsection two, of section

three

*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

three hundred and twenty-seven of this Act, the town or shire clerk, as the case may be, in giving such certificate shall also certify that the plan was approved, or approved subject to conditions, as the case may be, before such commencement, and, where the town or shire clerk so certifies, he shall be deemed to have certified, for the purposes of the said paragraphs (d) and (b), that the requirements, relating to the plan of subdivision, of section 34B of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, have been complied with.

(c) Where the town or shire clerk has in relation to any plan of subdivision given a certificate under paragraph (d) of subsection one, or paragraph (b) of subsection two, of section three hundred and twenty-seven of this Act and such certificate bears a date which is before the commencement of the Local Government and Metropolitan Water, Sewerage, and Drainage (Amendment) Act, 1963, the town or shire clerk, as the case may be, shall be deemed to have certified, for the purposes of the said paragraphs (d) and (b), that the requirements, relating to the plan of subdivision, of section 34B of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, have been complied with.

3. The Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, is amended by inserting next after section thirty-four the following new sections :—

34A. (1) The board may enter into an agreement under this section with the owner of any land within the area of operations of the board, or with any person authorised to enter into an agreement on his behalf, providing for the construction of either a water or sewer main, or both, and such ancillary works as may be specified in the agreement, to serve the land of such owner specified in the agreement, either alone or together with other lands.

Amendment  
of Act No.  
50, 1924.  
New secs.  
34A, 34B.

Private  
contracts  
for con-  
struction  
of water  
and sewer  
mains.

Any



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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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Any main or ancillary works constructed pursuant to any such agreement shall be a main and ancillary works of the board.

(2) The board shall not enter into an agreement under this section for the construction of a water or sewer main, or both, and any necessary ancillary works, unless the State Planning Authority of New South Wales has issued to it a certificate in writing that in the opinion of the State Planning Authority of New South Wales the land of the owner referred to in the proposed agreement should not be subdivided unless the water or sewer main, or both, as the case may be, and any necessary ancillary works, is or are constructed to serve such land or any part thereof, either alone or together with other lands.

(3) Any agreement under this section may make provision for—

- (a) the payment to the board by the owner of such land, or person so authorised, of the whole of the cost of the construction of the main or mains and ancillary works or such part thereof as the board considers reasonable to be paid in respect of such land, having regard to the benefit of such main or mains and works to the land of such owner specified in the agreement and to any other lands that will be, in the opinion of the board, capable of being served by such main or mains and works;
- (b) the amount to be advanced to the board by such owner or person towards any remaining part of the cost of construction of such main or mains and works;
- (c) the repayment to such owner or person by the board of the whole, or such part as may be agreed upon, of the advance referred to in paragraph (b) of this subsection;

(d)

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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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- (d) security to be lodged with the board in lieu of any payment or advance referred to in paragraph (a) or (b) of this subsection; and
- (e) such other matters as may be agreed upon.

(4) It shall not be necessary for the Governor's approval to be given to any advance referred to in paragraph (b) of subsection three of this section.

34B. (1) Where an application for approval to subdivide any land within, or partly within, the area of operations of the board has been approved, or approved subject to conditions, under the Local Government Act, 1919, as amended by subsequent Acts, by the council of the area in which the land is situated, or an award, other than an award disallowing the decision or all of the decisions appealed from, as the case may be, has been made under subsection one of section 341L of that Act, as so amended, by the Board of Subdivision Appeals in respect of any such land, the applicant to whom any such approval was given or in whose favour any such award was made may—

Subdividers may obtain certificates that the requirements of this section have been complied with.

- (a) lodge a copy of the plan of subdivision with the board; and
- (b) apply to the board for a certificate under this section certifying that the applicant has complied with the requirements, relating to the plan of subdivision, of this section.

(2) Where a copy of any plan of subdivision is lodged with, and an application is made to, the board in accordance with the provisions of subsection one of this section, the board may—

- (a) if it does not propose to serve upon the applicant a notice under paragraph (b) or (c) of this subsection, issue to the applicant a certificate that the applicant has complied with the requirements, relating to the plan of subdivision, of this section;

(b)



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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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- (b) where any main constructed, or to be constructed, pursuant to an agreement under section 34A of this Act is, or after its construction will be, available to be connected to and of adequate capacity to serve such land or any part thereof (whether with or without the construction of any additional mains), and the application is made within fifteen years after the date of the agreement, serve a notice upon the applicant requiring him to do such one or more of the following things as is or are specified in the notice, that is to say—
- (i) to pay to the board such amount, specified in the notice, as is assessed by the board as being a reasonable proportion of the cost of the construction of the main and any ancillary works constructed, or to be constructed, pursuant to the agreement, having regard to the benefit of such main and works to the land referred to in the application;
  - (ii) to enter into an agreement with the board under section 34A of this Act providing for the construction of any additional main or works which is or are capable of serving only such land;
  - (iii) to enter into an agreement with the board under section 34A of this Act providing for the construction of any additional main or works which is or are capable of serving other lands as well as the land referred to in the application; or
- (c) where the land is not land in respect of which the board is entitled to serve a notice under paragraph (b) of this subsection, serve a notice upon the applicant requiring him to enter

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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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enter into an agreement under section 34A of this Act providing for the construction of a water or sewer main, or both, and any necessary ancillary works.

(3) Where the board has served a notice under paragraph (b) or (c) of subsection two of this section and the board is satisfied that the requirements of the notice have been complied with, the board shall issue to the applicant therefor a certificate that the applicant has complied with the requirements, relating to the plan of subdivision, of this section.

(4) If within the prescribed period a certificate under paragraph (a) of subsection two of this section has not been issued to, and a notice under paragraph (b) or (c) of the said subsection two has not been served upon, the applicant for a certificate under this section, the board shall upon the request of the applicant issue to the applicant a certificate that the applicant has complied with the requirements, relating to the plan of subdivision, of this section.

In this subsection "prescribed period" means a period of sixty days after the lodgment under subsection two of this section with the board of the copy of the plan of subdivision, or such longer period as may have been approved in a particular case by the Minister, and notified in writing to the applicant, within the said period of sixty days.

(5) (a) The board shall not serve a notice under subparagraph (ii) or (iii) of paragraph (b), or under paragraph (c), of subsection two of this section requiring the applicant for a certificate under this section to enter into an agreement under section 34A of this Act for the construction of a water or sewer main, or both, or any ancillary works, to serve any land unless—

(i) it has referred to the State Planning Authority of New South Wales a copy of the plan of subdivision in relation to which the applicant has applied for such certificate; and

B

(ii)



*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

(ii) that Authority has issued to the board a certificate under subsection two of section 34A of this Act in respect of the construction of the water or sewer main, or both, as the case may be, and ancillary works.

(b) The State Planning Authority of New South Wales shall within twenty days after a copy of a plan of subdivision is referred to it by the board, either—

(i) inform the board that it does not propose to issue in relation to the land comprised in such plan a certificate under subsection two of section 34A of this Act; or

(ii) issue such a certificate in respect of the construction of a water or sewer main, or both, and any necessary ancillary works, to serve such land or any part thereof, either alone or together with other lands.

(6) Any requirement of any notice under subparagraph (i) of paragraph (b) of subsection two of this section shall be deemed to have been complied with if security, in such form as the board considers satisfactory, for the payment of the amount required to be paid under the notice has been lodged with the board.

(7) Any notice that may be served by the board upon an applicant for a certificate under this section relating to any land may be served upon such applicant as if he were the owner of such land and the notice were required to be served by the board upon him.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964

*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 10 December, 1963.*

## New South Wales



ANNO DUODECIMO

## ELIZABETHÆ II REGINÆ

\*\*\*\*\*

### Act No. 47, 1963.

An Act to prohibit the subdivision of land within the area of operations of the Metropolitan Water Sewerage and Drainage Board unless certain requirements have been complied with; to confer on the said Board certain powers relating to agreements for the construction of water and sewer mains and ancillary works; for these purposes to amend the Local Government Act, 1919, as amended by subsequent Acts, and the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 13th December, 1963.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

HOWARD T. FOWLES,  
*Chairman of Committees of the Legislative Assembly.*



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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title,  
citation and  
commence-  
ment.

1. (1) This Act may be cited as the "Local Government and Metropolitan Water, Sewerage, and Drainage (Amendment) Act, 1963".

(2) The Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Metropolitan Water, Sewerage, and Drainage Act, 1924-1963.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment  
of Act No.  
41, 1919.

2. The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Sec. 327.  
(Conditions  
to be  
observed be-  
fore opening  
new roads  
or sub-  
divisions.)

(a) (i) by inserting in paragraph (d) of subsection one of section three hundred and twenty-seven after the words "complied with" the words "and, in the case of a subdivision of land that provides for the opening of a public road, such land being within, or partly within, the area of operations, within the meaning of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, of the Metropolitan Water Sewerage and Drainage Board, has certified, or is deemed to have certified, that the requirements, relating to the plan of subdivision, of section 34B of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, have been complied with";

(ii)



*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

(ii) by inserting in paragraph (b) of subsection two of the same section after the words "complied with" the words "and, where the land comprised in the plan of subdivision is within, or partly within, the area of operations, within the meaning of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, of the Metropolitan Water Sewerage and Drainage Board, has certified, or is deemed to have certified, that the requirements, relating to the plan of subdivision, of section 34B of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, have been complied with";

(b) by inserting next after section three hundred and thirty-one the following new section :— New sec.  
331A.

331A. (1) Where—

(a) the council approves, or approves subject to conditions, of an application under this Division (other than an application relating only to the opening of a public road) in respect of land which is, or part of which is, within the area of operations, within the meaning of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, of the Metropolitan Water Sewerage and Drainage Board; or Procedure  
where plan  
of subdivi-  
sion relates  
to land  
within the  
area of  
operations of  
the Metro-  
politan  
Water  
Sewerage  
and Drain-  
age Board.

(b) an award, other than an award disallowing the decision or all of the decisions appealed from, as the case may be, has been made under subsection one of section 341L of this Act by the Board of Subdivision Appeals in respect of any such land,

the council shall as soon as practicable after the approval was given or the award was made forward to the Metropolitan Water Sewerage and Drainage Board a copy of the plan of subdivision, together with



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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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with a copy of any conditions subject to which the council approved of the application and a copy of any such award relating to the application.

(2) The council shall cause to be endorsed on every notice of its decision given under subsection three of section three hundred and thirty-one of this Act (other than a notice that the application has been disapproved) a statement that the land may not be subdivided until a certificate has been obtained from the Metropolitan Water Sewerage and Drainage Board that the applicant has complied with the requirements, relating to the plan of subdivision, of section 34B of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts.

(3) (a) The town or shire clerk shall not give a certificate under paragraph (d) of subsection one, or paragraph (b) of subsection two, of section three hundred and twenty-seven of this Act in relation to any land within, or partly within, the area of operations, within the meaning of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, of the Metropolitan Water Sewerage and Drainage Board unless there has been lodged with him a certificate, relating to the plan of subdivision of such land, issued under section 34B of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts.

(b) Where the council has, before the commencement of the Local Government and Metropolitan Water, Sewerage, and Drainage (Amendment) Act, 1963, approved, or approved subject to conditions, of a plan of subdivision and the town or shire clerk has not, at such commencement, given his certificate in respect of such plan of subdivision under paragraph (d) of subsection one, or paragraph (b) of subsection two, of section

three



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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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three hundred and twenty-seven of this Act, the town or shire clerk, as the case may be, in giving such certificate shall also certify that the plan was approved, or approved subject to conditions, as the case may be, before such commencement, and, where the town or shire clerk so certifies, he shall be deemed to have certified, for the purposes of the said paragraphs (d) and (b), that the requirements, relating to the plan of subdivision, of section 34B of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, have been complied with.

(c) Where the town or shire clerk has in relation to any plan of subdivision given a certificate under paragraph (d) of subsection one, or paragraph (b) of subsection two, of section three hundred and twenty-seven of this Act and such certificate bears a date which is before the commencement of the Local Government and Metropolitan Water, Sewerage, and Drainage (Amendment) Act, 1963, the town or shire clerk, as the case may be, shall be deemed to have certified, for the purposes of the said paragraphs (d) and (b), that the requirements, relating to the plan of subdivision, of section 34B of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, have been complied with.

**3.** The Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, is amended by inserting next after section thirty-four the following new sections :—

Amendment  
of Act No.  
50, 1924.  
New secs.  
34A, 34B.

34A. (1) The board may enter into an agreement under this section with the owner of any land within the area of operations of the board, or with any person authorised to enter into an agreement on his behalf, providing for the construction of either a water or sewer main, or both, and such ancillary works as may be specified in the agreement, to serve the land of such owner specified in the agreement, either alone or together with other lands.

Private  
contracts  
for con-  
struction  
of water  
and sewer  
mains.

Any



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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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Any main or ancillary works constructed pursuant to any such agreement shall be a main and ancillary works of the board.

(2) The board shall not enter into an agreement under this section for the construction of a water or sewer main, or both, and any necessary ancillary works, unless the State Planning Authority of New South Wales has issued to it a certificate in writing that in the opinion of the State Planning Authority of New South Wales the land of the owner referred to in the proposed agreement should not be subdivided unless the water or sewer main, or both, as the case may be, and any necessary ancillary works, is or are constructed to serve such land or any part thereof, either alone or together with other lands.

(3) Any agreement under this section may make provision for—

- (a) the payment to the board by the owner of such land, or person so authorised, of the whole of the cost of the construction of the main or mains and ancillary works or such part thereof as the board considers reasonable to be paid in respect of such land, having regard to the benefit of such main or mains and works to the land of such owner specified in the agreement and to any other lands that will be, in the opinion of the board, capable of being served by such main or mains and works;
- (b) the amount to be advanced to the board by such owner or person towards any remaining part of the cost of construction of such main or mains and works;
- (c) the repayment to such owner or person by the board of the whole, or such part as may be agreed upon, of the advance referred to in paragraph (b) of this subsection;

(d)



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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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- (d) security to be lodged with the board in lieu of any payment or advance referred to in paragraph (a) or (b) of this subsection; and
- (e) such other matters as may be agreed upon.

(4) It shall not be necessary for the Governor's approval to be given to any advance referred to in paragraph (b) of subsection three of this section.

34B. (1) Where an application for approval to subdivide any land within, or partly within, the area of operations of the board has been approved, or approved subject to conditions, under the Local Government Act, 1919, as amended by subsequent Acts, by the council of the area in which the land is situated, or an award, other than an award disallowing the decision or all of the decisions appealed from, as the case may be, has been made under subsection one of section 341L of that Act, as so amended, by the Board of Subdivision Appeals in respect of any such land, the applicant to whom any such approval was given or in whose favour any such award was made may—

Subdividers may obtain certificates that the requirements of this section have been complied with.

- (a) lodge a copy of the plan of subdivision with the board; and
- (b) apply to the board for a certificate under this section certifying that the applicant has complied with the requirements, relating to the plan of subdivision, of this section.

(2) Where a copy of any plan of subdivision is lodged with, and an application is made to, the board in accordance with the provisions of subsection one of this section, the board may—

- (a) if it does not propose to serve upon the applicant a notice under paragraph (b) or (c) of this subsection, issue to the applicant a certificate that the applicant has complied with the requirements, relating to the plan of subdivision, of this section;

(b)



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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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- (b) where any main constructed, or to be constructed, pursuant to an agreement under section 34A of this Act is, or after its construction will be, available to be connected to and of adequate capacity to serve such land or any part thereof (whether with or without the construction of any additional mains), and the application is made within fifteen years after the date of the agreement, serve a notice upon the applicant requiring him to do such one or more of the following things as is or are specified in the notice, that is to say—
- (i) to pay to the board such amount, specified in the notice, as is assessed by the board as being a reasonable proportion of the cost of the construction of the main and any ancillary works constructed, or to be constructed, pursuant to the agreement, having regard to the benefit of such main and works to the land referred to in the application;
  - (ii) to enter into an agreement with the board under section 34A of this Act providing for the construction of any additional main or works which is or are capable of serving only such land;
  - (iii) to enter into an agreement with the board under section 34A of this Act providing for the construction of any additional main or works which is or are capable of serving other lands as well as the land referred to in the application; or
- (c) where the land is not land in respect of which the board is entitled to serve a notice under paragraph (b) of this subsection, serve a notice upon the applicant requiring him to  
enter

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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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enter into an agreement under section 34A of this Act providing for the construction of a water or sewer main, or both, and any necessary ancillary works.

(3) Where the board has served a notice under paragraph (b) or (c) of subsection two of this section and the board is satisfied that the requirements of the notice have been complied with, the board shall issue to the applicant therefor a certificate that the applicant has complied with the requirements, relating to the plan of subdivision, of this section.

(4) If within the prescribed period a certificate under paragraph (a) of subsection two of this section has not been issued to, and a notice under paragraph (b) or (c) of the said subsection two has not been served upon, the applicant for a certificate under this section, the board shall upon the request of the applicant issue to the applicant a certificate that the applicant has complied with the requirements, relating to the plan of subdivision, of this section.

In this subsection "prescribed period" means a period of sixty days after the lodgment under subsection two of this section with the board of the copy of the plan of subdivision, or such longer period as may have been approved in a particular case by the Minister, and notified in writing to the applicant, within the said period of sixty days.

(5) (a) The board shall not serve a notice under subparagraph (ii) or (iii) of paragraph (b), or under paragraph (c), of subsection two of this section requiring the applicant for a certificate under this section to enter into an agreement under section 34A of this Act for the construction of a water or sewer main, or both, or any ancillary works, to serve any land unless—

(i) it has referred to the State Planning Authority of New South Wales a copy of the plan of subdivision in relation to which the applicant has applied for such certificate; and

(ii)



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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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(ii) that Authority has issued to the board a certificate under subsection two of section 34A of this Act in respect of the construction of the water or sewer main, or both, as the case may be, and ancillary works.

(b) The State Planning Authority of New South Wales shall within twenty days after a copy of a plan of subdivision is referred to it by the board, either—

(i) inform the board that it does not propose to issue in relation to the land comprised in such plan a certificate under subsection two of section 34A of this Act; or

(ii) issue such a certificate in respect of the construction of a water or sewer main, or both, and any necessary ancillary works, to serve such land or any part thereof, either alone or together with other lands.

(6) Any requirement of any notice under subparagraph (i) of paragraph (b) of subsection two of this section shall be deemed to have been complied with if security, in such form as the board considers satisfactory, for the payment of the amount required to be paid under the notice has been lodged with the board.

(7) Any notice that may be served by the board upon an applicant for a certificate under this section relating to any land may be served upon such applicant as if he were the owner of such land and the notice were required to be served by the board upon him.

*In the name and on behalf of Her Majesty I assent to  
this Act.*

E. W. WOODWARD,  
*Governor.*

*Government House,  
Sydney, 13th December, 1963.*



*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 20 November, 1963.*

## New South Wales



ANNO DUODECIMO

**ELIZABETHÆ II REGINÆ**

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**Act No.       , 1963.**

An Act to prohibit the subdivision of land within the area of operations of the Metropolitan Water Sewerage and Drainage Board unless certain requirements have been complied with; to confer on the said Board certain powers relating to agreements for the construction of water and sewer mains and ancillary works; for these purposes to amend the Local Government Act, 1919, as amended by subsequent Acts, and the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts; and for purposes connected therewith.

BE



*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by  
and with the advice and consent of the Legislative  
Council and Legislative Assembly of New South Wales in  
Parliament assembled, and by the authority of the same, as  
5 follows :—

1. (1) This Act may be cited as the "Local Government  
and Metropolitan Water, Sewerage, and Drainage (Amend-  
ment) Act, 1963".

Short title,  
citation and  
commence-  
ment.

(2) The Metropolitan Water, Sewerage, and Drainage  
10 Act, 1924, as amended by subsequent Acts and by this Act,  
may be cited as the Metropolitan Water, Sewerage, and  
Drainage Act, 1924-1963.

(3) This Act shall commence upon a day to be  
appointed by the Governor and notified by proclamation  
15 published in the Gazette.

2. The Local Government Act, 1919, as amended by  
subsequent Acts, is amended—

Amendment  
of Act No.  
41, 1919.

(a) (i) by inserting in paragraph (d) of subsection  
20 one of section three hundred and twenty-  
seven after the words "complied with" the  
words "and, in the case of a subdivision of  
land that provides for the opening of a public  
road, such land being within, or partly within,  
25 the area of operations, within the meaning  
of the Metropolitan Water, Sewerage, and  
Drainage Act, 1924, as amended by subse-  
quent Acts, of the Metropolitan Water  
Sewerage and Drainage Board, has certified,  
or is deemed to have certified, that the require-  
30 ments, relating to the plan of subdivision, of  
section 34B of the Metropolitan Water,  
Sewerage, and Drainage Act, 1924, as  
amended by subsequent Acts, have been  
complied with";

Sec. 327.  
(Conditions  
to be  
observed be-  
fore opening  
new roads  
or sub-  
divisions.)

(ii)

*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

5 (ii) by inserting in paragraph (b) of subsection  
 10 two of the same section after the words "com-  
 15 plied with" the words "and, where the land  
 comprised in the plan of subdivision is with-  
 in, or partly within, the area of operations,  
 within the meaning of the Metropolitan  
 Water, Sewerage, and Drainage Act, 1924,  
 as amended by subsequent Acts, of the Metro-  
 politan Water Sewerage and Drainage Board,  
 has certified, or is deemed to have certified,  
 that the requirements, relating to the plan of  
 subdivision, of section 34B of the Metro-  
 politan Water, Sewerage, and Drainage Act,  
 1924, as amended by subsequent Acts, have  
 been complied with";

(b) by inserting next after section three hundred and  
 thirty-one the following new section : —

New sec.  
331A.

331A. (1) Where—

20 (a) the council approves, or approves subject  
 to conditions, of an application under this  
 Division (other than an application relating  
 only to the opening of a public road) in  
 25 respect of land which is, or part of which  
 is, within the area of operations, within the  
 meaning of the Metropolitan Water, Sewerage,  
 and Drainage Act, 1924, as amended  
 by subsequent Acts, of the Metropolitan  
 Water Sewerage and Drainage Board; or

Procedure  
where plan  
of subdivi-  
sion relates  
to land  
within the  
area of  
operations of  
the Metro-  
politan  
Water  
Sewerage  
and Drain-  
age Board.

30 (b) an award, other than an award disallowing  
 the decision or all of the decisions appealed  
 from, as the case may be, has been made  
 under subsection one of section 341L of this  
 Act by the Board of Subdivision Appeals  
 in respect of any such land,

35 the council shall as soon as practicable after the  
 approval was given or the award was made forward  
 to the Metropolitan Water Sewerage and Drainage  
 Board a copy of the plan of subdivision, together  
 with



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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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with a copy of any conditions subject to which the council approved of the application and a copy of any such award relating to the application.

5 (2) The council shall cause to be  
endorsed on every notice of its decision given under  
subsection three of section three hundred and thirty-  
one of this Act (other than a notice that the appli-  
10 cation has been disapproved) a statement that the  
land may not be subdivided until a certificate has  
been obtained from the Metropolitan Water  
Sewerage and Drainage Board that the applicant  
has complied with the requirements, relating to  
15 the plan of subdivision, of section 34B of the  
Metropolitan Water, Sewerage, and Drainage Act,  
1924, as amended by subsequent Acts.

(3) (a) The town or shire clerk shall not  
give a certificate under paragraph (d) of subsection  
one, or paragraph (b) of subsection two, of section  
20 three hundred and twenty-seven of this Act in  
relation to any land within, or partly within, the  
area of operations, within the meaning of the  
Metropolitan Water, Sewerage, and Drainage Act,  
1924, as amended by subsequent Acts, of the  
25 Metropolitan Water Sewerage and Drainage Board  
unless there has been lodged with him a certificate,  
relating to the plan of subdivision of such land,  
issued under section 34B of the Metropolitan  
Water, Sewerage, and Drainage Act, 1924, as  
amended by subsequent Acts.

30 (b) Where the council has, before  
the commencement of the Local Government and  
Metropolitan Water, Sewerage, and Drainage  
(Amendment) Act, 1963, approved, or approved  
subject to conditions, of a plan of subdivision and  
35 the town or shire clerk has not, at such commence-  
ment, given his certificate in respect of such plan of  
subdivision under paragraph (d) of subsection one,  
or paragraph (b) of subsection two, of section  
three



*Local Government and Metropolitan Water, Sewerage, and Drainage (Amendment).*

5 three hundred and twenty-seven of this Act, the town or shire clerk, as the case may be, in giving such certificate shall also certify that the plan was approved, or approved subject to conditions, as the case may be, before such commencement, and, where the town or shire clerk so certifies, he shall be deemed to have certified, for the purposes of the said paragraphs (d) and (b), that the requirements, relating to the plan of subdivision, of section 34B of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, have been complied with.

15 (c) Where the town or shire clerk has in relation to any plan of subdivision given a certificate under paragraph (d) of subsection one, or paragraph (b) of subsection two, of section three hundred and twenty-seven of this Act and such certificate bears a date which is before the commencement of the Local Government and Metropolitan Water, Sewerage, and Drainage (Amendment) Act, 1963, the town or shire clerk, as the case may be, shall be deemed to have certified, for the purposes of the said paragraphs (d) and (b), that the requirements, relating to the plan of subdivision, of section 34B of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, have been complied with.

30 **3.** The Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, is amended by inserting next after section thirty-four the following new sections : —

Amendment of Act No. 50, 1924. New secs. 34A, 34B.

35 34A. (1) The board may enter into an agreement under this section with the owner of any land within the area of operations of the board, or with any person authorised to enter into an agreement on his behalf, providing for the construction of either a water or sewer main, or both, and such ancillary works as may be specified in the agreement, to serve the land of such owner specified in the agreement, either alone or together with other lands.

Private contracts for construction of water and sewer mains.

Any



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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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Any main or ancillary works constructed pursuant to any such agreement shall be a main and ancillary works of the board.

5 (2) The board shall not enter into an agree-  
ment under this section for the construction of a water  
or sewer main, or both, and any necessary ancillary  
works, unless the State Planning Authority of New South  
10 Wales has issued to it a certificate in writing that in the  
opinion of the State Planning Authority of New South  
Wales the land of the owner referred to in the proposed  
agreement should not be subdivided unless the water  
or sewer main, or both, as the case may be, and any  
15 necessary ancillary works, is or are constructed to serve  
such land or any part thereof, either alone or together  
with other lands.

(3) Any agreement under this section may make  
provision for—

- 20 (a) the payment to the board by the owner of  
such land, or person so authorised, of the  
whole of the cost of the construction of the  
main or mains and ancillary works or such  
part thereof as the board considers reasonable  
to be paid in respect of such land, having  
25 regard to the benefit of such main or mains  
and works to the land of such owner specified  
in the agreement and to any other lands that  
will be, in the opinion of the board, capable  
of being served by such main or mains and  
works;
- 30 (b) the amount to be advanced to the board by  
such owner or person towards any remaining  
part of the cost of construction of such main  
or mains and works;
- 35 (c) the repayment to such owner or person by the  
board of the whole, or such part as may be  
agreed upon, of the advance referred to in  
paragraph (b) of this subsection;

(d)

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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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- (d) security to be lodged with the board in lieu of any payment or advance referred to in paragraph (a) or (b) of this subsection; and
- (e) such other matters as may be agreed upon.

5 (4) It shall not be necessary for the Governor's approval to be given to any advance referred to in paragraph (b) of subsection three of this section.

10 34B. (1) Where an application for approval to subdivide any land within, or partly within, the area of operations of the board has been approved, or approved subject to conditions, under the Local Government Act, 1919, as amended by subsequent Acts, by the council of the area in which the land is situated, or an award, other than an award disallowing the decision or all of the decisions appealed from, as the case may be, has been made under subsection one of section 341L of that Act, as so amended, by the Board of Subdivision Appeals in respect of any such land, the applicant to whom any such approval was given or in whose favour any such award was made may—

Subdividers may obtain certificates that the requirements of this section have been complied with.

- 15 (a) lodge a copy of the plan of subdivision with the board; and
- 20 (b) apply to the board for a certificate under this section certifying that the applicant has complied with the requirements, relating to the plan of subdivision, of this section.

25 (2) Where a copy of any plan of subdivision is lodged with, and an application is made to, the board in accordance with the provisions of subsection one of this section, the board may—

- 30 (a) if it does not propose to serve upon the applicant a notice under paragraph (b) or (c) of this subsection, issue to the applicant a certificate that the applicant has complied with the requirements, relating to the plan of subdivision, of this section;
- 35 (b)



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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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- 5 (b) where any main constructed, or to be constructed, pursuant to an agreement under section 34A of this Act is, or after its construction will be, available to be connected to and of adequate capacity to serve such land or any part thereof (whether with or without the construction of any additional mains), and the application is made within fifteen years after the date of the agreement, serve a notice upon the applicant requiring him to do such one or more of the following things as is or are specified in the notice, that is to say—
- 10
- 15 (i) to pay to the board such amount, specified in the notice, as is assessed by the board as being a reasonable proportion of the cost of the construction of the main and any ancillary works constructed, or to be constructed, pursuant to the agreement, having regard to the benefit of such main and works to the land referred to in the application;
- 20
- 25 (ii) to enter into an agreement with the board under section 34A of this Act providing for the construction of any additional main or works which is or are capable of serving only such land;
- 30 (iii) to enter into an agreement with the board under section 34A of this Act providing for the construction of any additional main or works which is or are capable of serving other lands as well as the land referred to in the application; or
- 35 (c) where the land is not land in respect of which the board is entitled to serve a notice under paragraph (b) of this subsection, serve a notice upon the applicant requiring him to enter

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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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enter into an agreement under section 34A of this Act providing for the construction of a water or sewer main, or both, and any necessary ancillary works.

5 (3) Where the board has served a notice under paragraph (b) or (c) of subsection two of this section and the board is satisfied that the requirements of the notice have been complied with, the board shall issue to the applicant therefor a certificate that the applicant  
10 has complied with the requirements, relating to the plan of subdivision, of this section.

(4) If within the prescribed period a certificate under paragraph (a) of subsection two of this section has not been issued to, and a notice under paragraph  
15 (b) or (c) of the said subsection two has not been served upon, the applicant for a certificate under this section, the board shall upon the request of the applicant issue to the applicant a certificate that the applicant has complied with the requirements, relating to the plan of  
20 subdivision, of this section.

In this subsection "prescribed period" means a period of sixty days after the lodgment under subsection two of this section with the board of the copy of the plan of subdivision, or such longer period as may have been  
25 approved in a particular case by the Minister, and notified in writing to the applicant, within the said period of sixty days.

(5) (a) The board shall not serve a notice under subparagraph (ii) or (iii) of paragraph (b), or  
30 under paragraph (c), of subsection two of this section requiring the applicant for a certificate under this section to enter into an agreement under section 34A of this Act for the construction of a water or sewer main, or both, or any ancillary works, to serve any land unless—

35 (i) it has referred to the State Planning Authority of New South Wales a copy of the plan of subdivision in relation to which the applicant has applied for such certificate; and



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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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5 (ii) that Authority has issued to the board a certificate under subsection two of section 34A of this Act in respect of the construction of the water or sewer main, or both, as the case may be, and ancillary works.

(b) The State Planning Authority of New South Wales shall within twenty days after a copy of a plan of subdivision is referred to it by the board, either—

10 (i) inform the board that it does not propose to issue in relation to the land comprised in such plan a certificate under subsection two of section 34A of this Act; or

15 (ii) issue such a certificate in respect of the construction of a water or sewer main, or both, and any necessary ancillary works, to serve such land or any part thereof, either alone or together with other lands.

20 (6) Any requirement of any notice under subparagraph (i) of paragraph (b) of subsection two of this section shall be deemed to have been complied with if security, in such form as the board considers satisfactory, for the payment of the amount required to be paid under the notice has been lodged with the board.

25 (7) Any notice that may be served by the board upon an applicant for a certificate under this section relating to any land may be served upon such applicant as if he were the owner of such land and the notice were required to be served by the board upon him.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963

[1s.]

No. , 1963.

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## A BILL

To prohibit the subdivision of land within the area of operations of the Metropolitan Water Sewerage and Drainage Board unless certain requirements have been complied with; to confer on the said Board certain powers relating to agreements for the construction of water and sewer mains and ancillary works; for these purposes to amend the Local Government Act, 1919, as amended by subsequent Acts, and the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts; and for purposes connected therewith.

[Mr. HILLS;—30 October, 1963.]

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BE



*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by  
and with the advice and consent of the Legislative  
Council and Legislative Assembly of New South Wales in  
Parliament assembled, and by the authority of the same, as  
5 follows :—

1. (1) This Act may be cited as the "Local Government and Metropolitan Water, Sewerage, and Drainage (Amendment) Act, 1963".

Short title,  
citation and  
commence-  
ment.

10 (2) The Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Metropolitan Water, Sewerage, and Drainage Act, 1924-1963.

15 (3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
41, 1919.

20 (a) (i) by inserting in paragraph (e) of subsection one of section three hundred and twenty-seven after the word "certificate" the words "together with, in the case of a subdivision that provides for the opening of a public road, and where the land to be subdivided is within, or partly within, the area of operations, within the meaning of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, of the Metropolitan Water Sewerage and Drainage Board, a certificate of that Board that the applicant has complied with the requirements, relating to the plan of subdivision, of section 34B of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts";

Sec. 327.  
(Conditions  
to be  
observed be-  
fore opening  
new roads  
or sub-  
divisions.)

(ii)



*Local Government and Metropolitan Water, Sewerage, and Drainage (Amendment).*

5 (ii) by inserting in paragraph (c) of subsection two of the same section after the word "certificate" the words "together with, where the land to be subdivided is within, or partly within, the area of operations, within the meaning of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, of the Metropolitan Water Sewerage and Drainage Board, a certificate of that Board that the applicant has complied with the requirements, relating to the plan of subdivision, of section 34B of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts";

15 (b) by inserting next after section three hundred and thirty-one the following new section : — New sec. 331A.

331A. (1) Where—

20 (a) the council approves, or approves subject to conditions, of an application under this Division (other than an application relating only to the opening of a public road) in respect of land which is, or part of which is, within the area of operations, within the meaning of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, of the Metropolitan Water Sewerage and Drainage Board; or Procedure where plan of subdivision relates to land within the area of operations of the Metropolitan Water Sewerage and Drainage Board.

30 (b) an award, other than an award disallowing the decision or all of the decisions appealed from, as the case may be, has been made under subsection one of section 341L of this Act by the Board of Subdivision Appeals in respect of any such land,

35 the council shall as soon as practicable after the approval was given or the award was made forward to the Metropolitan Water Sewerage and Drainage Board a copy of the plan of subdivision, together with



*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

with a copy of any conditions subject to which the council approved of the application and a copy of any such award relating to the application.

5 (2) The council shall cause to be  
endorsed on every notice of its decision given under  
subsection three of section three hundred and thirty-  
one of this Act (other than a notice that the appli-  
10 cation has been disapproved) a statement that the  
land may not be subdivided and the plan may not  
be registered in the office of the Registrar-General  
until a certificate has been obtained from the  
Metropolitan Water Sewerage and Drainage Board  
15 that the applicant has complied with the require-  
ments, relating to the plan of subdivision, of section  
34B of the Metropolitan Water, Sewerage, and  
Drainage Act, 1924, as amended by subsequent  
Acts.

3. The Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, is amended by insert-  
20 ing next after section thirty-four the following new sections : —  
Amendment of Act No. 50, 1924.  
New secs. 34A, 34B.

25 34A. (1) The board may enter into an agreement under this section with the owner of any land within the area of operations of the board, or with any person authorised to enter into an agreement on his behalf, providing for the construction of either a water or sewer main, or both, and such ancillary works as may be specified in the agreement, to serve the land of such owner specified in the agreement, either alone or together  
30 with other lands.

Any main or ancillary works constructed pursuant to any such agreement shall be a main and ancillary works of the board.

35 (2) The board shall not enter into an agree-  
ment under this section for the construction of a water or sewer main, or both, and any necessary ancillary works,



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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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5 works, unless the State Planning Authority of New South  
Wales has issued to it a certificate in writing that in the  
opinion of the State Planning Authority of New South  
Wales the land of the owner referred to in the proposed  
agreement should not be subdivided unless the water  
or sewer main, or both, as the case may be, and any  
necessary ancillary works, is or are constructed to serve  
such land or any part thereof, either alone or together  
with other lands.

10 (3) Any agreement under this section may make  
provision for—

15 (a) the payment to the board by the owner of  
such land, or person so authorised, of the  
whole of the cost of the construction of the  
main or mains and ancillary works or such  
part thereof as the board considers reasonable  
to be paid in respect of such land, having  
regard to the benefit of such main or mains  
and works to the land of such owner specified  
20 in the agreement and to any other lands that  
will be, in the opinion of the board, capable  
of being served by such main or mains and  
works;

25 (b) the amount to be advanced to the board by  
such owner or person towards any remaining  
part of the cost of construction of such main  
or mains and works;

30 (c) the repayment to such owner or person by the  
board of the whole, or such part as may be  
agreed upon, of the advance referred to in  
paragraph (b) of this subsection;

(d) security to be lodged with the board in lieu of  
any payment or advance referred to in para-  
graph (a) or (b) of this subsection; and

35 (e) such other matters as may be agreed upon.

(4)



*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

(4) It shall not be necessary for the Governor's approval to be given to any advance referred to in paragraph (b) of subsection three of this section.

5       34B. (1) Where an application for approval to sub-  
divide any land within, or partly within, the area of  
operations of the board has been approved, or approved  
subject to conditions, under the Local Government Act,  
10       1919, as amended by subsequent Acts, by the council of  
the area in which the land is situated, or an award, other  
than an award disallowing the decision or all of the  
decisions appealed from, as the case may be, has been  
made under subsection one of section 341L of that Act,  
as so amended, by the Board of Subdivision Appeals in  
15       respect of any such land, the applicant to whom any such  
approval was given or in whose favour any such award  
was made may—

Subdividers  
may obtain  
certificates  
that the re-  
quirements  
of this sec-  
tion have  
been com-  
plied with.

- (a) lodge a copy of the plan of subdivision with the board; and
- 20       (b) apply to the board for a certificate under this section certifying that the applicant has complied with the requirements, relating to the plan of subdivision, of this section.

25       (2) Where a copy of any plan of subdivision is lodged with, and an application is made to, the board in accordance with the provisions of subsection one of this section, the board may—

- 30       (a) if it does not propose to serve upon the applicant a notice under paragraph (b) or (c) of this subsection, issue to the applicant a certificate that the applicant has complied with the requirements, relating to the plan of subdivision, of this section;
- 35       (b) where any main constructed, or to be constructed, pursuant to an agreement under section 34A of this Act is, or after its construction will be, available to be connected to and of adequate capacity to serve such land or any part



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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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part thereof (whether with or without the construction of any additional mains), and the application is made within fifteen years after the date of the agreement, serve a notice upon the applicant requiring him to do such one or more of the following things as is or are specified in the notice, that is to say—

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(i) to pay to the board such amount, specified in the notice, as is assessed by the board as being a reasonable proportion of the cost of the construction of the main and any ancillary works constructed, or to be constructed, pursuant to the agreement, having regard to the benefit of such main and works to the land referred to in the application;

(ii) to enter into an agreement with the board under section 34A of this Act providing for the construction of any additional main or works which is or are capable of serving only such land;

(iii) to enter into an agreement with the board under section 34A of this Act providing for the construction of any additional main or works which is or are capable of serving other lands as well as the land referred to in the application; or

(c) where the land is not land in respect of which the board is entitled to serve a notice under paragraph (b) of this subsection, serve a notice upon the applicant requiring him to enter into an agreement under section 34A of this Act providing for the construction of a water or sewer main, or both, and any necessary ancillary works.

(3)



*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

5 (3) Where the board has served a notice under paragraph (b) or (c) of subsection two of this section and the board is satisfied that the requirements of the notice have been complied with, the board shall issue to the applicant therefor a certificate that the applicant has complied with the requirements, relating to the plan of subdivision, of this section.

10 (4) If within the prescribed period a certificate under paragraph (a) of subsection two of this section has not been issued to, and a notice under paragraph (b) or (c) of the said subsection two has not been served upon, the applicant for a certificate under this section, the board shall upon the request of the applicant issue to the applicant a certificate that the applicant has complied with the requirements, relating to the plan of subdivision, of this section.

15 In this subsection "prescribed period" means a period of sixty days after the lodgment under subsection two of this section with the board of the copy of the plan of subdivision, or such longer period as may have been approved in a particular case by the Minister, and notified in writing to the applicant, within the said period of sixty days.

20 (5) (a) The board shall not serve a notice under subparagraph (ii) or (iii) of paragraph (b), or under paragraph (c), of subsection two of this section requiring the applicant for a certificate under this section to enter into an agreement under section 34A of this Act for the construction of a water or sewer main, or both, or any ancillary works, to serve any land unless—

- 25 (i) it has referred to the State Planning Authority of New South Wales a copy of the plan of subdivision in relation to which the applicant has applied for such certificate; and
- 30 (ii) that Authority has issued to the board a certificate under subsection two of section 34A of this Act in respect of the construction of the water or sewer main, or both, as the case may be, and ancillary works.

(b)

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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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(b) The State Planning Authority of New South Wales shall within twenty days after a copy of a plan of subdivision is referred to it by the board, either—

- 5 (i) inform the board that it does not propose to issue in relation to the land comprised in such plan a certificate under subsection two of section 34A of this Act; or
- 10 (ii) issue such a certificate in respect of the construction of a water or sewer main, or both, and any necessary ancillary works, to serve such land or any part thereof, either alone or together with other lands.

15 (6) Any requirement of any notice under subparagraph (i) of paragraph (b) of subsection two of this section shall be deemed to have been complied with if security, in such form as the board considers satisfactory, for the payment of the amount required to be paid under the notice has been lodged with the board.

20 (7) Any notice that may be served by the board upon an applicant for a certificate under this section relating to any land may be served upon such applicant as if he were the owner of such land and the notice were required to be served by the board upon him.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963  
[1s.]





PROOF

**LOCAL GOVERNMENT AND METROPOLITAN WATER,  
SEWERAGE, AND DRAINAGE (AMENDMENT) BILL, 1963.**

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**EXPLANATORY NOTE.**

THE objects of this Bill are—

- (a) to empower the Metropolitan Water Sewerage and Drainage Board (hereinafter referred to as "the Board"), with the approval of the State Planning Authority of New South Wales, to enter into agreements with the owners of land, or persons authorised by them, providing for the construction of water or sewer mains, or both, and ancillary works to serve such land, either alone or together with other land;
- (b) to provide that such agreements may provide for—
  - (i) such owners or persons to pay to the Board the whole, or such part as the Board determines as being reasonable having regard to the benefit to the land of such owner, of the cost of such main or mains and works and to advance to the Board the whole of the balance of the cost or such part as may be agreed upon;
  - (ii) the repayment of such advance by the Board;
  - (iii) such other matters as may be agreed upon;
- (c) to prohibit the subdivision of land unless the requirements of section 34B to be inserted in the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, by the Bill to give effect to this Act have been complied with in relation to the subdivision;
- (d) by the said section 34B, to empower the Board to serve a notice on the subdivider of any land within the area of operations of the Board requiring him—
  - (i) to contribute towards the cost of any mains and works already constructed pursuant to any such agreement, if the mains are available to be connected to and of adequate capacity to serve such land; or
  - (ii) with the approval of the State Planning Authority of New South Wales, to enter into an agreement for the construction of a water or sewer main, or both, and any necessary ancillary works to serve such land;
- (e) to make other provisions consequent upon and ancillary to the foregoing.



# LOCAL GOVERNMENT AND METROPOLITAN WATER, SEWERAGE AND DRAINAGE (AMENDMENT) BILL, 1933.

## EXPLANATORY NOTE.

of the Bill is—

to amend the Local Government Act, 1925, in relation to the powers of local authorities in connection with the supply of water, sewerage and drainage, and to amend the Metropolitan Water Act, 1902, in relation to the powers of the Metropolitan Water Board in connection with the supply of water, sewerage and drainage, and to amend the Metropolitan Water Act, 1902, in relation to the powers of the Metropolitan Water Board in connection with the supply of water, sewerage and drainage.

1. The Bill amends the Local Government Act, 1925, in relation to the powers of local authorities in connection with the supply of water, sewerage and drainage.

2. The Bill amends the Metropolitan Water Act, 1902, in relation to the powers of the Metropolitan Water Board in connection with the supply of water, sewerage and drainage.

3. The Bill amends the Metropolitan Water Act, 1902, in relation to the powers of the Metropolitan Water Board in connection with the supply of water, sewerage and drainage.

4. The Bill amends the Metropolitan Water Act, 1902, in relation to the powers of the Metropolitan Water Board in connection with the supply of water, sewerage and drainage.

5. The Bill amends the Metropolitan Water Act, 1902, in relation to the powers of the Metropolitan Water Board in connection with the supply of water, sewerage and drainage.

6. The Bill amends the Metropolitan Water Act, 1902, in relation to the powers of the Metropolitan Water Board in connection with the supply of water, sewerage and drainage.

7. The Bill amends the Metropolitan Water Act, 1902, in relation to the powers of the Metropolitan Water Board in connection with the supply of water, sewerage and drainage.

8. The Bill amends the Metropolitan Water Act, 1902, in relation to the powers of the Metropolitan Water Board in connection with the supply of water, sewerage and drainage.

PROOF

No. , 1963.

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## A BILL

To prohibit the subdivision of land within the area of operations of the Metropolitan Water Sewerage and Drainage Board unless certain requirements have been complied with; to confer on the said Board certain powers relating to agreements for the construction of water and sewer mains and ancillary works; for these purposes to amend the Local Government Act, 1919, as amended by subsequent Acts, and the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts; and for purposes connected therewith.

[MR. HILLS;—30 *October*, 1963.]

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BE



*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by  
and with the advice and consent of the Legislative  
Council and Legislative Assembly of New South Wales in  
Parliament assembled, and by the authority of the same, as  
5 follows :—

1. (1) This Act may be cited as the "Local Government and Metropolitan Water, Sewerage, and Drainage (Amendment) Act, 1963".

Short title,  
citation and  
commence-  
ment.

(2) The Metropolitan Water, Sewerage, and Drainage  
10 Act, 1924, as amended by subsequent Acts and by this Act,  
may be cited as the Metropolitan Water, Sewerage, and  
Drainage Act, 1924-1963.

(3) This Act shall commence upon a day to be  
appointed by the Governor and notified by proclamation  
15 published in the Gazette.

2. The Local Government Act, 1919, as amended by  
subsequent Acts, is amended—

Amendment  
of Act No.  
41, 1919.

(a) (i) by inserting in paragraph (e) of subsection one  
of section three hundred and twenty-seven  
20 after the word "certificate" the words "together  
with, in the case of a subdivision that provides  
for the opening of a public road, and where  
the land to be subdivided is within, or partly  
within, the area of operations, within the  
25 meaning of the Metropolitan Water, Sewerage,  
and Drainage Act, 1924, as amended by  
subsequent Acts, of the Metropolitan Water  
Sewerage and Drainage Board, a certificate of  
that Board that the applicant has complied  
30 with the requirements, relating to the plan of  
subdivision, of section 34B of the Metropolitan  
Water, Sewerage, and Drainage Act, 1924, as  
amended by subsequent Acts";

Sec. 327.  
(Conditions  
to be  
observed be-  
fore opening  
new roads  
or sub-  
divisions.)

(ii)

*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

5 (ii) by inserting in paragraph (c) of subsection two  
of the same section after the word "certificate"  
the words "together with, where the land to  
be subdivided is within, or partly within, the  
area of operations, within the meaning of the  
Metropolitan Water, Sewerage, and Drainage  
Act, 1924, as amended by subsequent Acts, of  
the Metropolitan Water Sewerage and Drain-  
age Board, a certificate of that Board that the  
10 applicant has complied with the requirements,  
relating to the plan of subdivision, of section  
34B of the Metropolitan Water, Sewerage,  
and Drainage Act, 1924, as amended by  
subsequent Acts";

15 (b) by inserting next after section three hundred and  
thirty-one the following new section :— New sec.  
331A.

331A. (1) Where—

- 20 (a) the council approves, or approves subject  
to conditions, of an application under this  
Division (other than an application relating  
only to the opening of a public road) in  
respect of land which is, or part of which  
is, within the area of operations, within the  
meaning of the Metropolitan Water, Sewer-  
age, and Drainage Act, 1924, as amended  
25 by subsequent Acts, of the Metropolitan  
Water Sewerage and Drainage Board; or
- 30 (b) an award, other than an award disallowing  
the decision or all of the decisions appealed  
from, as the case may be, has been made  
under subsection one of section 341L of this  
Act by the Board of Subdivision Appeals  
in respect of any such land,

Procedure  
where plan  
of subdivi-  
sion relates  
to land  
within the  
area of  
operations of  
the Metro-  
politan  
Water  
Sewerage  
and Drain-  
age Board.

35 the council shall as soon as practicable after the  
approval was given or the award was made forward  
to the Metropolitan Water Sewerage and Drainage  
Board a copy of the plan of subdivision, together  
with



*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

with a copy of any conditions subject to which the council approved of the application and a copy of any such award relating to the application.

5 (2) The council shall cause to be endorsed on every notice of its decision given under subsection three of section three hundred and thirty-one of this Act (other than a notice that the application has been disapproved) a statement that the land may not be subdivided and the plan may not be registered in the office of the Registrar-General until a certificate has been obtained from the Metropolitan Water Sewerage and Drainage Board that the applicant has complied with the requirements, relating to the plan of subdivision, of section 10 34B of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts. 15

3. The Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts, is amended by inserting next after section thirty-four the following new sections :—

Amendment of Act No. 50, 1924. New secs. 34A, 34B.

25 34A. (1) The board may enter into an agreement under this section with the owner of any land within the area of operations of the board, or with any person authorised to enter into an agreement on his behalf, providing for the construction of either a water or sewer main, or both, and such ancillary works as may be specified in the agreement, to serve the land of such owner specified in the agreement, either alone or together with other lands. 30

Private contracts for construction of water and sewer mains.

Any main or ancillary works constructed pursuant to any such agreement shall be a main and ancillary works of the board.

35 (2) The board shall not enter into an agreement under this section for the construction of a water or sewer main, or both, and any necessary ancillary works,



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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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works, unless the State Planning Authority of New South  
Wales has issued to it a certificate in writing that in the  
opinion of the State Planning Authority of New South  
Wales the land of the owner referred to in the proposed  
5 agreement should not be subdivided unless the water  
or sewer main, or both, as the case may be, and any  
necessary ancillary works, is or are constructed to serve  
such land or any part thereof, either alone or together  
with other lands.

10 (3) Any agreement under this section may make  
provision for—

(a) the payment to the board by the owner of  
such land, or person so authorised, of the  
whole of the cost of the construction of the  
15 main or mains and ancillary works or such  
part thereof as the board considers reasonable  
to be paid in respect of such land, having  
regard to the benefit of such main or mains  
and works to the land of such owner specified  
20 in the agreement and to any other lands that  
will be, in the opinion of the board, capable  
of being served by such main or mains and  
works;

(b) the amount to be advanced to the board by  
25 such owner or person towards any remaining  
part of the cost of construction of such main  
or mains and works;

(c) the repayment to such owner or person by the  
board of the whole, or such part as may be  
30 agreed upon, of the advance referred to in  
paragraph (b) of this subsection;

(d) security to be lodged with the board in lieu of  
any payment or advance referred to in para-  
graph (a) or (b) of this subsection; and

35 (e) such other matters as may be agreed upon.

(4)



*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

(4) It shall not be necessary for the Governor's approval to be given to any advance referred to in paragraph (b) of subsection three of this section.

5 34B. (1) Where an application for approval to sub-  
divide any land within, or partly within, the area of  
operations of the board has been approved, or approved  
subject to conditions, under the Local Government Act,  
10 1919, as amended by subsequent Acts, by the council of  
the area in which the land is situated, or an award, other  
than an award disallowing the decision or all of the  
decisions appealed from, as the case may be, has been  
made under subsection one of section 341L of that Act,  
as so amended, by the Board of Subdivision Appeals in  
15 respect of any such land, the applicant to whom any such  
approval was given or in whose favour any such award  
was made may—

Subdividers  
may obtain  
certificates  
that the re-  
quirements  
of this sec-  
tion have  
been compl-  
ied with.

- (a) lodge a copy of the plan of subdivision with the board; and
- 20 (b) apply to the board for a certificate under this section certifying that the applicant has complied with the requirements, relating to the plan of subdivision, of this section.

25 (2) Where a copy of any plan of subdivision is lodged with, and an application is made to, the board in accordance with the provisions of subsection one of this section, the board may—

- 30 (a) if it does not propose to serve upon the applicant a notice under paragraph (b) or (c) of this subsection, issue to the applicant a certificate that the applicant has complied with the requirements, relating to the plan of subdivision, of this section;
- 35 (b) where any main constructed, or to be constructed, pursuant to an agreement under section 34A of this Act is, or after its construction will be, available to be connected to and of adequate capacity to serve such land or any part

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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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5 part thereof (whether with or without the  
construction of any additional mains), and the  
application is made within fifteen years after  
the date of the agreement, serve a notice upon  
the applicant requiring him to do such one or  
more of the following things as is or are  
specified in the notice, that is to say—

10 (i) to pay to the board such amount,  
specified in the notice, as is assessed  
by the board as being a reasonable  
proportion of the cost of the construc-  
tion of the main and any ancillary  
works constructed, or to be con-  
15 structed, pursuant to the agreement,  
having regard to the benefit of such  
main and works to the land referred  
to in the application;

20 (ii) to enter into an agreement with the  
board under section 34A of this Act  
providing for the construction of any  
additional main or works which is or  
are capable of serving only such land;

25 (iii) to enter into an agreement with the  
board under section 34A of this  
Act providing for the construc-  
tion of any additional main or  
works which is or are capable of serv-  
ing other lands as well as the land  
referred to in the application; or

30 (c) where the land is not land in respect of which  
the board is entitled to serve a notice under  
paragraph (b) of this subsection, serve a  
notice upon the applicant requiring him to  
enter into an agreement under section 34A of  
35 this Act providing for the construction of a  
water or sewer main, or both, and any  
necessary ancillary works.

(3)



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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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5 (3) Where the board has served a notice under paragraph (b) or (c) of subsection two of this section and the board is satisfied that the requirements of the notice have been complied with, the board shall issue to the applicant therefor a certificate that the applicant has complied with the requirements, relating to the plan of subdivision, of this section.

10 (4) If within the prescribed period a certificate under paragraph (a) of subsection two of this section has not been issued to, and a notice under paragraph (b) or (c) of the said subsection two has not been served upon, the applicant for a certificate under this section, the board shall upon the request of the applicant issue to the applicant a certificate that the applicant has complied with the requirements, relating to the plan of subdivision, of this section.

15 In this subsection "prescribed period" means a period of sixty days after the lodgment under subsection two of this section with the board of the copy of the plan of subdivision, or such longer period as may have been approved in a particular case by the Minister, and notified in writing to the applicant, within the said period of sixty days.

20 (5) (a) The board shall not serve a notice under subparagraph (ii) or (iii) of paragraph (b), or under paragraph (c), of subsection two of this section requiring the applicant for a certificate under this section to enter into an agreement under section 34A of this Act for the construction of a water or sewer main, or both, or any ancillary works, to serve any land unless—

- 25 (i) it has referred to the State Planning Authority of New South Wales a copy of the plan of subdivision in relation to which the applicant has applied for such certificate; and
- 30 (ii) that Authority has issued to the board a certificate under subsection two of section 34A of this Act in respect of the construction of the water or sewer main, or both, as the case may be, and ancillary works.

(b)

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*Local Government and Metropolitan Water, Sewerage, and Drainage  
(Amendment).*

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(b) The State Planning Authority of New South Wales shall within twenty days after a copy of a plan of subdivision is referred to it by the board, either—

- 5 (i) inform the board that it does not propose to issue in relation to the land comprised in such plan a certificate under subsection two of section 34A of this Act; or
- 10 (ii) issue such a certificate in respect of the construction of a water or sewer main, or both, and any necessary ancillary works, to serve such land or any part thereof, either alone or together with other lands.

15 (6) Any requirement of any notice under subparagraph (i) of paragraph (b) of subsection two of this section shall be deemed to have been complied with if security, in such form as the board considers satisfactory, for the payment of the amount required to be paid under the notice has been lodged with the board.

20 (7) Any notice that may be served by the board upon an applicant for a certificate under this section relating to any land may be served upon such applicant as if he were the owner of such land and the notice were required to be served by the board upon him.

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BY AUTHORITY:  
V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963



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