

**METROPOLITAN  
WATER SUPPLY, SEWERAGE,  
AND DRAINAGE (No. 4).**

**No. 109 of 1979.**

**AN ACT to amend section 3, Part VIIB and sections 94 and 146 of the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909-1979.**

*[Assented to 17th December, 1979.]*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Act, (No. 4), 1979.*

Short title  
and  
citation.

(2) In this Act the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909-1979 is referred to as the principal Act.

Reprinted as  
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for reprint  
13th  
December,  
1977 and  
amended by  
Acts Nos.  
19, 76 and  
105 of 1978  
and 3 and 42  
of 1979.

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(3) The principal act as amended by this Act may be cited as the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909-1979.

Commence-  
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Section 3  
amended.

3. Section 3 of the principal Act is amended, as to the reference to Part VII B, by—

(a) inserting, after the word "SUBDIVIDERS", in line one, the words "OR DEVELOPERS"; and

(b) deleting, in the last line, the passage "ss. 71F-71K" and substituting the passage "ss. 71F-71L".

Heading of  
Part VII B  
amended.

4. The heading to Part VII B of the principal Act is amended by inserting after the word "SUBDIVIDERS", in line one, the words "OR DEVELOPERS".

Section 71F  
amended.

5. Section 71F of the principal Act is amended by deleting the interpretation of the term "proclaimed date".

Section 71G  
amended.

6. Section 71G of the principal Act is amended—

(a) by deleting the passage "Where," in line one of subsection (1), and substituting the passage "Where—";

(b) by inserting before the word "on", in line one of subsection (1), the paragraph designation "(a)";

(c) by deleting the paragraph designations "(a)", "(b)", and "(c)", in line eight, line ten, and line twelve of subsection (1), respectively, and substituting the subparagraph designations "(i)", "(ii)", and "(iii)", respectively;

- (d) by inserting before the words “that land”, in line eight, line ten, line twelve, and line sixteen of subsection (1), respectively, the words “the whole or any part or parts of”;
- (e) by deleting the passage “drain,”, in line thirteen of subsection (1), and substituting the passage “drain; or”;
- (f) by inserting after line thirteen of subsection (1) a new paragraph as follows—
  - (b) the proposed development of any land will constitute a density of occupation greater than one single residence on each lot, ;
- (g) by inserting after the words “in order for the condition to be complied with” in lines fourteen and fifteen of subsection (1), the words “or for that proposed development to be adequately served”;
- (h) by deleting the words “the Board to provide works”, in lines fifteen and sixteen, and substituting the words “new or additional works to be provided”;
- (j) by inserting after the word “submitted”, in line nineteen of subsection (1), the words “or on the owner of the land in respect of which such development is proposed”;
- (k) by deleting the passage “in the event of the plan of subdivision of the land being approved under the provisions of the Town Planning and Development Act, 1928 and of the subdivision being proceeded with,”, in lines four to eight of subsection (2);
- (l) by deleting the word “proposed” in line twenty-five of subsection (2);
- (m) by inserting after the word “land”, in line twenty-six of subsection (2), the words “or any part of that land is put or”;

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- (n) by deleting the words “where the condition relates to”, in line twenty-nine, line thirty-two, and line thirty-six of subsection (2), respectively, and substituting in each case the words “as to the”;
- (o) by inserting after the word “relates”, where it occurs as the last word in paragraph (c) and also of paragraph (d) of subsection (2), the words “or as the proposed development requires” in each case;
- (p) by deleting the words “whether entered into before or after the proclaimed date”, being the last words of subparagraph (i) and also of subparagraph (ii) of paragraph (d) of subsection (2), and substituting the words “irrespective of the date on which that agreement was entered into” in each case; and
- (q) as to subsection (6),
  - (i) by inserting after the word “provided” in line one of that subsection, the words “whether or not by the Board”;
  - (ii) by inserting before the word “provided”, in line two, the word “so”; and
  - (iii) by adding after the word “Board”, being the last word in the subsection, the words “unless that agreement otherwise requires”.

Section 71H  
amended.

7. Section 71H of the principal Act is amended—

- (a) by deleting the passage “Where,” in line one of subsection (1), and substituting the passage “Where—”;
- (b) by inserting before the word “on”, in line one of subsection (1), the paragraph designation “(a)”;

- (c) by deleting the paragraph designations “(a)”, “(b)”, and “(c)”, in line eight, line ten, and line twelve of subsection (1), respectively, and substituting the subparagraph designations “(i)”, “(ii)”, and “(iii)”, respectively;
- (d) by inserting before the words “that land”, in line eight, line ten, and line twelve, of subsection (1), respectively, the words “the whole or any part or parts of”;
- (e) by deleting the passage “drain,”, in line thirteen of subsection (1), and substituting the passage “drain; or”;
- (f) by inserting after line thirteen of subsection (1) a new paragraph as follows—
  - (b) the redevelopment or proposed development of any land constitutes or will constitute a density of occupation greater than one single residence on each lot, ;
- (g) by inserting after the word “submitted”, in line fifteen of subsection (1), the words “or on the owner of the land in respect of which such redevelopment was undertaken or development is proposed (whether or not an application for the provision of such a service has been received or any notice pursuant to section forty-eight or section sixty-two of this Act has been given or any authorisation under section seventy-one E of this Act sought);
- (h) by deleting the passage “in the event of the plan of subdivision of the land being approved under the provisions of the Town Planning and Development Act, 1928 and of the subdivision being proceeded with,”, in lines four to seven of subsection (2);
- (j) by deleting the word “proposed” in line ten of subsection (2);

- (k) by inserting after the word “land”, in line eleven of subsection (2), the words “or any part of that land is put or”;
- (l) by deleting the words “where the condition relates to”, in line fourteen, line seventeen, and line twenty of subsection (2), respectively, and substituting in each case the words “as to the”;
- (m) by inserting after the word “relates”, where it occurs as the last word in paragraph (b) and also of paragraph (c) of subsection (2), the words “or as the redevelopment or proposed development requires” in each case; and
- (n) by deleting the words “whether entered into before or after the proclaimed date”, being the last words of subparagraph (i) and also of subparagraph (ii) of paragraph (c) of subsection (2), and substituting the words “irrespective of the date on which that agreement was entered into” in each case.

Section 71J  
amended.

8. Section 71J of the principal Act is amended by inserting after the word “Act”, in line three, the words “pursuant to a planning condition”.

Section 71K  
amended.

9. Section 71K of the principal Act is amended—

- (a) as to subsection (1), by deleting the words “a notice served”, in line two, and substituting the words “an agreement entered into”;

and

- (b) as to subsection (2), by deleting paragraph (a) of that subsection and substituting a new paragraph as follows—

- (a) the Town Planning Board has been notified by the Board in writing that either the provisions of the

agreement entered into pursuant to the requirements of that notice have been implemented or that such implementation has been ensured in a manner satisfactory to the Board;  
or .

10. The principal Act is amended by inserting a further section, to stand as section 71L, as follows—

Section 71L  
added.

71L. Where pursuant to a notice served under section seventy-one G or seventy-one H of this Act the Board enters into an agreement with the owner of any land or a person authorised to enter into such an agreement on his behalf, that agreement may provide that the Board shall be entitled to payment notwithstanding that works are or have been provided prior to the plan of subdivision being approved under the provisions of the Town Planning and Development Act, 1928, or the subdivision or proposed development, development, or redevelopment being proceeded with, and that entitlement to payment shall not be affected by reason only that such approval is not given or the project is not proceeded with. .

Board's  
entitlement  
to payment.

11. Section 94 of the principal Act is amended—

Section 94  
amended.

(a) by deleting the passage "(1) No", in line one, and substituting a new passage as follows—

(1) Subject to the provisions of subsection (2) of this section but notwithstanding the provisions of subsection (3) of this section—

(a) no ;

(b) by deleting the passage "land.", in line eight, and substituting the passage "land;" ;

- (c) by deleting the passage "(2) The sewerage rate shall not", in line nine, and substituting the passage "(b) no sewerage rate shall";
- (d) by deleting the passage "land.", in line seventeen, and substituting the passage "land; and" ;
- (e) by deleting the passage "(3) The metropolitan main drainage rate shall not", in lines eighteen and nineteen, and substituting the passage "(c) no metropolitan main drainage rate shall" ; and
- (f) by deleting subsection (4) and substituting two new subsection as follows—

(2) The Board may make and levy—

- (a) a minimum rate; and
- (b) a maximum rate,

of the prescribed amount upon any land, notwithstanding that if imposed under other provisions of this Act the rate payable in respect of that land would be otherwise and the restrictions imposed by subsection (1) of this section do not apply to any such rate imposed pursuant to this subsection.

(3) Subject to the approval of the Governor, and notwithstanding that a rate has been struck for the year, the Board may, at any time when extraordinary circumstances which in the opinion of the Board constitute an emergency so require, impose supplemental rates for the unexpired portion of the financial year and may for that purpose—

- (a) make such alterations in or additions to the rate book, without obliterating existing



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entries, as are necessary to complete the rate book for the supplemental rates; and

- (b) do all such other things as may be reasonably necessary to make and levy, and to provide for the collection of, those supplemental rates,

but this subsection does not authorise the Board to impose supplemental rates which, when taken together with the annual rates, would exceed in the aggregate the restrictions imposed by subsection (1) of this section. .

12. Section 146 of the principal Act is amended, as to paragraph (12) of subsection (1), by deleting the words "and fixing a minimum rate to be paid in respect of land under a prescribed value", in lines three and four of that paragraph, and substituting the passage "and supplemented rates, and fixing the minimum rates and maximum rates to be payable in respect of any land".

Section 146  
amended.

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