

Act No. 23, 1905.

PARRAMATTA
SEWERAGE AND
DRAINAGE.

An Act to sanction the construction of certain sewerage works; to provide for the taking over by the council of the borough of Parramatta of the said works, and of other works of drainage, and for the payment of interest and expenditure in respect of the same; to apply certain provisions of the Country Towns Water and Sewerage Act of 1880 and Acts amending the same to such works; to provide for drainage and sewerage rates, and for drainage and sewerage districts; to exempt such works from the operation of the Metropolitan Water and Sewerage Act of 1880 and Acts amending the same; and for purposes consequent thereon or incidental thereto. [8th November, 1905.]

Preamble.

WHEREAS, in accordance with the provisions of the Public Works Act, 1900, the Legislative Assembly did, by resolution, declare that it was expedient to carry out a certain work, namely, the construction of sewerage works for the town of Parramatta: And whereas on the passing of the said resolution a statutory duty was by the said Act imposed on the Secretary for Public Works to introduce a Bill into the said Assembly to sanction the carrying out of the said work: And whereas it is expedient to make other provisions with respect to certain works of drainage for the said town: Be it therefore enacted by the King'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:—

Preliminary.

Short title.

1. This Act may be cited as the "Parramatta Sewerage and Drainage Act, 1905." In its construction, "Principal Act" means Country Towns Water and Sewerage Act of 1880, and "Minister" means Secretary for Public Works.

Work

*Parramatta Sewerage and Drainage.**Work in Schedule One sanctioned.*

2. The carrying out of the said work of sewerage (more particularly described in Schedule One) is hereby sanctioned; and the Minister, or the Member of the Executive Council for the time being performing the duties of the Minister, is hereby authorised to undertake and carry out the said work, subject to the provisions of this Act, and for that purpose shall be, and shall have the powers and duties of, a Constructing Authority within the meaning of the Public Works Act, 1900, and shall have the powers conferred on the Minister by the Principal Act, and any Acts amending the same.

3. The plan of the said work is the plan marked "Parramatta Sewerage," signed by the Minister and countersigned by the Principal Engineer for Rivers, Water Supply, and Drainage, and deposited in the public office of the Minister.

4. The cost of carrying out the said work may be defrayed from such loan votes as are now or may hereafter be applicable to that purpose. Such cost, together with the cost of the works described in Schedule Two, is estimated at sixty-six thousand one hundred and twenty-three pounds, and shall not under any circumstances exceed such estimated cost by more than ten per centum.

Work taken over by council.

5. (1) When the work described in Schedule One, or any part thereof is completed, or is, in the opinion of the Minister, so far constructed as to be of use to the council of the borough of Parramatta, he may report that fact to the Governor. The Governor shall notify such fact in the Gazette, and thereupon the said council shall take over the work or the said part and the administration and management thereof. The said council shall thereupon have all the powers and obligations conferred and imposed on a council by this Act or the Principal Act or any Act amending the same. The Governor shall proclaim the boundaries of a sewerage district for the work or part so taken over, and may by proclamation alter any such boundaries.

(2) Any sewerage rate imposed on land may, notwithstanding the provisions of the Principal Act, be any amount not exceeding ten per centum of the assessed value of the land, and shall be in addition to any drainage rate imposed thereon under this Act.

(3) The Minister shall certify the amount actually expended in such construction up to the day of the notification by the Governor as aforesaid, together with interest at the rate of four per centum per annum on the sums making up such amount, calculated from the time such sums were expended. Interest from the said day at the rate of four per centum per annum on the amount so certified shall annually be paid by the council to the Colonial Treasurer, and shall be carried to the Consolidated Revenue Fund.

(4)

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(4) Like action may be taken at any time, and the above provisions of this section shall apply when the work or any part thereof has been further constructed and before completion.

Works in Schedule Two.

Works in Schedule Two.

6. (1) The work of drainage described in Schedule Two, together with any lands and buildings used in connection therewith, shall, on a day to be notified by the Governor in the Gazette, be taken over by and vested in the council of the borough of Parramatta and administered and managed by the said council.

(2) The Minister shall certify the amount actually expended on the work up to the said day, together with interest at the rate of four per centum per annum on the sums making up such amount, calculated from the time such sums were expended. Interest from the said day at the rate of four per centum per annum on the amount so certified shall be paid by the council to the Colonial Treasurer, and shall be carried to the Consolidated Revenue Fund.

The fixing of drainage areas.

7. A drainage area in respect of the said work may be determined in the following manner—

- (a) the council may, by resolution, define the boundaries of such area;
- (b) on such resolution being passed, the council shall cause notice of the same to be published in the Gazette, and twice in some newspaper or newspapers circulating in the borough, stating that an appeal against such definition of the boundaries may be made under this Act within thirty days from the date of the last of such publications;
- (c) within such thirty days any person interested may appeal against such definition of boundaries to a stipendiary or police magistrate, appointed by the Governor in that behalf, and sitting in the town of Parramatta in open court;
- (d) such magistrate shall hear such appeal, and for that purpose shall have the powers of a court of petty sessions, and may make such alterations in the boundaries of the area as he may think just, having regard to the benefit derived or to be derived by the owners or occupiers of land from the construction and use of the said work of drainage;
- (e) the boundaries as defined by such council, with such alterations as may be made therein on appeal as aforesaid, shall be the boundaries of such area for the purposes of this Act.

By-laws imposing drainage rate.

8. (1) On the boundaries of the drainage area being so determined, the said council may make by-laws under and subject to the provisions of the Principal Act—

- (a) prescribing the method of valuing land within the boundaries of such drainage area; but the valuation of any land shall not

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not exceed in any year the valuation of such land during the same or the next preceding year under the Municipalities Act, 1897;

- (b) prescribing the drainage rate to be paid in respect of any such land according to the benefit which, in the opinion of the council accrues to the land from the construction of the work ; but no such rate shall exceed the amount of five per centum per annum of the valuation of the land: Provided that a minimum rate of one shilling may be imposed by by-law ;
- (c) for carrying into effect the provisions of this Act relating to such work, and any valuations and rates in respect of the same.

(2) Section fourteen of the Principal Act shall apply in respect of by-laws made under this section. Incorporation of s. 14 of Act of 1880.

9. The said council may impose any drainage rates prescribed as aforesaid, and may recover them from the owners or occupiers of the lands in respect of which they are payable, and shall for that purpose have the powers granted to a council in respect of sewerage rates by the Principal Act and any Act amending the same. Imposition and recovery of rates.

Completion of works in Schedules One and Two.

10. When the works of sewerage and drainage described in Schedules One and Two have been finally completed and taken over by the said council as hereinafter in this Act provided, and the cost of the works and the interest thereon have been certified under the Principal Act and any Acts amending the same and this Act, all payments of interest under the preceding sections of this Act shall cease. Interest to cease on works being finally taken over.

11. Upon the completion of the said works the Constructing Authority shall report that fact to the Governor, and the Governor shall notify such completion in the Gazette, and thereupon the council of the borough of Parramatta shall finally take over the said works and the administration and management thereof upon the terms and conditions prescribed in section one hundred and twenty-five of the Principal Act, as amended by the Act fifty-seventh Victoria number nineteen: Works to be handed over to council of Parramatta subject to the Country Towns Water and Sewerage Acts.

Provided that—

- (a) the computations of interest under section two of the Act fifty-seventh Victoria number nineteen shall be made on the basis of four per centum per annum instead of three and a half per centum per annum, as in that section provided. In applying the said section the words “four per centum” shall be read for the words “three and a half per centum” wherever occurring in that section; and

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(b)

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- (b) in computing the amount of interest as aforesaid credit shall be given for any payments of interest under this Act in respect of a work taken over by the council before completion.

Deferred payments for sewerage connections.

Persons liable to make connections may apply to have work done on deferred payments.

12. (1) Where under the Principal Act or this Act the owner or occupier of any land is liable or has been required by the council to construct any works of sewerage, such owner or occupier may make application in writing to the council for such works to be carried out under the direction of the council on a system of deferred payment. Thereupon it shall be lawful for the council to enter into an agreement with the applicant for the carrying out of such works under the direction of the council at a price or sum and upon terms agreed upon, and for the payment of such price or sum by the applicant in not more than twelve quarterly instalments from the completion of the works. Interest at the rate of five per centum per annum on the amount remaining to be paid shall be added to each instalment. Such payments shall be charged upon the land in respect of which such works have been carried out.

(2) Upon the execution by the applicant of such agreement, the council shall cause the works aforesaid to be carried out, and forthwith upon completion shall give notice in writing to the applicant of such completion, and of the days on which the quarterly instalments of payment will fall due.

(3) Where the price or sum agreed upon between the council and any applicant under this section exceeds fifteen pounds, the Colonial Treasurer may, on the application of the council, advance the amount of such price or sum to the council from the Consolidated Revenue Fund.

Such amount shall be repaid by the council at any time or times, and by any instalments agreed upon between the council and the said Treasurer, with interest at the rate of five per centum per annum from the date of the advance, but so that the amount of the advance, with interest as aforesaid, shall be repaid within three years from the completion of the works.

Application of Principal Act.

Application of Principal Act.

13. The provisions of the Principal Act and any Acts amending the same shall, subject to the provisions of section fourteen of this Act, apply to and in respect of the works described in Schedules One and Two.

Saving clause.

14. Notwithstanding anything contained in the Principal Act, and any Acts amending the same, nothing in the said Acts contained shall be construed to affect the rights of existing mortgagees or debenture holders or their assigns with respect to any revenues of the borough

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borough of Parramatta other than the revenues to be derived from sewerage or drainage rates or otherwise in respect of the works described in the Schedules to this Act.

Metropolitan Act not to apply.

15. The provisions of the Metropolitan Water and Sewerage Act of 1880 and any Acts amending the same shall not apply to or in respect of the works described in Schedules One and Two. Metropolitan Act not to apply.

SCHEDULES.

SCHEDULE ONE.

Sewerage works, Parramatta, in the parishes of Saint John and Field of Mars, county of Cumberland.

1. The construction of twenty miles twenty chains, more or less, of main and reticulating sewers, varying in size from six inches to eighteen inches in diameter, together with manholes, junctions, gullies, ventilating shafts and pipes, penstocks, intercepting and flushing chambers, and all works incidental thereto and necessary for the proper completion thereof.

2. The construction of pumping station, septic tanks, and filters for the bacteriological treatment of sewage, at the junction of Clay Cliff Creek with the Parramatta River.

The works above described are subject to such deviations and modifications, omissions, or extensions as may hereafter be deemed necessary.

SCHEDULE TWO.

Existing drainage works, Parramatta, in the parishes of St. John and Field of Mars, county of Cumberland.

1. Clay Cliff Creek Stormwater Channel. Commencing at a point in Clay Cliff Creek about seven chains west of Cliff-street: thence in a westerly and south-westerly direction to Sydney-road, consisting of thirteen and a half chains of open cutting nine feet two inches on bottom and forty-seven chains eighty-five links of concrete channel varying from thirteen feet nine inches by five feet six inches to twelve feet four inches by six feet six inches, together with a branch along Harris-street to Parramatta River, consisting of sixteen chains eleven links of three feet circular Monier pipes, being the whole of the works comprised in Sewerage Contracts numbered 70, 110, and 411.

2. Brickfield Creek Stormwater Channel. Commencing at the junction of Brickfield Creek and Parramatta River: thence in a northerly direction to Grose-street, consisting of nine chains of open cutting fifteen feet eight inches by six feet, two chains of open cutting with concrete sides fifteen feet eight inches by six feet, and twenty-two chains of concrete channel varying from fifteen feet eight inches by six feet to nine feet by five feet; together with a branch to Church-street, consisting of ten and three-quarter chains of twenty-four inch circular pipe, and a branch to Grose-street, consisting of three and a half chains of concrete channel five feet ten inches by three feet six inches, being the whole of the work comprised in Sewerage Contracts numbered 87, 87A, and 87B.