

No. , 1921.

A BILL

To make further provision for water supply, sewerage, and drainage for the Hunter District; to amend the Hunter District Water and Sewerage Acts, 1892-1906; and for purposes consequent thereon or incidental thereto.

BE it 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
5 the same, as follows:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Hunter District Short title.
Water and Sewerage (Amendment) Act, 1921."

26445

311—A (3)

2.

Definition

2. The Hunter District Water Supply and Sewerage Act of 1892 (hereinafter referred to as "the Principal Act"), as amended or extended by the Country Towns and Hunter District Water Supply and Sewerage Acts Amendment Act of 1894, the Hunter District Water Supply (Partial Duplication) Act, 1895, the Hunter District Water and Sewerage Act Amendment Act, 1897, the Newcastle Sewerage Act, 1902, and the Hunter District Water and Sewerage (Amendment) Act, 1906, are in this Act referred to, and may in any Act, regulations, or by-laws, or any instrument made under the authority of any such Act, regulations or by-laws, be cited, as the "Hunter District Water and Sewerage Acts, 1892-1921."

Divisions of Act.

3. This Act is divided into Parts, as follows:— 15

PART I.—PRELIMINARY—*ss.* 1-4.

PART II.—CONSTITUTION OF THE BOARD—REGULATIONS—*ss.* 5-10.

PART III.—VALUATIONS AND RATES—DEFERRED PAYMENTS—*ss.* 11-13. 20

PART IV.—STORMWATER DRAINS—FINANCE—*s.* 14.

Definitions.

4. Section two of the Principal Act is amended by the insertion in appropriate alphabetical order of definitions as follows:— 25

"Assessed annual value" shall have the meaning defined in section seven of the Valuation of Land Act, 1916, and shall in all cases be read in place of the expression "net annual value" wherever occurring in this Act or any Act amending or extending its provisions. 30

"Stormwater drain" means any channel, natural or artificial, whereby any surface water, liquid refuse, or polluted waters, other than those containing fæcal matter, is carried off. 35

PART II.

CONSTITUTION OF THE BOARD—REGULATIONS.

5. This Part shall come into force on the thirtieth day of June, one thousand nine hundred and twenty-two. Date of commencement of Part.

5 6. (1) Section five and the First Schedule of the Principal Act are repealed. Sec. 5 and Sch. I of H.D. Act of 1892.

(2) The following section is inserted in the place of section five of the Principal Act:—

10 5. (1) The authority empowered to carry out the provisions of this Act, except such parts thereof as empower the Minister to complete, construct, or maintain works for water supply, sewerage, or drainage, shall be the "Hunter District Water Supply and Sewerage Board." The Board shall be composed of seven persons. Constitution of Board.

15 (2) The Governor shall appoint three members of the Board, who shall be designated "official members," and shall nominate one of such members to be the president of the Board. Official members.

20 (3) Subject to the next following subsection, the aldermen of the municipalities of Newcastle, Carrington, and Merewether shall elect one member of the Board; the aldermen and councillors of the municipalities of Adamstown, Hamilton, Lambton, New Lambton, Wallsend, Waratah, and Wickham, and of the shires of Lake Macquarie and Tarro, shall elect two members; and the aldermen and councillors of the municipalities of West Maitland, East Maitland, and Morpeth, and of the shires of Cessnock and Bolwarra, shall elect one member. Elected members—Electorates.

25 The four members elected in accordance with this subsection shall be designated "elected members."

30 (4) The Governor may by proclamation in the Gazette add the names of other municipalities or shires which have been created by the reconstitution of any of the areas mentioned in the next preceding subsection, or which he is of opinion should be represented on the board, to the names of Future electorates.

of the areas mentioned in the said subsection, by the aldermen and councillors of which members of the board are elected, and shall in any such case direct in which group of areas the names of such other areas shall be included. 5

Sec. 7 of
Principal
Act.

7. Section seven of the Principal Act is amended by omitting all the words after "years" where first occurring and inserting in substitution therefor "Subject to the provisions of sections ten and fourteen of this Act members shall hold office until their successors are 10 appointed or elected in accordance with this Act."

8. Section nine of the Principal Act is amended by omitting "one hundred" and inserting "one hundred and fifty."

Sec. 13 of
Principal
Act.

9. Section thirteen of the Principal Act is amended 15 by the omission of the words "On the corresponding day and month in every second year thereafter, the like elections shall take place of two members to serve on the Board in lieu of those retiring by rotation; and at all such elections the voting shall be by ballot." 20

Secs. 14, 16,
and 17 of
Principal
Act.

10. Sections fourteen, sixteen, and seventeen of the Principal Act are repealed, and the following sections are inserted in the place of those sections:—

Date of
elections.

14. Elections to fill other than extraordinary vacancies shall be held on the first Saturday in 25 July in the fourth year following the preceding election to fill that particular vacancy, and at the conclusion of such election members elected at such preceding election, if not re-elected, shall cease to hold office. 30

Qualification
of candidates.

16. Every person shall be eligible for election as a member of the Board if at the time of the holding of any election he possesses in and for any municipality or shire named in section five of this Act or in any proclamation made in pursuance of 35 that section the qualification, and is not within any disqualification prescribed and imposed in respect of the office of alderman or councillor by the Local Government Act, 1919, or any Act amending or consolidating the same. 40

17. All elections shall be conducted in the manner prescribed by regulations made by the Governor, which shall also prescribe the notice to be given of such elections, the method of nominating candidates, the appointment and duties of returning officers and other electoral officers, and such other matters as may require to be prescribed.

Conduct of elections—regulations.

11. Section forty-two of the Principal Act is amended by omitting all words after "Act" where the second time occurring, and inserting in substitution therefor the words "or any Act amending or extending its provisions, and for prescribing the form of any notice or other document under this Act or any Act amending or extending its provisions, and for the guidance of officers in the execution of their duty."

Sec. 42 of Principal Act.

PART III.

VALUATIONS AND RATES—DEFERRED PAYMENTS.

12. Section thirty-five of the Principal Act is amended by omitting paragraph (xxii) and inserting the following paragraph in substitution therefor:—

Sec. 35 of Principal Act.

(xxii) For determining, making, and levying the rate to be paid in respect of each property ratable for sewerage, whether there be any communicating drain between such property and any sewer of the Board or not. No such rate shall exceed seven and one-half pounds per centum on the assessed annual value of the property ratable: Provided that a minimum rate of fifteen shillings per annum shall be lawful, although the same may exceed seven and one-half pounds per centum on such assessed annual value.

Limit of sewerage rate. Minimum.

13. (1) Section nine of the Hunter District Water and Sewerage Act Amendment Act, 1897, is amended in subsection four by omitting the words "in the form or to the effect of Schedule A hereto" and inserting in substitution therefor the words "in the prescribed form," and by omitting Schedule A to that Act. (2)

Sec. 9 to H.D. Act, 1897.

Secs. 9 and 10
of H.D. Act,
1897.

(2) Sections nine and ten of the same Act are amended by inserting before "municipal council" in the expression "valuation then in force of any municipal council," wherever occurring, the words "shire or."

Sec. 10 of
H.D. Act,
1897.

(3) Section ten of the same Act is amended in 5 paragraph (I) by inserting after "may" the words "in each year"; and in paragraph (III) by omitting "municipal" in the expression "municipal valuation."

Sec. 14 of
H.D. Act,
1897.

(4) Section fourteen of the same Act is repealed and the following section is inserted in substitution 10 therefor:—

Water and
sewerage
rates.

14. The Board shall levy and collect such rates, charges, and sums of money as shall be sufficient to cover the annual sums required for carrying out the provisions of the Hunter District Water and Sewerage Acts, 1892-1921, including the payment of the salaries and remuneration of the president, vice-president, and other members of the board.

Limit of
water rate.
Minimum
rate, sec. 15
of H.D. Act
of 1897.

(5) Section fifteen of the same Act is amended by omitting "No such rate shall exceed the amount of five 20 pounds per centum on the assessment of the property ratable: Provided that a minimum rate of ten shillings per annum shall be lawful, although the same may exceed five pounds per centum on the assessment, and whether the water of the Board is supplied to the said property 25 or not," and by substituting the following:—"No such rate shall exceed the amount of seven and one-half pounds per centum on the assessed annual value of the property ratable: Provided that a minimum rate of fifteen shillings per annum shall be lawful, although 30 the same may exceed seven and one-half pounds per centum on the assessed annual value, and whether the water of the Board is supplied to the said property or not."

Repeal of s. 35
of H.D. Act,
1897.

(6) Section thirty-five of the same Act is 35 repealed.

(7) Section forty-five of the same Act is amended by omitting the last paragraph thereof and inserting the following:—

The Board may, subject to the provisions of the 40 Public Works Act, 1912, carry out any extensions

OR

or improvements of any works vested in it, and in such case all powers and liabilities exercisable by and attaching to the Constructing Authority shall be exercisable by and attach to the Board.

5 **14.** Section twelve of the Hunter District Water and Sewerage (Amendment) Act, 1906, is amended in subsection two by omitting the words "twenty pounds" and inserting in substitution therefor the words "thirty pounds."

Sec. 12 of H.D. Act, 1906.

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PART IV.

STORMWATER DRAINS—FINANCE.

15. (1) Part IV of the Principal Act and Part IV of the Hunter District Water Supply and Sewerage Act Amendment Act, 1897, are hereby repealed.

Part IV of Principal Act and Part IV of H.D. Act, 1897.

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(2) The following new Parts are inserted in the Principal Act :—

PART IV.

STORMWATER DRAINS.

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129. (1) The works described in Schedules A and B are hereby vested in the Board.

Vesting of certain stormwater channels.

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(2) The Colonial Treasurer shall, upon the certificate of the President, and subject to such conditions as to proof of expenditure as he may require, pay to the Board the amount of any expenditure in the maintenance and repair of the works described in Schedule A.

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130. The Governor may, by proclamation in the Gazette, direct that any stormwater drains therein described be vested in the Board.

Stormwater drains hereafter vested in Board.

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131. In respect of any works vested in the Board in pursuance of the two next preceding sections, the control and management of the works shall be absolutely transferred to the Board, and all lands, buildings, works, material, plant, plans, documents, and all other property whatsoever connected therewith shall be vested in the Board without any further conveyance or transfer, and any vesting heretofore made, whether by statute or otherwise, is hereby annulled.

Property in stormwater drains.



Drainage
areas.

132. As soon as practicable after any such transfer to the Board of any stormwater drain, other than the works described in Schedules A and B—

- (a) the Board shall define the boundaries of the drainage area in respect of any such drain, and shall cause notice thereof to be published in the Gazette, and at least twice in some newspaper or newspapers circulating in such area, and to be given to the council of any municipality or shire constituting or forming part of such area. Such notices shall state that an appeal against such definition of the boundaries may be made within thirty days from the date of the last of such publications ;
- (b) 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 open court within such area or convenient thereto ;
- (c) notice of the day and place of hearing of appeals shall be published by the Board by advertisement in the Gazette and in one or more newspapers circulating in such area ;
- (d) such magistrate shall hear such appeal, and for that purpose shall have the powers of a court of petty sessions, and may confirm or 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 properties within such drainage area from the construction of such works or the actual use thereof, or the right to the use thereof ;
- (e) where the boundaries of such area are confirmed, such magistrate shall attest by his signature the Gazette notice of such boundaries, and where such boundaries are altered

altered the magistrate shall there and then amend and alter such notice accordingly, and attest the same as so altered ;

- 5 (f) the boundaries as defined by the Board, with such alterations (if any) as may be made therein on appeal as aforesaid, shall be the boundaries of such drainage area for the purposes of this Act.

10 133. The Board may make by-laws— By-laws.

- (a) determining the amount of the rate to be paid in respect of properties in a drainage area according to the benefit which, in the opinion of the Board, accrues to such properties from the construction of storm-water drainage works. But no such rate shall exceed the amount of three pounds per centum per annum on the assessed annual value: Provided that a minimum rate of two shillings and sixpence may be imposed by by-law ;

- 15 (b) for regulating and preventing the discharge of urine, liquid wastes, and polluted waters into stormwater drains ; and

- 20 (c) for carrying into effect the provisions of this Act relating to stormwater drains.

25 133A. Subject to the provisions of this Act, Drainage rates. drainage rates may be enforced and recovered in respect of each and every property situated within the boundaries of any drainage area. Differential rates may be levied in respect of different zones as defined by by-law. Any drainage rate imposed on property may be in addition to any sewerage rate imposed thereon.

30 133B. (1) Subject to the provisions of this Act Construction and alteration of drains. the Minister may from time to time construct stormwater drains or alter or extend any storm-water drains vested in the Board.

35 (2) The Board shall maintain, repair, and cleanse all stormwater drains transferred to and vested in or constructed or acquired by it, and shall
40 keep the same so as not to be a nuisance or injurious to health.

PART IV.A.

FINANCE.

Revenue and
expenditure.

133c. All revenue of the Board shall be paid into the Treasury, or into the bank keeping the public account, and all necessary expenditure in management and all working expenses shall be advanced to the Board out of the Consolidated Revenue Fund. 5

Audit Act.

133d. The provisions of the Audit Act, 1902, shall apply to the Board, and to all officers acting under its authority and control, and to any agent appointed by the Board under the provisions of section twenty-eight of this Act. 10

SCHEDULES.

SCHEDULE A.

15

(1) *Pasturage Reserve—Main Channel.*

COMMENCING in Throsby Creek to the south of Mitchell-street; and extending thence westerly, northerly, again westerly and southerly, across reserves, private property, Throsby Creek, Maitland-road, and Chinchin-street to the Great Northern Railway; thence again southerly, more or less, along the Styx Creek; thence south-westerly across private property and along the Australasian Coal Company's railway to Lambton-road; thence southerly and south-westerly along Tocal-street, across Russell-road, through the Waratah Coal Company's land to a point about 0·2 chains north of the north-eastern side of James-road,—a distance of about 2 miles 48·3 chains. 20 5

The channel being in excavation varying in section from 86 feet on the bottom with side slopes of 2 and $1\frac{1}{2}$ to 1 to 10 feet on bottom with side slopes of 1 to 1.

(2)

(2) *Branch of above Channel.*

Commencing on the main channel at 2 miles 35 chains, and extending thence through land belonging to the Waratah Coal Company to a culvert at 2 miles 49·2965 chains.

5 The channel being in excavation 7 feet on the bottom with side slopes of 1 to 1.

(3) *Lambton Branch Channel.*

Commencing on the main channel at 1 mile 48·162 chains; and extending thence westerly across private property, Waratah Coal 10 Company's railway, New Lambton Park, Lambton Colliery railway, Tauranoa, Denison, and Tyrone roads to a culvert under the Lambton Colliery railway at 2 miles 41·32 chains.

The channel being under excavation varying in section from 9 feet 9 inches on bottom with side slopes $1\frac{1}{2}$ to 1 to a pitched channel 10 15 feet wide on top by 4 feet 3 inches deep with side slopes of 1 to 1.

(4) *Adamstown Branch Channel.*

Commencing on the main channel at 1 mile 37·149 chains; and extending thence southerly and south-westerly along the late Hartley Vale railway, across the Great Northern Railway reserve and private 20 property to Glebe-road; thence again southerly and south-westerly through private property and across Victoria street, lanes, Fourth and Seventh streets to a creek at 2 miles 76·0569 chains.

The channel being in excavation varying in section from 5 feet wide on bottom with side slopes $1\frac{1}{2}$ to 1 to a pitched channel 9 feet 3 inches 25 wide on top by 2 feet 3 inches deep with side slopes of 1 to 1.

(5) *Hamilton Branch Channel.*

Commencing on the main channel at about 1 mile 11·7 chains, and extending thence south-easterly across Australia-road, private property, Curley and Brown roads, the Great Northern Railway, and Graham- 30 road to Chatham-street; thence again south-easterly, southerly, and south-westerly through private property and across Belford-street to an existing bridge in Winship-street, a length of 46·92 chains:

The channel being 5 feet 6 inches by 4 feet 1 inch covered concrete to Brown's-road, the remainder being in excavation varying in section 35 from 2 feet wide on bottom with side slopes of $1\frac{1}{2}$ to 1 to 1 foot 9 inches on bottom with similar side slopes.

SCHEDULE B.

Cottage Creek Stormwater Channel.

Commencing on the right bank of Throsby Creek about 6 chains east of Hannell-street, and extending thence south-westerly and southerly under the Great Northern Railway, across private property and Charlton-street to a bridge under the Australian Agricultural Company's railway, a length of about 14·6 chains. 5

The channel being constructed of rubble and concrete, varying in section from 22 feet 10½ inches by 6 feet to 20 feet by 5 feet.

Hannell-street Branch.

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Commencing at a junction on the main channel on the south-western side of the Great Northern Railway, and extending thence north-westerly through railway lands and across Hannell-street, parallel to that beforementioned railway, to an existing 12-inch pipe, a length of about 29·4 chains. 15

The channel being constructed of concrete varying in section from 3 feet 2 inches by 3 feet 10½ inches to 2 feet 4¾ inches by 2 feet 6 inches.

The above to include all works carried out in connection with Cottage Creek and Hannell-street branch drainage.
