



# **STATUTES AMENDMENT (WATERWORKS AND SEWERAGE) ACT 1994**

**No. 33 of 1994**

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**ELIZABETHAE II REGINAE**

A.D. 1994

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No. 33 of 1994

An Act to amend the Waterworks Act 1932 and the Sewerage Act 1929.

[Assented to 2 June 1994]

The Parliament of South Australia enacts as follows:

**PART 1  
PRELIMINARY**

**Short title**

1. This Act may be cited as the *Statutes Amendment (Waterworks and Sewerage) Act 1994*.

**Commencement**

2. This Act will be taken to have come into operation on 1 July 1987.

**Interpretation**

3. A reference in this Act to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

**PART 2  
AMENDMENT OF WATERWORKS ACT 1932**

**Amendment of s. 109a—Certain work may be carried out by owner**

4. Section 109a of the principal Act is amended by inserting after "the applicant is not liable" in subsection (6) ", subject to section 109b,".

**Insertion of s. 109b**

5. The following section is inserted after section 109a of the principal Act:

**Capital contribution where capacity of waterworks increased**

**109b.** (1) Where the Minister has decided to increase the capacity of the waterworks to cater for future demand for the supply of water in a particular area and—

(a) the decision was made in response to an application for development authorisation for the division of land in that area;

or

(b) the decision was made in response to such an application or for any other reason and a person applies for development authorisation for the division of land in that area at any time after the Minister made the decision,

the applicant is liable to make a contribution to the Minister towards the cost of increasing the capacity of the waterworks.

(2) The amount of the contribution is an amount equivalent to that part of the cost of increasing the capacity of the waterworks that should, in the Minister's opinion, be attributed to the additional demand for the supply of water resulting from the division.

(3) If a proposed division of land does not proceed because—

(a) the application for development authorisation lapses or is withdrawn;

or

(b) development authorisation for the division is refused or is subject to conditions that are unacceptable to the applicant,

any contribution paid to the Minister under this section must be refunded by the Minister.

(4) In this section—

"cost" of increasing the capacity of the waterworks means the estimated cost, or if the required work has been completed, the actual cost of the increase;

"development authorisation" means a development authorisation within the meaning of the *Development Act 1993* and includes a planning authorisation within the meaning of the *Planning Act 1982* and a certificate of approval issued under Part II Division V of the *Strata Titles Act 1988*;

"division" of land means division under Part XIXAB of the *Real Property Act 1886* or by strata plan.

### PART 3 AMENDMENT OF SEWERAGE ACT 1929

#### Amendment of s. 46—Certain work may be carried out by owner

6. Section 46 of the principal Act is amended by inserting after "the applicant is not liable" in subsection (6) ", subject to section 47,".

**Insertion of s. 47**

7. The following section is inserted after section 46 of the principal Act:

**Capital contribution where capacity of undertaking increased**

47. Where the Minister has decided to increase the capacity of the undertaking to cater for future demand for sewerage services in a particular area and—

(a) the decision was made in response to an application for development authorisation for the division of land in that area;

or

(b) the decision was made in response to such an application or for any other reason and a person applies for development authorisation for the division of land in that area at any time after the Minister made the decision,

the applicant is liable to make a contribution to the Minister towards the cost of increasing the capacity of the undertaking.

(2) The amount of the contribution is an amount equivalent to that part of the cost of increasing the capacity of the undertaking that should, in the Minister's opinion, be attributed to the additional demand for sewerage services resulting from the division.

(3) If a proposed division of land does not proceed because—

(a) the application for development authorisation lapses or is withdrawn;

or

(b) development authorisation for the division is refused or is subject to conditions that are unacceptable to the applicant,

any contribution paid to the Minister under this section must be refunded by the Minister.

(4) In this section—

"cost" of increasing the capacity of the undertaking means the estimated cost, or if the required work has been completed, the actual cost of the increase;

"development authorisation" means a development authorisation within the meaning of the *Development Act 1993* and includes a planning authorisation within the meaning of the *Planning Act 1982* and a certificate of approval issued under Part II Division V of the *Strata Titles Act 1988*;

"division" of land means division under Part XIXAB of the *Real Property Act 1886* or by strata plan.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor