

NORTHERN TERRITORY OF AUSTRALIA  
WATER SUPPLY AND SEWERAGE AMENDMENT ACT 1994

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No. 83 of 1994

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TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. Interpretation
5. New section:  
  
"12A. REDEVELOPMENT IN A SEWERED AREA"
6. New sections:  
  
"13A. WATER SUPPLY EXTENSION AREAS  
"13B. REDEVELOPMENT IN A WATER SUPPLY AREA"





# NORTHERN TERRITORY OF AUSTRALIA

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No. 83 of 1994

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## AN ACT

to amend the *Water Supply and Sewerage Act*

[Assented to 30 December 1994]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Water Supply and Sewerage Amendment Act 1994*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

In this Act, the *Water Supply and Sewerage Act* is referred to as the Principal Act.

4. INTERPRETATION

Section 6(1) of the Principal Act is amended by inserting after the definition of "owner" the following:

"'parcel of land' means the whole of the land the subject of a certificate as to title under the *Real Property Act*;"

*Water Supply and Sewerage Amendment*

5. NEW SECTION

The Principal Act is amended by inserting after section 12 the following:

"12A. REDEVELOPMENT IN A SEWERED AREA

"(1) Where, in the opinion of the Authority, a proposed development or change in the use of a parcel of land within a sewered area will result in -

- (a) more residential buildings on the parcel than previously existed;
- (b) more residences for separate occupancy on the parcel than previously existed; or
- (c) the use of all or any part of the parcel for non-residential purposes or for a combination of residential and commercial purposes,

and, as a consequence, an increased load on the sewerage service made available to the parcel of land, the Authority may, by notice in writing to the owner of the parcel, require him or her to pay to the Authority -

- (d) in a case referred to in paragraphs (a) or (b) - an amount determined by the Minister, by notice in the Gazette, for the purposes of this section (and the Minister may make such a determination); and
- (e) in a case referred to in paragraph (c) - such amount as the Authority thinks reasonable as the owner's contribution to defray the costs of any future upgrading of the service to the land to an adequate standard.

"(2) A notice to an owner of a parcel of land under subsection (1) shall specify -

- (a) the amount payable;
- (b) the reason why the payment is required;
- (c) the parcel of land in relation to which it is required; and
- (d) if payments are required in relation to more than one of the owner's parcels of land - the amounts required in relation to each parcel.

"(3) An amount required under subsection (1) to be paid to the Authority is due and payable on receipt of the notice by the owner of the parcel of land."

*Water Supply and Sewerage Amendment*

6. NEW SECTIONS

The Principal Act is amended by inserting after section 13 the following:

"13A. WATER SUPPLY EXTENSION AREAS

"(1) The Minister may, by notice in the *Gazette* -

- (a) declare an area of land within a water district but not within a water supply area to be a water supply extension area; and
- (b) declare the charges payable under this section in relation to land within the water supply extension area.

"(2) A notice under subsection (1) may specify different charges in respect of parcels of land depending on their proximity to a water supply area.

"(3) Where a water supply extension area is declared under subsection (1), an owner of a parcel of land within the area shall pay to the Authority in relation to the land -

- (a) the amount payable by him or her under any agreement under section 19 in relation to the parcel of land; or
- (b) where no such agreement has been made in respect of the parcel of land - the amount determined by the Minister in the notice under subsection (1) or by a subsequent notice in the *Gazette* in relation to land so situated.

"(4) An amount required by this section to be paid is payable -

- (a) on application for the supply of a water service for use on the parcel of land; or
- (b) subject to subsection (5), where no application for the supply of a water service to the parcel of land is made - immediately before the first transfer of the parcel to another person after the declaration of the water supply extension area (or its next transfer after an exemption under subsection (5) ceases to have effect), notwithstanding that the owner or the person to whom the parcel is to be transferred does not elect to have water supplied by the Authority to the parcel of land.

*Water Supply and Sewerage Amendment*

"(5) The Minister may, by notice in the *Gazette*, declare a transfer of a parcel of land to be exempt from the payment of a charge under this section and the owner of the land is accordingly not liable to make such a payment while the exemption remains in force.

"(6) The balance from time to time outstanding of the charge payable under this section is an overriding statutory charge, within the meaning of the *Real Property Act*, on the parcel of land to which it relates.

"13B. REDEVELOPMENT IN A WATER SUPPLY AREA

"(1) Where, in the opinion of the Authority, a proposed development or change in the use of a parcel of land within a water supply area will result in an increased load on the water service made available to the parcel of land, the Authority may, by notice in writing to the owner of the parcel, require the owner to pay to the Authority the amount determined by the Minister for the purposes of this section by notice in the *Gazette*, and the Minister may make such a determination.

"(2) A notice to an owner of a parcel of land under subsection (1) shall specify -

- (a) the amount payable;
- (b) the reason why the payment is required;
- (c) the parcel of land in relation to which it is required; and
- (d) if payments are required in relation to more than one of the owner's parcels of land - the amounts required in relation to each parcel.

"(3) An amount required under subsection (1) to be paid to the Authority is due and payable on receipt of the notice by the owner of the parcel of land."

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