



NORTHERN TERRITORY OF AUSTRALIA

No. 63 of 1993

AN ACT

to amend the *Cullen Bay Marina Act*

[Assented to 3 November 1993]

BE 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 *Cullen Bay Marina Amendment Act 1993*.

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

The *Cullen Bay Marina Act* is in this Act referred to as the Principal Act.

4. DEFINITIONS

Section 2 of the Principal Act is amended by omitting from the definition of "common property" the words "the revetments referred to in section 13," and "the revetments and".

5. SUBDIVISION OF DEVELOPMENT AREA

Section 3(2) of the Principal Act is amended by omitting paragraph (c) and substituting the following:

"(c) specify the easements referred to in section 13A;"

Cullen Bay Marina Amendment

6. INCORPORATION OF OWNERS OF LOTS

Section 8(4) of the Principal Act is amended by inserting, after "of the lots", the words "in respect of which freehold titles have issued".

7. REPEAL AND SUBSTITUTION

Section 13 of the Principal Act is repealed and the following substituted:

"13. MAINTENANCE OF REVETMENT

"(1) Where a revetment to that part of the development area known as the mooring basin is contained in a lot, the owner of the lot shall ensure that the revetment is at all times maintained, at the owner's expense, to a standard not lower than the standard at the time of the completion of the revetment by the Developer.

"(2) A person shall not erect a building or structure on or across the revetment, or attach anything to the revetment, except with and in accordance with the approval in writing of the Management Corporation and the standards, if any, prescribed in the By-laws.

"(3) It is a condition of every approval given under subsection (2) that the person will, on being so directed by notice in writing by the Management Corporation, remove a building, structure or thing referred to in that subsection from or from across the revetment, at the person's own expense and within the time specified in the notice, where, in the opinion of the Management Corporation, its removal is necessary for the proper maintenance of the revetment.

"(4) Where -

(a) a building or other structure has been constructed on or across the revetment; or

(b) a thing has been attached to a revetment,

otherwise than in accordance with subsection (2), or

(c) an improvement (other than a building or structure) has been placed on or fixed to the revetment otherwise than as permitted by the By-laws,

the Management Corporation may, by notice in writing, direct the owner of the lot to remove it within such reasonable time as is specified in the notice and the owner shall comply with the direction.

Penalty: \$2,000 and \$100 for each day during which the offence continues.

Cullen Bay Marina Amendment

"13A. EASEMENTS OF SUPPORT

"The owner of each lot has against the owner of each adjoining lot an easement of support and, without limiting the generality of that right, the right includes the right to the support of the revetment on his or her lot by the revetment on an adjoining lot."

8. RESTRICTIVE COVENANTS

Section 14(1) of the Principal Act is amended by omitting all words before "the common property" (first occurring) and substituting "(1) Subject to subsections (2) and (3), for the purposes of imposing a restrictive covenant on the use of a lot".

9. TRANSITIONAL

Section 17 of the Principal Act is amended by adding at the end the following:

"(3) Until the first meeting of the Management Corporation after the issuing of the first freehold title to land referred to in section 8(1), the Developer may exercise the power of approval of the Management Corporation under section 13(2) and on it so doing the approval shall be deemed to be that of the Management Corporation."
