



## NORTHERN TERRITORY OF AUSTRALIA

No. 13 of 1983

### AN ACT

To amend the *Control of Roads Act*

[Assented to 17 June 1983]

**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 *Control of Roads Amendment Act 1983*.

2. PRINCIPAL ACT

The *Control of Roads Act* is in this Act referred to as the Principal Act.

3. NEW SECTION

The Principal Act is amended by inserting before section 15 in Part IV the following:

"14A. DEFINITIONS

"In this Part, 'proposal' means a proposed new road, the proposed alterations of a road or part of a road, or a road or part of a road proposed to be closed, delineated on a plan."

4. REPEAL AND SUBSTITUTION

Section 17 of the Principal Act is repealed and the following substituted:

"17. PROCEEDINGS TO OPEN, ALTER, &c., ROADS

"(1) When it is proposed to open a road, or alter or close a road or part of a road, the Surveyor-General shall furnish to the Minister -

Control of Roads Amendment

- (a) a plan, certified by the Surveyor-General as an adequate representation, showing the approximate position of the proposal; and
- (b) in relation to the plan, a statement showing the names of adjoining owners with the last known address of each of them.

"(2) After consideration of the plan, the proposal and statement referred to in sub-section (1), the Minister may approve or amend the proposal and shall as soon as practicable thereafter deposit with the Surveyor-General the plan showing the proposal and amendments thereto, if any, endorsed with the approval of the Minister, together with the statement."

5. REPEAL AND SUBSTITUTION

Section 18 of the Principal Act is repealed and the following substituted:

"18. DUTIES OF SURVEYOR-GENERAL

"Where a plan is deposited with the Surveyor-General in accordance with section 17(2), he shall -

- (a) cause a notice to be inserted in the *Gazette* and in a newspaper circulating in the locality of the land to which the plan relates stating a general description of the proposal and setting out the names of adjoining owners; and
- (b) maintain a copy of the plan as approved by the Minister, and permit any person, during normal business hours, to inspect it."

6. REPEAL

Section 19 of the Principal Act is repealed.

7. PERSON MAY OBJECT TO PROPOSAL

Section 20 of the Principal Act is amended by omitting "referred to in section 18" and substituting "in the *Gazette* or the newspaper, whichever is the later, referred to in section 18(a)".

8. PROCEDURE WHERE NO OBJECTION RECEIVED

Section 21 of the Principal Act is amended by inserting after "in the *Gazette*" the words "and in a newspaper circulating in the locality of the proposal".

9. REPEAL AND SUBSTITUTION

Section 22 of the Principal Act is repealed and the following substituted:

*Control of Roads Amendment*

"22. PROCEDURE WHERE OBJECTION RECEIVED

"(1) If, at the expiry of the time limited by section 20, a person has objected to the proposal in accordance with that section, the Minister may consider the objection and the plan and the statement deposited under section 17, and shall determine whether or not the proposal shall proceed or an amendment to the proposal shall be made.

"(2) Within 6 months after the expiry of the time limited by section 20 the Minister shall -

- (a) by notice in the Gazette and in a newspaper circulating in the locality of the land to which the plan and proposal relate, order a new road to be opened or a road or part of a road to be altered or closed in accordance with the plan deposited with the Surveyor-General under section 17(2); or
- (b) deposit with the Surveyor-General -
  - (i) the plan showing the proposal and amendments thereto, if any, pursuant to sub-section (1) endorsed with the approval of the Minister; and
  - (ii) in relation to the plan - a statement showing the names of the adjoining owners with the last known address of each of them."

10. CERTAIN PROVISIONS TO APPLY WHERE PROPOSAL AMENDED AFTER OBJECTION

Section 22A of the Principal Act is amended -

- (a) by omitting sub-sections (1) and (2) and substituting the following:

"(1) Subject to this section, where a plan is deposited with the Surveyor-General under section 22(2)(b), sections 18 to 22 inclusive apply to and in relation to that plan and the proposal to which it relates as if the plan was a plan deposited under section 17(2).

(2) Where a plan is deposited with the Surveyor-General under section 22(2)(b), the Surveyor-General shall cause a notice to be inserted in the Gazette and in a newspaper circulating in the locality of the land to which the plan relates stating a general description of the proposal, that the proposal is an amended proposal and setting out the names of adjoining owners."; and

**Control of Roads Amendment**

- (b) by omitting from sub-section (3) "considered by the Administrator" and substituting "submitted under section 20 and considered under section 22,".

**11. CLOSING OF CERTAIN ROADS**

Section 32 of the Principal Act is amended -

- (a) by inserting in sub-section (1) after "in the Gazette" the words "and in a newspaper circulating in the locality of that road"; and
- (b) by inserting in sub-section (2) after "of the Gazette" the words "or the date of the newspaper, whichever is the later,".