

THE NORTHERN TERRITORY OF AUSTRALIA

No. 19 of 1981

AN ACT

To amend the Local Government Act

[Assented to 9 January 1981]

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 Local Government Amendment Act (No. 4) 1980.

2. PRINCIPAL ACT

The Local Government Act is in this Act referred to as the Principal Act.

3. TRANSITIONAL

The Principal Act as amended by this Act applies to and in relation to land which has been subdivided or is in the process of subdivision at, as well as to land subdivided after, the commencement of this Act.

4. SUBDIVIDED LAND NOT TO BE SOLD UNTIL ROADS CONSTRUCTED

Section 323 of the Principal Act is amended -

(a) by inserting in sub-section (1) after "has been sub-divided" the words "or is in the process of subdivision";

(b) by adding at the end of sub-section (1) the following:

"Penalty: \$1,000 and \$100 for each day during which the offence continues.";

(c) by omitting from sub-section (2) "This section" and substituting "Sub-section (1)"; and

Local Government Amendment (No. 4)

(d) by adding the following:

"(3) Sub-section (1) shall not apply to a person who has, prior to offering for sale, or contracting to sell, subdivided land or land in the process of subdivision, obtained the consent of the relevant Minister to his so doing.

"(4) A person may apply in writing for the consent of the relevant Minister to his offering for sale, or contracting to sell, subdivided land or land in the process of subdivision and shall in his application -

- (a) clearly identify the subdivided land and the roads within the area of the subdivision; and
- (b) state the date by which he intends to complete the specified works.

"(5) The relevant Minister shall not give his consent to an application made under sub-section (4) unless -

- (a) he is satisfied that the applicant is able to complete the specified works on or before the date stated in the application; and
- (b) he has informed the council of the municipality within which the subdivision is situated that he has received the application and proposes to give his consent thereto.

"(6) The relevant Minister, when giving his consent to an application made under sub-section (4) -

- (a) shall impose conditions -
 - (i) that the applicant shall provide security to such value and in such form as the relevant Minister thinks fit in respect of the completion of the specified works; and
 - (ii) that his consent is personal to the applicant; and
- (b) may impose such other conditions as he thinks fit.

"(7) The relevant Minister may revoke a consent if any of the conditions imposed under sub-section (6) are not complied with, and in such case may proceed in accordance with sub-section (8)(a) and (b).

"(8) If an applicant fails to complete the specified works on or before the date stated in his application, the consent granted by the relevant Minister shall, unless the relevant Minister determines otherwise, no longer be effective and the relevant Minister may -

Local Government Amendment (No. 4)

- (a) arrange for that part of the specified works that remains to be completed to be carried out by such person or persons as he directs and may, for that purpose, call upon the security provided in accordance with sub-section (6)(a)(i); and
- (b) if the security provided by the applicant in accordance with sub-section (6)(a)(i) proves to be insufficient, recover any deficiency from the applicant.

"(9) If roads within the area of a subdivision have, prior to the completion of the specified works, come under the control and management of the council of the municipality within which the subdivision is situated, and the applicant fails to complete the specified works, the council may require the relevant Minister to proceed in accordance with sub-section (8)(a) and (b).

"(10) In this section -

'relevant Minister' means the Minister for the time being administering the Crown Lands Act;

'security' includes a bond; and

'specified works' means the work of constructing and draining the roads within the subdivision in accordance with specifications approved by the council of the municipality within which the subdivision is situated."
