

THE NORTHERN TERRITORY OF AUSTRALIA

No. 52 of 1979

AN ACT

To amend the Crown Lands Act consequent
upon the Planning Act 1979

[Assented to 14 May 1979]

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:

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| 1. This Act may be cited as the <u>Crown Lands Act 1979</u> . | Short title |
| 2. This Act shall come into operation on a date to be fixed by the Administrator by notice published in the <u>Gazette</u> . | Commencement |
| 3. The <u>Crown Lands Act</u> is in this Act referred to as the Principal Act. | Principal Act |
| 4. Section 5 of the Principal Act is amended by inserting after the definition of "Municipality" the following definition:

"'planning instrument' means a planning instrument under the <u>Planning Act</u> ";. | Definitions |
| 5.(1) Section 23B(1) of the Principal Act is amended by omitting "a town plan under the <u>Town Planning Ordinance</u> relates" and substituting " <u>a planning instrument applies</u> ".

(2) Section 23B of the Principal Act is amended by omitting sub-section (3).

(3) Section 23B(4) of the Principal Act is amended by omitting "the town plan as it relates to the land" and substituting "the planning instrument applying to that land".

(4) Section 23B(8)(a) of the Principal Act is amended by omitting the words "the town plan as it relates to that land" and substituting "the planning instrument applying to that land". | Variation of purpose of lease in respect of certain town lands |
| 6. Section 25C of the Principal Act is amended by inserting after sub-section (7) the following sub-section: | Surrender of lease, &c. |

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"(8) This section applies subject to section 25DAAA."

7. The Principal Act is amended by inserting after section 25C the following section:

Application "25CAA. Sections 25CA to 25CG inclusive apply subject to section 25DAAA."

Subdivision for leases under section 25CF 8. Section 25CA of the Principal Act is amended by omitting sub-section (4) and substituting the following sub-section:

"(4) In this section, 'town site' means land within a town within the meaning of the Planning Act."

Procedure on receipt of application, &c. 9. Section 25CB(3) of the Principal Act is amended by omitting the definition of "the Board" and substituting the following definition:

"'Board' means the Northern Territory Planning Authority constituted under the Planning Act."

Subdivision applications where Planning Act applies 10. The Principal Act is amended by inserting after section 25D the following section:

"25DAAA.(1) This section applies to and in respect of land to which Part V of the Planning Act applies.

"(2) In this section, 'subdivision' means subdivision within the meaning of the Planning Act.

"(3) A lessee may apply to the Minister for issue of new leases in respect of each lot created in a subdivision of the land.

"(4) The Minister shall, upon receiving an application under sub-section (1), by notice in writing advise the lessee of -

(a) the reservations, covenants, conditions and provisions to be included in the leases of the lots created by the subdivision; and

(b) in respect of each of the lots so created -

(i) the reserve price, if any, for the right to a lease of the lot;

(ii) the lease grant charges, if any, for a lease of the lot; and

(iii) in the case of a pastoral lease - the fees and deposits to be paid by the lessee in respect of the grants of leases for the subdivided lots.

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"(5) The provisions of section 25C(5), (6) and (7) apply to an application under sub-section (3) in relation to the subdivision of land (town lands excepted).

"(6) For the purposes of sub-section (5), a reference in -

- (a) section 25C(5)(c) to 'the notification';
- (b) section 25C(6)(a) to 'the approval of the subdivision'; and
- (c) section 25C(7)(c) to 'the notification under sub-section (4)',

shall be read as a reference to a notice under sub-section (4).

"(7) The provisions of section 25CF (sub-section (1)(a) excepted) apply to an application under sub-section (3) in relation to the subdivision of town lands.

"(8) For the purposes of sub-section (7), a reference in section 25CF(1) to 'the notification mentioned in section 25CC' and in section 25CF(4)(b) to 'the notification given under section 25CC' shall be read as a reference to a notice under sub-section (4).

"(9) The provisions of section 25D(5), (6) and (7) apply to an application under sub-section (3) in relation to the subdivision of land by the grant of a consolidated lease.

"(10) For the purposes of sub-section (9), a reference in section 25D(5), (6) and (7) to 'the notification' and 'the notification of the approval of the application' shall be read as a reference to a notice under sub-section (4).

"(11) The Minister shall not grant a new lease under this section in respect of a lot created by a subdivision unless he is satisfied that -

- (a) any conditions to which a grant of the subdivision consent under Part V of the Planning Act was subject have been complied with; and
- (b) a plan of the subdivision has been deposited in the office of the Surveyor-General in accordance with that Part."

11. Section 26A(1A) is amended by omitting paragraph (d) and substituting the following paragraph:

"(d) where the persons who are parties to the transfer or assignment are married to each other;"

Transfer of
leases granted
under section
68C

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Grant of leases for industrial purposes 12. Section 68G of the Principal Act is amended by omitting sub-section (6) and substituting the following sub-section:

"(6) Nothing in this section authorizes the grant of a lease -

(a) to a person who has previously been granted a lease under this section; or

(b) of land where the use or development of that land for industrial purposes in accordance with the terms of the lease would be in contravention of a planning instrument."

Restriction on transfer, &c. of lease where reserve price not paid in full 13. Section 68HB(2) of the Principal Act is amended by omitting paragraph (d) and substituting the following paragraph:

"(d) where the persons who are parties to the transfer or assignment are married to each other; or".

Restriction on transfer, &c. of certain leases 14. Section 68K(3)(j) of the Principal Act is amended by omitting sub-paragraph (i) and substituting the following sub-paragraph:

"(i) where the parties to the transfer or assignment are married to each other; or".

15. The Principal Act is amended by inserting after section 70 the following section:

Compliance with Planning Act "70A. The Minister shall not grant a miscellaneous lease of any land to which a planning instrument applies after the commencement of the Crown Lands Act 1979 unless the use or development of those lands for the purposes specified in section 71 is not in contravention of that instrument."

Definitions 16. Section 75 of the Principal Act is amended -

(a) by omitting the definition of "approved plan"; and

(b) by omitting from the definition of "lot" all the words after "subdivided".

Minister may invite applications for lease 17. Section 76 of the Principal Act is amended by omitting sub-section (2A) and substituting the following sub-section:

"(2A) A notice under sub-section (2) shall state that the successful applicant -

(a) will be required to subdivide the land in accordance with any requirements specified in the notice; and

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- (b) may be required to construct water and sewerage works in respect of the lands to be subdivided."

18.(1) Section 78 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

Procedure on receipt of application

"(1) On receiving an application made in pursuance of section 76, the Minister -

- (a) if he is not satisfied that the applicant is able to provide the financial and other resources necessary for carrying out the work involved in subdividing the land in accordance with the plan - shall reject the application; or
- (b) if he is of the opinion that the plan can be improved - may return it to the applicant with suggestions for its amendment."

(2) Section 78 of the Principal Act is amended by omitting sub-sections (2A) and (2B) and substituting the following sub-section:

"(2A) The Minister may -

- (a) require an applicant to make a subdivision application under Part V of the Planning Act; or

(b) reject any application."

(3) Section 78 of the Principal Act is amended by omitting sub-sections (2) and (3) and substituting the following sub-section:

"(2) The Minister shall not approve an application unless the consent of the consent authority under Part V of the Planning Act has been given in respect of the plan for the subdivision of the land contained in the application."

(4) Section 78(5) of the Principal Act is amended by omitting the definition of "the Board".

19. Section 80 of the Principal Act is repealed and the following section substituted:

"80. In addition to the matters provided for in Division 1, a town lands subdivision lease shall contain a condition that the lessee shall comply with section 84."

Conditions of lease

20. Sections 82 and 83 of the Principal Act are repealed.

Repeal

21. Section 84 of the Principal Act is repealed and the following section substituted:

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Requirement to sub-divide	"84. The lessee of land contained in a town lands subdivision lease shall not use or develop the land otherwise than for the purpose of subdividing it, and shall, within the time specified in the lease, complete the subdivision of the subject land in accordance with the terms of the lease."
Acceptance of other freehold estate	22. Section 102A(3) of the Principal Act is amended by omitting " <u>Lands Acquisition Ordinance</u> " and substituting " <u>Lands Acquisition Act</u> ".
Appointment and powers of Ministers, &c.	23. Section 103C(9A) of the Principal Act is amended - (a) by omitting "and the <u>Regulations Publication Ordinance</u> "; and (b) by omitting "Administrator in Council" and substituting "Administrator".
Land for church purposes	24.(1) Section 112A(1) of the Principal Act is amended by inserting "(sub-section (1A) excepted)" after "Ordinance". (2) Section 112A of the Principal Act is amended by inserting after sub-section (1) the following sub-section: "(1A) The Minister shall not grant a lease of any land under this section after the date upon which the <u>Crown Lands Act 1979</u> commences if the use or development of that land for church purposes is in contravention of a planning instrument."
Savings	25.(1) The amendments effected by sections 6, 7, 8, 9, 10, 16, 17, 18, 19, 20 and 21 do not apply to or in relation to an application to the Minister for approval to subdivide land subject to a lease or for a town lands subdivision lease, as the case may be, made under section 25C(1), 25CA(1) or Division 6 of Part III of the Principal Act as in force immediately before the commencement of this Act. (2) For the purposes of sub-section (1), a reference in section 25CB or 78 as in force immediately before the commencement of this Act to "the Board" is a reference to the Northern Territory Planning Authority constituted under the <u>Planning Act</u> .

