

THE NORTHERN TERRITORY OF AUSTRALIA

No. 143 of 1979

AN ACT

To amend the Crown Lands Act

[Assented to 12 December 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</u> (No. 3) 1979. | Short title |
| 2. The <u>Crown Lands Act</u> is in this Act referred to as the <u>Principal Act</u> . | Principal Act |
| 3. Section 75 of the Principal Act is amended by inserting after the definition of "application" the following definitions:

"approved plan", in relation to an excluded subdivision, means a plan approved by the Minister that accompanies an application;

'excluded subdivision' means a subdivision of land which is prescribed under section 82 of the <u>Planning Act</u> as an excluded subdivision;". | Definitions |
| 4. The Principal Act is amended by inserting after section 75 the following new section:

"75A. Any action duly taken or done under Part V of the <u>Planning Act</u> in relation to the subdivision of land by a subdivision which after that action has been taken or done becomes an excluded subdivision, is as valid and effectual as if duly taken or done under or for the purposes of the provisions of this Division dealing with excluded subdivisions, but any action that may be taken or done in relation to an excluded subdivision under or for the purposes of this Division may be taken or done in respect of that subdivision." | Savings |
| 5.(1) Section 78 of the Principal Act is amended by inserting after sub-section (2A) the following sub-section: | Procedure on receipt of applications |

"(2B) Notwithstanding sub-sections (1), (2) and (2A), on receiving an application in relation to an excluded subdivision, the Minister may, in his discretion -

(a) approve the application;

(b) if he is of the opinion that the plan which accompanies the application can be improved, return it to the applicant with suggestions for its amendment; or

(c) reject the application."

(2) Section 78 of the Principal Act is amended by omitting sub-section (5).

Applicant
to be
notified of
Minister's
decision, &c.

6.(1) Section 79(1) of the Principal Act is amended by omitting "the Minister shall specify in the notification" and substituting "the Minister shall specify in the notification or by later notice in writing".

(2) Section 79(4)(b) of the Principal Act is amended by omitting "specified in the notification" and substituting "specified in the notification or in the later notice in writing, referred to in sub-section (1)".

Conditions
of lease

7. Section 80 of the Principal Act is amended by omitting "shall comply with section 84" and substituting "shall comply with section 84 and, in the case of a town lands subdivision lease in respect of an excluded subdivision, shall also contain -

(a) a condition that the lessee shall comply with section 82; and

(b) a condition that if proposals submitted under section 82 are rejected the lease shall be forfeited unless the lessee submits amended proposals or further proposals, as the case may be, within the time limited under section 83 for submitting such proposals and the amended proposals or further proposals so submitted are approved by the Minister."

8. The Principal Act is amended by inserting after section 81A the following new sections:

Lessee to
submit
detailed

"82.(1) Where a town lands subdivision lease in respect of an excluded subdivision is granted, the lessee shall, not later than 6 months after the date of

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commencement of the lease, or such later date as, on good cause being shown, the Minister approves by notice in writing to the applicant, submit in writing to the Minister -

proposals
for excluded
subdivision

(a) proposals in accordance with the approved plan relating to the land -

(i) for the making of subdivisional surveys;

(ii) for the construction of roads;

(iii) for the construction of drainage works;
and

(iv) if the applicant is required to construct water and sewerage works in respect of that land - for the construction of those works; and

(b) evidence that he is able to provide the financial and other resources necessary for carrying out the work of subdividing that land in accordance with the proposals.

"(2) On receiving proposals under sub-section (1), the Minister may -

(a) by notice in writing to the lessee, reject them, if he is not satisfied -

(i) that the proposals are in accordance with the approved plan; or

(ii) that the lessee is able to provide the financial and other resources referred to in sub-section (1)(b);

(b) return them to the lessee with suggestions for their amendment if he is of the opinion that the proposals can be improved; or

(c) by notice in writing to the lessee, approve them.

"83.(1) Where the Minister rejects proposals submitted under section 82(2) because he is not satisfied that the proposals are in accordance with the approved plan, the lessee may, not later than 6 months after the date of the rejection, submit further proposals to the Minister.

Time for
submitting
further
proposals,
&c.

"(2) Where the applicant -

- (a) amends proposals returned under section 82(2)(b) and again submits them within 6 months after the date on which they are returned to him under that section; or
- (b) submits further proposals under sub-section (1) within 6 months after the date on which he is notified of the rejection of proposals submitted under section 82,

the proposals or further proposals shall be deemed to have been submitted within the time limited in section 82(1) for submitting proposals and the Minister may deal with those proposals or further proposals as if they were proposals submitted under section 82, but sub-section (1) does not apply in relation to further proposals submitted under that sub-section."

Requirement
to subdivide

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

"84.(1) Subject to this section and any other Act, the lessee of lands contained in a town land subdivision lease -

- (a) shall, within the time specified in the lease, complete the subdivision of the land in accordance with the terms of the lease; and
- (b) may erect buildings and other structures on the land.

"(2) The lessee of lands contained in a town lands subdivision lease in respect of an excluded subdivision shall not, until the proposals referred to in section 82 or 83 in respect of the subdivision have been approved under section 82, use or develop the land otherwise than for the purpose of preparing the proposals for submission to the Minister."