

DARWIN TOWN AREA LEASES ORDINANCE 1965

No. 1 of 1966

An Ordinance to amend the *Darwin Town Area Leases Ordinance* 1947-1964, and for other purposes

[Reserved 29th December, 1965.]
[Assented to 26th January, 1966.]*

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act* 1910-1962, as follows:—

Short title
and citation.

1.—(1.) This Ordinance may be cited as the *Darwin Town Area Leases Ordinance* 1965.

(2.) The *Darwin Town Area Leases Ordinance* 1947-1964 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Darwin Town Area Leases Ordinance* 1947-1965.

Commence-
ment.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.†

Provisions
as to surrender
of lease.

3. After section twelve of the Principal Ordinance the following section is inserted:—

“12A.—(1.) A lessee having paid all rent and other moneys due to the Commonwealth may at any time surrender—

(a) his lease; or

(b) with the approval of the Administrator, a part of his lease,

but if his lease or a part of his lease is surrendered under this section, the lessee shall not be entitled to receive any compensation from the Commonwealth in respect of the surrender or in respect of any buildings, erections or improvements upon the leased land, except as provided by sub-section (4.) of section twenty of this Ordinance.

“(2.) A lessee may seek the approval of the Administrator for the surrender, under this section, of a part of his lease by an offer in writing to the Administrator to surrender that part of his lease.

* Notified in *Northern Territory Government Gazette* dated 9 February 1966.

† The date fixed was 14 February 1966 (see *Northern Territory Government Gazette* No. 7 of 14 February 1966, page 25).

“(3.) The Administrator may accept or reject such an offer.

“(4.) If the Administrator accepts such an offer he shall be deemed to approve the surrender of the part of the lease to which the offer relates and the lease is surrendered as to that part from and including the date on which the offer is accepted.

“(5.) The regulations may prescribe the manner in which, in accordance with this section—

- (a) a lease may be surrendered;
- (b) an offer to surrender a part of a lease may be made;
or
- (c) the Administrator may accept or reject such an offer.”.

4. Section twenty-nine AA of the Principal Ordinance is amended—

Procedure on receipt of application for approval to sub-divide.

- (a) by omitting from sub-section (1.) the words “in accordance with the last preceding section”;
- (b) by omitting from paragraph (a) of sub-section (1.) the words “paragraph (a), (b), (c) or (d) of the next succeeding sub-section;” and inserting in their stead the words “paragraph (b), (c) or (d) of sub-section (2.) of this section;”;
- (c) by omitting from paragraph (b) of sub-section (1.) the words “the next succeeding sub-section” and inserting in their stead the words “sub-section (2.) of this section”;
- (d) by inserting after sub-section (1.) the following sub-sections:—

“(1A.) The Administrator shall refer to the Board all applications except those which he rejects or returns to the applicant under the last preceding sub-section.

“(1B.) The Board shall consider each application so referred to it and shall advise the Administrator whether or not, in the opinion of the Board, the applicant’s plan is consistent with the principles for the time being governing the use of land in the Darwin Town Area and the town planning construction and development of the Darwin Town Area.

“(1c.) Where an application is not approved and the applicant requests the Administrator to refer the application to the Administrator’s

Council, the Administrator shall refer the application accordingly and the question whether the application shall, subject to the consent of the Minister, be approved or rejected shall be decided by the Administrator in Council.”;

- (e) by omitting from sub-section (2.) the word “such”;
and
(f) by adding at the end thereof the following sub-section:—

“(3.) In this section—
‘application’ means an application under the last preceding section;
‘the Board’ means the Town Planning Board constituted by the *Town Planning Ordinance 1964-1965*.”.

New leases
after
sub-division.

5. Section twenty-nine AE of the Principal Ordinance is amended by omitting sub-section (2.) and inserting in its stead the following sub-section:—

“(2.) Subject to sub-section (4.) of this section, where a lease is surrendered under this section as to part of the land included in the lease, the lease continues in force in respect of the remaining part of the land included in the lease.”.

Surrender of
leases
and grant of
consolidated
leases.

6. Section twenty-nine B of the Principal Ordinance is amended by omitting sub-section (6.) and inserting in its stead the following sub-section:—

“(6.) A surrender of a lease shall be made within thirty days after the date of notification of the approval of the application.”.

Commence-
ment of *Darwin*
Town Area
Leases
Ordinance
(No. 2) 1963.

7. Notwithstanding section two of the *Darwin Town Area Leases Ordinance* (No. 2) 1963, that Ordinance shall be deemed to have come into operation on the twelfth day of March, One thousand nine hundred and sixty-four.”.