

CONTROL OF ROADS ORDINANCE 1970

547

No. 40 of 1970

An Ordinance to amend the *Control of Roads Ordinance 1953-1968*

[Reserved 30 June, 1970]

[Assented to 19 October, 1970]*

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

1.—(1.) This Ordinance may be cited as the *Control of Roads Ordinance 1970*. Short title and citation

(2.) The *Control of Roads Ordinance 1953-1968* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance as amended by this Ordinance may be cited as the *Control of Roads Ordinance 1953-1970*.

2. Section 15 of the Principal Ordinance is amended by omitting the words "Administrator in Council" and inserting in their stead the word "Administrator". Power to close and open roads

3. Section 16 of the Principal Ordinance is amended by inserting in sub-section (1.) after the word "adjoining" the words "the parcel of land that contains". Agreement for exchange

4. Section 17 of the Principal Ordinance is repealed and the following section inserted in its stead:—

"17.—(1.) When it is proposed to open a new road, or alter or close a road or a part of a road, the Administrator shall submit to the Administrator's Council— Proceedings to open, alter, &c., roads

- (a) a plan, certified by the Surveyor-General as an adequate representation, showing the approximate position of the proposed new road, the proposed alterations of the road or part of a road or the road, or part of a road, proposed to be closed;
- (b) a statement showing the names of adjoining owners, together with the last known address of each of them; and
- (c) a statement showing the names of all persons registered as the holders of, or as being entitled to, a mortgage, encumbrance, easement or other charge over the land affected by the proposal, together with the last known address of each of them.

* Notified in the *Northern Territory Government Gazette* No. 43 of 28 October, 1970, page 309.

“(2.) The Administrator’s Council shall consider the plan and statements and shall advise the Administrator whether a new road should be opened, a road or part of a road should be altered or a road, or part of a road, should be closed either in accordance with the plan or in accordance with the plan amended as recommended by the Administrator’s Council.

“(3.) The Administrator shall consider the advice of the Administrator’s Council and may thereupon deposit with the Surveyor-General—

- (a) two copies of the plan or the plan amended in accordance with the advice of the Administrator’s Council; and
- (b) in relation to the plan of which copies are so deposited—
 - (i) a statement showing the names of adjoining owners, together with the last known address of each of them; and
 - (ii) a statement showing the names of all persons registered as the holders of, or as being entitled to, a mortgage, encumbrance, easement or other charge over the land affected by the proposal, together with the last known address of each of them.”.

Duties of
Surveyor-
General

5. Section 18 of the Principal Ordinance is amended by omitting the words “a plan is deposited” and inserting in their stead the words “two copies of a plan are deposited”.

Person may
inspect plan

6. Section 19 of the Principal Ordinance is amended by omitting the words “a plan” and inserting in their stead the words “a copy of a plan”.

Procedure where
no objection
received

7. Sections 21 and 22 of the Principal Ordinance are repealed and the following sections inserted in their stead:—

“21. If, at the date of expiry of the time limited by the last preceding section, no person has objected to the proposal in accordance with that section, the Administrator may, at any time within six months from and including that date, by notice in the *Gazette*, 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.

Procedure where
objection
received

“22.—(1.) If, at the date of expiry of the time limited by section twenty of this Ordinance, any person has objected to the proposal in accordance with that section, the Administrator shall submit to the Administrator’s Council—

- (a) a copy of each notice of objection served on him in accordance with that section; and

- (b) a copy of the plan, and a copy of each of the statements, deposited by him with the Surveyor-General in relation to the proposal.

“(2.) The Administrator’s Council shall consider the objection, the plan and the statements and shall advise the Administrator whether a new road should be opened, a road or part of a road should be altered or a road or part of a road, should be closed—

- (a) in accordance with the plan; or
 (b) in accordance with the plan amended as then recommended by the Administrator’s Council.

“(3.) The Administrator shall consider the advice of the Administrator’s Council and may thereupon, at any time within six months from and including the date when he submitted the documents referred to in sub-section (1.) of this section to the Administrator’s Council—

- (a) by notice in the *Gazette*, 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 sub-section (1B.) of section seventeen of this Ordinance; or
 (b) deposit with the Surveyor-General—
 (i) two copies of the plan amended in accordance with the advice of the Administrator’s Council; and
 (ii) in relation to the plan—
 (A) a statement showing the names of the adjoining owners, together with the last known address of each of them; and
 (B) a statement showing the names of all persons registered as the holders of, or as being entitled to, a mortgage, encumbrance, easement or other charge over the land affected by the proposal as modified in accordance with the advice of the Administrator’s Council, together with the last known address of each of them.

“22A.—(1.) Subject to this section, where copies of a plan are deposited with the Surveyor-General under sub-section (3.) of the last preceding section, sections eighteen to twenty-two inclusive of this Ordinance apply to and in relation to the copies and the proposal to which they relate as if those copies

Certain provisions to apply where proposal amended after objection

and that proposal were, respectively, copies of a plan deposited with the Surveyor-General under sub-section (1B.) of section seventeen of this Ordinance and the proposal to which such copies related.

“(2.) Where copies of a plan are deposited with the Surveyor-General under sub-section (3.) of the last preceding section, the Surveyor-General shall cause a statement that the proposal is an amended proposal to be included in the notice that he causes to be inserted in the *Gazette* stating a general description of the proposal and setting forth the names of adjoining owners.

“(3.) Where the Administrator is satisfied that an objection is the same or substantially the same as an objection already considered by the Administrator’s Council he may disregard the first-mentioned objection and proceed under this Ordinance as if it had not been made.”.

Effect of
order

8. Section 23 of the Principal Ordinance is amended by omitting the words “under the last preceding section” and inserting in their stead the words “under section twenty-one or twenty-two of this Ordinance.”.

In certain cases
lands may
become Crown
lands

9. Section 25 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (a) the words “the Surveyor-General” and inserting in their stead words “the Administrator”, and
 - (b) by omitting from paragraph (a) the words “separate from other land” and inserting in their stead the words “, whether separate from other land or when added to other Crown lands”.
-