NORTHERN TERRITORY OF AUSTRALIA

PALMERSTON DEVELOPMENT AUTHORITY ACT REPEAL ACT

As in force at 18 April 1994

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Act as in force at 18 April 1994. Any amendments that commence after that date are not included.

PALMERSTON DEVELOPMENT AUTHORITY ACT REPEAL ACT

An Act to repeal the Palmerston Development Authority Act and to make provision in relation to its assets and liabilities, and for related purposes

1 Short title

This Act may be cited as the *Palmerston Development Authority Act Repeal Act*.

2 Commencement

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

3 Repeal

The *Palmerston Development Authority Act 1981*, being Act No. 42 of 1981, is repealed.

4 Definitions

(1) In this Act:

Authority means the Palmerston Development Authority established under section 4 of the *Palmerston Development Authority Act 1981*.

Council means the council of The Municipality of Palmerston constituted under the *Local Government Act*.

Palmerston Town Plan means the Palmerston Town Plan 1982, as amended and in force immediately before the commencement of this Act, made under the *Planning Act*.

Planning Authority means the Northern Territory Planning Authority established under section 67 of the *Planning Act*.

(2) Until the appointment under the *Planning Act* of the 4 local members in respect of the planning area comprising the municipality of Palmerston, the Minister constitutes the Planning Authority.

5 Property, &c., of authority transferred to Council

(1) All property and rights referred to in the Schedule and vested in the Authority immediately before the commencement of this Act is and are, by virtue of this section and without further assurance, vested in the Council, and the Council has such powers as are necessary to take possession of, recover and deal with such property and enforce such rights.

(2) All agreements referred to in the Schedule and in force immediately before the commencement of this Act to which the Authority or the Territory was a party or which affect the Authority, and whether or not the rights, liabilities and obligations under the agreements could be assigned, shall have effect as if the Council were a party to or affected by the agreements instead of the Authority and as if, in relation to anything to be done on or after that commencement, for every reference (however worded and whether expressed or implied) in the agreements:

(a) to the Authority, the Territory or the Public Service Commissioner there were substituted a reference to the Council; and

(b) to the Chairman or general manager of the Authority or an office, officer or employee of the Territory there were substituted a reference to the Clerk of the Council.

(3) The Territory shall indemnify the Council, and keep the Council indemnified, against all actions, claims or demands brought or made against the Council in relation to an act done or omitted to be done by or on behalf of the Authority before the commencement of this Act, being actions, claims or demands that, but for this Act, could be brought or made against the Authority.

(4) Neither the Authority nor the Council is liable for a duty, fee or other charge in relation to the transfer or vesting of property transferred to or vested in the Council by subsection (1) or an agreement affected by subsection (2).

6 Property, &c., of authority transferred to Territory

(1) All property and rights vested in the Authority immediately before the commencement of this Act that is not or are not, by virtue of section 5(1), vested in the Council is and are, by virtue of this section and without further assurance, vested in the Territory, and the Territory has such powers as are necessary to take possession of, recover and deal with such property and enforce such rights.

(2) All agreements not referred to in the Schedule and in force immediately before the commencement of this Act to which the Authority was a party or which affect the Authority, and whether or not the rights, liabilities and obligations under the agreements could be assigned, shall have effect as if the Territory were a party to or affected by the agreements instead of the Authority and as if for every reference (however worded and whether expressed or implied) in the agreement:

(a) to the Authority there were substituted a reference to the Territory; and

(b) to the Chairman or general manager of the Authority there were substituted in either case the Minister or a person nominated for that purpose by the Minister.

7 Rates and charges to be paid to Council

Where immediately before the commencement of this Act a person was liable to pay to the Authority an amount of money in respect of rates or charges under the *Local Government Act*, that person shall, on and after that commencement, be liable to pay to the Council so much of that money as was unpaid immediately before that commencement.

8 Loan debt

The Treasurer may, by notice in writing to the Council as soon as practicable after the commencement of this Act, specify an amount as an amount owing as a debt by the Council to the Territory on such conditions as to its payment and interest as are specified in the notice and that amount is a debt owing by the Council to the Territory accordingly.

9 By-laws continued

(1) All by-laws made under the *Local Government Act* by the Authority and in force immediately before the commencement of this Act have effect after that commencement and may be enforced, repealed or amended, as if they were made under the *Local Government Act* by the Council and the Council had the power under that Act to make them and all approvals or authorizations given by or on behalf of the Authority under or for the purposes of the by-laws continue to have effect as if they were given by or on behalf of the Council.

(2) By-laws referred to in subsection (1) shall apply, with the necessary changes, as if a reference in them to the Authority were a reference to the Council and a reference to Palmerston were a reference to the Municipality of Palmerston constituted under the *Local Government Act*.

10 Continuation of planning instrument

(1) Subject to this section, the Palmerston Town Plan, other than clause 9(1), (2) and (5), shall, with the necessary changes, continue in force as a control plan under the *Planning Act*.

(2) The powers and functions in relation to the Palmerston Town Plan exercised and performed before the commencement of this Act by the Authority shall, after that commencement, until other provision is made in accordance with the *Planning Act*, be exercised and performed by the Planning Authority.

(3) Notwithstanding the *Planning Act*, clause 9(3) and (4) of the Palmerston Town Plan shall continue in force until the expiration of 30 June 1986 as if:

(a) a reference in that clause to the Authority were a reference to the Planning Authority; and

(b) there was sufficient power under that Act to have made the clause,

and all actions may be taken and things done under or for the purposes of those paragraphs of that clause as if this Act had never commenced.

(4) Where a provision of the Planning Act is inconsistent with clause 9 of the Palmerston Town Plan continued in force by subsection (3), that provision, to the extent of that inconsistency, has no force or effect.

(5) On clause 9(3) and (4) of the Palmerston Town Plan, by virtue of subsection (3), ceasing to apply, the zoning and zoning boundaries existing immediately before that clause ceased to apply shall be the zoning and zoning boundaries applicable to the area to which the Palmerston Town Plan applies as if they were duly declared and set under the *Planning Act* and they may be varied and altered after that date in accordance with that Act.

11 Continuation of subdivision and development applications and conditions, &c.

(1) A determination under section 94 or 112 of the *Planning Act* in relation to land which, on the commencement of this Act, is land within the municipality of Palmerston and which was in force immediately before that commencement, shall continue in force as if it were a determination by the Planning Authority as the consent authority and a reference in the instrument of determination under section 95 or 113, as the case may be, to:

(a) the Authority were a reference to the Planning Authority; and

(b) the Chairman or general manager of the Authority were:

(i) in relation to a determination in respect of unalienated Crown land or land held on lease from the Territory – a reference to the Minister; and

(ii) in relation to a determination in respect of freehold land – a reference to the Planning Authority.

(2) A development application or subdivision application within the meaning of the *Planning Act* and made under that Act before the commencement of this Act in relation to land which, on that commencement, is land within the municipality of Palmerston, which application had not been determined before that commencement, shall continue in force, be construed and be dealt with as if it were an application made to the Minister or the Planning Authority referred to in subsection (1), as the case requires.

12 Continuation of actions, &c., under *Local Government Act*

All actions taken and powers exercised under the *Local Government Act* before the commencement of this Act by or on behalf of the Authority or an officer of the Authority shall have effect after that commencement, and may be revoked or amended, as if they were taken or exercised by the Council or the appropriate employee of the Council.

13 Continuation of certain draft planning instrument and resolutions, &c.

(1) Where, before the commencement of this Act, a draft planning instrument, within the meaning of the *Planning Act*, in relation to land which, on that commencement, is land within the municipality of Palmerston had been prepared or exhibited but before that commencement had not been fully dealt with under Division 5 of Part III of that Act, that draft planning instrument shall continue to have effect, and all things may be done in respect of it, as if this Act

had commenced before it was made or exhibited.

(2) Where, before the commencement of this Act, the Authority had resolved to make a determination under clause 9 of the Palmerston Town Plan but before that commencement the determination had not been made, the Minister shall, as soon as practicable after that commencement, make the determination and the determination shall have effect as if he were the Authority and the determination had been made immediately before the commencement of this Act.

Schedule

section 5

PART A

Property, &c., vested in the Council

1. All:

(a) furniture and fittings;

(b) office machines and equipment;

(c) motor vehicles;

(d) office partitioning;

(e) computer and associated software and equipment; and

(f) general equipment and machines,

specified by the Minister by notice in writing to the Council before the commencement of the Act.

2. The following municipal banking accounts and funds held in the name of the Authority in the Winnellie branch of the Australia and New Zealand Bank Ltd:

Account No.	Description
61379	Palmerston Development Authority Municipal General Fund
63024	Palmerston Development Authority Municipal Trust Fund
Savings Passbook No. 24425986	Palmerston Development Authority General Fund Reserve

PART B

Contracts and Agreements

All agreements (including contracts of employment and contracts of a class of contract) specified by the Minister by notice in writing to the Council before the commencement of the Act.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = *Gazette*
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Palmerston Development Authority Act Repeal Act 1985 (Act No. 33, 1985)

Assent date	27 June 1985
Commenced	1 July 1985 (*Gaz* S31, 1 July 1985)

Planning (Consequential Amendments) Act 1993 (Act No. 86, 1993)

Assent date	31 December 1993
Commenced	18 April 1994 (s 2, s 2 *Planning Act 1993* (Act No. 85, 1993) and *Gaz* S28, 18 April 1994)

3 LIST OF AMENDMENTS

s 4	amd No. 86, 1993, s 3
s 10	amd No. 86, 1993, s 3