

**NORTHERN TERRITORY OF AUSTRALIA**

**REAL PROPERTY (UNIT TITLES) REGULATIONS**

As in force at 13 September 1995

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 13 September 1995

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## REAL PROPERTY (UNIT TITLES) REGULATIONS

### Regulations under the *Real Property (Unit Titles) Act*

#### 1 Citation

These Regulations may be cited as the *Real Property (Unit Titles) Regulations*.

#### 2 Commencement

These Regulations shall come into operation on the commencement of the *Real Property (Unit Titles) Amendment Act 1986*.

#### 3 Interpretation

In these Regulations a reference to a form by number is a reference to the form so numbered in Schedule 1.

#### 4 Forms of application

The form for the purposes of an application for registration of:

- (a) a units plan referred to in section 7(a) of the Act is Form 1;
- (b) a units plan of subdivision or consolidation referred to in section 9B(a) of the Act is Form 2; and
- (c) a building alteration plan referred to in section 9D(a) of the Act is Form 3.

#### 5 Form of units plan

- (1) Except in respect of an estate development under Part IVB of the *Unit Titles Act*, a units plan shall consist of:
  - (a) a duly completed plan in accordance with Form 4, being a plan endorsed, respectively, by the Minister and a licensed surveyor, in accordance with section 20(3) and (4) of the *Unit Titles Act*, and comprising a diagram showing the location plan and floor plan;

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- (b) all necessary additional sheets, duly completed, in accordance with Form 5 and signed and dated by the Minister and a licensed surveyor; and
  - (c) a duly completed schedule of unit entitlement in accordance with Form 6:
    - (i) showing aggregate unit entitlements;
    - (ii) showing the unit entitlement for each unit; and
    - (iii) signed and delivered by the Minister.
- (2) A units plan in respect of an estate development shall consist of a survey plan duly completed in accordance with the *Licensed Surveyors Act* and showing a schedule of lot entitlements.

## **6 Surveyor's certificate**

- (1) Subject to subregulation (2), for the purposes of sections 20(3) and 21B(2)(b) of the *Unit Titles Act*, the certificate of a licensed surveyor shall be in accordance with Form 7.
- (2) The certificate of a licensed surveyor in respect of an estate development under Part IVB of the *Unit Titles Act* shall be in accordance with clause 38 of the Survey Practice Directions under section 47 of the *Licensed Surveyors Act* notified in *Gazette* G27 of 9 July 1986, or that clause as from time to time amended and in force.

## **7 Minister's endorsement**

For the purposes of section 20(4) of the *Unit Titles Act*, the appropriate form is Form 4.

## **8 Form of units plan of subdivision**

- (1) For the purposes of section 9A of the Act, a units plan of subdivision shall consist of duly completed documents in accordance with:
  - (a) Form 8, being a plan showing a floor plan and location plan containing a certificate of a licensed surveyor in accordance with Form 7 and certifying the matters required for the purposes of section 21B(2)(b) of the *Unit Titles Act*; and
  - (b) Form 6, being a schedule of unit entitlement required by section 21D of the *Unit Titles Act* and showing the unit entitlement for each unit (as amended by the units plan of subdivision) and the aggregate unit entitlement for such units.

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- (2) The schedule of unit entitlement referred to in subregulation (1)(b):
    - (a) shall not be required to be executed by the Minister; and
    - (b) shall be executed by the body corporate.

**9 Form of unit plan of consolidation**

- (1) For the purposes of section 9A of the Act, a units plan of consolidation shall consist of duly completed documents in accordance with:
  - (a) Form 9, being a plan showing a floor plan and location plan; and
  - (b) Form 6, being a schedule of unit entitlement required by section 21D of the *Unit Titles Act* and showing the unit entitlement for each unit in the units plan (as amended by the unit plan of consolidation) and the aggregate unit entitlement for such units.
- (2) The schedule of unit entitlement referred to in subregulation (1)(b):
  - (a) shall not be required to be executed by the Minister; and
  - (b) shall be executed by the body corporate.

**10 Formal requirements for notices of conversion of units into common property**

- (1) For the purposes of section 9A, a notice of conversion shall be in accordance with Form 10 and include a schedule of unit entitlement, in accordance with Form 6 of each unit to be comprised in the parcel after the conversion and executed by the registered proprietor of the unit and the body corporate.
- (2) A person who wishes to register a notice of conversion shall:
  - (a) give the written notice of intended conversion referred to in section 21E(2)(b) of the *Unit Titles Act* in accordance with Form 11; and
  - (b) provide to the Registrar-General at the time of lodging the notice of conversion:
    - (i) all necessary discharges, surrenders, withdrawals or the like for the purpose of section 21D(2)(a) of the *Unit Titles Act*; and

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- (ii) a duly completed acknowledgement of receipt by any relevant council of the council area (within the meaning of the *Local Government Act*) in which the parcel is located (or if the parcel is located within the land subject to the *Darwin Rates Act*, the Minister responsible for that Act) of the notice of intended conversion referred to in paragraph (a).

**11 Form of building alteration plan**

For the purposes of section 9A of the Act, a building alteration plan shall consist of duly executed documents in accordance with:

- (a) Form 12, being a plan showing the lines required by section 21F(c) of the *Unit Titles Act* and a floor plan and location plan in relation to the unit or units affected and containing a certificate of a licensed surveyor, in accordance with Form 13, certifying the matters referred to in section 21F(d)(i) and (ii) of the *Unit Titles Act*; and
- (b) Form 6, being a schedule of unit entitlement required referred to in section 21A(b)(ii) of the *Unit Titles Act* and showing unit entitlement as it will be after the building alteration is registered and executed by the registered proprietor of the unit and the body corporate.

**12 Form of certificate as to title**

For the purposes of sections 9(c) and 9F(b) of the Act, a certificate as to title shall be in accordance with Form 14.

**13 Form of certificate as to title for common property**

For the purposes of section 9(a)(ii) of the Act, the certificate as to title to common property shall be in accordance with Form 15.

**14 Requirements for units plan, units plan of subdivision, units plan of consolidation and building alteration plan**

- (1) For the purposes of sections 6A and 9A of the Act, a units plan, units plan of subdivision, a units plan of consolidation and a building alteration plan:
  - (a) shall be drawn on:
    - (i) polyester film having at least one matt surface and a thickness of not less than 0.075 mm and not more than 0.125 mm; or
    - (ii) on other material approved by the Registrar-General;

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- (b) shall include a first sheet laid out in accordance with Forms 4, 8, 9 or 12, as the case requires, showing:
- (i) the data referred to in the definition of **location plan** in section 4 of the *Unit Titles Act*; or
  - (ii) in the case of a building alteration plan, sufficient data to identify the subject unit and the addition or alteration effected thereon;
- (c) shall include, where necessary, second and subsequent sheets numbered consecutively and laid out in accordance with Form 5 showing:
- (i) a continuation of data depicted on Form 4, 8, 9 or 12, as the case requires; or
  - (ii) the data referred to in the definition of **floor plan** in section 4 of the *Unit Titles Act*;
- (d) shall:
- (i) if a Form 4, 5, 8, 9 or 12, measure 420 mm by 297 mm (International Size A3) and have a margin of not less than 40 mm on the left hand side of each sheet and a margin of not less than 15 mm on each of the other 3 sides of the sheet and no printing, writing or other notation (other than directions or notations by the Registrar-General) shall appear in, or extend into, any such margin;
  - (ii) be free from discolouration and blemishes and shall not be creased or folded;
  - (iii) be altered only by striking through the data intended to be altered and not by rubbing, scraping or cutting the surface of the sheet, and all alterations shall be initialled by the surveyor;
  - (iv) be replaced if, in the opinion of the Registrar-General, an alteration will render the data, or any part of the data, on the sheet illegible and unsuitable for copying by photographic or similar means;
  - (v) be numbered consecutively; and
  - (vi) be individually signed and, where applicable, sealed so that no signature or seal is a copy; and

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- (e) shall include a schedule of unit entitlement referred to in subregulation (3) in accordance with Form 6.
- (2) A diagram contained on or plan referred to in subregulation (1) shall, whether it is a location plan or a floor plan:
- (a) be drawn to a scale sufficient to enable all details and notations to be clearly shown with all original notations, measurements and linework drawn in black waterproof ink of sufficient strength and clarity to bear photographic reproduction;
  - (b) show the scale on the diagram as a bar scale;
  - (c) indicate by an arrow or other appropriate means the direction of north, which shall be directed upwards;
  - (d) show all linear measurements on the plan in metres and decimal fractions of metres to the nearest 0.01 m;
  - (e) show all areas on the plan expressed in square metres (to the nearest square metre below); and
  - (f) if necessary, be commenced on one sheet and continued on a subsequent sheet and, in such a case, the diagram shall be drawn so that the complementary parts or the lines on the several sheets show, when placed side by side, the complete diagram.
- (3) For the purposes of subregulation (1)(e) and regulation 11(b), a schedule of unit entitlement shall be in accordance with Form 6 and shall:
- (a) measure 210 mm x 297 mm (International Size A4);
  - (b) contain a reference, set out in vertical columns in numerical sequence, to the number of each unit in the scheme;
  - (c) have set out opposite each unit number, in whole numbers, the proposed unit entitlement of that unit; and
  - (d) show a proposed aggregate unit entitlement, which shall be the numerical total of the proposed unit entitlement of all units in the scheme.
- (4) For the purposes of subregulation (3)(c) and (d), a proposed unit entitlement or proposed aggregate unit entitlement shall not exceed 999, in the case of a proposed unit entitlement, or 9,999, in the case of the aggregate unit entitlement.



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**15      Numbering of units**

Units shall be numbered so that no number is used more than once in a unit scheme.

**16      Consents to registration of units plan**

For the purposes of section 7(d) of the Act, a person shall provide consent to the registration of a units plan in accordance with Form 16.

**17      Consent to registrations of building alteration plan**

A consent referred to in section 21A (b)(ii) of the *Unit Titles Act* in respect of an alteration referred to in Part IIIA of that Act shall be in accordance with Form 17.

**18      Notice of objection to cancellation of units plan by consent**

For the purposes of section 15A(1) of the Act, an objection to a proposed cancellation of a units plan shall be in accordance with Form 18.

**19      Notice of change of address**

For the purposes of section 16 of the Act, a notice of change of address shall be in accordance with Form 19.

**20      Fees**

- (2) A document shall not be accepted for registration unless the appropriate fee has been paid.

**21      Transitional**

Notwithstanding any other provision in these Regulations, a form that could be used for a particular purpose before the commencement of the *Real Property (Unit Titles) Amendment Act 1986* shall, with the necessary changes having regard to the requirements of these Regulations and the *Real Property (Unit Titles) Act* and the *Unit Titles Act*, be deemed to be the prescribed form for that or a corresponding purpose after that commencement.

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**ENDNOTES**
**1****KEY**

Key to abbreviations

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

**2****LIST OF LEGISLATION*****Real Property (Unit Titles) Regulations (SL No. 51, 1987)***

Notified	23 December 1987
Commenced	23 December 1987 (r 2, s 2 <i>Real Property (Unit Titles) Amendment Act 1986</i> (Act No. 25, 1986), s 2 <i>Unit Titles Amendment Act 1986</i> (Act No. 24, 1986) and <i>Gaz S82</i> , 23 December 1987)

***Amendments of Real Property (Unit Titles) Regulations (SL No. 55, 1990)***

Notified	16 January 1991
Commenced	16 January 1991

***Real Property (Consequential Amendments) Act 1991 (Act No. 33, 1991)***

Assent date	25 June 1991
Commenced	1 October 1991 ( <i>Gaz S49</i> , 1 October 1991)

***Amendments of Real Property (Unit Titles) Regulations (SL No. 67, 1991)***

Notified	11 December 1991
Commenced	1 January 1992 (r 1, s 2 <i>Registration Amendment Act 1991</i> (Act No. 54, 1991) and <i>Gaz G49</i> , 11 December 1991, p 4)

***Statute Law Revision (Miscellaneous Amendments) Act 1991 (Act No. 77, 1991)***

Assent date	16 December 1991
Commenced	16 December 1991

***Local Government (Consequential Amendments) Act 1993 (Act No. 84, 1993)***

Assent date	31 December 1993
Commenced	1 June 1994 (s 2, s 2 <i>Local Government Act 1993</i> (Act No. 83, 1993) and <i>Gaz S35</i> , 20 May 1994)

***Amendments to Real Property (Unit Titles) Regulations (SL No. 30, 1995)***

Notified	13 September 1995
Commenced	13 September 1995

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**LIST OF AMENDMENTS**

r 5	amd No. 30, 1995, r 1
r 6	amd No. 30, 1995, r 2
r 10	amd Act No. 84, 1993, s 6
rr 12 – 13	amd Act No. 33, 1991, s 7
r 20	amd No. 67, 1991, r 2
sch 1	amd Act No. 33, 1991, s 7; Act No. 77, 1991, s 14; Act No. 84, 1993, s 6
sch 2	amd No. 55, 1990; Act No. 33, 1991, s 7 rep No. 67, 1991, r 3