

# NORTHERN TERRITORY OF AUSTRALIA

## UNIT TITLES REGULATIONS

As in force at 1 July 2010

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 July 2010

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## UNIT TITLES REGULATIONS

### Regulations under the *Unit Titles Act*

#### **Part 1 Preliminary**

##### **1 Citation**

These Regulations may be cited as the *Unit Titles Regulations*.

##### **2 Commencement**

The provisions of these Regulations commence on the date, or respective dates, fixed by the Minister by notice in the *Gazette*.

##### **3 Forms**

In these Regulations, a reference to a form by number is a reference to the form so numbered in Schedule 4.

#### **Part 3 Subdivision and consolidation etc. of units and common property**

##### **6 Application to add or remove land – section 21FA(2)**

- (1) An application under section 21FA of the Act (including an application under that section as applied by section 26P of the Act) to change land comprised in a parcel by adding land to, or removing land from, the parcel is to be in Form 1.
- (2) The application is to be accompanied by the following:
  - (a) a plan of the units or lots and the common property as they will be after the addition or removal;
  - (b) a schedule of the unit entitlements or lots as they will be after the addition or removal;
  - (c) a development permit under section 53 of the *Planning Act* indicating the consent of the relevant consent authority under that Act to the proposed change.

- (3) In subregulation (2)(d):

***affected unit*** means:

- (a) an existing unit that will cease to exist, or the boundaries of which will be different, after the proposed change;
- (b) a new unit that will be created by the proposed change; or
- (c) if the boundaries of the common property will be different after the proposed change – the common property.

**7 Registrar-General to advise council if land changed – section 21FA(4)**

- (1) If a change in land of a kind referred to in section 21FA(4) of the Act is registered, the Registrar-General must advise the relevant council of the change.
- (2) In subregulation (1):

***council*** has the same meaning as in the *Local Government Act*.

**8 Contributions to be adjusted if land changed – section 21FA(4)**

- (1) If a change in land of a kind referred to in section 21FA(4) of the Act is registered, subject to an agreement between the parties (if any), the corporation must review contributions payable under section 36 of the Act and (if necessary) adjust:
  - (a) the total contributions to take account of additional or reduced obligations of the corporation; and
  - (b) the contributions in respect of units to reflect relative unit entitlements as they exist after the change.
- (2) Subject to an agreement between the parties (if any), the adjustment takes effect on registration of the change.
- (3) In this regulation:

***parties***, in relation to a change in land in a parcel, means persons who had estates or interests in the parcel before the change and persons who have estates or interests in the parcel after the change.

**Part 4                    Condominium development****10                    Prescribed warning – section 26C(1)**

- (1) The prescribed warning under section 26C(1) of the Act is to be in the following form:

"Warning: This statement contains details of a unit scheme which is proposed to be developed in [insert number of stages] stages on the land described within.

Persons interested are advised that the proposed scheme may be varied and may not be completed. However, any departure from the proposals outlined in the statement will attract the provisions of Part IVA of the *Unit Titles Act*.

This statement should not be considered alone but in conjunction with the results of the searches and inquiries normally made in respect of a unit in a unit scheme."

- (2) The warning is to be typed or printed in letters of a size not less than 8 points and so as to be clearly legible.

**Part 6                    Building development****12                    Application for building development plan – section 26ZI(3)**

An application under section 26ZI of the Act to register a building development plan is to be in Form 2.

**13                    Building development plan – section 26ZI(3)**

A building development plan lodged under section 26ZI of the Act is to be a survey plan prepared in accordance with the *Licensed Surveyors Act* and is to:

- (a) show, in accordance with the *Licensed Surveyors Act* and the practice directions under that Act, the boundaries of the Building Development Parcel proposed to be subdivided and the position of all buildings on the Building Development Parcel relative to the boundaries of that Parcel and to the boundaries of each building lot on that Parcel;
- (b) define the boundaries of the building lots and the common property under the proposed subdivision in accordance with section 26ZG of the Act and to the satisfaction of the Surveyor-General for the Territory; and

- (c) include a schedule of building lot entitlements in accordance with regulation 15.

**14 Disclosure statement – section 26ZI(3)(a)**

- (1) A disclosure statement under section 26ZI(3)(a) of the Act is to be in a form approved by the Registrar-General and is to be in accordance with this regulation.
- (2) On the first page of the disclosure statement there is to be typed or printed, in a size of not less than 8 points and so as to be clearly legible, the warning specified in Schedule 2, Part A and no other information other than the title of the building development.
- (3) In addition, the disclosure statement is to consist of the following:
  - (a) details of the buildings proposed to be erected, altered or added to, including a copy of the relevant plans and specifications;
  - (b) a statement of the commencement and completion dates of the building development or a schedule of commencement and completion dates for each proposed stage of the building development (as applicable);
  - (c) a statement of any special rights or privileges in relation to the common property proposed to adhere to each lot;
  - (d) statements about the matters set out in Schedule 2, Part C to the effect set out in that Part.

**15 Schedule of building lot entitlements – section 26ZI(3)(d)**

- (1) A schedule of building lot entitlements is to be prepared and certified by a valuer.
- (2) The schedule is to set out:
  - (a) for each building lot – the building lot entitlement for that lot; and
  - (b) the aggregate building lot entitlement for all the lots.
- (3) The building lot entitlement for a building lot is a whole number that represents, as nearly as practicable, the proportion that the value of the lot bears to the aggregate value of all the lots, where the value of each lot is established by reference to its unimproved capital value at the date of certification by the valuer.

**16 Consent to building development proposal – section 26ZI(4)**

Consent under section 26ZI(4) of the Act to the proposed subdivision of a parcel in accordance with a building development plan is to be in Form 3.

**17 Dispute resolution procedure – section 26ZK(1)**

- (1) If a disclosure statement under section 26ZI(3) of the Act does not contain a mechanism for resolving disputes, the disclosure statement is taken to contain the model dispute resolution procedure set out in Schedule 5.
- (2) If, under a mechanism for resolving disputes contained or taken to be contained in a disclosure statement, the arbitrator, mediator or conciliator (however described) in the dispute may make an order to give effect to an outcome of the dispute, the following provisions apply:
  - (a) the order may be enforced as if it were an order of the Local Court;
  - (b) if the order requires a document to be signed by a party to the dispute and then registered, unless a court otherwise orders:
    - (i) the order may be lodged for registration instead of the signed document; and
    - (ii) the Registrar-General must register the order lodged as if it were the signed document.

**18 Procedure for varying disclosure statements – section 26ZK(4) to (7)**

- (1) If a disclosure statement under section 26ZI(3) of the Act:
  - (a) does not contain a procedure by which the disclosure statement may be varied; or
  - (b) contains such a procedure but the procedure does not comply with the requirements of subregulation (4),the disclosure statement is taken to contain the model procedure for variation of disclosure statements set out in Schedule 6.
- (2) A disclosure statement is to provide for the following matters:
  - (a) the persons who may apply for a variation of the disclosure statement;

- (b) the giving of notice of the proposed variation, including to persons who might be affected by the variation;
- (c) whether the agreement of the developer to the proposed variation is required or not;
- (d) whether the agreement of a majority of proprietors of building lots to the proposed variation is required or not and, if such a majority is required, whether it must be an ordinary, special or absolute majority.

**19 Requirements for registration of variation of disclosure statement – section 26ZK(8)(b)**

A variation of a disclosure statement lodged for registration under section 26ZK(8)(a) is to be accompanied by a statement setting out, of the number of persons who were entitled to approve the variation, the percentage who did so.

**21 Powers of arbitrator appointed by Minister – section 26ZN(3)**

- (1) An arbitrator appointed by the Minister under section 26ZN(1) of the Act has the same powers as an arbitrator in a dispute to which the *Commercial Arbitration Act* applies.
- (2) For the purposes of subregulation (1), a reference in the *Commercial Arbitration Act* to an arbitration agreement is read as a reference to the terms and conditions of the arbitrator's appointment under section 26ZN(1) of the Act.

**22 Application to convert units into building lots – section 26ZU(1)**

An application under section 26ZU of the Act to register a building development plan to convert units into building lots is to be in Form 4.

**23 Consent to conversion of units into building lots – section 26ZU(2)**

Consent under section 26ZU(2) of the Act to an application to convert units into building lots is to be in Form 5.

**24 Variation of sections 26ZI to 26ZT by regulation – section 26ZU(3) and (4)**

For the purposes of section 26ZU(3) of the Act, in pursuance of section 26ZU(4) of the Act, the sections of the Act specified in Schedule 3 are varied as set out in that Schedule.



**25 Schedule of unit entitlements – section 26ZV(4)**

- (1) A schedule of unit entitlements for units into which a building lot is further subdivided is to be prepared and certified by a valuer.
- (2) The schedule is to set out:
  - (a) for each unit – the unit entitlement for that unit; and
  - (b) the aggregate unit entitlement for all the units.
- (3) The unit entitlement for each unit into which a building lot is further subdivided is a number (which need not be a whole number) that represents, as nearly as practicable, the proportion that the value of the unit bears to the aggregate value of all the units, where the value of each unit is established by reference to its unimproved capital value at the date of certification by the valuer.

**Part 7 Management corporations****26 Name change of corporation under building development plan – section 28(3)**

Notice to the Registrar-General under section 28 of the Act of a change in the name of a corporation constituted under that section is to be in Form 6.

**Part 8 Cancellation and alteration of units plans****27 Cancellation of units plan by consent – section 95A**

- (1) An application under section 95A(2) of the Act for the cancellation of a units plan is to be in Form 7.
- (2) A proprietor's consent under section 95A(3) of the Act to the proposed cancellation of a units plan is to be in accordance with Form 8.
- (3) The application is to be accompanied by the consent of the mortgagees, if any, of each unit and the duplicate certificates of title for the units and the common property.
- (4) The consent of a mortgagee referred to in subregulation (3) is to be in accordance with Form 9.

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## Part 9 Miscellaneous

### 28 General consent form

A consent to an action or dealing under the Act is to be in Form 10 if no other form for the consent is prescribed.

### 29 Offence to hinder etc referee etc

(1) A person must not hinder or obstruct:

(a) a person acting, in pursuance of these Regulations, as a referee in a dispute about a building development; or

(b) another person acting on behalf of such a referee,

in the performance or exercise of a function or power by the referee or other person for the purpose of resolving the dispute.

Maximum penalty: 100 penalty units.

(2) In subregulation (1):

**referee** means an arbitrator, mediator or conciliator (however described).

## Part 10 Repeal and transitional

### 30 Repeal

The Regulations specified in the table below are repealed.

<i>Unit Titles Regulations</i>	Regulations No. 50, 1987
<i>Amendment of Unit Titles Regulations</i>	Regulations No. 28, 1989
<i>Amendment of Unit Titles Regulations</i>	Regulations No. 10, 1991

### 31 Transitional

Despite regulation 30, if a document lodged for registration not later than 6 months after the commencement of that regulation would have been suitable for registration under the *Unit Titles Regulations* as in force immediately before that commencement, the document is taken to be suitable for registration under these Regulations.

## **Schedule 2 Building development plan – disclosure statement**

regulation 14

### **Part A – Warning**

Warning: This statement contains details of a building development which is proposed to be developed in accordance with *[insert cross-reference(s) to part(s) of the statement dealing with the matters specified in Part C]* of this statement.

Persons interested are advised that the proposed development may be varied and may not be completed. Any departure from the proposals outlined in the statement may attract provisions of the *Planning Act* and Part IVC of the *Unit Titles Act*.

This statement should not be considered alone but in conjunction with the results of the searches and inquiries normally made in respect of a lot or unit in a building development and a lot or unit resulting from the subdivision of land in accordance with all relevant instruments of determination under the *Planning Act*.

### **Part B – Details of buildings**

*[HERE SET OUT DETAILS OF THE BUILDINGS PROPOSED TO BE ERECTED, ALTERED OR ADDED TO, INCLUDING A COPY OF THE RELEVANT PLANS AND SPECIFICATIONS.]*

### **Part C – Statements**

#### **1. Prohibition on unjust or oppressive obligations**

A provision of this disclosure statement that imposes an obligation that is unjust or oppressive on a prospective owner of a building lot or unit is not binding on, and cannot be enforced against, the prospective owner. (See section 26ZK(2) of the *Unit Titles Act*.)

#### **2. Statutory requirements for variations to this disclosure statement**

- (1) This disclosure statement contains a procedure setting out how this disclosure statement may be varied (see further item no. 9). That procedure operates subject to a provision (if any) in the Unit Titles Regulations setting out the procedure by which a disclosure statement may be varied. (See section 26ZK(4), (5) and (6) of the *Unit Titles Act*.) If item no. 9 is not completed or does not comply with the requirements of regulation 18(2) of the Unit Titles Regulations, it is taken to contain the model procedure for variation set out in Schedule 6 to those Regulations.

- (2) This disclosure statement may also be varied pursuant to section 26ZM of the *Unit Titles Act*. That section permits variation in one of 2 ways.
- A. A variation may be agreed to by all of the lot owners, persons who have contracted to buy a lot and persons with registered interests in the land.
- B. If the persons referred to in A. cannot agree, the Minister administering the *Unit Titles Act* may (on the application of the developer, the proprietor of a building lot or a person who has contracted with the developer to purchase a proposed building lot) consent to a variation. The Minister may only consent to a variation if:
- (i) the developer has failed, or expects or is expected to be unable, to complete the building development in accordance with this disclosure statement; and
- (ii) the Minister has complied with section 26ZM(3) of the *Unit Titles Act*.
- (3) A variation of this disclosure statement is of no effect unless it is lodged with, and registered by, the Registrar-General. (See section 26ZK(8) of the *Unit Titles Act*.)

3. Statutory right to damages if developer fails to complete development in accordance with this disclosure statement

- (1) If the developer fails to comply with this disclosure statement or to complete the building development in accordance with this disclosure statement, the proprietor of a building lot, a person who has contracted with the developer to purchase a proposed building lot or the proprietor of a unit within the building lot may, in addition to any other right that he or she may have at law or in equity, sue for and recover damages from the developer in the Local Court. (See section 26ZO(1) of the *Unit Titles Act*.)
- (2) Without limiting (1), the proprietor of a building lot, a person who has contracted with the developer to purchase a proposed building lot or the proprietor of a unit within the building lot is entitled to recover any expected loss of capital appreciation of his or her building lot, proposed building lot or unit arising out of the failure (calculated to the date on which the building development was to be completed in accordance with this disclosure statement). (See section 26ZO(2) of the *Unit Titles Act*.)

4. Contractual status of this disclosure statement

- (1) Each contract entered into by the developer for the sale of a building lot, proposed building lot or other interest in the building development is, in addition to any other condition to which it is expressed to be subject, taken to be subject to the condition that the developer will construct and complete the building development in accordance with this disclosure statement. (See section 26ZX(1) of the *Unit Titles Act*.)
- (2) For the purposes of (1), a person who is a successor in title to a building lot, unit or other interest is taken to be the original purchaser from or contractor with the developer and may enforce the contract accordingly. (See section 26ZX(2) of the *Unit Titles Act*.)

5. Multi-stage developments – construction and access zones for future stages

This item applies if the building development is to be completed in stages. The developer has against the building management corporation of, and the proprietor of each building lot in the completed stage or stages of, the building development the rights in relation to the construction and access zones specified in this disclosure statement in respect of each stage of the proposed building development as are provided in this disclosure statement. (See section 26ZY of the *Unit Titles Act*.)

*[Delete this item if inapplicable.]*

6. Mechanism for obtaining agreement on contentious issues (section 26ZK(1))

- (1) This item sets out the mechanism for obtaining agreement on contentious issues before a dispute arises.
- (2) This item is subject to all of the following:
  - (a) item 1, which prohibits unjust or oppressive obligations;
  - (b) items 2 and 9, which are about varying this disclosure statement;
  - (c) item 3, which is about damages for failing to complete the building development in accordance with this disclosure statement;
  - (d) item 7, which is about resolving disputes between the developer and the proprietor of a building lot or the proprietor of a unit;
  - (e) item 8 (if applicable), which is about the Minister appointing an arbitrator to resolve disputes;

- (f) each of the following matters:

*[Here set out any other matters to which this item is subject. If there are no such other matters, enter 'NIL'.]*

(3)

*[Here set out what the developer and a proprietor of a building lot must do to obtain agreement on a contentious issue.*

*The matters that should be addressed include but are not limited to the following:*

- (a) *the giving of notice of the issue in contention, including to persons who might be affected by the issue (e.g. a person who has contracted with the developer or the proprietor of the building lot to purchase the building lot or a person who has an estate or interest in the building lot);*
- (b) *the provision of information about the issue in contention to a person to whom notice of the issue is given.]*

7. Mechanism for resolving disputes (section 26ZK(1))

(1) This item sets out the mechanism for resolving disputes between the developer and the proprietor of a building lot or the proprietor of a unit.

(2) This item is subject to all of the following:

- (a) item 1, which prohibits unjust or oppressive obligations;
- (b) items 2 and 9, which are about varying this disclosure statement;
- (c) item 3, which is about damages for failing to complete the building development in accordance with this disclosure statement;
- (d) item 6, which is about agreeing on contentious issues;
- (e) item 8 (if applicable), which is about the Minister appointing an arbitrator to resolve disputes;
- (f) each of the following matters:

*[Here set out any other matters to which this item is subject. If there are no such other matters, enter 'NIL'.]*

(3)

*[Here set out what the developer and a proprietor of a building lot or the proprietor of a unit must do if they are in dispute and wish to reach agreement.*

*The matters that should be addressed include but are not limited to the following:*

- (a) *the giving of notice of the dispute, including to a person who might be affected by the outcome of the dispute (e.g. a person who has contracted with the developer or the proprietor of the building lot or unit to purchase the building lot or unit or a person who has an estate or interest in the building lot or unit);*
  - (b) *the provision of information about the dispute to a person to whom notice of the dispute is given;*
  - (c) *the appointment of a person to act as an arbitrator, mediator or conciliator in the dispute;*
  - (d) *the powers and functions of person appointed as an arbitrator, mediator or conciliator;*
  - (e) *the extent to which a party to the dispute must comply with a requirement of an arbitrator, mediator or conciliator during the course of arbitration, mediation or conciliation;*
  - (f) *the effect of a decision of an arbitrator, mediator or conciliator at the conclusion of the arbitration, mediation or conciliation.]*
- (4) If this item is not completed, this disclosure statement is taken to contain the model dispute resolution procedure set out in Schedule 5 to the Unit Titles Regulations.

8. The Minister has the power to appoint an arbitrator for the purposes of section 26ZN

The Minister has power to appoint an arbitrator to resolve a dispute about:

- (a) a variation of this disclosure statement under section 26ZM of the *Unit Titles Act* (see further item 2(2)B); or
- (b) any other matter involving this disclosure statement or the rights and obligations of the parties.

The Minister may only exercise those powers if this disclosure statement sets out that the Minister may appoint an arbitrator. If the developer wants a party to be able to apply to the Minister to exercise those powers, this disclosure must contain an express provision to that effect. (See section 26ZN of the *Unit Titles Act*.)

The Minister has the power to appoint an arbitrator.

*[Delete this item if the Minister is not to have the power to appoint an arbitrator.]*

9. Mechanism for variation (section 26ZK(4))

- (1) This item sets out a mechanism for varying this disclosure statement.
- (2) This item applies subject to a provision (if any) in the Unit Titles Regulations setting out the procedure by which a disclosure statement may be varied.
- (3)

*[Here set out the procedure for varying this disclosure statement.]*

*To comply with regulation 18(2) of the Unit Titles Regulations, the following matters should be addressed:*

- (a) *the persons who may apply for a variation of this disclosure statement;*
  - (b) *the giving of notice of the proposed variation, including to person who might be affected by the variation;*
  - (c) *whether the agreement of the developer to the proposed variation is required or not;*
  - (d) *whether the agreement of a majority of proprietors of building lots to the proposed variation is required or not and, if such a majority is required, whether it must be an ordinary, special or absolute majority.]*
- (4) If this item is not completed, or does not comply with regulation 18(2) of the *Unit Titles Regulations*, it is taken to contain the model procedure for variation set out in Schedule 6 to the *Unit Titles Regulations*.

10. Other matters

*[Here set out details of the following:*

- *any concept plans for the future of the land*
- *any binding obligations on the developer in respect of the land*
- *any rights, duties and obligations for prospective owners of the building lots and in any units developed from those building lots*

*If there are no other matters to be disclosed by the developer, enter 'NIL'.]*



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**Schedule 3 Variation of Act**

regulation 24

Section	Variation	
	omit	substitute
Section 26ZI(1)	the registered proprietor of an estate in fee simple in or a lease from the Crown of land	the registered proprietors of all the units in a units plan
Section 26ZI(4)	the parcel	a unit in or the common property of a units plan
Section 26ZQ(1)(a)	the whole paragraph	(a) the person who was the proprietor of a unit in the units plan becomes possessed of the building lot that replaces the unit; and
Section 26ZQ(1)(b)	the whole paragraph	(b) the corporation converted by section 26ZU(5)(a) into a building management corporation becomes possessed of an estate in fee simple in the common property it held as a corporation constituted by section 27.
add at the end		

Section 26ZR (3) The registration of a building development plan does not affect a lease that was granted under section 42B before registration of the plan.

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**Schedule 4**

regulation 3

**FORM 1**

regulation 6

**NORTHERN TERRITORY OF AUSTRALIA**

<b>U</b>	<b>R</b>	<b>No:</b> _____
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LODGED AT THE REGISTRAR-GENERAL'S OFFICE

ON ..... AT .....

BY ..... CORRECTION TO .....

FEE ..... RECEIPT .....

**APPLICATION TO ADD LAND  
TO OR REMOVE LAND FROM  
A PARCEL**

The applicant being the registered proprietor(s) of the land described below, hereby applies to change land comprised in the parcel described below by adding land to, or removing land from, the parcel. (NOTES 1–4)

Register	Volume	Folio	Location	Lot Description	Plan	

(NOTE 5)

DESCRIPTION  
OF LAND TO  
BE ADDED OR  
REMOVED

(NOTE 6)

APPLICANT

(NOTE 7)

ADDRESS  
(for service of documents)

(NOTE 8)

<p>..... Signed by the Applicant</p> <p>On (Date) .....</p> <p>In the presence of:</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>The COMMON SEAL OF THE PROPRIETORS OF UNITS PLAN NO. .... / ..... has been affixed hereto.</p> <p>On (Date) .....</p> <p>Signed by .....</p> <p>Authority.....</p> <p>.....</p>
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(NOTES 9 & 10)

Registered on ..... At .....

**SCHEDULE OF NOTES**

1. This form is used for an application to add land to or remove land from a parcel. A new schedule of unit entitlements must accompany this application.
2. The application to add or remove land must be in accordance with Part IIIA of the *Unit Titles Act*.
3. This form may be lodged as an original only and must be typed or completed in biro. Alterations to information entered on the form should be crossed out (not erased or obliterated by painting over) and initialled by the parties.
4. This application cannot be made unless it is accompanied by the consents required under section 21A(b) of the *Unit Titles Act*, by a development permit issued under section 53 of the *Planning Act* indicating the consent of the relevant consent authority under that Act to the additional or removal and, if section 21FA(3) of the *Unit Titles Act* applies, by the approval required under section 26J or 26W (as applicable) of the *Unit Titles Act*.
5. Volume and Folio references must be given together with complete parcel description. All the affected certificates as to title, if they have been issued, must be produced.

6. Insert a description of the land to be added or removed together with a units plan/survey plan reference. The plan must be attached to this application and must show clearly which land is being added or removed.
7. Insert full name.
8. Actual address at which it is intended that the person or body corporate receive notices should be stated. In the case of the Body Corporate this is the address which will appear on the certificate as to title for the common property. Any applicable postal address can be used.
9. Insert full name and position or authority for signing on behalf of the Body Corporate. The Execution of this notice should conform with the formalities under section 30A(2) of the *Unit Titles Act* relating to the affixing of the common seal.
10. This document must be witnessed by a Commissioner for oaths, a member of the Legislative Assembly, a legal practitioner, a person holding office under the *Supreme Court Act*, the *Justices Act*, the *Local Court Act* or the *Registration Act*, a member of the Police Force, a person licensed as a conveyancing agent or real estate agent under the *Agents Licensing Act*, a Notary Public or any other person approved by the Registrar-General.

A witness to an instrument executed by an individual must first:

- take reasonable steps to ensure that the individual is the person entitled to sign the instrument;
- have the individual execute the document in the presence of the witness; and
- not be a party to the instrument.

After signing, witnesses must legibly write, type or stamp their names and contact address or telephone number below their signature.

For a corporation, an instrument must be executed in a way permitted by law or sealed with the corporation's seal in accordance with section 48 of the *Law of Property Act*.

For witnessing of instruments executed outside the Northern Territory refer to the *Real Property (Unit Titles) Regulations*.

FORM 2

regulation 12

NORTHERN TERRITORY OF AUSTRALIA

<b>B</b>	<b>L</b>	<b>No:</b> _____
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LODGED AT THE REGISTRAR-GENERAL'S OFFICE

ON ..... AT .....

BY ..... CORRECTION TO .....

FEE ..... RECEIPT .....

**APPLICATION FOR REGISTRATION  
OF A BUILDING DEVELOPMENT PLAN**

The applicant being the registered proprietor(s) of the land described below, hereby applies for the registration of a building development plan in respect of the land described below and hereby lodges the appropriate documents.

(NOTES 1-9)

Register	Volume	Folio	Location	Lot Description	Plan	

(NOTE 10)

APPLICANT

(NOTE 11)

ADDRESS  
(for service of documents)

(NOTE 12)

..... Signed by the Applicant On (Date) ..... In the presence of: ..... ..... .....	..... Signed by the Applicant On (Date) ..... In the presence of: ..... Witness ..... .....
---	--

(NOTE 13)

Registered on ..... At .....

**SCHEDULE OF NOTES**

1. This form is to be used for an application for registration of a building development plan.
2. This form may be lodged as an original only and must be typed or completed in biro. Alterations to information entered on the form should be crossed out (not erased or obliterated by painting over) and initialled by the parties.
3. A building development plan must involve the creation of not less than 2 building lots and common property.
4. This application must be accompanied by the disclosure statement (in duplicate) in the prescribed form.
5. A copy of the building development plan must be lodged with this application.
6. The building development plan must be signed by the Surveyor-General, a licensed surveyor and a valuer.
7. This application must be accompanied by a schedule of building lot entitlements prepared in accordance with the Unit Titles Regulations.
8. This application must be accompanied by any necessary consents under the *Unit Titles Act* in the prescribed form (Form 3).
9. The application must be accompanied by a development permit issued under section 53 of the *Planning Act* indicating:
  - (i) the consent of the relevant consent authority under that Act to the subdivision of the land in accordance with the building development proposal; and
  - (ii) that the determination to which it relates is conditional on the applicant's compliance with the terms of the disclosure statement.
10. Volume and Folio references must be given together with complete parcel description. All the affected certificates as to title, if they have been issued, must be produced.
11. Insert full name.
12. Actual address at which it is intended that the Building Management Corporation receive notices and have its books should be stated. This is the address which will appear on the certificate as to title for the common property. Any applicable postal address should be quoted as well.
13. This document must be witnessed by a Commissioner for oaths, a member of the Legislative Assembly, a legal practitioner, a person holding office under the *Supreme Court Act*, the *Justices Act*, the *Local Court Act* or the *Registration Act*, a member of the Police Force, a person licensed as a conveyancing agent or real estate agent

under the *Agents Licensing Act*, a Notary Public or any other person approved by the Registrar-General.

A witness to an instrument executed by an individual must first:

- take reasonable steps to ensure that the individual is the person entitled to sign the instrument;
- have the individual execute the document in the presence of the witness; and
- not be a party to the instrument.

After signing, witnesses must legibly write, type or stamp their names and contact address or telephone number below their signature.

For a corporation, an instrument must be executed in a way permitted by law or sealed with the corporation's seal in accordance with the *Law of Property Act*, section 48.

For witnessing of instruments executed outside the Northern Territory refer to the *Real Property (Unit Titles) Regulations*.



FORM 3

regulation 16

NORTHERN TERRITORY OF AUSTRALIA

**CONSENT TO THE  
REGISTRATION OF A  
BUILDING DEVELOPMENT PLAN**

The person described below having the interests as described in the land referred to below consents to:

- (a) the registration of the building development plan referred to below; (NOTES 1 & 2)
- (b) the schedule of lot entitlements; and
- (c) the issue of new certificates as to title for the lots referred to in the building development plan.

Register	Volume	Folio	Location	Lot Description	Plan	Unit/ Building Lot

(NOTE 3)

FULL NAME OF  
PERSON(S)  
GIVING CONSENT

(NOTE 4)

TYPE OF  
INSTRUMENT

(NOTE 5)

INSTRUMENT  
NUMBER

(NOTE 6)

BUILDING  
DEVELOPMENT  
PLAN NUMBER  
(if applicable)

Existing Building Development Plan Number .....

(NOTE 7)

..... Signed by the person giving consent On (Date) ..... In the presence of:  ..... ..... .....	..... Signed by the person giving consent On (Date) ..... In the presence of:  ..... ..... .....
---	---

(NOTE 8)

**SCHEDULE OF NOTES**

1. This form is to be used by the proprietor of a registered interest to give notice of consent for the subdivision of the parcel of land into building development lots and common property, or the subdivision, consolidation or conversion of a building development lot or common property within an existing building development plan.
2. This form may be lodged as an original only and must be typed or completed in biro. Alterations to information entered on the form should be crossed out (not erased or obliterated by painting over) and initialled by the parties.
3. Volume and Folio references must be given together with complete parcel description. If the certificate as to title has been issued it must be produced.
4. Insert full name of the person(s), being the proprietors of a registered interest, giving the consent.
5. Insert the dealing type, i.e. Mortgage or Lease.
6. Insert Land Titles Office instrument number.
7. Insert the existing building development plan number if applicable.
8. This document must be witnessed by a Commissioner for oaths, a member of the Legislative Assembly, a legal practitioner, a person holding office under the *Supreme Court Act*, the *Justices Act*, the *Local Court Act* or the *Registration Act*, a member of the Police Force, a person licensed as a conveyancing agent or real estate agent under the *Agents Licensing Act*, a Notary Public or any other person approved by the Registrar-General.

A witness to an instrument executed by an individual must first:

- take reasonable steps to ensure that the individual is the person entitled to sign the instrument;
- have the individual execute the document in the presence of the witness; and
- not be a party to the instrument.

After signing, witnesses must legibly write, type or stamp their names and contact address or telephone number below their signature.

For a corporation, an instrument must be executed in a way permitted by law or sealed with the corporation's seal in accordance with the *Law of Property Act*, section 48.

For witnessing of instruments executed outside the Northern Territory refer to the *Real Property (Unit Titles) Regulations*.

FORM 4

regulation 22

NORTHERN TERRITORY OF AUSTRALIA

<b>C</b>	<b>U</b>	<b>No:</b> _____
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LODGED AT THE REGISTRAR-GENERAL'S OFFICE

ON ..... AT .....

BY ..... CORRECTION TO .....

FEE ..... RECEIPT .....

**APPLICATION TO CONVERT  
UNITS INTO A BUILDING  
DEVELOPMENT PLAN**

The applicant being the registered proprietor(s) of the land described below, hereby applies to convert all of the units to which the units plan described below relates into building lots by the registration of a building development plan in respect of the land described below and hereby lodges the appropriate documents.

(NOTES 1–11)

Register	Volume	Folio	Location	Lot Description	Plan	

(NOTE 12)

UNITS PLAN  
NUMBER

...../.....

(NOTE 13)

APPLICANT

(NOTE 14)

ADDRESS  
(for service of  
documents)

(NOTE 15)

<p>The COMMON SEAL OF THE PROPRIETORS OF UNITS PLAN NO. .... / ..... has been affixed hereto.</p> <p>On (Date) .....</p> <p>Signed by .....</p> <p>Authority.....</p> <p>.....</p>	<p>Affix Seal here:</p>
--	-------------------------

(NOTES 16 & 17)

Registered on ..... At .....

**SCHEDULE OF NOTES**

1. This form is used for an application to Convert Units into a Building Development Plan of Subdivision.
2. This form may be lodged as an original only and must be typed or completed in biro. Alterations to information entered on the form should be crossed out (not erased or obliterated by painting over) and initialled by the parties.
3. This application cannot be made unless the written consent of all of the owners of the units to which a units plan relates has been obtained in the prescribed form (Form 5).
4. A building development plan must involve the creation of not less than 2 building lots and common property.
5. This application must be accompanied by the disclosure statement (in duplicate) in the prescribed form.
6. Three copies of the building development plan must be lodged with this application.
7. Each copy of the building development plan must be signed by the Surveyor-General, a licensed surveyor and a valuer.
8. This application must be accompanied by a schedule of building lot entitlements prepared in accordance with the Unit Titles Regulations.
9. This application must be accompanied by any necessary consents under the *Unit Titles Act* in the prescribed form (Form 5).
10. The application must be accompanied by a development permit issued under section 53 of the *Planning Act* indicating:
  - (i) the consent of the relevant consent authority under that Act to the subdivision of the land in accordance with the building development proposal; and
  - (ii) that the determination to which it relates is conditional on the applicant's compliance with the terms of the disclosure statement.
11. On the Registrar-General registering a building development plan lodged under section 26ZU(1) of the *Unit Titles Act*:
  - the body corporate for the units becomes a building management corporation;
  - the units become building lots (that may be further subdivided in accordance with section 26ZV of the *Unit Titles Act*; and
  - the management rules applying to building lots apply to the exclusion of any other management rules (except that decisions made before the conversion are taken to have been made under the management provisions applying to the building units).

12. Volume and Folio references must be given together with complete parcel description. All the affected certificates as to title, if they have been issued, must be produced.
13. Insert Units Plan Number.
14. Insert full name.
15. Actual address at which it is intended that the Building Management Corporation receive notices and have its books should be stated. This is the address which will appear on the certificate as to title for the common property. Any applicable postal address should be quoted.
16. Insert full name and position or authority for signing on behalf of the Body Corporate. The execution of this notice should conform with the formalities under section 30A(2) of the *Unit Titles Act* relating to the affixing of the common seal.
17. This document must be witnessed by a Commissioner for oaths, a member of the Legislative Assembly, a legal practitioner, a person holding office under the *Supreme Court Act*, the *Justices Act*, the *Local Court Act* or the *Registration Act*, a member of the Police Force, a person licensed as a conveyancing agent or real estate agent under the *Agents Licensing Act*, a Notary Public or any other person approved by the Registrar-General.

A witness to an instrument executed by an individual must first:

- take reasonable steps to ensure that the individual is the person entitled to sign the instrument;
- have the individual execute the document in the presence of the witness; and
- not be a party to the instrument.

After signing, witnesses must legibly write, type or stamp their names and contact address or telephone number below their signature.

For a corporation, an instrument must be executed in a way permitted by law or sealed with the corporation's seal in accordance with the *Law of Property Act*, section 48.

For witnessing of instruments executed outside the Northern Territory refer to the *Real Property (Unit Titles) Regulations*.

FORM 5

regulation 23

NORTHERN TERRITORY OF AUSTRALIA

**CONSENT TO AN APPLICATION  
TO CONVERT UNITS INTO A  
BUILDING DEVELOPMENT PLAN**

The person described below having the interests as described in the land referred to below consents to:

- (a) the registration of the application to convert units into a building development plan;
- (b) the schedule of lot entitlements; and
- (c) the issue of new certificates as to title for the lots referred to in the building development plan.

(NOTES 1 & 2)

Register	Volume	Folio	Location	Lot Description	Plan	

(NOTE 3)

FULL NAME OF PERSON(S) GIVING CONSENT

(NOTE 4)

TYPE OF INSTRUMENT

(NOTE 5)

INSTRUMENT NUMBER

(NOTE 6)

UNIT PLAN NUMBER

...../.....

(NOTE 7)

..... Signed by the person giving consent On (Date) ..... In the presence of:  ..... ..... .....	..... Signed by the person giving consent On (Date) ..... In the presence of:  ..... ..... .....
---	---

(NOTE 8)

**SCHEDULE OF NOTES**

1. This form is to be used by the proprietor of a registered interest to give notice of consent for the application to convert units into a building development plan.
2. This form may be lodged as an original only and must be typed or completed in biro. Alterations to information entered on the form should be crossed out (not erased or obliterated by painting over) and initialled by the parties.
3. Volume and Folio references must be given together with complete parcel description. If the certificate as to title has been issued it must be produced.
4. Insert full name of the person(s), being the proprietors of a registered interest, giving the consent.
5. Insert the dealing type, i.e. Mortgage or Lease.
6. Insert Land Titles Office instrument number.
7. Insert the existing Units Plan Number.
8. This document must be witnessed by a Commissioner for oaths, a member of the Legislative Assembly, a legal practitioner, a person holding office under the *Supreme Court Act*, the *Justices Act*, the *Local Court Act* or the *Registration Act*, a member of the Police Force, a person licensed as a conveyancing agent or real estate agent under the *Agents Licensing Act*, a Notary Public or any other person approved by the Registrar-General.

A witness to an instrument executed by an individual must first:

- take reasonable steps to ensure that the individual is the person entitled to sign the instrument;
- have the individual execute the document in the presence of the witness; and
- not be a party to the instrument.

After signing, witnesses must legibly write, type or stamp their names and contact address or telephone number below their signature.

For a corporation, an instrument must be executed in a way permitted by law or sealed with the corporation's seal in accordance with the *Law of Property Act*, section 48.

For witnessing of instruments executed outside the Northern Territory refer to the *Real Property (Unit Titles) Regulations*.

FORM 6

regulation 26

NORTHERN TERRITORY OF AUSTRALIA

<b>C</b>	<b>N</b>	<b>No:</b> _____
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LODGED AT THE REGISTRAR-GENERAL'S OFFICE

ON ..... AT .....

BY ..... CORRECTION TO .....

FEE ..... RECEIPT .....

**NOTICE OF CHANGE OF  
NAME OF BODY CORPORATE  
UNDER BUILDING DEVELOPMENT PLAN**

The corporation in respect of the building development plan specified below, for the land described below, applies to have a change of name recorded in the Register. (NOTES 1 & 2)

BUILDING DEVELOPMENT PLAN NUMBER

Register	Volume	Folio	Location	Lot Description	Plan	<i>Lot</i>

(NOTE 4)

NAME ON REGISTER TO BE CHANGED

(NOTE 5)

NEW NAME

(NOTE 6)

<p>The COMMON SEAL OF THE PROPRIETORS – BUILDING DEVELOPMENT PLAN NO. .... has been affixed hereto.</p> <p>On (Date) .....</p> <p>Signed by .....</p> <p>Authority.....</p> <p>.....</p>	<p>Affix Seal here:</p>
--	-------------------------

(NOTES 7 & 8)

Registered on ..... At .....



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### SCHEDULE OF NOTES

1. This form is used for notice of change of name of a body corporate under a building development plan.
2. This form may be lodged as an original only and must be typed or completed in biro. Alterations to information entered on the form should be crossed out (not erased or obliterated by painting over) and initialled by the parties.
3. Insert the building development plan number.
4. Volume and Folio references must be given together with complete parcel description. All the affected certificates as to title, if they have been issued, must be produced.
5. Insert the name on the register to be changed.
6. Insert the new name. The name change must include the words 'Building Management Corporation' and must be registered with the Registrar-General under section 28 of the *Unit Titles Act*.
7. Insert full name and position or authority for signing on behalf of the Body Corporate. The execution of this notice should conform with the formalities under section 30A(2) of the *Unit Titles Act* relating to the affixing of the common seal.
8. This document must be witnessed by a Commissioner for oaths, a member of the Legislative Assembly, a legal practitioner, a person holding office under the *Supreme Court Act*, the *Justices Act*, the *Local Court Act* or the *Registration Act*, a member of the Police Force, a person licensed as a conveyancing agent or real estate agent under the *Agents Licensing Act*, a Notary Public or any other person approved by the Registrar-General.

A witness to an instrument executed by an individual must first:

- take reasonable steps to ensure that the individual is the person entitled to sign the instrument;
- have the individual execute the document in the presence of the witness; and
- not be a party to the instrument.

After signing, witnesses must legibly write, type or stamp their names and contact address or telephone number below their signature.

For a corporation, an instrument must be executed in a way permitted by law or sealed with the corporation's seal in accordance with the *Law of Property Act*, section 48.

For witnessing of instruments executed outside the Northern Territory refer to the *Real Property (Unit Titles) Regulations*.

FORM 7

regulation 27(1)

NORTHERN TERRITORY OF AUSTRALIA

<b>C</b>	<b>U</b>	<b>No:</b> _____
----------	----------	------------------

LODGED AT THE REGISTRAR-GENERAL'S OFFICE

ON ..... AT .....

BY ..... CORRECTION TO .....

FEE ..... RECEIPT .....

**APPLICATION FOR CANCELLATION  
OF A UNITS PLAN  
BY CONSENT**

The Proprietors of the Units Plan described below, in pursuance of a unanimous resolution at a general meeting of the corporation hereby apply for cancellation of that Units plan for the Certificates as to Titles described below. Attached are the consents of the registered proprietors and registered mortgagees of the Units described below.

(NOTES 1-6)

UNITS PLAN  
NUMBER

...../.....

Register	Volume	Folio	Location	Lot Description	Plan	

(NOTE 8)

ADDRESS  
(for service of  
documents)

(NOTE 9)

The COMMON SEAL OF THE PROPRIETORS OF UNITS PLAN NO. .... / ..... has been affixed hereto. On (Date) ..... Signed by ..... Authority..... .....	Affix Seal here:
---	------------------

(NOTES 10 & 11)

Registered on ..... At .....

---

### SCHEDULE OF NOTES

1. This form is to be used by the Body Corporate to apply for the cancellation of a Units Plan.
2. This form may be lodged as an original only and must be typed or completed in biro. Alterations to information entered on the form should be crossed out (not erased or obliterated by painting over) and initialled by the parties.
3. The Body Corporate may apply for such a cancellation following a unanimous resolution at a general meeting of the proprietors called for that reason.
4. This application must be accompanied by any necessary consents under the *Unit Titles Act* in the prescribed forms (Forms 8 & 9).
5. After receiving the application the Registrar-General will, pursuant to section 15A(1) of the *Real Property (Unit Titles) Act* advise that such an application has been lodged, by notice in the Gazette and a local newspaper. Such a notice will enable objections to the cancellations to be made by any person who claims any interest in the parcel or unit.
6. If no valid objection has been received within 28 days of publication of such notice, the Registrar-General may register the application.
7. Insert the Units Plan Number.
8. Volume and Folio references must be given together with complete parcel description. All the affected certificates as to title, if they have been issued, must be produced.
9. Insert address at which it is intended that the body corporate receive notices and have its books should be stated. This is the address which will appear on the certificate as to title for the common property. Any applicable postal address should be quoted.
10. Insert full name and position or authority for signing on behalf of the Body Corporate. The Execution of this notice should conform with the formalities under section 30A(2) of the *Unit Titles Act* relating to the affixing of the common seal.
11. This document must be witnessed by a Commissioner for oaths, a member of the Legislative Assembly, a legal practitioner, a person holding office under the *Supreme Court Act*, the *Justices Act*, the *Local Court Act* or the *Registration Act*, a member of the Police Force, a person licensed as a conveyancing agent or real estate agent under the *Agents Licensing Act*, a Notary Public or any other person approved by the Registrar-General.

A witness to an instrument executed by an individual must first:

- take reasonable steps to ensure that the individual is the person entitled to sign the instrument;
- have the individual execute the document in the presence of the witness; and
- not be a party to the instrument.

After signing, witnesses must legibly write, type or stamp their names and contact address or telephone number below their signature.

For a corporation, an instrument must be executed in a way permitted by law or sealed with the corporation's seal in accordance with the *Law of Property Act*, section 48.

For witnessing of instruments executed outside the Northern Territory refer to the *Real Property (Unit Titles) Regulations*.

FORM 8

regulation 27(2)

NORTHERN TERRITORY OF AUSTRALIA

**CONSENT TO THE APPLICATION  
FOR CANCELLATION OF  
A UNITS PLAN**

The person described below being the registered proprietor of the land referred to below (NOTES 1 & 2) consents to the cancellation of the Units Plan described below pursuant to an application under section 95A of the *Unit Titles Act*.

Register	Volume	Folio	Location	Lot Description	Plan	Unit

(NOTE 3)

FULL NAME OF  
PERSON(S)  
GIVING CONSENT

(NOTE 4)

UNITS PLAN  
NUMBER

...../.....

(NOTE 5)

..... Signed by the person giving consent On (Date) ..... In the presence of: ..... ..... .....	..... Signed by the person giving consent On (Date) ..... In the presence of: ..... ..... .....
---	---

(NOTE 6)

### SCHEDULE OF NOTES

1. This form is to be used by the registered proprietor to give consent to an application for cancellation of a units plan pursuant to section 95A of the *Unit Titles Act*.
2. This form may be lodged as an original only and must be typed or completed in biro. Alterations to information entered on the form should be crossed out (not erased or obliterated by painting over) and initialled by the parties.
3. Volume and Folio references must be given together with complete parcel description. If the certificate as to title has been issued it must be produced.
4. Insert full name of the registered proprietor(s) giving consent.
5. Insert the Units Plan Number.
6. This document must be witnessed by a Commissioner for oaths, a member of the Legislative Assembly, a legal practitioner, a person holding office under the *Supreme Court Act*, the *Justices Act*, the *Local Court Act* or the *Registration Act*, a member of the Police Force, a person licensed as a conveyancing agent or real estate agent under the *Agents Licensing Act*, a Notary Public or any other person approved by the Registrar-General.

A witness to an instrument executed by an individual must first:

- take reasonable steps to ensure that the individual is the person entitled to sign the instrument;
- have the individual execute the document in the presence of the witness; and
- not be a party to the instrument.

After signing, witnesses must legibly write, type or stamp their names and contact address or telephone number below their signature.

For a corporation, an instrument must be executed in a way permitted by law or sealed with the corporation's seal in accordance with the *Law of Property Act*, section 48.

For witnessing of instruments executed outside the Northern Territory refer to the *Real Property (Unit Titles) Regulations*.

FORM 9

regulation 27(4)

NORTHERN TERRITORY OF AUSTRALIA

**CONSENT OF MORTGAGEE TO  
THE APPLICATION  
FOR CANCELLATION OF  
A UNITS PLAN**

The mortgagee described below having a registered mortgage over the land referred to below consents to the cancellation of the Units Plan described below pursuant to an application under section 95A of the *Unit Titles Act*. (NOTES 1 & 2)

Register	Volume	Folio	Location	Lot Description	Plan	Unit	(NOTE 3)

FULL NAME OF MORTGAGEE GIVING CONSENT

(NOTE 4)

MORTGAGE NUMBER

(NOTE 5)

UNITS PLAN NUMBER

...../.....

(NOTE 6)

..... Signed by the person giving consent On (Date) ..... In the presence of: ..... ..... .....	..... Signed by the person giving consent On (Date) ..... In the presence of: ..... ..... .....	(NOTE 7)
---	---	----------

### SCHEDULE OF NOTES

1. This form is to be used by the mortgagee to give consent to an application for cancellation of a units plan pursuant to section 95A of the *Unit Titles Act*.
2. This form may be lodged as an original only and must be typed or completed in biro. Alterations to information entered on the form should be crossed out (not erased or obliterated by painting over) and initialled by the parties.
3. Volume and Folio references must be given together with complete parcel description. If the certificate as to title has been issued it must be produced.
4. Insert full name of the mortgagee giving the consent.
5. Insert the Land Titles Office registered mortgage number.
6. Insert the units plan number.
7. This document must be witnessed by a Commissioner for oaths, a member of the Legislative Assembly, a legal practitioner, a person holding office under the *Supreme Court Act*, the *Justices Act*, the *Local Court Act* or the *Registration Act*, a member of the Police Force, a person licensed as a conveyancing agent or real estate agent under the *Agents Licensing Act*, a Notary Public or any other person approved by the Registrar-General.

A witness to an instrument executed by an individual must first:

- take reasonable steps to ensure that the individual is the person entitled to sign the instrument;
- have the individual execute the document in the presence of the witness; and
- not be a party to the instrument.

After signing, witnesses must legibly write, type or stamp their names and contact address or telephone number below their signature.

For a corporation, an instrument must be executed in a way permitted by law or sealed with the corporation's seal in accordance with the *Law of Property Act*, section 48.

For witnessing of instruments executed outside the Northern Territory refer to the *Real Property (Unit Titles) Regulations*.

FORM 10

regulation 28

NORTHERN TERRITORY OF AUSTRALIA

**GENERAL  
CONSENT FORM**

The person described below having the interests as described in the land referred to below consents to:

(NOTES 1 & 2)

*ACTION OR  
DEALING  
BEING  
CONSENTED  
TO*

--

Register	Volume	Folio	Location	Lot Description	Plan	Unit

(NOTE 4)

FULL NAME OF  
PERSON(S)  
GIVING CONSENT

--

(NOTE 5)

TYPE OF  
INSTRUMENT

--

(NOTE 6)

INSTRUMENT  
NUMBER

--

(NOTE 7)

UNITS PLAN  
NUMBER  
(if applicable)

Existing Units Plan Number                      ...../.....
---

(NOTE 8)



..... Signed by the person giving consent On (Date) ..... In the presence of:  ..... ..... .....	..... Signed by the person giving consent On (Date) ..... In the presence of:  ..... ..... .....
---	---

(NOTE 9)

**SCHEDULE OF NOTES**

1. This form is to be used by the proprietor of a registered interest to give notice of consent to actions or dealing in land in respect of which no specific consent form has been prescribed.
2. This form may be lodged as an original only and must be typed or completed in biro. Alterations to information entered on the form should be crossed out (not erased or obliterated by painting over) and initialled by the parties.
3. Insert a description of the action or dealing being consent to.
4. Volume and Folio references must be given together with complete parcel description. If the certificate as to title has been issued it must be produced.
5. Insert full name of the person(s), being the proprietors of a registered interest, giving the consent.
6. Insert dealing type, i.e. Mortgage or Lease.
7. Insert Land Titles Office instrument number.
8. Insert the existing units plan number if applicable.
9. This document must be witnessed by a Commissioner for oaths, a member of the Legislative Assembly, a legal practitioner, a person holding office under the *Supreme Court Act*, the *Justices Act*, the *Local Court Act* or the *Registration Act*, a member of the Police Force, a person licensed as a conveyancing agent or real estate agent under the *Agents Licensing Act*, a Notary Public or any other person approved by the Registrar-General.

A witness to an instrument executed by an individual must first:

- take reasonable steps to ensure that the individual is the person entitled to sign the instrument;
- have the individual execute the document in the presence of the witness; and
- not be a party to the instrument.

After signing, witnesses must legibly write, type or stamp their names and contact address or telephone number below their signature.

For a corporation, an instrument must be executed in a way permitted by law or sealed with the corporation's seal in accordance with the *Law of Property Act*, section 48.

For witnessing of instruments executed outside the Northern Territory refer to the *Real Property (Unit Titles) Regulations*.

## **Schedule 5 Model dispute resolution procedure**

regulation 17

### **1. Panel of persons willing to act as Referee**

- (1) There is to be a panel of persons who are willing to act as Referee in a dispute.
- (2) The members of the panel are to be appointed by:
  - (a) the President of the Law Society Northern Territory; or
  - (b) the Chief Executive Officer of the Agency administering the *Unit Titles Act*.
- (3) A person may only be appointed to the panel if the person:
  - (a) is a legal practitioner; and
  - (b) holds appropriate qualifications, or has relevant experience, as a conciliator or mediator.

### **2. Appointment of Referee**

- (1) The Referee in a dispute is to be a member of the panel referred to in clause 1:
  - (a) who agrees to be the Referee, subject to the terms and conditions referred to in subclause (2); and
  - (b) who the parties to the dispute agree should be the Referee or, if the parties cannot agree, who is appointed to be the Referee by the President of the Law Society Northern Territory or the Chief Executive Officer of the Agency administering the *Unit Titles Act* (whoever appointed the panel).
- (2) The agreement of the Referee referred to in subclause (1)(a) is to set out the terms and conditions on which the Referee is willing to act in the dispute, including provisions for:
  - (a) the fees payable to the Referee;
  - (b) the reimbursement of the reasonable costs and expenses incurred by the Referee; and
  - (c) the amount of the administrative fee payable to the Referee under clause 6(c).

**3. Payment of fees etc.**

- (1) The parties to the dispute agree that:
  - (a) the fees and costs and expenses referred to in clause 2(2)(a) and (b) are payable in equal shares by the parties to the dispute; and
  - (b) the administrative fee referred to in clause 2(2)(c) is payable by the applicant in the dispute.
- (2) If the Referee is appointed by the President of the Law Society Northern Territory or the Chief Executive Officer of the Agency administering the *Unit Titles Act*, the parties to the dispute agree that a fee of \$150 (or such other amount as is agreed with the Law Society or the Agency, as the case may be) is payable to the Law Society or the Agency, as the case may be, in equal shares by the parties to the dispute.

**4. Grounds for application to Referee**

- (1) An application to the Referee may be made in relation to a dispute arising from:
  - (a) the exercise or performance of; or
  - (b) the failure to exercise or perform,a power, authority, duty or function conferred or imposed by or under Part IVC of the *Unit Titles Act*, or by or under a disclosure statement, on a party to the dispute.
- (2) This dispute resolution procedure is not to be used if the dispute arises under a law other than the *Unit Titles Act*.

**5. Who may apply to Referee?**

Any of the following persons may apply to the Referee for the resolution of a dispute:

- (a) the developer;
- (b) the building management corporation;
- (c) the proprietor of a building lot;
- (d) the proprietor of a unit into which a building lot is further subdivided;
- (e) a person who has a registered interest in a building lot or in a unit into which a building lot is further subdivided.

**6. Form of application**

An application to the Referee:

- (a) is to be in writing;
- (b) is to set out:
  - (i) the parties to the dispute;
  - (ii) the nature of the dispute;
  - (iii) the reasons that the Referee's involvement in the dispute is sought; and
  - (iv) the outcome of the dispute that the applicant is seeking to obtain; and
- (c) is to be accompanied by the administrative fee referred to in clause 2(2)(c).

**7. Notice to other parties to dispute**

- (1) Within a reasonable time after receiving the application, the Referee must, by notice in writing:
  - (a) inform the persons who are named in the application as parties to the dispute that the application has been made;
  - (b) provide those parties with details of the outcome of the dispute that the applicant is seeking to obtain; and
  - (c) invite those parties to make written submissions about the dispute within a specified, reasonable time.
- (2) The developer or another person, as directed by the Referee, must display a copy of the notice referred to in subclause (1) prominently on the property until:
  - (a) the application is amended in accordance with clause 8; or
  - (b) the closing date for written submissions specified in the notice, whichever occurs first.

**8. Amendment of application**

- (1) The applicant may amend the application by submitting amendments in writing to the Referee.

- (2) The Referee:
  - (a) must give written notice of the amendments to every person who was notified of the original application under clause 7; and
  - (b) in that notice, may extend the time for making written submissions about the dispute.
- (3) The developer or another person, as directed by the Referee, must display a copy of the notice referred to in subclause (1) prominently on the property until the closing date for written submissions, including any extension of that date under subclause (2)(b).
- (4) The applicant must pay any costs incurred by the Referee in giving notice of the amended application, or displaying a copy of the notice, in accordance with this clause.

**9. Dismissal of application**

The Referee may dismiss the application if:

- (a) the application does not contain the information referred to in clause 6(b) and, after being given a reasonable time to do so, the applicant has not amended the application or provided that information;
- (b) a dispute resolution procedure is specified in the disclosure statement;
- (c) the application is frivolous, vexatious, misconceived or lacking in substance; or
- (d) the rights or obligations sought to be exercised or imposed, or the outcome sought, are not rights or obligations or an outcome under the *Unit Titles Act* or are rights or obligations or an outcome under another Act.

**10. Withdrawal of application**

The applicant may withdraw the application at any time before a agreement between the parties to the dispute is reached or an order is made by the Referee.

**11. Procedure to be adopted by Referee**

- (1) The Referee must proceed to attempt to resolve the dispute with as little formality and technicality as possible, and subject to the *Unit Titles Act* and the rules of natural justice, may determine his or her own procedures.

- (2) The parties to the dispute agree to comply with any request made by the Referee, or a person acting on behalf of the Referee, for the purposes of resolving the dispute:
  - (a) to provide specified documents or other records, or specified information, to the Referee or person;
  - (b) to allow the Referee or person reasonable access to land, buildings, and common property;
  - (c) to attend interviews with the Referee; and
  - (d) to attend conciliation or mediation conferences.

## **12. Outcome of dispute**

- (1) The parties to the dispute agree:
  - (a) to be bound by any agreement reached by the parties to the dispute; or
  - (b) in the event that agreement cannot be reached – to be bound by the decision of the Referee.
- (2) The parties to the dispute agree that, in the event that an agreement between the parties to the dispute cannot be reached, the Referee may make an order that will give effect to an outcome of the dispute specified in the application.
- (3) The orders that may be made by the Referee include:
  - (a) requiring a party to the dispute to pay a specified amount of money;
  - (b) requiring a party to the dispute to do, or refrain from doing, some specified act; and
  - (c) requiring a party to the dispute to make or pursue an insurance claim.

## **13. Enforcement of Referee's order**

- (1) An order of the Referee under clause 12 may be enforced as if it were an order of the Local Court.
- (2) If an order of the Referee under clause 12 requires a document to be signed by a party to the dispute and lodged for registration, the order may be lodged instead of the signed document.

**14. Application to Referee is pre-condition of legal proceedings**

The parties to the dispute agree not to commence legal proceedings in connection with the dispute unless an application for the resolution of the dispute by a Referee has been made under clause 5 and the Referee has determined the application in accordance with these provisions.

## **Schedule 6 Model procedure for variation of disclosure statements**

regulation 18

### **1. Interest holders**

In this Schedule:

***interest holder*** means:

- (a) the developer;
- (b) the proprietor of a building lot;
- (c) the proprietor of a unit into which a building lot is further subdivided;
- (d) a person who has a registered estate or interest in a building lot or in a unit or common property into which a building lot is further subdivided (including an estate or interest claimed under a registered caveat); or
- (e) if a proposed variation of the disclosure statement relates or may relate to an insurance claim – the insurer in respect of the claim.

***ordinary resolution*** means a resolution approved by 50% or more of the interest holders, whether present or represented by proxy.

### **2. Power to vary disclosure statement**

- (1) A disclosure statement may be varied by:
  - (a) ordinary resolution of interest holders at a meeting held in accordance with clauses 5 and 6; or
  - (b) all interest holders approving a resolution circulated in accordance with clause 7.
- (2) A disclosure statement cannot be varied in a manner that would have the effect of overriding the development permit issued under section 53 of the *Planning Act* in respect of the building development.

### **3. Proposal for variation**

- (1) A variation of the disclosure statement may be proposed by:
  - (a) the developer;



- (b) the proprietor of a building lot;
  - (c) the proprietor of a unit into which a building lot is further subdivided; or
  - (d) a person who has a registered estate or interest in a building lot or in a unit into which a building lot is further subdivided (including an estate or interest claimed under a registered caveat).
- (2) A variation of the disclosure statement can only be initiated by a proposal referred to in subclause (1) if the variation:
- (a) is desirable in view of damage to buildings or property; or
  - (b) is necessary to ensure that the use or enjoyment of a unit by its proprietor or occupier is not adversely affected.
- (3) A variation of the disclosure statement need not be initiated by a proposal referred to in subclause (1) if:
- (a) the variation is to correct an error in the disclosure statement; or
  - (b) the disclosure statement specifies that the variation may be approved by all interest holders signifying their approval on the disclosure statement as varied.

#### **4. Notice of proposal to vary disclosure statement**

- (1) The proponent of a variation of the disclosure statement must give written notice of the proposed variation to all interest holders.
- (2) The notice is to be accompanied by:
- (a) a copy of the existing disclosure statement;
  - (b) a copy of the resolution to vary the disclosure statement, detailing the proposed variation;
  - (c) details of compensation or other moneys to be paid to an interest holder who may be adversely affected by the proposed variation if approved; and
  - (d) a brief statement of reasons for and against the proposed variation.
- (3) A notice under subclause (1) may be given to an interest holder:
- (a) personally;

- (b) by posting it to the interest holder; or
  - (c) by sending it by facsimile transmission or electronic mail to the interest holder.
- (4) The developer must display the notice and accompanying documents prominently on the Building Development Parcel until the time for the meeting referred to in clause 5, or return of the documents referred to in clause 7, has expired.

**5. Variation approved at meeting of interest holders**

- (1) If the proponent of a variation of the disclosure statement intends that the proposed variation be put to a meeting of interest holders, the notice under clause 4(1):
- (a) is to include the date, time and place of the meeting;
  - (b) is to be accompanied by a form for the appointment of a proxy; and
  - (c) is to be given to all interest holders at least 21 days before the date of the meeting.
- (2) The proponent of the variation must take reasonable steps to ensure that the date, time and place of the meeting is reasonably convenient to a majority of the interest holders.
- (3) The quorum for a meeting under this clause is 75% of all interest holders, whether present or represented by proxy.

**6. Proxies**

- (1) An interest holder who is entitled to attend a meeting of interest holders for the purpose of considering a proposed variation to the disclosure statement may appoint a person as a proxy to attend and vote for that interest holder at the meeting.
- (2) A proxy appointed to attend and vote for an interest holder has the same rights as the interest holder.
- (3) An appointment of a proxy is to be signed by the interest holder and is to include:
- (a) the interest holder's name and address;
  - (b) the proxy's name; and

- (c) the meeting or meetings at which the appointment may be used or, if the proxy is a standing proxy, a statement to that effect.

**7. Variation approved by circulating resolution**

- (1) A proposed variation of the disclosure statement may be approved if all interest holders sign a document containing a statement that they approve the resolution to vary the disclosure statement set out in the document.
- (2) Separate copies of the document referred to in subclause (1) may be used for signing if the wording of the statement and resolution is identical in each copy.
- (3) If the proponent of a variation of a disclosure statement intends that the proposed variation be put to interest holders by circulating a document as described in subclause (1), the notice under clause 4(1) is to contain a time and date by which, and a place to which, the document is to be returned.
- (4) An interest holder who does not respond to a document circulated under subclause (1) by the end of the time specified in the notice under clause 4(1) is taken to have approved the resolution to vary the disclosure statement set out in the document.

**8. Amendment of proposed variation**

- (1) The proponent of a variation of the disclosure statement may amend the proposed variation in accordance with this clause.
- (2) A meeting of interest holders called and conducted in accordance with clauses 4, 5 and 6, at which 75% of interest holders are present or represented by proxy, may by ordinary resolution vote to amend the proposed variation of the disclosure statement.
- (3) The proposed variation as amended may then be approved by ordinary resolution at that meeting.
- (4) A proposed variation of a disclosure statement that has been put to interest holders by circulating a document in accordance with clause 7 may be amended:
  - (a) by amending that document, providing the amended document to all interest holders, and giving them an additional 21 days after the expiry of the time for return of the original document in which to return the amended document; or

- (b) by calling and conducting a meeting of interest holders in accordance with clauses 4, 5 and 6 for the purpose of amending and putting the proposed variation.
- (5) The notice of a meeting called under this clause need not be accompanied by:
- (a) a copy of the existing disclosure statement;
  - (b) details of compensation or other moneys to be paid to an interest holder who may be adversely affected by the proposed variation if amended and approved; or
  - (c) details of the manner in which it is proposed that the unit plan be altered, including any necessary alteration to the schedule of unit entitlements,

unless the amendment of the proposed variation alters the previous proposed arrangements for compensation or unit entitlements.

- (6) The developer must display prominently on the Building Development Parcel:
- (a) if subclause (2) or (4)(b) applies – a copy of the proposed variation as amended, together with the notice of the meeting and accompanying documents, until the time for the meeting referred has expired; or
  - (b) if subclause (4)(a) applies – the amended document, together with notice of the additional period for return of the amended document, until the time for return of the amended document referred to in subclause (4)(a) has expired.

**9. Variation must be lodged with Registrar-General**

- (1) The variation of a disclosure statement is of no effect unless it is lodged with the Registrar-General. (See section 26ZK(8)(b) of the *Unit Titles Act*.)
- (2) A variation of a disclosure statement lodged for registration under subclause (1) is to be accompanied by a statement setting out the percentage of interest holders who approved the variation. (See regulation 19 of the *Unit Titles Regulations*.)

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

Key to abbreviations

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

**2****LIST OF LEGISLATION*****Unit Titles Regulations (SL No. 55, 2002)***

Notified	18 December 2002
Commenced	18 December 2002

***Amendments of Unit Titles Regulations (SL No. 16, 2003)***

Notified	28 March 2003
Commenced	28 March 2003

***Statute Law Revision Act (No. 2) 2003 (Act No. 44, 2003)***

Assent date	7 July 2003
Commenced	7 July 2003

***Legal Profession (Consequential Amendments) Act 2007 (Act No. 7, 2007)***

Assent date	17 May 2007
Commenced	s 10: 1 July 2007 (Gaz G26, 27 June 2007, p 3); rem: 17 May 2007

***Justice Legislation Amendment (Penalties) Act 2010 (Act No. 12, 2010)***

Assent date	20 May 2010
Commenced	1 July 2010 (Gaz G24, 16 June 2010, p 2)

**3****LIST OF AMENDMENTS**

pt 2 hdg	rep No. 16, 2003, r 2
r 4	rep No. 16, 2003, r 2
r 5	rep No. 16, 2003, r 3
r 6	amd No. 16, 2003, r 4
r 9	rep No. 16, 2003, r 5
pt 5 hdg	rep No. 16, 2003, r 6
r 11	rep No. 16, 2003, r 6
r 12	amd No. 16, 2003, r 7
r 20	rep No. 16, 2003, r 8
r 22	amd No. 16, 2003, r 9

## ENDNOTES

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r 29            amd Act No. 12, 2010, s 3  
sch 1           rep No. 16, 2003, r 10  
sch 4           amd Act No. 44, 2003, s 6; Act No. 7, 2007, s 16  
sch 5           amd Act No. 7, 2007, s 16