

NORTHERN TERRITORY OF AUSTRALIA

**UNIT TITLE SCHEMES (GENERAL PROVISIONS AND TRANSITIONAL
MATTERS) REGULATIONS**

As in force at 1 July 2009

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 2009

UNIT TITLE SCHEMES (GENERAL PROVISIONS AND TRANSITIONAL MATTERS) REGULATIONS

Regulations under the *Unit Title Schemes Act*

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Unit Title Schemes (General Provisions and Transitional Matters) Regulations*.

2 Commencement

These Regulations commence on the commencement of section 108 of the *Unit Title Schemes Act 2009*.

Part 2 Key elements of scheme

3 Changes to scheme statement

- (1) For section 12(2) of the Act, a scheme statement may be changed otherwise than by a subsequent scheme statement if:
 - (a) the change relates to information mentioned in section 18(1)(f) of the Act and regulation 4(3) because the scheme becomes a higher scheme when all or part of the scheme land comprising one of its units is subdivided to form the scheme land of a new scheme; and
 - (b) the Registrar-General, on the application of a person responsible for preparing a scheme statement under section 20 of the Act:
 - (i) endorses the change; and
 - (ii) records the change in the land register as defined in section 4 of the *Land Title Act*.

- (2) On the endorsement and recording of the change, the scheme statement has effect as if the change had been made with effect from the time of the endorsement.

4 Requirements about scheme statement

- (1) For section 18(1)(e) of the Act, a scheme statement for a scheme intended to be developed progressively must contain the following information:
- (a) if the developer proposes to implement a stage of the development in accordance with a schedule of commencement and completion dates – that schedule;
 - (b) if the developer proposes to create additional units and common property in implementing a stage of the development (including units and common property of another scheme):
 - (i) a description of the proposed units and common property; and
 - (ii) the proposed entitlement schedules for the units;
 - (c) if the developer proposes to carry out construction works for a stage of the development:
 - (i) a location plan for the proposed stage; and
 - (ii) a description of the uses that can be made of the construction zones and access zones shown in the plan; and
 - (iii) a schedule of working hours for the construction works;
 - (d) if the developer proposes to use all or a part of the scheme land for particular purposes for a stage of the development – a description of those purposes;
 - (e) if the developer proposes to sell a unit as ready for occupation for a proposed stage of the development – a schedule of materials and finishes for the unit;
 - (f) if the developer proposes to create special rights or limitations over common property or body corporate assets for a stage of the development – a statement of the rights or limitations;

- (g) if any of paragraphs (a) to (f) applies – any other information reasonably required to examine the scheme statement to ascertain:
 - (i) the overall nature of the facilities proposed for the development; and
 - (ii) the rights and obligations of the body corporate and unit owners during and after the completion of the development;
- (h) if none of paragraphs (a) to (f) applies:
 - (i) a statement specifying broad concepts in relation to the development; and
 - (ii) a statement that the developer has no specific proposal in relation to implementing a stage of the development.
- (2) To avoid doubt, a developer may propose to do a thing as mentioned in subregulation (1)(a) to (f) without entering into a binding agreement in relation to that thing.
- (3) For section 18(1)(f) of the Act, a scheme statement for a higher scheme or subsidiary scheme must identify each of the scheme's higher schemes and subsidiary schemes.
- (4) For section 18(3)(c)(i) of the Act, the endorsement of the consent authority relates to the following matters:
 - (a) the matters mentioned in section 18(1)(a) to (c) and (e) to (f) of the Act;
 - (b) any exclusive use by-laws of the scheme.
- (5) In this regulation:

location plan, for a stage of a development, means a plan showing:

 - (a) the construction zones, access zones, roads and common property relating to the stage; and
 - (b) the dimensions and areas of the proposed units relating to the stage as worked out by a licensed surveyor.

5 Obligation of seller – disclosure statement information

- (1) For section 45(2)(b) of the Act, the disclosure statement must contain the following information:
 - (a) if the developer has entered into an arrangement to engage a body corporate manager or service contractor:
 - (i) the name of the body corporate manager or service contractor; and
 - (ii) the nature of the arrangement; and
 - (iii) the period the arrangement is to be in force; and
 - (iv) the rights and obligations of the body corporate manager or service contractor; and
 - (v) details about any service fees payable to the body corporate manager or service contractor under the arrangement;
 - (b) if the developer proposes to enter into an arrangement to engage a body corporate manager or service contractor – any proposal relating to the matters mentioned in paragraph (a).
- (2) For section 45(2)(c) of the Act, the disclosure statement must contain the following information:
 - (a) if the developer has authorised a person to be a letting agent:
 - (i) the name of the letting agent; and
 - (ii) the period the authorisation is to be in force; and
 - (iii) the rights and obligations of the letting agent; and
 - (iv) details about any service fees payable to the letting agent;
 - (b) if the developer proposes to authorise a person to be a letting agent – any proposal relating to the matters mentioned in paragraph (a).
- (3) For section 45(2)(d) of the Act, the disclosure statement must contain the following information:
 - (a) a complete list of the existing body corporate assets and any proposed body corporate assets;
 - (b) any limitation or proposed limitation on the use of the assets.

- (4) For section 45(2)(h) of the Act, if the management module of the scheme provides for a method of adjudicating disputes arising from the disclosure statement, the statement must specify the method.

Part 3 Scheme administration

6 Approval and registration of modified management module

- (1) The scheme supervisor may:
- (a) on the application of a person intending to register the first scheme statement of a scheme – approve changes to the management module that would otherwise apply to the scheme (the **applying module**); and
 - (b) on the application of the body corporate of a scheme – approve changes to the management module currently applying to the scheme (the **applying module**).

Note for subregulation (1)

The Unit Title Schemes (Management Modules) Regulations prescribe management modules that apply to various schemes.

- (2) The application must be made in the approved form.
- (3) Without limiting what may be required by the approved form, the application must be accompanied by the following:
- (a) a document setting out the changes;
 - (b) a document setting out the applying module incorporating the changes.
- (4) The fee payable for the application is 120 revenue units.
- (5) The scheme supervisor may approve changes to the applying module only if satisfied the applying module incorporating the changes (the **modified module**):
- (a) adequately deals with all the matters covered by the applying module; and
 - (b) is fair and equitable.
- (6) The scheme supervisor must tell the Registrar-General about the approval.

- (7) The modified module applies to the scheme only if:
 - (a) the modified module is registered under subregulation (8); and
 - (b) if subregulation (1)(a) applies to the approval – the registration is made before or when the first scheme statement of the scheme is registered.
- (8) The Registrar-General must, on the application of a person who has been given approval for a modified module under subregulation (1), register the modified module.
- (9) However, the Registrar-General must not do so if:
 - (a) subregulation (1)(a) applies to the approval; and
 - (b) the first scheme statement of the scheme has been registered.
- (10) The Registrar-General may register a modified module in a way decided by the Registrar-General.

Part 4 Transitional matters

7 Formation of scheme from pre-commencement development

Section 112 of the Act applies to the land:

- (a) for which development permit number 05/0547 is in force immediately before the commencement of Chapter 4, Part 4.3 of the Act; and
- (b) in relation to which the following requirements are met:
 - (i) the developer lodges a scheme statement complying with section 18 of the Act;
 - (ii) the consent authority decides that the proposed units and common property are suitable for separate titles.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Unit Title Schemes (General Provisions and Transitional Matters) Regulations (SL No. 18, 2009)

Notified	26 June 2009
Commenced	1 July 2009 (r 2, s 2 <i>Unit Titles Schemes Act 2009</i> (Act No. 14, 2009) and Gaz S30, 26 June 2009)