

NORTHERN TERRITORY OF AUSTRALIA
UNIT TITLES (CONSEQUENTIAL AMENDMENTS – BUILDING
DEVELOPMENT) ACT 2001

No. 15 of 2001

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NORTHERN TERRITORY OF AUSTRALIA

No. 15 of 2001

AN ACT

to amend various Acts as a consequence of Part IVC of the *Unit Titles Act* being enacted

[Assented to 28 June 2001]
[Second reading 1 March 2001]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Unit Titles (Consequential Amendments – Building Development) Act 2001*.

2. Commencement

This Act comes into operation on the day on which, but immediately after, the *Unit Titles Amendment Act 2001* commences.

3. Amendment of *Administration and Probate Act*

Section 72 of the *Administration and Probate Act* is amended by inserting in paragraph (a) of the definition of "dwelling" in subsection (1) "or building lot" after "unit".

4. Amendments of *Cullen Bay Marina Act*

(1) Section 2 of the *Cullen Bay Marina Act* is amended –

(a) by inserting before the definition of "common property" the following:

" 'building lot' has the same meaning as in the *Unit Titles Act*"; and

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- (b) by omitting paragraph (a) of the definition of "owner" and substituting the following:

- "(a) if a lot is subdivided into units under the *Unit Titles Act* – the body corporate of the units plan;
- (aa) if a lot is subdivided into building lots under the *Unit Titles Act* – the body corporate of the building development plan;
- (ab) if a lot is subdivided into lots within the meaning of Part IVB of the *Unit Titles Act* – the estate management corporation; and".

(2) Section 7 of the *Cullen Bay Marina Act* is repealed and the following substituted:

"7. Further subdivision

"(1) Subject to subsection (3) and the *Planning Act*, a lot may be further subdivided under the *Unit Titles Act* into units, building lots and lots under Part IVB of that Act and common property.

"(2) Where a lot is further subdivided under the *Unit Titles Act* into units or building lots or lots under Part IVB of that Act, the Registrar-General must note on the certificate as to title of each unit or lot into which it is subdivided that the lot comprising all the units, building lots or lots under Part IVB and common property in that further subdivision has the relevant lot entitlement for the purposes of this Act.

"(3) A lot may be further subdivided (otherwise than under the *Unit Titles Act*) as prescribed in the Regulations and the relevant entitlement of each part into which it is subdivided shall be determined as prescribed."

(3) Section 12A of the *Cullen Bay Marina Act* is amended –

- (a) by omitting "In this Part" and substituting "(1) In this Part";
- (b) by omitting paragraph (a) of the definition of "owner" and substituting the following:
- "(a) a unit or building lot or lot subdivided under Part IVB of the *Unit Titles Act* – means the registered proprietor of the unit, building lot or lot and includes an occupier of the unit; or";
- (c) by omitting "into units" from paragraph (b) of the definition of "owner";
- (d) by inserting "or 28" after "27" in the definition of "unit corporation"; and
- (e) by adding at the end the following:

"(2) A reference in this Part to a unit is to be read as including a reference to a building lot."

5. Amendments of *Land Title Act*

(1) Section 4 of the *Land Title Act* is amended by inserting ", a lot under Part IVB of that Act and a building lot within the meaning of that Act" after "*Unit Titles Act*" in the definition of "lot".

(2) Section 164 of the *Land Title Act* is amended by adding at the end the following:

"(3) Nothing in this Act prevents the Registrar-General from examining a plan (of any kind) prepared for the purposes of any subdivision referred to in the *Unit Titles Act* at any time before the lodgment of the plan for the purposes of any approval or registration."

6. Amendment of *Law of Property Act*

Section 67 of the *Law of Property Act* is amended by inserting in subsection (3) ", a building lot within the meaning of that Act or a lot under Part IVB of that Act" after "*Unit Titles Act*".

7. Amendments of *Local Government Act*

(1) Section 3 of the *Local Government Act* is amended –

- (a) by inserting "or building lot" after "unit" in the definition of "land"; and
- (b) by inserting "or building lot" after "unit" in the definition of "residential unit".

(2) Section 58 of the *Local Government Act* is amended by inserting in subsection (2)(f) "or building development plan" after "units plan".

8. Amendments of *Planning Act*

(1) Section 3 of the *Planning Act* is amended by inserting "or building lots within the meaning of Part IVC of that Act" after "of that Act" in paragraph (b) of the definition of "consolidation" in subsection (1).

(2) Section 43 of the *Planning Act* is amended by inserting "or 26ZI" after "section 16".

(3) Section 61 of the *Planning Act* is amended by inserting "or in accordance with a building development plan registered in accordance with Part IVC of the *Unit Titles Act*" after "Act".

9. Amendment of *Real Property (Unit Titles) Act*

(1) Section 3 of the *Real Property (Unit Titles) Act* is amended by inserting after subsection (2) the following:

"(3) In Parts III and IV –

(a) a reference to a unit is to be taken to be a reference to a building lot; and

(b) a reference to a units plan is to be taken to be a reference to a building development plan."

(2) Section 4 of the *Real Property (Unit Titles) Act* is amended –

(a) by inserting in subsection (2) "building development plan, notice of a change to land under section 21FA of the *Unit Titles Act*" after "disclosure statement"; and

(b) by inserting after subsection (3)(d) the following:

"(da) by-laws under the *Unit Titles Act*;

(db) a building development plan;

(dc) a notice of a change to land under section 21FA of the *Unit Titles Act*;"

(3) Section 5 of the *Real Property (Unit Titles) Act* is amended by inserting in paragraph (a) ", building development plan, notice of a change to land under section 21FA of the *Unit Titles Act*" before "notice of conversion".

(4) Section 8 of the *Real Property (Unit Titles) Act* is amended by adding at the end the following:

"(6) In this section –

(a) a reference to a unit (other than a reference in subsection (1)) is to be taken to be a reference to a building lot; and

(b) a reference to a units plan (other than a reference in subsection (1)) is to be taken to be a reference to a building development plan."

(5) Section 9 of the *Real Property (Unit Titles) Act* is amended –

(a) by inserting "or a building development plan" after "units plan" (first occurring);

(b) by inserting after paragraph (c) the following:

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- "(ca) issue, in accordance with the prescribed form, a certificate as to title for each building lot to the person who, by force of section 26ZQ of the *Unit Titles Act*, is the proprietor of the building lot;";
- (c) by inserting in paragraph (da) "or 26ZQ" and "or building lot" after "section 23" and "unit" respectively;
- (d) by inserting in paragraph (e) "or 26ZQ" after "section 23";
- (e) by omitting from paragraph (f) "unit and the common property" and substituting "unit or building lot, and the common property,"; and
- (f) by inserting in paragraph (h) "or building development plan" after "units plan".

(6) Section 9A of the *Real Property (Unit Titles) Act* is amended by inserting "building development plan, change to land under section 21FA of the *Unit Titles Act*," before "notice of conversion".

(7) Section 9J of the *Real Property (Unit Titles) Act* is amended by omitting "or 26T(1)" and substituting ", 26T(1) or 26ZI(3)(a)".

(8) Section 9K of the *Real Property (Unit Titles) Act* is amended by inserting "or a variation of a disclosure statement in accordance with section 26ZK or 26ZM of that Act" after "*Unit Titles Act*".

(9) Section 16 of the *Real Property (Unit Titles) Act* is amended –

- (a) omitting from subsection (1) "units plan" and "Penalty: \$1,000." and substituting "units plan or building development plan" and "Penalty: 20 penalty units." respectively; and
- (b) by inserting in subsection (2) "or a building development plan" after "units plan".

(10) Section 22 of the *Real Property (Unit Titles) Act* is amended by omitting from subsection (2) "\$200" and substituting "20 penalty units".

10. Amendment of *Residential Tenancies Act*

Section 51 of the *Residential Tenancies Act* is amended –

- (a) by omitting from subsection (1)(c) "and";
- (b) by omitting from subsection (1)(d) "that Act." and substituting "that Act;"; and
- (c) by inserting after subsection (1)(d) the following:

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- "(e) if the premises are a building lot within the meaning of the *Unit Titles Act* – must not intentionally or negligently cause or permit damage to the common property within the meaning of that Act; and
- (f) if the premises are a lot within the meaning of Part IVB of the *Unit Titles Act* – must not intentionally or negligently cause or permit damage to the common property within the meaning of that Act."

11. Amendment of *Retirement Villages Act*

Section 36 of the *Retirement Villages Act* is amended by inserting in subsection (3) "or building lots" after "units".

12. Amendment of *Water Supply and Sewerage Services Act*

Section 4 of the *Water Supply and Sewerage Services Act* is amended by omitting paragraph (b) of the definition of "owner" and substituting the following:

- "(b) in relation to land to which the *Unit Titles Act* applies –
 - (i) if the land is common property – the body corporate referred to in section 27 or 28 of that Act;
 - (ii) if the land is a unit – the proprietor of the unit;
 - (iii) if the land is a lot (within the meaning of Part IVB of that Act) – the owner of the lot; or
 - (iv) if the land is a building lot – the owner of the building lot;".
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