

# Guidelines for Unit Title Developments in the Northern Territory

## PURPOSE OF THESE GUIDELINES

The purpose of these guidelines is to provide you with general information about the unit titling process and the role and responsibilities of the various NT Government agencies involved.

## WHAT IS UNIT TITLING ?

Unit titling is the process relating to the subdivision of land and / or buildings into units and common property.

## NT GOVERNMENT AGENCIES INVOLVED WITH UNIT TITLES

There are two government agencies involved with unit titling – the Department of Planning and Infrastructure (DPI) and the Department of Justice (DOJ). Within these two agencies, the key units involved with the operational administration and management of the *Unit Titles Act* and processes are :

NT Govt Agencies – Unit Titles	
Department	Office
Justice	Land Titles Office - Registrar General
Planning and Infrastructure	Statutory Services – Office of the Surveyor General
Planning and Infrastructure	Development Assessment Services
Planning and Infrastructure	Building Advisory Services

Under current legislative arrangements, DOJ is the primary agency responsible for administration of the *Unit Titles Act* - that is, the official legal custodians of this legislation. Certain functions to do with Unit Titling have been delegated to DPI, which has specific roles in the process of issuing of titles for units and within the administration of the *Unit Titles Act* :

- **Statutory Services (SS)** – is responsible for approving unit plans, which includes application, lodgement of documentation, examination of the technical, spatial and



survey content of plans and facilitating the process of unit plan approval. SS holds delegations of the Minister under the *Unit Titles Act* and ensures compliance with other related legislation.

- **Development Assessment Services (DAS)** – is responsible for the planning aspects of unit developments - that is the issue of development permits, certificates of compliance, and assessment of land use against relevant planning schemes and / or legislation.
- **Building Advisory Services (BAS)** – is responsible for the administration of building legislation including the issue of certificates with respect to buildings or structures complying with standards, codes and legislation.

Operationally the **Land Titles Office** is responsible for land registration issues, determination and management of security deposits, disclosure statements, holds delegations of the Minister under the *Unit Titles Act* and, as official custodians of the *Unit Titles Act*, provides legal opinions and advice. Note that general information leaflets on Body Corporate issues are available at the Land Titles Office. The DOJ office of **Consumer Affairs** assists with Body Corporate Management issues (phone 89 357736).

Protocols between NT Government agencies have been established to manage and resolve queries from clients, developers, agents and surveyors pertaining to the unit titling process. In most cases the relevant agency or office will be able to deal with an issue. However, if the query cannot be directly answered or managed, then it is often re-directed to Statutory Services to facilitate a resolution amongst the various departmental offices.

## WHO TO CONTACT AND WHERE

NT Govt Agencies – Unit Titles	
Office / Department	Phone Number / Location
Land Titles Office - Registrar General / DOJ	89 997743 - Nichols Place 1B, Cnr Cavenagh and Bennett St
Statutory Services – Office of the Surveyor General / DPI	89 995275 / Nichols Place 2B, Cnr Cavenagh and Bennett St
Development Assessment Services / DPI	89 998962 / 38 Cavenagh St, Ground Floor
Building Advisory Services / DPI	89 998985 / 38 Cavenagh St, Ground Floor

## TYPES OF UNIT DEVELOPMENTS

There are currently four types of unit developments:

- **Normal / Standard** – where land and / or a parcel is subdivided into units and common property in accordance with a Development Permit (issued by DAS).
- **Condominium** – where land and / or a parcel is subdivided into not less than 24 units in accordance with a disclosure statement and Development Permit. The development must be completed via a staged process. Note that the disclosure statement is endorsed by the developer or agent and details the entire development and its stages from start to finish. It includes information on the development and its stages through descriptions; location plans outlining construction, access zones and common property; schedules of finishes; schedules of unit entitlements; dates of commencement and completion of stages; and other relevant documents.
- **Estate** – where land and / or a parcel is subdivided into not less than 2 lots in accordance with a disclosure statement and Development Permit. The development can also be completed via a staged process. Note, the disclosure statement is endorsed by the developer or agent and details the entire development and its stages from start to finish. It contains information on the development and its stages through descriptions; a plan outlining the lot layout, pre-calculated dimensions, areas, construction, access zones and common property; schedules of lots completion and their planning zones; statements of rights or privileges for lots; dates of commencement and completion of stages; and other relevant documents. It is important to note that estate developments must have provisions for management of common property and, unlike other types of unit development, buildings are not required. Estate developments are primarily concerned with the subdivision of land into lots.
- **Building** – where a building development parcel (building and land) is subdivided into not less than 2 building lots and common property in accordance with a disclosure statement and Development Permit. The development can also be completed via a staged process. The intention of this type of development is to allow for a multiple body corporate structure and subdivision into units on a parcel of land. Note that the disclosure statement is endorsed by the developer or agent and details the entire development and its stages from start to finish. It consists of plans of buildings and specifications; statements of rights or privileges for lots; dates of commencement and completion of stages; mechanisms for resolving disputes, managing variations and for obtaining agreement to contentious issues pertaining to the development.

**Note** - Security deposits are required for staged developments to provide assurance that the unit development will be completed.

## THE UNIT TITLE PROCESS

The *generic* unit titling process for new developments is as follows:

- the Land Developer / Owner identifies a parcel of land or building that may be suitable for a units subdivision.
- the Land Developer / Owner engages professional assistance and / or an experienced Agent to manage the unit titling application and registration process on their behalf - this is usually a Licensed Surveyor.
- the Agent prepares and lodges relevant documentation with Development Assessment Services (DAS) so as to obtain a Development Permit that outlines the conditions of the unit development.
- development approval is granted and a Development Permit issued by the Development Consent Authority.
- the Agent engages a Licensed Surveyor to subdivide the parcel into units and to prepare the Units Plan of Subdivision.
- the Agent engages a Certified Practising Valuer to prepare a Schedule of Unit Entitlement.
- the Agent engages a Registered Building Certifier to certify that the buildings comply with relevant legislation, - that is, to obtain a Permit to Occupy.
- the Agent lodges an application for the Units Plan of Subdivision to be approved with Statutory Services.
- the Agent lodges all relevant documentation with Statutory Services relating to the approval of the units plan.
- the Agent applies to DAS for a "Certificate of Compliance with Permit" which confirms that the completed development is in accordance with the development permit issued under the *Planning Act*.
- if there are no issues, DAS officers will endorse the proposed unit plan for a recently completed development as:
 

*The proposed unit title application for Lot ..... Town of ..... is consistent with Development Permit DP.../... dated ..... issued under the Planning Act.*
- for older developments, the Agent should provide evidence that the development was legally established under Section 45 of the *Planning Act*. If satisfactory evidence is provided, DAS officers will endorse the unit plan as follows:
 

*The proposed unit title application for Lot ..... Town of ..... conforms to the requirements of the Planning Act.*
- the Agent provides Statutory Services with all statutory certifications - that is, a Certificate of Compliance (from DAS) and a Permit to Occupy (from Registered Building Certifier).
- Statutory Services oversees the units plan approval process by ensuring all statutory requirements have been met, Land Titles Office registration needs have been satisfied, survey, technical and spatial aspects of the unit plans are correct and all other documentation is in order.
- if required, the Agent rectifies any requisitions (errors) issued by Statutory Services.
- in order to exercise the delegation responsibly, the Delegate of the Minister may refer the unit plan back to the relevant agency or office to clarify any issues with the proposed unit subdivision before approval.
- Statutory Services approve the units plan as Delegate of the Minister under the *Unit Titles Act*.
- the Agent collects the approved units plan and with the appropriate documentation registers them with the Land Titles Office.
- the Land Titles Office issues the unit titles to the Land Developer / Owner.

## FREQUENTLY ASKED QUESTIONS

### ***Where can I get the relevant unit titling / development forms, applications, formats and plan requirements ?***

They can be sourced from the representatives of relevant authorities / government agency and / or within the appropriate legislation - acts and regulations. For example -

- Development Applications relating to Development Assessment Services (Planning) refer to web location - <http://www.dpi.nt.gov.au/whatwedo/planning/fees/index.html>
- Application form for unit titles and information about documentation required at lodgement with the Statutory Services can be obtained from Statutory Services.
- Information about unit plan requirements, formats, forms can be found in the *Real Property (Unit Titles) Regulations*.
- Information about Land Titles Office forms relating to unit titles can be found in the *Real Property (Unit Titles) Regulations*

### ***How do I unit title an existing building / 'flats' ?***

Comply with the process outlined on Page 4. However, your Agent must ALSO ensure that:

- (a) the original development was legally established under Section 45 of the *Planning Act* and
- (b) a Registered Building Certifier has prepared a report in accordance with Building Note 18-8/1/97, especially if **12 months** have lapsed since the issue of the Certificate of Occupancy or Occupancy Permit.

### ***How do I subdivide or alter an existing unit development ?***

Comply with the process outlined on Page 4. However, your Agent must ALSO complete the relevant Land Title Office form(s) which demonstrates that the Body Corporate and all registered interests of the subject unit development have given consent, obtain notification from DAS that the proposed alteration or subdivision is consistent or conforms with relevant Development Permits, AND lodge the application with the relevant forms and plans with the Registrar General at the Land Title Office for consideration and processing.

## RELEVANT LEGISLATION

The following is a list of the legislation relevant to unit titling and development.

- *Unit Titles Act*
- *Unit Titles Regulations*
- *Real Property (Unit Titles) Act*
- *Real Property (Unit Titles) Regulations*
- *Building Act*
- *Land Title Act*
- *Registration Regulations*
- *Planning Act*
- *Licensed Surveyors Act*

For more information on each piece of legislation please go to the website –

<http://www.nt.gov.au/dcm/legislation/current.html>

**NOTE – Please be aware that legislation relating to unit titling is currently being reviewed. As the operational roles and functions of NT Government offices involved may change, these guidelines will be superseded and replaced.**