

# Community Land Development Regulation 2007

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Community Land Development Act 1989*.

Minister for Lands

## **Explanatory note**

This Regulation replaces the *Community Land Development Regulation 2000* which is repealed on 1 September 2007 by section 10 (2) of the *Subordinate Legislation Act 1989*. The new Regulation provides for the following matters:

- (a) community plans, precinct plans and neighbourhood plans (Part 2),
- (b) plans relating to certain transactions, including transactions affecting community development lots, precinct development lots, neighbourhood lots, neighbourhood property, works plans and access way plans (Part 3),
- (c) development contracts and management statements (Part 4),
- (d) other matters of a minor, consequential or ancillary nature (Parts 1 and 5).

This Regulation is made under the *Community Land Development Act 1989*, including section 75 (the general regulation-making power) and the sections referred to in the Regulation.

This Regulation comprises or relates to matters of a machinery nature.

## **Part 1 – Preliminary**

### **1 Name of Regulation**

This Regulation is the *Community Land Development Regulation 2007*.

### **2 Commencement**

This Regulation commences on 1 September 2007.

This Regulation replaces the *Community Land Development Regulation 2000* which is repealed on 1 September 2007 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### **3 Definitions**

(1) In this Regulation: "**administration sheet**", in relation to a plan, means the separate document, in the approved form, required to be lodged with the plan under clause 2 (1A) of Schedule 1 to the Act. "**association property lot**" means a community property lot, a precinct property lot or a neighbourhood property lot. "**association property plan**" means a community property plan, a precinct property plan or a neighbourhood property plan. "**detailed survey information**" means all survey information required by the *Surveying Regulation 2006* to define the land in the relevant scheme. "**the Act**" means the *Community Land Development Act 1989*.

(2) Notes included in this Regulation do not form part of this Regulation.

### **4 Application**

- (1) The provisions of this Regulation apply in addition to the provisions of:
- (a) Parts 3 and 5 of the *Conveyancing (General) Regulation 2003*, and
  - (b) Schedules 1 and 4-10 to the *Conveyancing (General) Regulation 2003*, and

(c) the *Real Property Regulation 2003*.

(2) The provisions of this Regulation prevail in the event of any inconsistency between them and the provisions referred to in subclause (1) (a), (b) and (c).

This Regulation includes provisions concerning deposited plans and dealings for land the subject of a community, precinct or neighbourhood scheme. All such land is under the provisions of the *Real Property Act 1900*. The *Conveyancing Act 1919*, and the regulations under that Act, include provisions concerning the preparation and lodgment of deposited plans for land generally (including provisions requiring the payment of fees). The *Real Property Act 1900*, and the regulations under that Act, include provisions concerning the preparation and lodgment of dealings for land under the provisions of that Act (including provisions requiring the payment of fees).

## **Part 2 – Community plans, precinct plans and neighbourhood plans**

### **5 Location diagrams: sections 5, 9, 13 and 18**

The location diagram:

- (a) must be clearly labelled "LOCATION DIAGRAM" in the plan drawing area, and
- (b) must illustrate, at an appropriate scale, the subdivisional pattern of the scheme in a diagram that does not show dimensions, except for a distance to the nearest cross street, as required by the Registrar-General, and
- (c) must illustrate the relative positions of all main access roads and appropriate adjoining information, and
- (d) must contain a schedule on which to record subsequent subdivision and lot definition changes.

The provisions of this clause apply in addition to the provisions of Schedule 1 to the Act, which imposes general requirements for the preparation of community, precinct and neighbourhood plans.

### **6 Detail plans: sections 5, 9, 13 and 18**

- (1) Each sheet of the detail plan must be clearly labelled "DETAIL PLAN" in the plan drawing area.
- (2) The detail plan must set out the detailed survey information for all of the lots in the relevant scheme, including the association property lot.
- (3) The association property lot must be numbered "Lot 1" and all other lots on the detail plan must be numbered consecutively beginning with "Lot 2".
- (4) Each sheet of a detail plan must contain complete dimensions (including the area) of every lot.
- (5) This clause applies to any additional sheets for a detail plan in the same way as it applies to the original sheets, with the further requirement that any additional sheet must contain an additional sheet note, in the approved form, in the note column.

The provisions of this clause apply in addition to the provisions of Schedule 1 to the Act, which imposes general requirements for the preparation of community, precinct and neighbourhood plans.

### **7 Association property plans: sections 5, 9, 13 and 18**

(1) The plan drawing area of the association property plan must be clearly labelled, in the plan drawing area, with one of the following (as the case requires):

COMMUNITY PROPERTY PLAN (community property lot only) PRECINCT  
PROPERTY PLAN (precinct property lot only) NEIGHBOURHOOD  
PROPERTY PLAN (neighbourhood property lot only).

- (2) The association property plan must be a diagram showing all association property within the relevant scheme. Unless the Registrar-General otherwise agrees, the association property plan must comprise one sheet only.
- (3) The association property plan must include the boundaries and complete dimensions (including area and part areas) of the whole of the association property lot, but without the detailed survey information, which is to be shown on the detail plan.
- (4) The association property lot must be numbered "Lot 1" and, if it comprises more than

one part, each part must be identified as part of Lot 1.

(5) This clause applies to any replacement sheets for an association property plan in the same way as it applies to the original sheets, with the further requirement that any replacement sheet must contain a replacement sheet note, in the approved form, in the note column.

The provisions of this clause apply in addition to the provisions of Schedule 1 to the Act, which imposes general requirements for the preparation of community, precinct and neighbourhood plans.

## **8 Schedule of unit entitlements**

(1) The schedule of unit entitlements sheet must be set out on the administration sheet in the panel provided.

(2) The schedule of unit entitlements sheet must be clearly labelled "INITIAL SCHEDULE OF UNIT ENTITLEMENTS" or "REVISED SCHEDULE OF UNIT ENTITLEMENTS", as the case requires.

(3) The schedule must contain 3 columns as follows:

(a) the first column, headed "LOT", must list in numerical order the lots in the plan,

(b) the second column, headed "UNIT ENTITLEMENT", must contain:

(i) for each lot shown in the first column (other than the association property lot or any lot to be dedicated or set aside as a public reserve or drainage reserve), the value of the unit entitlement (shown as a whole number), and

(ii) for the association property lot, the words "COMMUNITY PROPERTY", "PRECINCT PROPERTY" or "NEIGHBOURHOOD PROPERTY", as the case requires, and

(iii) for any lot to be dedicated as a public reserve or drainage reserve, the words "PUBLIC RESERVE" or "DRAINAGE RESERVE", as the case requires,

(c) the third column, headed "SUBDIVISION", must record details of subdivisions of the relevant lots as they occur.

(4) At the end of the schedule, the first column must contain the word "TOTAL" and the second column the total value of all the unit entitlements of the individual lots.

(5) The schedule of unit entitlements:

(a) must include a warning statement in the approved form, and

(b) in relation to a community plan or a precinct plan, must include a certificate (in the approved form) of a registered valuer as referred to in clause 2 (b) of Schedule 11 to the Act, and

(c) must include a certificate endorsed by the surveyor by whom the plan was prepared, as required by the *Conveyancing Act 1919*.

(6) This clause applies to any replacement schedule of unit entitlements in the same way as it applies to the original schedule, with the further requirement that any replacement sheet must contain an update note in the approved form.

The provisions of this clause apply in addition to the provisions of Schedule 11 to the Act, which contains provisions concerning initial unit entitlements.

## **9 Administration sheet**

The administration sheet for a plan:

(a) must include all signatures and seals required by the Act, and

(b) must bear the name of the relevant scheme, if any, and the location of the relevant scheme, and

(c) must bear the address (including the postcode) of the relevant association for service of notices, and

- (d) must include evidence of approval by the relevant consent authority to the subdivision, and
- (e) must include a certificate endorsed by the surveyor by whom the plan was prepared, as required by the *Conveyancing Act 1919*, and
- (f) in relation to a community plan or a precinct plan, must include a certificate (in the approved form) of a registered valuer as referred to in clause 2 (b) of Schedule 11 to the Act, and
- (g) must include the schedule of unit entitlements in the panel provided.

### **Part 3 – Plans relating to certain transactions**

#### **Division 1 – Transactions affecting community development lots**

##### **10 Subdivision to create further community development lots by a community plan of subdivision: section 8**

- (1) A community plan of subdivision:
  - (a) must show only the lots subject to the subdivision, and
  - (b) must be a plan of survey in relation to the new subdivision boundaries.
- (2) Boundaries of new lots that follow the boundaries of existing lots may be compiled from the original community plan.
- (3) Lots on the additional sheets for the detail plan must be numbered consecutively beginning with the next available lot number for the relevant scheme.
- (4) Each additional sheet for the detail plan:
  - (a) must bear the deposited plan number of the relevant scheme, and
  - (b) must be numbered with the next sheet number after the last number used in the relevant scheme.
- (5) Each replacement for the schedule of unit entitlements:
  - (a) must be labelled "INITIAL SCHEDULE OF UNIT ENTITLEMENTS", and
  - (b) must include in the first column, headed "LOT", a list of the lots being created, and
  - (c) must include in the second column, headed "UNIT ENTITLEMENT":
    - (i) for each lot being subdivided, a reference to the new lots being created, and
    - (ii) for each lot being created, its unit entitlement, and
  - (d) must include in the third column, headed "SUBDIVISION", opposite the lot or lots subdivided, a reference to the sheet of the community plan that created the new lot or lots, and
  - (e) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.

The provisions of this clause apply in addition to the provisions of Schedules 1 and 11 to the Act. Schedule 1 imposes general requirements for the preparation of community, precinct and neighbourhood plans and Schedule 11 contains provisions concerning initial unit entitlements. See also clauses 6 and 8 of this Regulation.

##### **11 Consolidation: section 7**

- (1) Each additional sheet for the detail plan:
  - (a) may be compiled from information in the community plan, unless the information is conflicting with that information or the Registrar-General requires a plan of survey, and
  - (b) must show only the lots subject to the consolidation, and
  - (c) must bear the deposited plan number of the relevant scheme, and
  - (d) must be numbered with the next sheet number after the last number used in the relevant scheme.
- (2) Lots on the additional sheets for the detail plan must be numbered consecutively

beginning with the next available lot number for the relevant scheme.

(3) Each replacement for the schedule of unit entitlements:

- (a) must include the unit entitlement of the consolidated lot or lots as the sum of the entitlements of the lots that comprise such consolidated lot, and
- (b) must include, against the superseded lots, a reference to the new lot, and in the "SUBDIVISION" column a reference to the sheet of the plan that shows the new consolidated parcel, and
- (c) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.

The provisions of this clause apply in addition to the provisions of Schedules 1 and 11 to the Act. Schedule 1 imposes general requirements for the preparation of community, precinct and neighbourhood plans and Schedule 11 contains provisions concerning initial unit entitlements. See also clauses 6 and 8 of this Regulation.

## **12 Severance: section 15**

Each replacement for the schedule of unit entitlements:

- (a) must be labelled "INITIAL SCHEDULE OF UNIT ENTITLEMENTS", and
- (b) must include in the second column, headed "UNIT ENTITLEMENT", for each lot severed the words "SEVERED LOT", and
- (c) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.

The provisions of this clause apply in addition to the provisions of Schedules 8 and 11 to the Act. Schedule 8 imposes general requirements for the severance of development lots and Schedule 11 contains provisions concerning initial unit entitlements. See also clause 8 of this Regulation.

## **13 Conversion to community property: section 14**

(1) Each replacement sheet for the community property plan:

- (a) must show the boundaries and complete dimensions of Lot 1 (including area and part area) but with all detailed survey information to be shown on an additional sheet of the detail plan, and
- (b) must bear the deposited plan number of the relevant scheme, and
- (c) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.

(2) The replacement sheet for the community property plan must be accompanied by an additional sheet for the detail plan showing the updated survey information for the changed boundaries which:

- (a) may be compiled from information in the community plan, unless the information conflicts with that information or the Registrar-General requires a plan of survey, and
- (b) must bear the deposited plan number of the relevant scheme, and
- (c) must be numbered with the next sheet number after the last number used in the relevant scheme.

(3) Each replacement for the schedule of unit entitlements:

- (a) must include, against the converted lot or lots, in the "UNIT ENTITLEMENT" column the words "CONVERTED TO LOT 1", and
- (b) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.

(4) The additional and replacement sheets must be accompanied by an administration sheet which:

- (a) must bear a certificate by the community association to the effect that it agrees to the schedule of unit entitlements, and
- (b) must bear a certificate by a registered land surveyor within the meaning of the *Surveying Act 2002*, suitably amended to indicate that the replacement sheet for the community property plan was compiled, if that is the case.

The provisions of this clause apply in addition to the provisions of Schedules 6 and 11 to the Act. Schedule 6 imposes general requirements for the conversion of development lots to association property and Schedule 11 contains provisions concerning initial unit entitlements. See also clauses 7 and 8 of this Regulation.

#### **14 Boundary adjustment plan: section 6**

- (1) A plan redefining lot boundaries must be a plan of survey of the boundaries of the lots redefined (the redefined lots bearing their pre-redefinition lot numbers) and the relevant community property lot boundaries.
- (2) Other boundaries shown on the plan that have not been changed may be compiled from the community plan.
- (3) Each additional sheet for the detail plan:
  - (a) must bear the deposited plan number of the relevant scheme, and
  - (b) must be numbered with the next sheet number after the last number used in the relevant scheme, and
  - (c) must include all detailed survey information for the redefined lot boundaries.
- (4) Each replacement sheet for the community property plan:
  - (a) must show the community property lot as Lot 1, together with the new extent of Lot 1, the new area of Lot 1 and details of the newly surveyed boundaries, the remaining boundaries being shown by compilation, and
  - (b) must bear the deposited plan number of the relevant scheme, and
  - (c) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.
- (5) The boundary adjustment plan must be accompanied by an administration sheet which:
  - (a) must bear a surveyor's certificate qualified as regards the boundaries surveyed and
  - (b) must bear a certificate in the approved form by the community association to the effect that the association accepted the redefined boundaries by an ordinary resolution attested to for the purposes of this paragraph.
- (6) A comprehensive surveyor's report stating the reasons for the boundary adjustment, and containing such other information as may be required by the Registrar-General, is to be lodged with the plan.
- (7) If an adjustment is made by the boundary adjustment plan that causes the position of an access way to move, an amendment must be made to the access way plan. An access way plan may be amended by lodging an amendment to the management statement under section 39 of the Act.

The provisions of this clause apply in addition to the provisions of Schedule 1 to the Act, which impose general requirements for the preparation of community, precinct and neighbourhood plans. See also clauses 6 and 7 of this Regulation.

#### **15 Acquisition plan: section 34**

- (1) An acquisition plan is to consist of a plan of subdivision registered under section 195G of the *Conveyancing Act 1919*, an additional sheet for the detail plan and:
  - (a) if the acquisition involves community property, a replacement sheet for the community property plan, or
  - (b) if the acquisition involves a community development lot, a replacement sheet for the schedule of unit entitlements.

- (2) An acquisition plan must show, as a lot or lots, only the land being acquired and should not include any residue lot.
- (3) An acquisition plan must be a plan of survey of the boundaries of the lots redefined.
- (4) Other boundaries shown on the plan that have not been changed may be compiled from the community plan.
- (5) If part of a community development lot is to be acquired, the residue of the lot that is not being acquired and that will remain in the scheme is to be shown as a whole lot in the detail plan.
- (6) Any such new lots are to be numbered consecutively beginning with the number following the last number used for the lots in the relevant community scheme.
- (7) If a replacement sheet for the community property plan is required, the replacement sheet:
  - (a) must bear the deposited plan number of the relevant scheme, and
  - (b) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced, and
  - (c) must show the boundaries and complete dimensions of Lot 1 (including area and part area) but with all detailed survey information to be shown on the additional sheet for the detail plan.
- (8) Each additional sheet for the detail plan:
  - (a) must bear the deposited plan number of the relevant scheme, and
  - (b) must be numbered with the next sheet number after the last number used in the relevant scheme.
- (9) If a replacement for the schedule of unit entitlements is required, the replacement sheet:
  - (a) must be labelled "INITIAL SCHEDULE OF UNIT ENTITLEMENTS", and
  - (b) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetical suffix to indicate the number of times that the sheet has been replaced.
- (10) The additional or replacement sheets, or both the additional and replacement sheets, must be accompanied by an administration sheet which must, where the schedule of unit entitlements being replaced was an initial schedule, bear a certificate by a registered valuer in the approved form.
- (11) An acquisition plan must be lodged in conjunction with a transfer of all the land being acquired, unless the Registrar-General agrees otherwise in writing.

## **Division 2 – Transactions affecting precinct development lots**

### **16 Subdivision to create further precinct development lots by a precinct plan of subdivision: section 12**

- (1) The precinct plan of subdivision:
  - (a) must show only the lots subject to the subdivision, and
  - (b) must be a plan of survey in relation to the new subdivision boundaries.
- (2) Boundaries of new lots that follow the boundaries of existing lots may be compiled from the original precinct plan.
- (3) Lots on the additional sheets for the detail plan must be numbered consecutively beginning with the next available lot number for the relevant scheme.
- (4) Each additional sheet for the detail plan:
  - (a) must bear the deposited plan number of the relevant scheme, and
  - (b) must be numbered with the next sheet number after the last number used in the relevant scheme.
- (5) Each replacement for the schedule of unit entitlements:
  - (a) must be labelled "INITIAL SCHEDULE OF UNIT ENTITLEMENTS", and
  - (b) must include in the first column, headed "LOT", a list of the lots being

created, and

(c) must include in the second column, headed "UNIT ENTITLEMENT":

(i) for each lot being subdivided, a reference to the new lots being created, and

(ii) for each lot being created, its unit entitlement, and

(d) must include in the third column, headed "SUBDIVISION", opposite the lot or lots subdivided, a reference to the sheet of the precinct plan that created the new lot or lots, and

(e) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.

The provisions of this clause apply in addition to the provisions of Schedules 1 and 11 to the Act. Schedule 1 imposes general requirements for the preparation of community, precinct and neighbourhood plans and Schedule 11 contains provisions concerning initial unit entitlements. See also clauses 6 and 8 of this Regulation.

### **17 Consolidation: section 11**

(1) Each additional sheet for the detail plan:

(a) may be compiled from information in the precinct plan, unless the information is conflicting or the Registrar-General requires a plan of survey, and

(b) must show only the lots subject to the consolidation, and

(c) must bear the deposited plan number of the relevant scheme, and

(d) must be numbered with the next sheet number after the last number used in the relevant scheme.

(2) Lots on the additional sheets for the detail plan must be numbered consecutively beginning with the next available lot number for the relevant scheme.

(3) Each replacement sheet for the schedule of unit entitlements:

(a) must include the unit entitlement of the consolidated lot or lots as the sum of the entitlements of the lots that comprise such consolidated lot, and

(b) must include, against the superseded lots, a reference to the new lot, and in the "SUBDIVISION" column a reference to the sheet of the plan that shows the new consolidated parcel, and

(c) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.

The provisions of this clause apply in addition to the provisions of Schedules 1 and 11 to the Act. Schedule 1 imposes general requirements for the preparation of community, precinct and neighbourhood plans and Schedule 11 contains provisions concerning initial unit entitlements. See also clauses 6 and 8 of this Regulation.

### **18 Severance: section 15**

Each replacement for the schedule of unit entitlements:

(a) must be labelled "INITIAL SCHEDULE OF UNIT ENTITLEMENTS", and

(b) must include in the second column, headed "UNIT ENTITLEMENT", for each lot severed the words "SEVERED LOT", and

(c) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.

The provisions of this clause apply in addition to the provisions of Schedules 8 and 11 to the Act. Schedule 8 imposes general requirements for the severance of development lots and Schedule 11 contains provisions concerning initial unit entitlements. See also clause 8 of this Regulation.

### **19 Conversion to precinct property: section 14**

(1) Each replacement sheet for the precinct property plan:

(a) must show the boundaries and complete dimensions of Lot 1 (including area

and part area) but with all detailed survey information to be shown on an additional sheet of the detail plan, and

(b) must bear the deposited plan number for the relevant scheme, and

(c) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.

(2) The replacement sheet for the precinct property plan must be accompanied by an additional sheet showing the updated survey information for the changed boundaries which:

(a) may be compiled from information in the precinct plan, unless the information conflicts with that information or the Registrar-General requires a plan of survey, and

(b) must bear the deposited plan number of the relevant scheme, and

(c) must be numbered with the next sheet number after the last number used in the relevant scheme.

(3) Each replacement for the schedule of unit entitlements:

(a) must include, against the converted lot or lots, in the "UNIT ENTITLEMENT" column the words "CONVERTED TO LOT 1", and

(b) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.

(4) The additional and replacement sheets must be accompanied by an administration sheet which:

(a) must bear a certificate by the precinct association to the effect that it agrees to the schedule of unit entitlements, and

(b) must bear a certificate by a registered land surveyor within the meaning of the *Surveying Act 2002*, suitably amended to indicate that the replacement sheet for the community property plan was compiled, if that is the case.

The provisions of this clause apply in addition to the provisions of Schedules 6 and 11 to the Act. Schedule 6 imposes general requirements for the conversion of development lots to association property and Schedule 11 contains provisions concerning initial unit entitlements. See also clauses 7 and 8 of this Regulation.

## **20 Boundary adjustment plan: section 10**

(1) A plan redefining lot boundaries must be a plan of survey of the boundaries of the lots redefined (the redefined lots bearing their pre-redefinition lot numbers) and the relevant precinct property lot boundaries.

(2) Other boundaries shown on the plan that have not been changed may be compiled from the precinct plan.

(3) Each additional sheet for the detail plan:

(a) must bear the deposited plan number of the relevant scheme, and

(b) must be numbered with the next sheet number after the last number used in the relevant scheme, and

(c) must include all detailed survey information for the redefined lot boundaries.

(4) Each replacement sheet for the precinct property plan:

(a) must show the precinct property lot as Lot 1, together with the new extent of Lot 1, the new area of Lot 1 and details of the newly surveyed boundaries, the remaining boundaries being shown by compilation, and

(b) must bear the deposited plan number of the relevant scheme, and

(c) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.

(5) The boundary adjustment plan must be accompanied by an administration sheet,

which:

- (a) must bear a surveyor's certificate qualified as regards the boundaries surveyed, and
  - (b) must bear a certificate in the approved form by the precinct association to the effect that the association accepted the redefined boundaries by an ordinary resolution attested to for the purposes of this paragraph.
- (6) A comprehensive surveyor's report stating the reasons for the boundary adjustment, and containing such other information as may be required by the Registrar-General, is to be lodged with the plan.
- (7) If an adjustment is made by the boundary adjustment plan that causes the position of an access way to move, an amendment must be made to the access way plan. An access way plan may be amended by lodging an amendment to the management statement, under section 39 of the Act.

The provisions of this clause apply in addition to the provisions of Schedule 1 to the Act, which imposes general requirements for the preparation of community, precinct and neighbourhood plans. See also clauses 6 and 7 of this Regulation.

## **21 Acquisition plan: section 34**

- (1) An acquisition plan is to consist of a plan of subdivision registered under section 195G of the *Conveyancing Act 1919*, an additional sheet for the detail plan and:
- (a) if the acquisition involves precinct property, a replacement sheet for the precinct property plan, or
  - (b) if the acquisition involves a precinct development lot, a replacement sheet for the schedule of unit entitlements.
- (2) An acquisition plan must show, as a lot or lots, only the land being acquired and should not include any residue lot.
- (3) An acquisition plan must be a plan of survey of the boundaries of the lots redefined.
- (4) Other boundaries shown on the plan that have not been changed may be compiled from the precinct plan.
- (5) If part of a precinct development lot is to be acquired, the residue of the lot that is not being acquired and that will remain in the scheme is to be shown as a whole lot in the detail plan.
- (6) Any such new lots are to be numbered consecutively beginning with the number following the last number used for the lots in the relevant precinct scheme.
- (7) If a replacement sheet for the precinct property plan is required, the replacement sheet:
- (a) must bear the deposited plan number of the relevant scheme, and
  - (b) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced, and
  - (c) must show the boundaries and complete dimensions of Lot 1 (including area and part area) but with all detailed survey information to be shown on the additional sheet for the detail plan.
- (8) Each additional sheet for the detail plan:
- (a) must bear the deposited plan number of the relevant scheme, and
  - (b) must be numbered with the next sheet number after the last number used in the relevant scheme.
- (9) If a replacement for the schedule of unit entitlements is required, the replacement sheet:
- (a) must be labelled "INITIAL SCHEDULE OF UNIT ENTITLEMENTS", and
  - (b) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the

sheet has been replaced.

(10) The additional or replacement sheets, or both the additional and replacement sheets, must be accompanied by an administration sheet which must, where the schedule of unit entitlements being replaced was an initial schedule, bear a certificate by a registered valuer in the approved form.

(11) An acquisition plan must be accompanied by a transfer of all the land being acquired, unless the Registrar-General agrees otherwise in writing.

**Division 3 – Transactions affecting neighbourhood lots and neighbourhood property**  
**22 Subdivision of neighbourhood lots and neighbourhood property by a neighbourhood plan of subdivision: section 22**

(1) A neighbourhood plan of subdivision:

(a) must show only the lots subject to the subdivision, and

(b) must be a plan of survey in relation to the new subdivision boundaries.

(2) Boundaries of new lots that follow the boundaries of existing lots may be compiled from the original neighbourhood plan.

(3) Lots on the additional sheets for the detail plan must be numbered consecutively beginning with the next available lot number for the relevant scheme.

(4) Each additional sheet for the detail plan:

(a) must bear the deposited plan number of the relevant scheme, and

(b) must be numbered with the next sheet number after the last number used in the relevant scheme.

(5) The administration sheet must, if the lot or lots are still held by the original proprietor, or if the neighbourhood property is being subdivided, bear a certificate in the approved form by the neighbourhood association to the effect that the initial period has expired, unless this certificate has been provided to the Registrar-General with an earlier transaction.

(6) If the subdivision has not been provided for in the development contract and it is necessary to amend that contract, the necessary instrument requesting amendment must be lodged with the plan of subdivision.

(7) If a replacement sheet for the neighbourhood property plan is required, the replacement sheet:

(a) must show the boundaries and complete dimensions of Lot 1 (including area and part area) but with all detailed survey information to be shown on the additional sheet for the detail plan, and

(b) must bear the deposited plan number of the relevant scheme, and

(c) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.

(8) Each replacement for the schedule of unit entitlements:

(a) must be labelled "INITIAL SCHEDULE OF UNIT ENTITLEMENTS", and

(b) must include in the first column, headed "LOT", a list of the lots being created, and

(c) must include in the second column, headed "UNIT ENTITLEMENT":

(i) for each lot being subdivided, a reference to the new lots being created, and

(ii) for each lot being created, its unit entitlement, and

(d) must include in the third column, headed "SUBDIVISION", opposite the lot or lots subdivided, a reference to the sheet of the neighbourhood plan that created the new lot or lots, and

(e) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.

The provisions of this clause apply in addition to the provisions of Schedules 1, 10 and 11 to the Act. Schedule 1 imposes general requirements for the preparation of community, precinct and neighbourhood plans, Schedule 10 imposes general requirements for dealings with association property and Schedule 11 contains provisions concerning initial unit entitlements. See also clauses 6, 7 and 8 of this Regulation.

### **23 Consolidation: section 19**

- (1) Each additional sheet for the detail plan:
  - (a) may be compiled from information in the neighbourhood plan, unless the information is conflicting or the Registrar-General requires a plan of survey, and
  - (b) must show only the lots subject to the consolidation, and
  - (c) must bear the deposited plan number of the relevant scheme, and
  - (d) must be numbered with the next sheet number after the last number used in the relevant scheme.
- (2) Lots on the additional sheets for the detail plan must be numbered consecutively beginning with the next available lot number for the relevant scheme.
- (3) Each replacement for the schedule of unit entitlements:
  - (a) must include the unit entitlement of the consolidated lot or lots as the sum of the entitlements of the lots that comprise such consolidated lot, and
  - (b) must include, against the superseded lots, a reference to the new lot, and in the "SUBDIVISION" column a reference to the sheet of the plan that shows the new consolidated parcel, and
  - (c) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.

The provisions of this clause apply in addition to the provisions of Schedules 1 and 11 to the Act. Schedule 1 imposes general requirements for the preparation of community, precinct and neighbourhood plans and Schedule 11 contains provisions concerning initial unit entitlements. See also clauses 6 and 8 of this Regulation.

### **24 Conversion to neighbourhood property: section 20**

- (1) Each replacement sheet for the neighbourhood property plan:
  - (a) must show the boundaries and complete dimensions of Lot 1 (including area and part area) but with all detailed survey information to be shown on an additional sheet of the detail plan, and
  - (b) must bear the deposited plan number for the relevant scheme, and
  - (c) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.
- (2) The replacement sheet for the neighbourhood property plan must be accompanied by an additional sheet for the detail plan showing the updated survey information for the changed boundaries, which:
  - (a) may be compiled from information in the neighbourhood plan, unless the information conflicts with that information or the Registrar-General requires a plan of survey, and
  - (b) must bear the deposited plan number of the relevant scheme, and
  - (c) must be numbered with the next sheet number after the last number used in the relevant scheme.
- (3) Each replacement for the schedule of unit entitlements:
  - (a) must include, against the converted lot or lots, in the "UNIT ENTITLEMENT" column the words "CONVERTED TO LOT 1", and
  - (b) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.
- (4) The additional and replacement sheets must be accompanied by an administration

sheet which:

- (a) must bear a certificate by the neighbourhood association to the effect that it agrees to the schedule of unit entitlements, and
- (b) must bear a certificate by a registered land surveyor within the meaning of the *Surveying Act 2002*, suitably amended to indicate that the replacement sheet for the neighbourhood property plan was compiled, if that is the case.

The provisions of this clause apply in addition to the provisions of Schedule 7 to the Act, which imposes general requirements for the conversion of neighbourhood lots to neighbourhood property. See also clauses 7 and 8 of this Regulation.

## **25 Dedication of neighbourhood property by neighbourhood association: section 21**

- (1) Each replacement sheet for the neighbourhood property plan:
  - (a) must show the boundaries and complete dimensions of Lot 1 (including area and part area) but with all detailed survey information to be shown on an additional sheet of the detail plan, and
  - (b) must bear the deposited plan number of the relevant scheme, and
  - (c) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the numbers of times that the sheet has been replaced.
- (2) The replacement sheet for the neighbourhood property plan must be accompanied by an additional sheet for the detail plan showing the updated survey information for the changed boundaries which:
  - (a) must be a plan of survey of the redefined boundaries, and
  - (b) must show the land dedicated which must be shown as "ROAD" or "RESERVE" as the case may be, and
  - (c) must bear the deposited plan number of the relevant scheme, and
  - (d) must be numbered with the next sheet number after the last number used in the relevant scheme.
- (3) The additional and replacement sheets must be accompanied by an administration sheet which must bear a certificate in the approved form by the neighbourhood association to the effect that the initial period has expired, unless this certificate has been provided to the Registrar-General with an earlier transaction.

The provisions of this clause apply in addition to the provisions of Schedule 10 to the Act, which imposes general requirements for dealings with association property. See also clause 7 of this Regulation.

## **26 Acquisition or disposal of neighbourhood property: sections 23 and 24**

- (1) Each replacement sheet for the neighbourhood property plan:
  - (a) must show the boundaries and complete dimensions of Lot 1 (including area and part area) but with all detailed survey information to be shown on an additional sheet of the detail plan, and
  - (b) must bear the deposited plan number of the relevant scheme, and
  - (c) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.
- (2) The replacement sheet for the neighbourhood property plan must be accompanied by an additional sheet for the detail plan showing the updated survey information for the changed boundaries which:
  - (a) must be a plan of survey of the redefined boundaries, and
  - (b) must bear the deposited plan number of the relevant scheme, and
  - (c) must be numbered with the next sheet number after the last number used in the relevant scheme.
- (3) If the Registrar-General so requires, a replacement sheet of the location must be provided when land is added to the neighbourhood parcel.

The provisions of this clause apply in addition to the provisions of Schedules 9 and 10 to the Act. Schedule 9 to the Act imposes general requirements for additions to association property by lease or transfer and Schedule 10 to the Act imposes general requirements for dealings with association property. See also clause 7 of this Regulation.

## **27 Acquisition plan: section 34**

- (1) An acquisition plan is to consist of a plan of subdivision registered under section 195G of the *Conveyancing Act 1919*, an additional sheet for the detail plan and:
  - (a) if the acquisition involves neighbourhood property, a replacement sheet for the neighbourhood property plan, or
  - (b) if the acquisition involves a neighbourhood lot, a replacement sheet for the schedule of unit entitlements.
- (2) An acquisition plan must show, as a lot or lots, only the land being acquired and should not show any residue lot.
- (3) An acquisition plan must be a plan of survey of the boundaries of the lots redefined.
- (4) Other boundaries shown on the plan that have not been changed may be compiled from the neighbourhood plan.
- (5) If part of a neighbourhood lot is to be acquired, the residue of the lot that is not being acquired and that will remain in the scheme is to be shown as a whole lot in the detail plan.
- (6) Any such new lots are to be numbered consecutively beginning with the number following the last number used for the lots in the relevant neighbourhood scheme.
- (7) If a replacement sheet for the neighbourhood property plan is required, the replacement sheet:
  - (a) must bear the deposited plan number of the relevant scheme, and
  - (b) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced, and
  - (c) must show the boundaries and complete dimensions of Lot 1 (including area and part area) but with all detailed survey information to be shown on the additional sheet for the detail plan.
- (8) Each additional sheet for the detail plan:
  - (a) must bear the deposited plan number of the relevant scheme, and
  - (b) must be numbered with the next sheet number after the last number used in the relevant scheme.
- (9) If a replacement for the schedule of unit entitlements is required, the replacement sheet:
  - (a) must be labelled "INITIAL SCHEDULE OF UNIT ENTITLEMENTS", and
  - (b) must be numbered with the same sheet number as that of the sheet it is to replace, together with an alphabetic suffix to indicate the number of times that the sheet has been replaced.
- (10) The additional or replacement sheets, or both the additional and replacement sheets, must be accompanied by an administration sheet which must, where the schedule of unit entitlements being replaced was an initial schedule, bear a certificate by a registered valuer in the approved form.
- (11) An acquisition plan must be lodged in conjunction with a transfer of all the land being acquired, unless the Registrar-General agrees otherwise in writing.

## **Division 4 – Works plans and access way plans**

### **28 Prescribed diagrams--"works plans": section 36**

- (1) This clause applies to the prescribed diagram referred to in section 36 of the Act (referred to in this clause as a "**works plan**").
- (2) A works plan must be lodged together with the relevant management statement and becomes effective on registration of the plan of which the management statement forms

part.

(3) Each sheet of a works plan is to be numbered as a sheet of the relevant management statement.

(4) There must be shown on the first page of the works plan:

- (a) the number of the relevant scheme, and
- (b) a description of the relevant scheme.

(5) A works plan:

- (a) must illustrate the position of:
  - (i) all existing services for which statutory easements are to be created, and
  - (ii) all proposed services that are intended to be provided within the relevant scheme and over which a statutory easement is proposed to be created, and
- (b) must show sufficient information to locate the approximate position of each service within each lot through which the service passes, and
- (c) must indicate the nature of the relevant service and how it is, or is proposed to be, provided.

### **29 Access way plans: sections 41, 42, 43, 43A, 44, 45 and 46**

(1) An access way plan must be lodged together with the relevant management statement and becomes effective on registration of the plan of which the management statement forms part.

(2) Each sheet of an access way plan is to be numbered as a sheet of the relevant management statement.

(3) The number of the relevant scheme must be shown on the first page of the access way plan.

(4) An access way plan:

- (a) must illustrate the position of each access way within the association property, and
- (b) must show and define the extent of any open access way and any private access way and indicate how the position of the point of change of status will be indicated, and
- (c) if any such access ways have been named, must show the names within the relevant access way with the words "known as" before the name, and
- (d) must bear a note that the access ways are still association property and are not public roads.

(5) All survey information required under the *Surveying Act 2002* to define an access way must be shown on the detail plan.

(6) In this clause, "**access way**" means an open access way or private access way within the meaning of the Act.

The regulations under the *Surveying Act 2002* contain requirements as to the marking of roads, including access ways.

## **Part 4 – Development contracts and management statements**

### **30 Development contract**

For the purposes of clause 4 of Schedule 2 to the Act, the prescribed warning to be displayed on a development contract is a warning, in the following form, prominently displayed on page 1 of the contract:

WARNING This contract contains details of a neighbourhood/precinct/community scheme that is proposed to be developed on the land described in it. Interested persons are advised that the proposed scheme may be varied, but only in accordance with section 16

of the *Community Land Management Act 1989*. If the scheme forms part of a staged development, interested persons are advised of the possibility that the scheme may not be completed and may be terminated by order of the Supreme Court. This contract must not be considered alone, but in conjunction with the results of the searches and inquiries normally made in respect of a lot in the scheme concerned. Attention is drawn in particular to the management statement registered at the office of the Registrar-General with this contract, which statement sets out the management rules governing the scheme and provides details of the rights and obligations of lot owners under the scheme. Further particulars about the details of the scheme are available in:

- \* Local Environmental Plan No
- \* Development Control Plan of Council
- \* development consent dated granted by

The terms of this contract are binding on the original proprietor and any purchaser, lessee or occupier of a lot in the scheme. In addition, the original proprietor covenants with the association concerned and with the subsequent proprietors jointly and with each of them severally to develop the land the subject of the scheme in accordance with the development consent as modified or amended with the consent authority's approval from time to time. [\* Delete any matter that does not apply]

### **31 Development contracts and management statements: general requirements**

The development contract and management statement, and instruments setting out amendments to sheets of the development contract or management statement, must comply with the requirements of Schedule 2 to the *Real Property Regulation 2003*.

### **32 Amendment of development contract that excludes a lot or part of a lot from the scheme**

Every amendment of a development contract lodged in the office of the Registrar-General for registration that excludes a development lot wholly or partly from a development scheme must be accompanied by a plan of subdivision and such other plans and dealings as are necessary to give effect to the exclusion, including a statement showing an appropriate adjustment of the unit entitlements.

### **33 Approval by consent authority for amendment of development contract**

An approval by a consent authority under section 27 of the Act must be in the approved form.

## **Part 5 – Miscellaneous**

### **34 Expiration of initial period**

(1) On expiry of an initial period, the community, precinct or neighbourhood association concerned may request the Registrar-General to record the expiration of such period on the folio of the Register for the community, precinct or neighbourhood property.

(2) The request:

(a) must contain a certificate in the approved form by the community, precinct or neighbourhood association to the effect that the initial period has expired, and

(b) must be lodged on the form approved for requests under the *Real Property Act 1900*.

(3) On lodgment of such a request, the Registrar-General must make such recording as the Registrar-General thinks fit on the folio of the Register for the relevant community, precinct or neighbourhood property.

### **35 Prescribed time**

The prescribed time for the purposes of clause 2 (b) of Schedule 11 to the Act is 2 months before the relevant plans are lodged with the consent authority for approval.

### **36 Prescribed public authorities**

Each of the following corporations is prescribed as a public authority for the purposes of the definition of "**public authority**" in section 3 (1) of the Act:

Alinta AGN Ltd  
 Australian Postal Corporation  
 Country Energy  
 Energy Australia  
 Foxtel  
 Hunter Water Corporation  
 Integral Energy  
 Origin Energy Electricity Limited  
 Origin Energy LPG Limited  
 Origin Energy Retail Limited  
 Riverina Water County Council  
 Sydney Water Corporation

### 37 Savings

Any act, matter or thing that, immediately before the repeal of the *Community Land Development Regulation 2000*, had effect under that Regulation continues to have effect under this Regulation.

### Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	No	number	Schs	Schedules
Cl	clause	p	page	Sec	section
Cl	clauses	pp	pages	Secs	sections
Div	Division	Reg	Regulation	Subdiv	Subdivision
Divs	Divisions	Regs	Regulations	Subdivs	Subdivisions
GG	Government Gazette	Rep	repealed	Subst	substituted
Ins	inserted	Sch	Schedule		

Table of amending instruments *Community Land Development Regulation 2007 (410)*.  
 GG No 108 of 31.8.2007, p 6029. Date of commencement, 1.9.2007, cl 2.