

1995—No. 377

**COMMUNITY LAND DEVELOPMENT ACT 1989—  
REGULATION**

(Community Land Development Regulation 1995)

NEW SOUTH WALES



*[Published in Gazette No. 102 of 25 August 1995]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Community Land Development Act 1989, has been pleased to make the Regulation set forth hereunder.

KIM YEADON, M.P.,  
Minister for Land and Water Conservation.

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**PART 1—PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Community Land Development Regulation 1995.

**Commencement**

2. This Regulation commences on 1 September 1995.

**Definitions**

3. In this Regulation:

“**approved**” means approved for the time being by the Registrar-General;

“**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;

“**the Act**” means the Community Land Development Act 1989.

**Notes**

4. Notes in this Regulation do not form part of the Regulation.

**Application**

5. (1) The provisions of this Regulation apply in addition to the provisions of

- (a) Part 3 of, and Schedules 4 and 5 to, the Conveyancing (General) Regulation 1992; and
- (b) the Real Property Regulation 1993.

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

**Note:** 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****Location diagrams: secs. 5, 9, 13, 18**

6. The location diagram:

- (a) must bear the name of the relevant scheme, if any, and the location of the relevant scheme; and
- (b) must bear the name of the association with provision for the deposited plan number in the form "... COMMUNITY ASSOCIATION DP NO. ..."; and
- (c) must bear the address of the association for service of notices; and
- (d) must be clearly labelled "LOCATION DIAGRAM" in the plan drawing area; and
- (e) must illustrate the current division of the land in a diagram that does not show dimensions, except for any necessary connections to the nearest cross street; and
- (f) must illustrate the relative positions of all main access roads and local features; and

- (g) must contain a schedule on which to record subsequent subdivisional and lot definition changes.

**Note:** 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.

**Detail plans: secs. 5, 9, 13, 18**

**7. (1)** Each sheet of the detail plan must be clearly labelled “DETAIL PLAN” in the plan drawing area, together with (in the case of a detail plan comprising more than one sheet) the words “(in ‘X’ sheets)”, where “X” indicates the number of sheets in the detail plan.

**(2)** The detail plan must set out the detailed survey information for all of the lots in the relevant scheme other than the association property lot.

**(3)** Lots on the detail plan must be numbered consecutively beginning with 2.

**(4)** The following must be included on the first sheet of the detail plan:

- (a) evidence of approval by the relevant consent authority to the subdivision;
- (b) in relation to a community plan or precinct plan, a statement identifying all lots that are development lots, which is to appear in the panel provided for notes.

**(5)** Each sheet of a detail plan must contain complete dimensions (including the area) of every lot other than the association property lot.

**(6)** 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.

**Note:** 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.

**Association property plans: secs. 5, 9, 13, 18**

**8. (1)** The plan drawing area of the association property plan must be clearly labelled, in the plan drawing area:

COMMUNITY PROPERTY PLAN

(community property lot only)

**PRECINCT PROPERTY PLAN**

(precinct property lot only)

**NEIGHBOURHOOD PROPERTY PLAN**

(neighbourhood property lot only),

as the case requires.

(2) The association property plan must show the detailed survey information for the association property lot 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.

(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.

**Note:** 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.

**Schedules of unit entitlements**

**9. (1)** 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, at the top centre of the sheet.

(2) 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.
- (3) 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.
- (4) In the notations column, the schedule must include a warning statement in the approved form.
- (5) This clause applies to any replacement sheets for a schedule of unit entitlements in the same way as it applies to the original sheets, with the further requirement that any replacement sheet must contain an update note, in the approved form, in the note column.

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

### **PART 3—PLANS RELATING TO CERTAIN TRANSACTIONS**

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

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

10. (1) A community plan of subdivision:
- (a) must show only the lots being subdivided; and
  - (b) must be a plan of survey as regards 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 number following the last number used for the lots in the relevant community plan.

- (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 sheet for the schedule of unit entitlements:
- (a) must include in the first column, headed “LOT”, a list of the lots being created; and
  - (b) 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
  - (c) must include in the third column, headed “SUBDIVISION”, opposite the lot or lots subdivided, a reference to the sheet of the community plan which created the new lot or lots; and
  - (d) must bear the deposited plan number of the relevant scheme; 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.
- (6) The sum of the unit entitlements for the lots being created must be the same as the sum of the unit entitlements for the lots being subdivided.

**Note:** The provisions of this clause apply in addition to the provisions of Schedules 1 and 11 to the Act. Schedule 1 to the Act imposes general requirements for the preparation of community, precinct and neighbourhood plans. Schedule 11 to the Act contains provisions concerning initial unit entitlements. See also clauses 7 and 9 of this Regulation.

**Consolidation: sec. 7**

11. (1) Each additional sheet for the detail plan:
- (a) may be compiled from information in the community, precinct or neighbourhood plan, unless the information is conflicting or the Registrar-General requires a plan of survey; and
  - (b) must show only detail for the lots being consolidated, with the adjoining lots being shown by number only; 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 number following the last number used for the lots in the relevant community plan.

- (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 which 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 which shows the new consolidated parcel; and
  - (c) must bear the deposited plan number of the relevant scheme; and
  - (d) 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.

**Note:** The provisions of this clause apply in addition to the provisions of Schedules 1 and 11 to the Act. Schedule 1 to the Act imposes general requirements for the preparation of community, precinct and neighbourhood plans. Schedule 11 to the Act contains provisions concerning initial unit entitlements. See also clauses 7 and 9 of this Regulation.

**Severance: sec. 15**

12. Each replacement sheet for the schedule of unit entitlements:
- (a) must bear the deposited plan number of the relevant scheme; 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.

**Note:** The provisions of this clause apply in addition to the provisions of Schedules 8 and 11 to the Act, which impose general requirements for the severance of development lots. Schedule 11 to the Act contains provisions concerning initial unit entitlements. See also clause 9 of this Regulation.

**Conversion to community property: sec. 14**

13. (1) Each replacement sheet for the community property plan:
- (a) must bear a certificate by a surveyor, suitably amended to indicate that the plan was compiled, if that is the case; 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) Each replacement sheet 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 bear, in the plan drawing area, a certificate by the community association to the effect that it agrees to the schedule of unit entitlements; and
  - (c) must bear the deposited plan number of the relevant scheme; and
  - (d) 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.

**Note:** The provisions of this clause apply in addition to the provisions of Schedules 6 and 11 to the Act, which impose general requirements for the conversion of development lots to association property. Schedule 11 to the Act contains provisions concerning initial unit entitlements. See also clauses 8 and 9 of this Regulation.

**Boundary adjustment plan: sec. 6**

**14. (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 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; 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.
- (4) Each replacement sheet for the community property plan:
- (a) must show the community property lot as lot 1, together with 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.

**Note:** 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 7 and 8 of this Regulation.

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

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

**15. (1)** The precinct plan of subdivision:

- (a) must show only the lots being subdivided; and
- (b) must be a plan of survey as regards 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 number following the last number used for the lots in the relevant precinct plan.

**(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 sheet for the schedule of unit entitlements

- (a) must include in the first column, headed “LOT”, a list of the lots being created; and

- (b) 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

- (c) must include in the third column, headed “SUBDIVISION”, opposite the lot or lots subdivided, a reference to the sheet of the precinct plan which created the new lot or lots; and

- (d) must bear the deposited plan number of the relevant scheme; 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.

(6) The sum of the unit entitlements for the lots being created must be the same as the sum of the unit entitlements for the lots being subdivided.

**Note:** The provisions of this clause apply in addition to the provisions of Schedules 1 and 11 to the Act. Schedule 1 to the Act imposes general requirements for the preparation of community, precinct and neighbourhood plans. Schedule 11 to the Act contains provisions concerning initial unit entitlements. See also clauses 7 and 9 of this Regulation.

**Consolidation: sec. 11**

**16. (1)** Each additional sheet for the detail plan:

- (a) may be compiled from information in the community, precinct or neighbourhood plan, unless the information is conflicting or the Registrar-General requires a plan of survey; and
- (b) must show only detail for the lots being consolidated, with the adjoining lots being shown by number only; 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 number following the last number used for the lots in the relevant precinct plan.

(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 which 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 which shows the new consolidated parcel; and
- (c) must bear the deposited plan number of the relevant scheme; and
- (d) 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.

**Note:** The provisions of this clause apply in addition to the provisions of Schedules 1 and 11 to the Act. Schedule 1 to the Act imposes general requirements for the preparation of community, precinct and neighbourhood plans. Schedule 11 to the Act contains provisions concerning initial unit entitlements. See also clauses 7 and 9 of this Regulation.

**Severance: sec. 15**

- 17.** Each replacement sheet for the schedule of unit entitlements:
- (a) must include in the second column, headed “UNIT ENTITLEMENT”, for each lot severed the words “SEVERED LOT”; 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.

**Note:** The provisions of this clause apply in addition to the provisions of Schedules 8 and 11 to the Act, which impose general requirements for the severance of development lots. Schedule 11 to the Act contains provisions concerning initial unit entitlements. See also clause 9 of this Regulation.

**Conversion to precinct property: sec. 14**

- 18. (1)** Each replacement sheet for the precinct property plan:
- (a) must bear a certificate by a surveyor, suitably amended to indicate that the plan was compiled, if that is the case; 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)** Each replacement sheet 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 bear, in the plan drawing area, a certificate by the precinct association to the effect that it agrees to the schedule of unit entitlements; and
  - (c) must bear the deposited plan number of the relevant scheme; and
  - (d) 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.

**Note:** The provisions of this clause apply in addition to the provisions of Schedules 6 and 11 to the Act, which impose general requirements for the conversion of development lots to association property. Schedule 11 to the Act contains provisions concerning initial unit entitlements. See also clauses 8 and 9 of this Regulation.

**Boundary adjustment plan: sec. 10**

**19. (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 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 re-defined boundaries by an ordinary resolution attested to for the purposes of this paragraph; 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.

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

- (a)** must show the precinct property lot as lot 1, together with 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.

Note: 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 7 and 8 of this Regulation.

**Division 3—Transactions affecting neighbourhood lots and neighbourhood property****Subdivision of neighbourhood lots and neighbourhood property by a neighbourhood plan of subdivision: sec. 22**

**20. (1)** A neighbourhood plan of subdivision:

- (a)** must show only the lots being subdivided; and
- (b)** must be a plan of survey as regards 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 number following the last number used for the lots in the relevant neighbourhood plan.

(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; and
- (c) if the lot or lots are still held by the original proprietor, or if the neighbourhood property is being subdivided, must bear a certificate in the approved form by the neighbourhood association to the effect that the initial period has expired.

(5) 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 and a suitable note referring to the amending instrument shown on the plan in the column for notes.

(6) 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.

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

- (a) must include in the first column, headed “LOT”, a list of the lots being created; and
- (b) 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
- (c) must include in the third column, headed “SUBDIVISION”, opposite the lot or lots subdivided, a reference to the sheet of the neighbourhood plan which created the new lot or lots; and
- (d) must bear the deposited plan number of the relevant scheme; 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.

**Note:** The provisions of this clause apply in addition to the provisions of Schedules 1, 10 and 11 to the Act. Schedule 1 to the Act imposes general requirements for the preparation of community, precinct and neighbourhood plans. Schedule 10 to the Act imposes general requirements for dealings with association property. Schedule 11 to the Act contains provisions concerning initial unit entitlements. See also clauses 7, 8 and 9 of this Regulation.

**Consolidation of neighbourhood lots: sec. 19**

**21. (1)** Each additional sheet for the detail plan:

- (a) may be compiled from information in the community, precinct or neighbourhood plan, unless the information is conflicting or the Registrar-General requires a plan of survey; and
- (b) must show only detail for the lots being consolidated, with the adjoining lots being shown by number only; 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 number following the last number used for the lots in the relevant neighbourhood plan.

**(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 which 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 which shows the new consolidated parcel; and
- (c) must bear the deposited plan number of the relevant scheme; and
- (d) 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.

**Note:** The provisions of this clause apply in addition to the provisions of Schedules 1 and 11 to the Act. Schedule 1 to the Act imposes general requirements for the preparation of community, precinct and neighbourhood plans. Schedule 11 to the Act contains provisions concerning initial unit entitlements. See also clauses 7 and 9 of this Regulation.

**Conversion to neighbourhood property: sec. 20**

**22. (1)** Each replacement sheet for the neighbourhood property plan:

- (a) must bear a certificate by a surveyor, suitably amended to indicate that the plan was compiled, if that is the case; 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) Each replacement sheet 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 bear, in the plan drawing area, a certificate by the neighbourhood association to the effect that it agrees to the schedule of unit entitlements; and
  - (c) must bear the deposited plan number of the relevant scheme; and
  - (d) 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.

**Note:** 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 property to association property. See also clauses 8 and 9 of this Regulation.

**Dedication of neighbourhood property by neighbourhood association: sec. 21**

- 23.** Each replacement sheet for the neighbourhood property plan:
- (a) must show the neighbourhood property lot as lot 1, together with details of the newly surveyed boundaries, the remaining boundaries being shown by compilation; 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 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
  - (e) must bear a certificate in the approved form by the neighbourhood association to the effect that the initial period has expired.

**Note:** 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 8 of this Regulation.

**Acquisition or disposal of neighbourhood property: secs. 23, 24**

24. Each replacement sheet for the neighbourhood property plan:
- (a) must show the neighbourhood property lot as lot 1, together with 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.

**Note:** 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. Schedule 10 to the Act imposes general requirements for dealings with association property. See also clause 8 of this Regulation.

**Division 4—Works plans and access way plans****Prescribed diagrams “works plans”: sec. 36**

25. (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) If a works plan consists of more than one sheet, the sheets must be numbered consecutively “SHEET ..... OF SHEETS” in the top right hand corner, beginning with sheet 1.

- (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; and
  - (c) the name, signature and qualification of the person authorised to certify the plan.
- (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 which 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 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 provided.

**Access way plans: secs. 41, 42, 43, 44, 45, 46**

**26. (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)** If an access way plan consists of more than one sheet, the sheets must be numbered consecutively “SHEET..... OF ..... SHEETS” in the top right hand corner, beginning with sheet 1.

**(3)** There must be shown on the first page of the access way plan:

- (a) the number of the relevant scheme; and
- (b) a description of the relevant scheme; and
- (c) the name, signature and qualification of the person authorised to certify the 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 ways have been named, must show the names within the relevant way; and
- (d) must bear a note that the access ways are still association property and are not public roads.

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

**Note:** The regulations under the Surveyors Act 1929 contain requirements as to the marking of roads (including access ways).

## **PART 4—DEVELOPMENT CONTRACTS AND MANAGEMENT STATEMENTS**

### **Development contract**

**27.** 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 which 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)

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

**28.** 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 3 to the Conveyancing (General) Regulation 1992.

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

**29.** Every amendment of a development contract lodged in the office of the Registrar-General for registration which 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.

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

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

**PART 5—MISCELLANEOUS****Expiration of initial period**

**31. (1)** On expiry of the initial period, the community, precinct or neighbourhood association 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.

**Prescribed time**

**32.** 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.

**Repeal**

**33. (1)** The Community Land Development Regulation 1990 is repealed.

**(2)** Any act, matter or thing that, immediately before the repeal of the Community Land Development Regulation 1990, had effect under that Regulation continues to have effect under this Regulation.

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## NOTES

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**PART 4—DEVELOPMENT CONTRACTS AND MANAGEMENT STATEMENTS**

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**PART 5—MISCELLANEOUS**

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**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake, with minor changes in substance, the provisions of the Community Land Development Regulation 1990. The new Regulation deals with the following matters:

- (a) community plans, precinct plans and neighbourhood plans (Part 2);
- (b) plans relating to certain transactions (Part 3), including transactions affecting:
  - (i) community development lots (Division 1); and
  - (ii) precinct development lots (Division 2); and
  - (iii) neighbourhood development lots and neighbourhood property (Division 3); and
  - (iv) works plans and access way plans (Division 4);
- (c) development contracts and management statements (Part 4);
- (d) other matters of a machinery nature (parts 1 and 5).

This Regulation relates to matters of a machinery nature.

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

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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