

Community Land Development Regulation 2018

[2018-497]



New South Wales

Status Information

Currency of version

Repealed version for 31 August 2018 to 30 November 2021 (accessed 4 July 2024 at 20:27)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

This Regulation was repealed by sec 116(b) of the [Community Land Development Act 2021 No 6](#) with effect from 1.12.2021.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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Community Land Development Regulation 2018



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Community Land Development Regulation 2018*.

2 Commencement

This Regulation commences on 1 September 2018 and is required to be published on the NSW legislation website.

Note—

This Regulation replaces the *Community Land Development Regulation 2007*, which is repealed on 1 September 2018 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

access way and **access way plan**—see clause 24.

administration sheet—see subclause (2).

approved form means approved by the Registrar-General for the purposes of each provision of this Regulation in which the expression occurs.

association property lot means community property, precinct property or neighbourhood property.

association property plan means a community property plan, a precinct property plan or a neighbourhood property plan.

detailed survey information, in relation to land in a scheme, means the survey information that is required, by regulations made under the *Surveying and Spatial Information Act 2002*, to be included in a survey plan for the land in the scheme.

survey and **survey plan** have the same meanings as in the *Surveying and Spatial Information Act 2002*.

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

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

- (2) In this Regulation, a reference to an **administration sheet** is a reference to a document in the approved form:
 - (a) that provides for administrative matters relating to the registration of instruments and plans under the Act, and
 - (b) which, in the case of a plan within the meaning of clause 2 of Schedule 1 to the Act, is the separate document in the approved form that is required to be lodged with the plan under clause 2 (1A) of that Schedule.
- (3) 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) Part 3 of, and Schedule 1 to, the *Conveyancing (General) Regulation 2018* or the equivalent provisions of any regulation that replaces that regulation, and
 - (b) the regulations and lodgment rules made under the *Real Property Act 1900*.
- (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 and lodgment rules 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 Administration sheet

- (1) The administration sheet required to be lodged with a plan must:
 - (a) bear all signatures and seals required by the Act, and
 - (b) bear the name of the relevant scheme, if any, and the location of the relevant scheme, and

- (c) bear the address (including the postcode) of the relevant association for service of notices, and
- (d) in the case of a plan of subdivision (other than a boundary adjustment plan), bear the certificate referred to in clause 2 (2) (a) of Schedule 1 to the Act, and
- (e) bear a survey certificate, as referred to in section 195C of the [Conveyancing Act 1919](#) (unless the Registrar-General dispenses with the certificate under that section), and
- (f) comply with any other relevant requirements in this Part or in Part 3.

Note—

See clause 9 in relation to schedules of unit entitlements, which must appear on administration sheets lodged in connection with plans or instruments.

- (2) In this clause:

plan has the same meaning as in clause 2 of Schedule 1 to the Act.

Note—

The definition includes plans, and documents required to be lodged in connection with plans and instruments, that are dealt with in Part 3.

survey certificate means a survey certificate issued under the regulations made under the [Surveying and Spatial Information Act 2002](#) by a registered land surveyor (within the meaning of that Act).

6 Location diagrams

The location diagram for a community, precinct or neighbourhood plan must:

- (a) be clearly labelled “LOCATION DIAGRAM” in the plan drawing area, and
- (b) 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, and
- (c) illustrate the relative positions of all main access roads and appropriate adjoining information, and
- (d) contain a schedule on which to record subsequent subdivisions and other changes to lots (including consolidations and severances).

7 Detail plans

- (1) Each sheet of the detail plan for a community, precinct or neighbourhood 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. Any additional sheets must:
 - (a) contain an additional sheet note, in the approved form, in the note column, and
 - (b) bear the deposited plan number of the relevant scheme, and
 - (c) be numbered with the next sheet number after the last number used for the relevant scheme, and
 - (d) comply with any relevant requirements in Part 3.

8 Association property plans

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

COMMUNITY PROPERTY PLAN

PRECINCT PROPERTY PLAN

NEIGHBOURHOOD PROPERTY PLAN

- (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.

Note—

The detailed survey information must 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. Any replacement sheets must:
 - (a) contain a replacement sheet note, in the approved form, in the note column, and

- (b) bear the deposited plan number of the relevant scheme, and
- (c) 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
- (d) comply with any relevant requirements in Part 3.

9 Schedule of unit entitlements

- (1) The schedule of unit entitlements for a community, precinct or neighbourhood plan must be set out, in the panel provided, on an administration sheet lodged in connection with the plan or instrument concerned.
- (2) The schedule of unit entitlements 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 following matter relating to the schedule of unit entitlements must be set out in the panels provided on the administration sheet:
 - (a) a warning statement in the approved form,
 - (b) any certificate of a qualified valuer required by Schedule 11 to the Act.
- (6) Any certificate of a qualified valuer required by clause 2 (b) of Schedule 11 to the Act

must have been given by the valuer no earlier than 2 months before the date on which the community or precinct plan concerned was lodged with the application for the subdivision certificate issued in respect of the plan.

- (7) This clause applies in relation to any replacement schedule of unit entitlements in the same way as it applies in relation to the original schedule, subject to Part 3.
- (8) The administration sheet containing the replacement schedule must contain an update note in the approved form.
- (9) In this clause, **subdivision certificate** has the same meaning as in the [Environmental Planning and Assessment Act 1979](#).

Note—

This clause applies in addition to Schedule 11 to the Act, which contains provisions concerning initial unit entitlements.

Part 3 Plans and instruments relating to certain transactions

Division 1 Boundary adjustment plans

10 Boundary adjustment plans under section 6 or 10

- (1) A boundary adjustment plan must illustrate the results of a survey identifying the altered boundaries of the community or precinct property and of the affected development lots. The redefined lots, as shown on the plan, must bear their pre-redefinition lot numbers.
- (2) Other boundaries shown on the boundary adjustment plan that have not been altered may be compiled from the relevant community or precinct plan.
- (3) Each additional sheet for the detail plan required to be included as a sheet of the boundary adjustment plan must include all detailed survey information for the boundaries of affected development lots.

Note—

A replacement sheet for the relevant community or precinct property plan must also be included in the boundary adjustment plan (see sections 6 and 10 of the Act).

- (4) The administration sheet must bear:
 - (a) a certificate in the approved form that is given under seal of the community or precinct association to the effect that the association approved the altered boundaries by an ordinary resolution of the association, and
 - (b) the consent of the local council in the approved form, as referred to in clause 2 (2)
 - (c) of Schedule 1 to the Act.

- (5) 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, must be lodged with the boundary adjustment plan.
- (6) 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.
- (7) An access way plan may be amended by registration under section 39 of the Act of an amendment to the management statement.

Note—

See Part 2 for requirements relating to administration sheets, additional sheets for detail plans and replacement sheets for association property plans.

Division 2 Plans of consolidation, subdivision and acquisition

11 Consolidation under section 7, 11 or 19

- (1) Each additional sheet for the detail plan required to be included as a sheet of a community, precinct or neighbourhood plan of consolidation:
 - (a) may be compiled from information in the relevant community, precinct or neighbourhood plan, unless the information is conflicting or the Registrar-General requires a survey plan, and
 - (b) must show only the lots subject to the consolidation.
- (2) New 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) The replacement schedule of unit entitlements must include:
 - (a) the unit entitlement of each consolidated lot as the sum of the entitlements of the lots that comprise the consolidated lot, and
 - (b) 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.

Note—

See Part 2 for requirements relating to administration sheets, additional sheets for detail plans and replacement schedules of unit entitlements.

12 Subdivision by plan of subdivision under section 8, 12 or 22

- (1) A community, precinct or neighbourhood plan of subdivision must:
 - (a) show only the lots subject to the subdivision, and

- (b) except as provided by subclause (2), be a survey plan.
- (2) Boundaries of new lots that follow the boundaries of existing lots may be compiled from the original community, precinct or neighbourhood plan concerned.
- (3) New lots on the additional sheets for the detail plan required to be included as sheets of the plan of subdivision must be numbered consecutively, beginning with the next available lot number for the relevant scheme.
- (4) The replacement schedule of unit entitlements must:
 - (a) be labelled “INITIAL SCHEDULE OF UNIT ENTITLEMENTS”, and
 - (b) include in the first column, headed “LOT”, a list of the lots being created, and
 - (c) 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) include in the third column, headed “SUBDIVISION”, opposite the lot or lots subdivided, a reference to the sheet of the community, precinct or neighbourhood plan that created the new lot or lots.

Note—

See Part 2 for requirements relating to administration sheets, additional sheets for detail plans and replacement schedules of unit entitlements.

13 Additional provisions applying to neighbourhood plans of subdivision under section 22

- (1) The administration sheet required to be lodged with a neighbourhood plan of subdivision must bear the following certificates:
 - (a) if a neighbourhood lot being subdivided is held by the original proprietor or if neighbourhood property is being subdivided, a certificate (an **initial period expiry certificate**) in the approved form that is given under the seal of the neighbourhood association to the effect that the initial period has expired,
 - (b) if neighbourhood property is being subdivided or created, the certificate of the neighbourhood association referred to in section 22 (3) (e) of the Act.
- (2) The administration sheet is not required to bear an initial period expiry certificate if:
 - (a) such a certificate has been provided to the Registrar-General with an earlier transaction, or
 - (b) in the case of the subdivision of a neighbourhood lot that is held by the original proprietor, the initial period has not expired but the Tribunal has authorised the

subdivision as referred to in section 22 (3) (d) of the Act.

- (3) If an amendment of the development contract is required in connection with the subdivision, the necessary instrument requesting amendment must be lodged with the plan of subdivision.

Note 1—

A neighbourhood plan of subdivision may also be required to include a replacement sheet for the neighbourhood property plan (see section 22 of the Act).

Note 2—

See Part 2 for requirements relating to administration sheets and to replacement sheets for neighbourhood property plans.

14 Acquisition plans under section 34

- (1) An acquisition plan must show, as a lot or lots, only the land to be acquired and, accordingly, must not show any residue lot.
- (2) If part of a lot is to be acquired, the residue that is not being acquired and that will remain in the scheme must be shown as a whole lot in:
 - (a) if the part to be acquired is association property, the replacement sheet for the association property plan required to be lodged with the acquisition plan, or
 - (b) if the part to be acquired is a development lot or neighbourhood lot, the additional sheet for the detail plan required to be lodged with the acquisition plan.
- (3) New development or neighbourhood lots on the additional sheet for the detail plan must be numbered consecutively, beginning with the next available lot number for the relevant scheme.
- (4) The acquisition plan, and any replacement sheet for the association property plan or additional sheet for the detail plan required to be lodged with the plan, must illustrate the results of a survey identifying the altered boundaries of lots.
- (5) Other boundaries shown on the plan, or on the additional or replacement sheet, that have not been altered may be compiled from the relevant community, precinct or neighbourhood plan.
- (6) A replacement sheet for an association property plan required to be lodged with an acquisition plan must be accompanied by an additional sheet for the detail plan showing the updated survey information for the altered boundaries.

Note—

An additional sheet for the detail plan is also required if the plan is for, or includes, a subdivision of a development lot or neighbourhood lot (section 34 (3) (b) of the Act).

- (7) If a replacement schedule of unit entitlements is required, the replacement must be labelled "INITIAL SCHEDULE OF UNIT ENTITLEMENTS".
- (8) 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.

Note—

See Part 2 for requirements relating to administration sheets, additional sheets for detail plans, replacement sheets for association property plans and replacement schedules of unit entitlements.

Division 3 Instruments of conversion and severance

15 Conversion of development lots or neighbourhood lots to association property under section 14 or 20

- (1) There must be lodged with an instrument of conversion an additional sheet for the detail plan showing the updated detailed survey information for the altered boundaries.

Note—

A replacement sheet for the association property plan concerned must also be lodged (see Schedules 6 and 7 to the Act).

- (2) The additional sheet for the detail plan may be compiled from information in the relevant community, precinct or neighbourhood plan, unless the information conflicts or the Registrar-General requires a survey plan.
- (3) The replacement schedule of unit entitlements that is required to be lodged with an instrument of conversion must include, against the converted lot or lots, in the "UNIT ENTITLEMENT" column the words "CONVERTED TO LOT 1".
- (4) In this clause, ***instrument of conversion*** means an instrument converting a development lot or neighbourhood lot to association property.

Note—

See Part 2 for requirements relating to administration sheets, additional sheets for detail plans, replacement sheets for association property plans and replacement schedules of unit entitlements. An administration sheet is required by Schedule 1 to the Act to be lodged with replacement sheets for an association property plan that are required to be lodged with an instrument of conversion.

16 Severance of development lots under section 15

The replacement schedule of unit entitlements that is required to be lodged with an instrument severing a development lot from a community or precinct scheme must:

- (a) be labelled "INITIAL SCHEDULE OF UNIT ENTITLEMENTS", and
- (b) include in the second column, headed "UNIT ENTITLEMENT", for each lot severed the words "SEVERED LOT".

Note—

See Part 2 for requirements relating to replacement schedules of unit entitlements.

Division 4 Provisions applying to neighbourhood schemes only

17 Dedication of neighbourhood property by neighbourhood association under section 21

- (1) There must be lodged with a plan dedicating neighbourhood property under section 21 of the Act an additional sheet for the detail plan showing the updated detailed survey information for the altered boundaries.

Note—

A replacement sheet for the neighbourhood property plan must also be lodged (see clause 4 (1) of Schedule 10 to the Act).

- (2) The additional sheet must:
 - (a) illustrate the results of a survey identifying the altered boundaries, and
 - (b) show the land dedicated, which must be shown as “ROAD” or “RESERVE” (as the case may be).
- (3) The administration sheet must bear the following certificates by the neighbourhood association in the approved form:
 - (a) the certificate referred to in clause 2 of Schedule 10 to the Act,
 - (b) a certificate (an **initial period expiry certificate**) in the approved form that is given under the seal of the neighbourhood association to the effect that the initial period has expired.
- (4) The administration sheet is not required to bear an initial period expiry certificate if:
 - (a) such a certificate has been provided to the Registrar-General with an earlier transaction, or
 - (b) the dealing has been authorised by the Tribunal as referred to in clause 3 of Schedule 10 to the Act.

Note—

See Part 2 for requirements relating to administration sheets, additional sheets for detail plans and replacement sheets for neighbourhood property plans. An administration sheet is required by Schedule 1 to the Act to be lodged with replacement sheets for a neighbourhood property plan that are required to be lodged with a plan dedicating neighbourhood property under section 21 of the Act.

18 Acquisition or disposal of neighbourhood property under section 23 or 24

- (1) A replacement sheet for a neighbourhood property plan required to be lodged with a transfer referred to in section 23 or 24 of the Act must be accompanied by an

additional sheet for the detail plan showing the updated detailed survey information for the altered boundaries.

- (2) The additional sheet must illustrate the results of a survey identifying the altered boundaries.
- (3) If required by the Registrar-General, a replacement sheet of the location diagram must be provided when land is added to the neighbourhood parcel.

Note—

See Part 2 for requirements relating to administration sheets, location diagrams and replacement sheets for neighbourhood property plans. An administration sheet is required by Schedule 1 to the Act to be lodged with replacement sheets for a neighbourhood property plan that are required to be lodged with the transfer concerned.

Part 4 Development contracts and management statements

19 General requirements for development contracts and management statements

- (1) A proposed development contract or management statement that is lodged for registration must comply with the following provisions of the lodgment rules:
 - (a) Schedule 2 if lodged in paper form,
 - (b) Schedule 6 if lodged in electronic form.
- (2) For the purposes of this clause, a proposed development contract or management statement is taken to be an instrument or other document to which Schedule 2 or 6 to the lodgment rules applies.
- (3) A reference in this clause to a proposed development contract or management statement includes a reference to an instrument setting out amendments to sheets of a proposed development contract or management statement (as the case may be).
- (4) In this clause:

lodgment rules means the lodgment rules made under the [Real Property Act 1900](#).

20 Warning to be displayed on development contract

For the purposes of clause 4 of Schedule 2 to the Act, the 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 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*]

21 Amendment of development contract that excludes a lot or part of a lot from the scheme

Every amendment of a development contract lodged with 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 any other plans and dealings that are necessary to give effect to the exclusion, including a statement showing an appropriate adjustment of the unit entitlements.

22 Approval by consent authority for amendment of development contract

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

23 Prescribed diagrams under section 36 relating to statutory easements

- (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:

- (a) 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) show sufficient information to locate the approximate position of each service within each lot through which the service passes, and
 - (c) indicate the nature of the relevant service and how it is, or is proposed to be, provided.
- (3) Each sheet of a works plan must be numbered as a sheet of the relevant management statement.
- (4) The number and a description of the relevant scheme must be shown on the first page of the works plan.

24 Access way plans—sections 41, 42, 43, 43A, 44, 45 and 46

- (1) A plan referred to in section 41, 42, 43, 43A, 44, 45 or 46 of the Act (an **access way plan**) must:
- (a) illustrate the position of each access way within the association property, and
 - (b) 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, show the names within the relevant access way with the words “known as” before the name, and
 - (d) bear a note that the access ways are still association property and are not public roads.
- (2) All survey information required under the [Surveying and Spatial Information Act 2002](#) to define an access way must be shown on the detail plan forming part of the community, precinct or neighbourhood plan concerned.

Note—

The regulations under the [Surveying and Spatial Information Act 2002](#) contain requirements as to the marking of roads, including access ways.

- (3) Each sheet of an access way plan must be numbered as a sheet of the relevant management statement.
- (4) The number of the relevant scheme must be shown on the first page of the access way plan.

(5) In this clause, **access way** means a private access way or an open access way.

Part 5 Miscellaneous

25 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:

the Australian Postal Corporation

Essential Energy

Foxtel Management Pty Limited

the Hunter Water Corporation

Jemena Gas Networks (NSW) Ltd

Origin Energy Electricity Limited

Origin Energy LPG Limited

Origin Energy Retail Limited

Riverina Water County Council

the Sydney Water Corporation

the owner of a transacted distribution system under the [Electricity Network Assets \(Authorised Transactions\) Act 2015](#)

26 Savings

Any act, matter or thing that, immediately before the repeal of the [Community Land Development Regulation 2007](#), had effect under that Regulation continues to have effect under this Regulation.