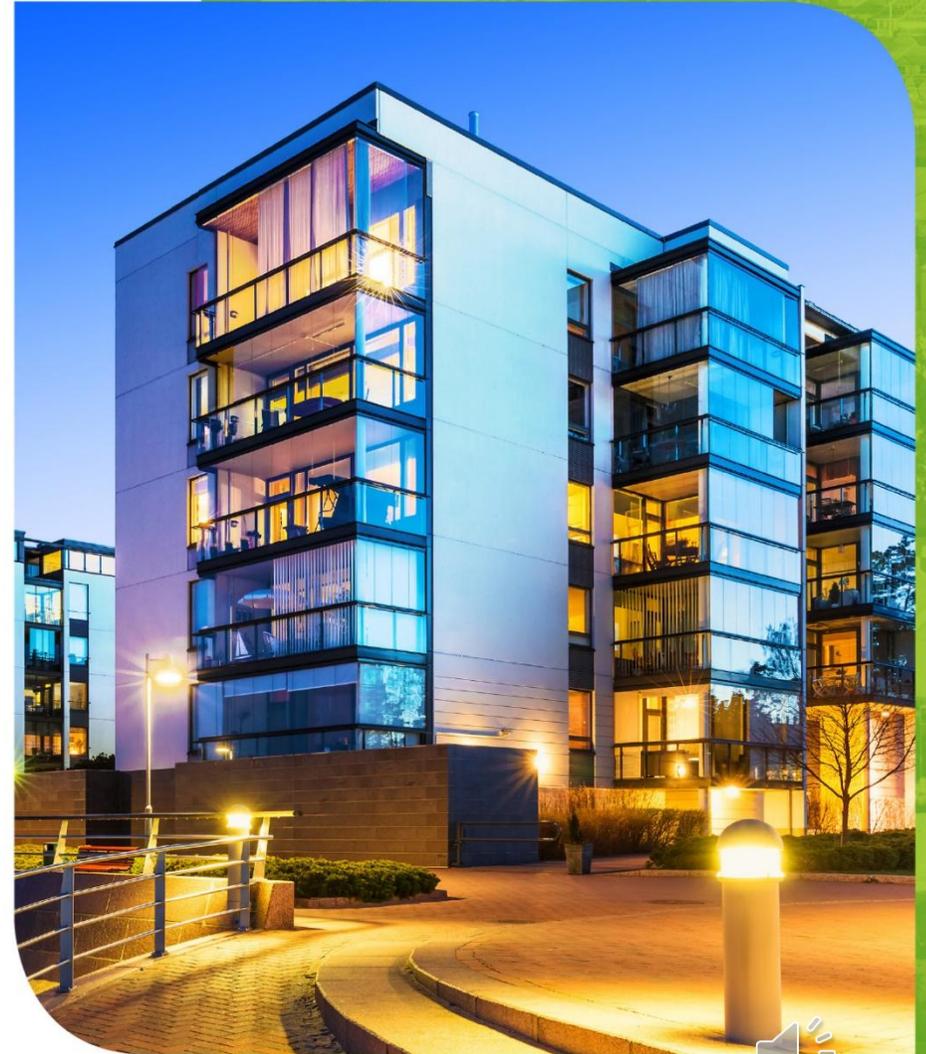




Industry Education Webinar Series

LF Documents: By-Laws/Scheme Description and Development Contracts

2025



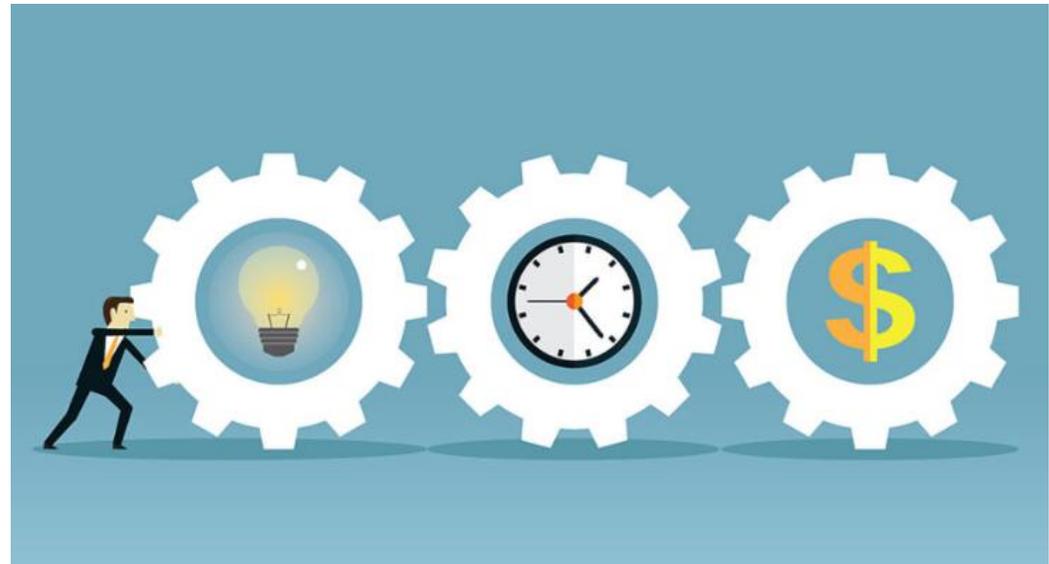


Industry Education Program

Land Services SA is committed to providing an excellent Customer Experience. One way we continue to deliver value to the Industry is through our Industry Education Program, where we produce a range of helpful educational materials, hold regular webinars and Industry Events.

Why are we doing this?

- ✓ Assist in educating the industry by providing regular training updates
- ✓ Assist in reducing requisitions across your business, saving you time and money
- ✓ Supporting you to deliver excellent service to your clients





About our Land Services Team



John Ikonomopoulos is a Property Examiner within Land Services SA. He has over 27 years of experience in numerous areas of Land Information Services and has worked on various projects. Current areas of focus are examining division applications and studying to become a Registered Conveyancer.

Sandy Beaglehole is a Property Examiner within Land Services SA. She has over 40 years of experience in numerous positions within Land Services SA and has spent the last 10 years as a Property Examiner.



Jaymie Heinrich is a Property Examiner within Land Services SA. She has over 20 years of experience in numerous positions within Land Services SA and has and has spent the last 3 years in the role as a Property Examiner.

Brad Cortvriend is a Property Examiner within Land Services SA. He has 3 years of plan examination experience in the Division team and has spent the last 2 years as a Property Examiner focusing on examination of division documents.



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Types of LF documents

1. By-laws

A set of By-laws must be lodged with every ACT document. The By-laws are the rules for the operation of the Scheme.

2. Scheme Description

Must be lodged for every Community Scheme where:

- The Community plan creates more than 6 lots
- There is a development lot
- Is predominantly been used for commercial purposes (regardless of how many lots are created in the scheme)
- There is further development eg: construction of buildings, service infrastructure on the Lots or Common Property

3. Development Contracts

To bind the developer to undertake further development or to develop a lot in a certain manner



LF Documents: By-Laws, Scheme Description and Development Contract



Each of these LF documents need to be:

1. Certified on the first page in accordance with Form 10

Certified correctly prepared in accordance with the requirements of the Community Titles Act 1996 by the person who prepared the document.

[Signature of person certifying]

(Full name of certifying party, address and date to be printed below)

2. Printed double sided

3. The top each page to show

TERMS OF INSTRUMENT NOT CHECKED BY LAND SERVICES SA
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By-Laws Development no.....

4. There should be an index at the beginning of the document and all pages numbered.



By-laws: Section 34 of the Community Titles Act



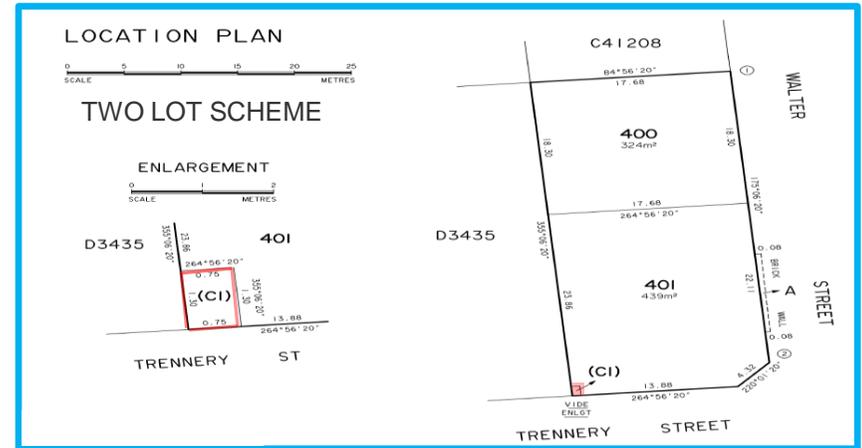
1. The **use and enjoyment of the Common Property** e.g., Road/Driveways for access or Service Infrastructure
2. The **use of the Lots** e.g. Residential or Commercial
3. Cover the **administration and management and control** of the common property
4. By-Law **Exemptions** – When you have a 2 or 3 lot scheme, they can be included.
5. Pets – when restricting **pets** also include a statement that this does not apply to a person with a disability
6. Specify **who is arranging the Building Insurance**, if it is a Primary Community Plan then the Lot owners will normally arrange their own building insurance but if it is a Community Strata Plan then the Community Corporation would arrange the insurance on the Lot owner's behalf.
7. May **regulate the appearance** of the buildings or improvements on the Community Lots



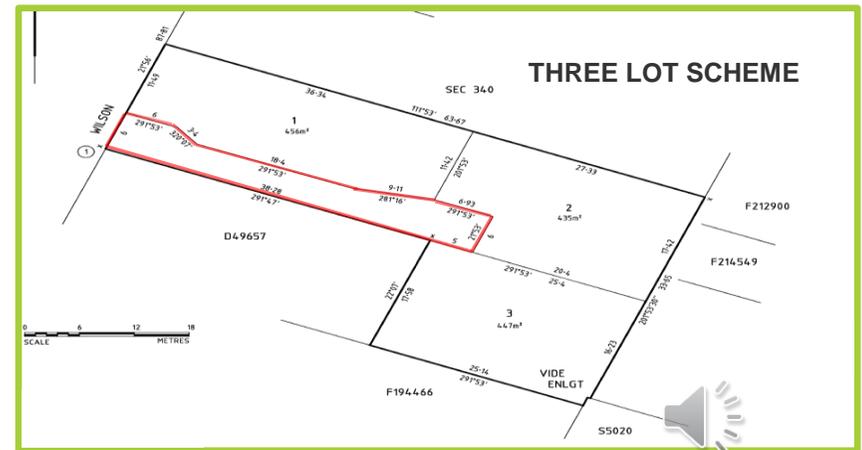
By-laws: Regulating the use of Common Property



The Common Property on this plan would normally be used for Service Infrastructure eg Water Meters



The Common Property in this plan would be for a Driveway for access and for Service Infrastructure





By-Laws: Exemptions

Two Lot Schemes pursuant to Section 35(1) of the Community Titles Act

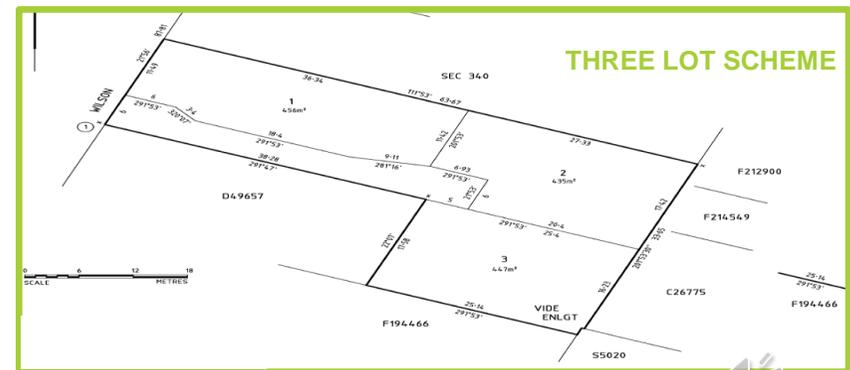
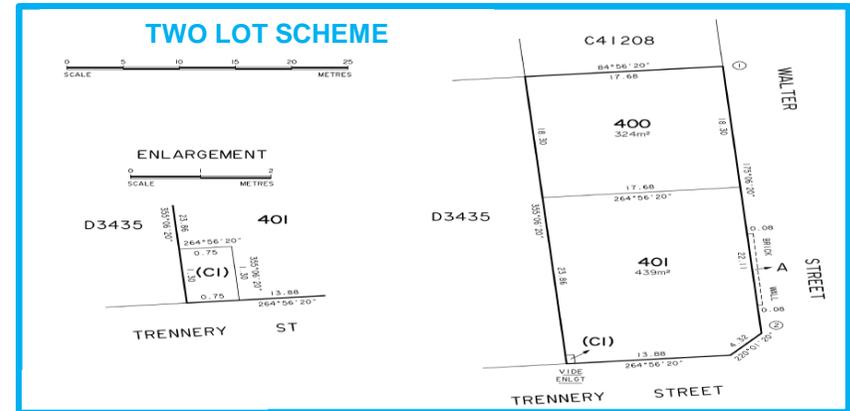
Can be exempt from the requirement to:

1. hold annual general Meetings (except the first statutory general meeting)
2. to prepare accounting records of the corporation's receipts and expenditure and to prepare an annual statement of accounts
3. to have the annual statement of accounts audited
4. to establish administrative and sinking funds
5. to maintain a register of the names of the owners of the community Lots

Three Lot Schemes pursuant to Section 35(2) of the Community Titles Act

Can only be exempt from the requirement to:

1. to maintain a register of the names of the owners of the community Lots



For the Scheme to be exempt from the exemptions clauses they need to be shown in full in the By-laws



Common Requisitions

By-Laws

1. Do not use a **generic** document, each scheme will be different
2. Check the plan for:
 - The plan heading 'Primary Community' or 'Community Strata Plan', as this will indicate who will arrange the building insurance
 - How many lots are being created, are the by-law exemptions applicable or should they be removed
 - What is the common property? Make sure the by-laws relate to the common property shown on the plan
 - Make sure the correct plan number is shown in the LF document
3. Ensure the By-Laws **does not** include a statement about **rules** being made by the Community Corporation that are **enforceable** e.g. 'The rules in force from time to time shall be as enforceable by the Corporation as if those rules formed part of these By-Laws' See Notice to Lodging Party 176.



Scheme Description:

Section 30 of the Community Titles Act



1. Identify the community parcel and **describe what is happening** eg: The Community parcel will comprise eight (8) Community Lots and common property as set out in the Community Plan
2. Describe the **purposes** that the **Lots and Common Property may be used** for eg: Residential or Commercial, access for driveway
3. Describe the **standard of the buildings/improvements** to be, or which may be, made to the Lots or Common property eg built in accordance with the Building code of Australia
4. If there is **different stages**, identify the part(s) of the community scheme to be developed, and provide a brief description of the development to be undertaken in each stage, also timing of the stages, if unable to estimate a time for completion, then an explanation will be required eg Market demand
5. If the developer is to **develop the lot** or if the Developer is to make improvements or **development to the common property** then provide a **brief description** of the improvements/development, also **timing** of the completion, if unable to estimate a time for completion, then an explanation will be required eg Market demand
6. If the division or development **is subject to conditions** imposed by the relevant development authority, then those conditions must be set out in full, usually by way of a **copy of the decision Notification.** 
7. Original **endorsement by the Council** to be attached



Common Requisitions

Scheme Description

1. Is a Scheme Description required? How many Lots are being created? What is the use of the lots?
2. Prior to lodging your Scheme Description check if the development has **been completed**, if so, then the wording throughout the document should reflect this e.g. the Developer **has completed** the development on the common property and Lots.
3. If the Scheme Description needs to be changed, then the Council will need to re-endorse the amended document.
4. Be aware that if you attach a copy of a **plan** to the Scheme Description and the plan is subsequently amended then the Scheme Description may also need to be **amended**, which **requires all registered Mortgagees to consent**. See Section 32 of the Community Titles Act



Development Contract: Section 47 of the Community Titles Act



1. To **identify** the land and **describe** what is happening and the developer's obligation as regards implementing the Scheme Description
2. State whether **Development Approval will need to be obtained**, before development in accordance with the contract can go ahead
3. Include an **undertaking by the developer that they will interfere as little as they can** with the use and enjoyment by other lot owners whilst performing their obligations under the contract
4. Include an **undertaking to repair or pay for the costs of repairing any damage** caused by the Developer to the common property or lots
5. If the developer is to apply for the division of a Development Lot or Community Lot, then a **plan should be attached showing the proposed position of the new lot(s) and/or Common Property**. If no decision is made, then a statement to this effect to be inserted.
6. Set out how the Developer is to **obtain access** to the Development Lot, Common Property or Community Lot and the part(s) of the community parcel that the developer will need to occupy or have access to, whilst undertaking their development

Development Contract: Section 47 of the Community Titles Act



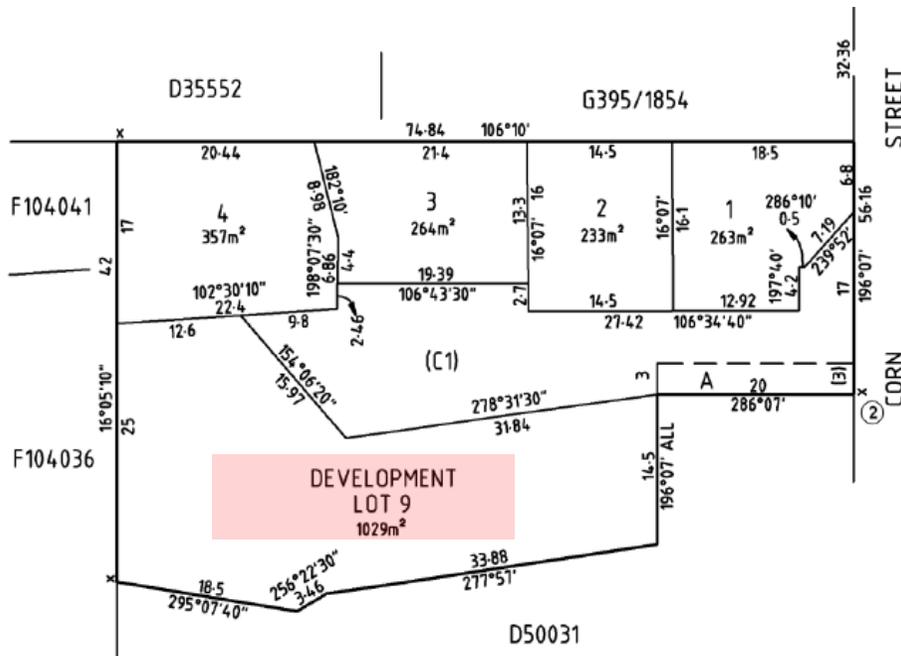
7. Set out **any obligations** (if any) of the Community Corporation, Owners or Occupiers of the lots
8. State the **days and what hours** during the day that the **developer may carry out the development**
9. State the **time for completion** by the developer of their obligations under the contract
10. If the developer is **under an obligation to construct a building or facility**, then the position of the building or facility will need to be shown by way of a plan and brief description of the design of the buildings etc
11. If the developer is **under an obligation to do the landscape for the gardens**, then a plan depicting the areas and the design of the proposed landscaping.
12. It may specify the **standard of the work** to be undertaken, and materials used



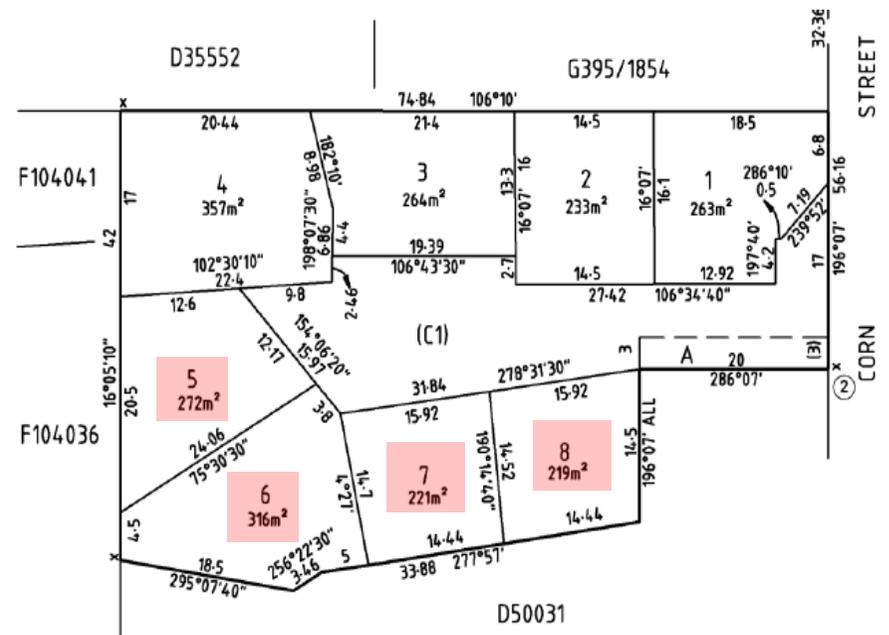


Further development of a Development Lot

Primary Community Plan showing
Development Lot 9



Proposed plan that would be attached to
your Scheme Description indicating the
proposed changes



In this scenario, when you have a Development Lot, and then the Developer wishes to create the new lots 5 to 8 from the Development Lot. An AP4 document and an amended Community Plan will be lodged, and this will substitute the existing plan and create the 4 new Lots 5 to 8, so the lot numbers will now be 1 to 8 in the plan. The CP number of the plan remains the same and the new Lots become new Primary Lots.



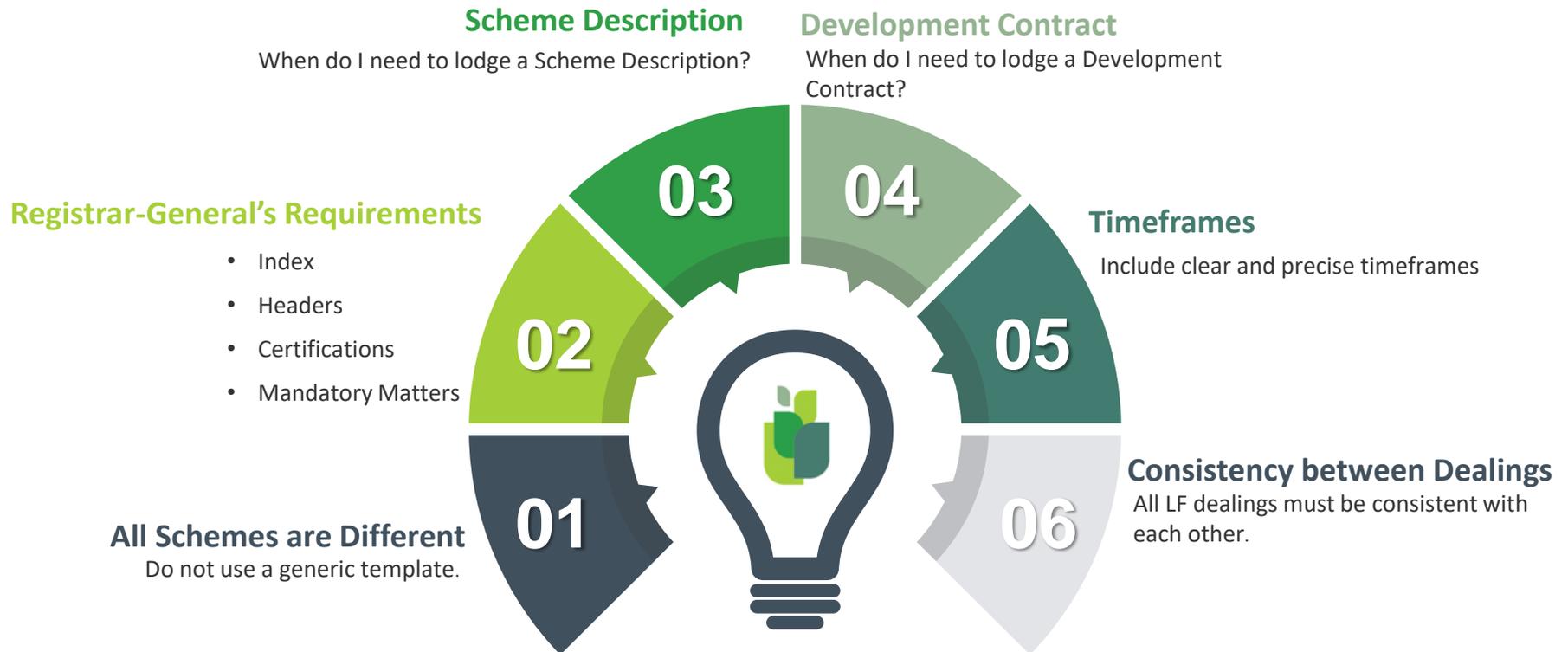
Common Requisitions

Development Contract

1. If the development has not been completed, then you **will** need a Development Contract, but if the development is completed prior to the lodgement of the documents, then a Development contract is **not required**.
2. If the Scheme Description indicates that the developer is **likely** to erect buildings or other improvements on a Lot, Development Lot, or Common Property, then a **Development Contract will be required** to be lodged. See Section 13 of the Community Titles Act
3. Is there a **Development Lot** on your Community Plan, then you will need to lodge By-Laws, Scheme Description and Development Contract
4. If you are lodging a Development Contract, then a Scheme Description must be lodged
5. If you need to **attach a copy of the community plan**, make sure it is a copy of the current approved plan or otherwise refer to the plan deposited in this office.
6. By-laws and Scheme Descriptions **do not need to be signed** by the Applicant/Developer, but the **Development Contract does need to be executed** by the **Developer**



Summary of Key Points



Industry Education Hub



Land Services SA partner with the SA Government and relevant Industry Bodies to deliver a range of Educational Materials to support property industry professionals. This webpage is dedicated to the publication of Industry Education Materials to assist conveyancing and survey professionals.

Industry Education Series	+
eConveyancing	+
Digital Plan Lodgement	+
SAILIS Video Tutorials	+
Land Services SA Fact Sheets	+



Hot Tip:
Keep updated on
LSSA's webinars and
video's

Questions

