

NEW SOUTH WALES
DRAFT GOVERNMENT BILL

Community Improvement Districts Bill 2023

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public consultation draft

Community Improvement Districts Bill 2023 [NSW]
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NEW SOUTH WALES
DRAFT GOVERNMENT BILL

Community Improvement Districts Bill 2023

No , 2023

A Bill for

An Act to provide for the establishment and operation of community improvement districts, the recognition and functions of community improvement entities and to provide for the designation and functions of a Community Improvement Districts Regulatory Authority; and for other purposes.

The Legislature of New South Wales enacts—

Part 1 Preliminary

1 Name of Act

This Act is the *Community Improvement Districts Act 2023*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Objects

The objects of this Act are as follows—

- (a) to provide for the establishment and operation of community improvement districts for the benefit of businesses and local communities,
- (b) to provide for the delivery of services, projects and activities by CID entities in community improvement districts funded by CID levies,
- (c) to regulate CID entities, CID proposals, CID proposal ballots and the delivery of services, projects and activities funded by CID levies.

4 Definitions

The Dictionary in Schedule 4 defines certain terms used in this Act.

Note— The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.

5 Relationship with Local Government Act 1993

Nothing in this Act alters the rights, liabilities or obligations of a council under the *Local Government Act 1993*.

Part 2 Establishment and operation of CIDs

Division 1 CID Regulatory Authority

6 Designation of Regulatory Authority

- (1) The regulations may designate a person or body as the Community Improvement Districts Regulatory Authority (the *Regulatory Authority*).
- (2) The person or body must be—
 - (a) a Secretary of a Department, or
 - (b) a body established by an Act, other than a local council.

7 Functions of Regulatory Authority

The functions of the Regulatory Authority are as follows—

- (a) to declare community improvement districts under this part,
- (b) to determine whether a CID proposal has met the requirements prescribed by the regulations before a CID ballot takes place,
- (c) to determine whether to approve, modify or reject CID proposals,
- (d) to conduct CID proposal ballots or cause CID proposal ballots to be conducted,
- (e) to regulate and oversee the operation of CID entities,
- (f) to impose and collect CID levies,
- (g) to enter into contracts and other arrangements with CID entities and other persons to deliver approved CID proposals,
- (h) to terminate CID levies or to prohibit services, projects and activities under an approved CID proposal in accordance with the regulations,
- (i) to report to the Minister on matters related to CIDs as prescribed by the regulations,
- (j) other related functions as are necessary to give effect to the objects of this Act.

Division 2 CIDs and CID entities

8 Declaration of CIDs

- (1) The Regulatory Authority may, by order published in the Gazette, declare a community improvement district (a *CID*).
- (2) Before declaring a CID, the Regulatory Authority must consider the matters prescribed by the regulations for this subsection, if any.
- (3) A declaration under this order must specify the following—
 - (a) the boundaries of the CID,
 - (b) the class of persons who are constituents of the CID,
 - (c) the CID entity for the CID.
- (4) The constituents of a CID—
 - (a) are constituents by reason of the constituent's ownership of land within the CID, and
 - (b) may include the owners of non-residential land within the CID, and
 - (c) must not include a person by reason solely of the person's ownership of land categorised as residential by a council for ratings purposes under the *Local*

Government Act 1993 or would be categorised as residential if it were rateable land under that Act, and

- (d) must not include other persons prescribed by the regulations.

Note— The constituents of a CID—

- (a) are eligible to vote in CID proposal ballots, and
(b) may be liable to pay a levy to finance an approved CID proposal.
- (5) To avoid doubt, a CID entity may be recognised for a CID that extends beyond the boundaries of a single local government area.

9 Regulations about CID entities

The regulations may deal with matters relating to CID entities, including but not limited to, the following—

- (a) the classes of persons who may be recognised as CID entities,
Note— Under the *Interpretation Act 1987*, Schedule 4 a **person** includes an individual, a corporation and a body corporate or politic.
- (b) governance, operational and reporting requirements CID entities must comply with,
- (c) consultation that CID entities must undertake in relation to CID proposals, services, activities or projects the CID entities provide, undertake or arrange,
- (d) requirements for CID entities to provide mechanisms for constituent and community feedback and engagement,
- (e) matters consequential on the insolvency, liquidation or dissolution of a CID entity,
- (f) matters consequential on failure by a CID entity to deliver under an approved CID proposal.

Division 3 CID proposals

10 Making of CID proposals

- (1) A CID entity may make a CID proposal to the Regulatory Authority for the CID.
- (2) A **CID proposal** is a proposal to provide, undertake or arrange specified services, activities or projects in the CID, including but not limited to the following—
- (a) events, marketing and promotions services and activities to activate and revitalise places,
(b) safety and security services, cleaning services and environmental and amenity improvements,
(c) data analysis and market research,
(d) activities and projects to improve access, mobility and connectivity within a CID,
(e) other services, activities or projects of a kind prescribed by the regulations.
- (3) The CID proposal must comply with—
- (a) this section, and
(b) the requirements set out by the regulations.
- (4) It is a requirement that the CID entity, before submitting a CID proposal to the Regulatory Authority, must consult with the following about the CID proposal—
- (a) each local council whose area is within the boundaries of the CID,
(b) each relevant Local Aboriginal Land Council,

- (c) the following, if the body exercises functions within the CID—
 - (i) the Greater Sydney Parklands Trust,
 - (ii) Place Management NSW,
 - (iii) the Sydney Olympic Park Authority,
 - (d) other persons or bodies prescribed by the regulations.
- (5) Without limiting subsection (3)(b), a regulation under the subsection may set out requirements relating to the following—
- (a) consultations with local councils and Local Aboriginal Land Councils referred to in subsection (4)(a) and (b),
 - (b) other consultation to be undertaken by a CID entity before making a CID proposal, if any,
 - (c) matters that must be included in a CID proposal,
 - (d) matters that must not be included in a CID proposal,
 - (e) the modification of CID proposals,
 - (f) the fees to be paid to the Regulatory Authority to consider a CID proposal.

11 CID proposal ballot

- (1) If satisfied that the CID proposal has met the requirements for the proposal set out in section 10, the Regulatory Authority may conduct a CID proposal ballot or cause a CID proposal ballot to be conducted on its behalf to ascertain if the CID proposal is supported by the constituents of the CID.
- (2) To avoid doubt, the Regulatory Authority is not required to conduct a CID proposal ballot even if the CID proposal has met the requirements for the proposal set out in section 10.
- (3) A CID proposal ballot is to be conducted in accordance with the regulations.
- (4) However, in a CID proposal ballot—
- (a) only one person may vote for each parcel of land within the boundaries of the CID, and
Note— There is only one vote per parcel of land. If land is owned by 3 persons, only one person may vote.
 - (b) a constituent may vote for more than one parcel of land.
Note— If a person owns 3 parcels of land, the person may vote 3 times.
- (5) Without limiting subsection (3), the regulations may adopt, with modifications, the provisions of *Local Government Act 1993* and the regulations under that Act dealing with council polls for the purpose of regulating the conduct of CID proposal ballots.
- (6) A CID proposal is supported by the constituents of the CID if both of the following are met—
- (a) a majority of votes cast are in favour of the CID proposal,
 - (b) the sum of the value of the land in respect of which constituents have voted in favour of the CID proposal exceeds the sum of the value of the land in respect of which constituents have voted against the CID proposal.
- (7) A failure to comply with the regulations under subsection (3) in a trivial or insubstantial way does not invalidate a CID proposal ballot.
- (8) The regulations may specify the following—
- (a) how a CID proposal is to be made publicly available by the Regulatory Authority,

- (b) fees to be paid by a CID entity to the Regulatory Authority if a CID proposal ballot is to be conducted.
- (9) If the Regulatory Authority decides not to conduct a CID proposal ballot or the CID proposal fails to achieve the required support in a CID proposal ballot, the CID entity must not make a further CID proposal to the Regulatory Authority for the CID in substantially the same terms.

12 Dealing with CID proposal

- (1) If a CID proposal has achieved the required support in a CID proposal ballot, the Regulatory Authority may—
 - (a) approve the CID proposal as submitted, or
 - (b) approve the CID proposal in a modified form, or
 - (c) decide to reject the CID proposal (a **Regulatory Authority veto**).
- (2) The Regulatory Authority must not approve a CID proposal under subsection (1)(a) or (b), unless each local council whose area is within the boundaries of the CID has, by resolution, supported the CID proposal (a **council veto**).
- (3) The Regulatory Authority must publish a copy of each approved CID proposal on the Regulatory Authority's website.
- (4) An approval expires after 5 years.
- (5) The regulations may deal with the following—
 - (a) matters that the Regulatory Authority must consider before making a decision under subsection (1), including the outcome of consultations that the CID entity may be required to undertake and public submissions made to the Regulatory Authority about a CID proposal,
 - (b) the right of a CID entity to request a review by the Minister of a decision of the Regulatory Authority under subsection (1) or (2), including the confirmation or substitution of the Regulatory Authority's decision,
 - (c) notification of Regulatory Authority vetoes and council vetoes.

Part 3 Finance

Division 1 Levies

13 Regulatory Authority may impose levies

- (1) The Regulatory Authority may, by order published in the Gazette, impose a levy on the constituents of a CID to finance an approved CID proposal, including the costs of the Regulatory Authority in relation to the approved CID proposal.
Note— The Regulatory Authority may only approve a CID proposal that has achieved the required support of constituents in a CID proposal ballot.
- (2) A levy must not exceed the maximum levy determined by the Minister and published in the Gazette.
- (3) In imposing a levy, the Regulatory Authority must consider the guidelines issued by the Minister and published in the Gazette, if any.
- (4) The regulations may deal with the imposition and collection of levies, including the determination and calculation of levy amounts.
- (5) Without limiting subsection (4), the regulations may exempt persons, or classes of persons, from liability to pay levies.

14 Imposition of levies

- (1) The Regulatory Authority imposes a levy on a landowner by causing notice—
 - (a) to be served on the landowner, or
 - (b) to be published in a way approved by the Minister having regard to the object of bringing notices of that kind to the attention of constituents.
- (2) The notice must indicate—
 - (a) the levy and, if appropriate, the circumstances in which the levy becomes payable, and
 - (b) the date or dates on which, or the period or periods at the end of which, the levy falls due, and
 - (c) the CID proposal to be funded by the levy.
- (3) The levy falls due in accordance with the terms of the notice, except that no part of it falls due before the expiry of 14 days after the notice is published.

15 Charge of rates and charges on land

- (1) A levy imposed by the Regulatory Authority for a parcel of land, including interest accrued on, and costs awarded to the Regulatory Authority by a court in proceedings to recover the levy, are a charge on the land.
- (2) The charge ranks on an equal footing with a charge on the land under any other Act but takes priority over other charges or encumbrances.
- (3) The charge does not affect a bona fide purchaser for value who made due inquiry at the time of purchase but had no notice of the liability.
- (4) The provisions of this section have effect despite anything contained in the *Real Property Act 1900*, section 42.

16 Interest on unpaid levies

- (1) The Regulatory Authority may charge interest on any levies imposed by the Regulatory Authority that are due but unpaid.

- (2) The maximum rate at which interest may be charged under this section is the rate chargeable under the *Civil Procedure Act 2005*, section 101 in relation to unpaid judgment debts.

Division 2 Fees and charges for goods and services

17 Fees and charges for goods and services

- (1) The Regulatory Authority may impose fees and charges as it determines for goods or services the Regulatory Authority provides to a person at the person's request.
- (2) Division 1 does not apply to or in respect of a fee or charge imposed under this section.

Division 3 Recovery of unpaid levies and charges

18 Regulations relating to recovery of unpaid levies and charges

- (1) The regulations may deal with the recovery of unpaid levies and charges.
- (2) For subsection (1), the regulations may apply, adopt or incorporate provisions of the *Local Government Act 1993* and the regulations under that Act as in force at a particular time or from time to time.

Division 4 Regulatory Authority Fund

19 Establishment of Regulatory Authority Fund

There is to be established in the Special Deposits Account a CID Regulatory Authority Fund (the *Regulatory Authority Fund*).

20 Payments into Regulatory Authority Fund

There is payable into the Regulatory Authority Fund—

- (a) all levies, fees, charges and other money received by the Regulatory Authority in relation to a CID, and
- (b) all interest received in respect of the investment of money belonging to the Regulatory Authority Fund, and
- (c) all money directed to be paid into the Regulatory Authority Fund by or under this or any other Act or law, and
- (d) money voluntarily paid into the Regulatory Authority Fund by an owner of government land under section 23.

21 Payments from Regulatory Authority Fund

- (1) There is payable from the Regulatory Authority Fund—
- (a) money paid on account of a CID or otherwise required to meet the expenditure in connection with a CID, including in connection with an approved CID proposal for a CID, and
- (b) administrative costs of the Regulatory Authority, including the costs of assessing CID proposals, conducting CID proposal ballots and collecting CID levies,
- (c) administrative costs of the Regulatory Authority in operating and managing the Regulatory Authority Fund,
- (d) money directed to be paid from that fund by or under this or any other Act or law.

- (2) Nothing in subsection (1)(a) requires money to be paid to a CID entity if the Regulatory Authority is required or entitled to withhold money under the terms of a contract or other arrangement with the CID entity.

22 Investment

The Regulatory Authority may invest money in its funds—

- (a) if the Regulatory Authority is a GSF agency for the *Government Sector Finance Act 2018*, Part 6—in any way that the Regulatory Authority is permitted to invest money under that Part, or
- (b) if the Regulatory Authority is not a GSF agency for the *Government Sector Finance Act 2018*, Part 6—in accordance with the *Trustee Act 1925* or in any other way approved by the Minister with the concurrence of the Treasurer.

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Part 4 Miscellaneous

23 Application of Act to Government land

- (1) This Act does not apply to government land and the owners of government land.
- (2) Nothing in subsection (1) prevents an owner of government land voluntarily paying an amount into the Regulatory Authority Fund for the purposes of an approved CID proposal.

24 Meaning of “government land”

- (1) Land is *government land* if—
 - (a) the land is owned by the Commonwealth, or
 - (b) the land is owned by the Crown, or
 - (c) the land is owned by a State owned corporation, or
 - (d) the land is owned by a council, or
 - (e) the land is declared by the regulations to be government land.
- (2) The regulations may declare land referred to in subsection (1)(b)–(d) is not government land.
- (3) A provision of a regulation that is made under this section may specify the date on and from which the provision takes effect for the purposes of this section.

25 Delegation

- (1) The Minister may delegate the exercise of a function of the Minister under this Act, other than this power of delegation, to—
 - (a) a person employed by the Regulatory Authority or a member of staff of the Regulatory Authority, or
 - (b) a person, or a class of persons, authorised for the purposes of this section by the regulations.
- (2) The Regulatory Authority may delegate the exercise of a function of the Regulatory Authority under this Act, other than this power of delegation, to—
 - (a) a person employed by the Regulatory Authority or a member of staff of the Regulatory Authority, or
 - (b) a person, or a class of persons, authorised for the purposes of this section by the regulations.

26 Power to require information and documents

- (1) For this Act, the Regulatory Authority may, by written notice given to a local council or the head of a government sector agency, require the local council or government sector agency to do either of the following within the period stated, not less than 21 days, in the notice—
 - (a) give the Regulatory Authority information described in the notice,
 - (b) give the Regulatory Authority a document described in the notice that is in the person’s custody or control.
- (2) Information or a document given to the Regulatory Authority under subsection (1) may be used for the purposes of this Act.
- (3) In this section—
government sector agency has the same meaning as in the *Government Sector Employment Act 2013*.

head, of a government sector agency, has the same meaning as in the *Government Sector Employment Act 2013*.

27 Service of documents

- (1) A document that is authorised or required by this Act or the regulations to be served on any person may be served by any of the following methods—
 - (a) in the case of an individual—by personal delivery to the person,
 - (b) by post to the address specified by the person for the service of documents of that kind,
 - (c) in the case of an individual who has not specified such an address—by post to the residential or business address of the person last known to the person serving the document,
 - (d) in the case of a corporation—by post to the registered office or any other office of the corporation or by leaving it at any such office with a person apparently over the age of 16 years,
 - (e) by email to an email address specified by the person for the service of documents of that kind,
 - (f) by any other method authorised by the regulations for the service of documents of that kind.
- (2) Nothing in this section affects the operation of any provision of a law or of the rules of a court authorising a document to be served on a person or the Regulatory Authority by any other method.
- (3) In this section, *serve* includes give or send.

28 Nature of proceedings for offences

Proceedings for an offence under this Act or the regulations may be dealt with summarily before the Local Court.

29 Disclosure of information

A person must not disclose any information obtained in connection with the administration or execution of this Act or another Act conferring or imposing functions on the Regulatory Authority (*the other Act*) unless that disclosure is made—

- (a) with the consent of the person from whom the information was obtained, or
- (b) in connection with the administration or execution of this Act or the other Act, or
- (c) for the purposes of any legal proceedings arising out of this Act or the other Act or of any report of any such proceedings, or
- (d) in accordance with a requirement imposed under the *Ombudsman Act 1974*, or
- (e) with other lawful excuse.

Maximum penalty—

- (a) for an individual—20 penalty units, or
- (b) otherwise—100 penalty units.

30 Regulations may prescribe decisions that are administratively reviewable by Civil and Administrative Tribunal

- (1) The regulations may provide for applications to be made to the Civil and Administrative Tribunal for the administrative review under the *Administrative*

Decisions Review Act 1997 of decisions made under this Act or the regulations of a kind prescribed by the regulations.

- (2) The Minister must not recommend the making of a regulation containing provisions for the purposes of subsection (1) unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.

31 Review of Act

- (1) The Minister is to review this Act to determine whether—
 - (a) the policy objectives of the Act remain valid, and
 - (b) the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of commencement of this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

32 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subsection (1), the regulations may adopt, with or without modification, the provisions of *Local Government Act 1993* and the regulations under that Act for the purposes of this Act.

Schedule 1 Savings, transitional and other provisions

Part 1 General

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the commencement of—
 - (a) a provision of this Act, or
 - (b) a provision amending this Act.
- (2) A savings or transitional provision consequent on the commencement of a provision must not be made more than 2 years after that commencement.
- (3) A savings or transitional provision made consequent on the commencement of a provision is repealed 2 years after that commencement.
- (4) A savings or transitional provision made consequent on the commencement of a provision may take effect before that commencement but not before—
 - (a) for a provision of this Act—the date of assent to this Act, or
 - (b) for a provision amending this Act—the date of assent to the amending Act.
- (5) A savings or transitional provision taking effect before its publication on the NSW legislation website does not—
 - (a) affect the rights of a person existing before that publication in a way prejudicial to the person, or
 - (b) impose liabilities on a person for anything done or omitted to be done before that publication.
- (6) In this section—
person does not include the State or an authority of the State.

Part 2 Provisions consequent on enactment of this Act

2 Existing districts and entities

- (1) The regulations may declare that—
 - (a) an existing community improvement district, however described, is taken to be a CID under this Act,
 - (b) an existing person is the CID entity for the existing community improvement district.
- (2) To avoid doubt, regulations under this section may adopt provisions of regulations made under this Act, section 9(b) relating to governance, operational and reporting requirements for CID entities, and apply the provisions to an existing person taken to be a CID entity under this section.
- (3) In this section—
existing means existing on the commencement of this section.

Schedule 2 Amendment of State Debt Recovery Act 2018 No 11

Schedule 1 Referable debts

Insert at the end of the table—

Levies and charges under the *Community
Improvement Districts Act 2023*

Chief executive officer, however described,
of the Regulatory Authority to which the
levies or charges are payable

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Schedule 3 Interpretive provisions relating to land

1 Meaning of “land”

In the Act—

land means a lot of land, including a strata type lot.

strata type lot means—

- (a) a lot within the meaning of the *Strata Schemes Development Act 2015*, or
- (b) a development lot or a neighbourhood lot within the meaning of the *Community Land Development Act 2021*, or
- (c) an exclusive land use entitlement.

2 Meaning of “exclusive land use entitlement”

- (1) This section applies to an interest if the Regulatory Authority is satisfied—
 - (a) the interest gives the owner an exclusive right to occupy part of a building on land, and
 - (b) the interest is—
 - (i) shares or units in a relevant entity that owns or leases the land, or
 - (ii) a part ownership of the land if—
 - (A) ownership of the land is as tenants in common, and
 - (B) each part ownership gives an exclusive right to occupy a different part of the building on the land, and
 - (c) the interest is transferable, and
 - (d) the whole of the land is reasonably used in connection with the occupation of the building.
- (2) The interest giving the exclusive right to occupy part of a building may be jointly owned.
- (3) The owner of the interest is taken to be the owner of the part of the building that the owner is entitled to exclusively occupy because of the interest.
- (4) The part of the building is taken to be a separate lot (the **exclusive land use entitlement**).
- (5) An interest that gives an exclusive right to occupy part of a building only at certain times is not an interest to which this section applies.
- (6) If there is more than 1 building on the land, this section applies to an exclusive right to occupy a whole building, but not all buildings, in the same way as it applies to part of a building.
- (7) In this section—

relevant entity means a company or unit trust where all shares in the company or units in the trust—

 - (a) are distributed to persons, and
 - (b) give the persons a right to occupy a parts of a building on land owned by the company or trust.

3 Meaning of “owner of land”

- (1) In the Act, **owner** of land means—
 - (a) for a lot within the meaning of the *Strata Schemes Development Act 2015*—the owner of the lot within the meaning of that Act, or

- (b) for an exclusive land use entitlement—the owner of the interest that gives the entitlement, or
 - (c) for a lot subject to an eligible life estate—the owner of the life estate, or
 - (d) otherwise—the legal owner of the lot.
- (2) If an exclusive land use entitlement arises from ownership of shares or units in a relevant entity that owns land, the relevant entity is taken not to be the owner of the land for the purposes of this Act.
- (3) In this section—
- eligible life estate*** means a life estate—
- (a) created directly by the terms of a will and not by the exercise of a discretion under a will, and
 - (b) conferred for the life of the owner of the life estate.
- relevant entity*** has the same meaning as in section 2.

4 Mixed use land

- (1) The Regulatory Authority may approve parts of land being treated as if they were separate lots (***deemed lots***) for the purposes of the Act.
- (2) The owner of land may apply to the Regulatory Authority to have parts of the land treated as deemed lots if the parts have different classes of land use.
- Example—** A shop with residential premises above or a residential flat building in which one flat is owner-occupied and the rest are leased out by the owner.
- (3) The Regulatory Authority must not approve the application if satisfied it would result in a deemed lot being classified as primary production land.
- (4) The Regulatory Authority may approve the application if the Regulatory Authority is satisfied that each deemed lot is identifiable using—
- (a) an apportionment factor recorded in the Register of Land Values for the land, or
 - (b) if no apportionment factor is recorded in the Register—an apportionment factor approved for the land by the Regulatory Authority taking into account how an apportionment factor is determined by the Valuer-General under the *Valuation of Land Act 1916*.
- (5) If no apportionment factor is recorded in the Register of Land Values for the land—
- (a) the Regulatory Authority may ask the Valuer-General to determine an apportionment factor for the land, and
 - (b) the Valuer-General must—
 - (i) determine the apportionment factor in accordance with the *Valuation of Land Act 1916*, Part 1B, Division 5 or 5A, and
 - (ii) record the apportionment factor in the Register.
- (6) In this section—
- Register of Land Values*** means the Register of Land Values under the *Valuation of Land Act 1916*.

Schedule 4 Dictionary

section 4

approved CID proposal means a CID proposal approved by the Regulatory Authority under section 12(1)(a) or (b).

CID entity means a person recognised as a CID entity for a CID under section 8(3)(c).

CID proposal—see section 10.

community improvement district or **CID** means a community improvement district declared under section 8.

constituent of a CID—see section 8(3)(b).

exercise a function includes perform a duty.

function includes a power, authority or duty.

government land—see section 24.

non-residential land means land other than the following—

- (a) land categorised as residential by a council for ratings purposes under the *Local Government Act 1993* or would be categorised as residential if it were rateable land under that Act,

Note— See the *Local Government Act 1993*, section 516 for categorisation of land as residential land.

- (b) land of a kind prescribed by the regulations for the purposes of this definition.

Regulatory Authority—see section 6.