

LANDS TITLES REGISTRATION
OFFICE
SOUTH AUSTRALIA

9249820

Series No.	
2	LF

6266. BELOW THIS LINE FOR OFFICE USE ONLY

Date 3 JAN 2002	Time 1140
FEES	
R.G.O.	POSTAGE
87	

LODGEMENT FOR FILING UNDER THE
COMMUNITY TITLES ACT 1996

FORM APPROVED BY THE REGISTRAR-GENERAL

BELOW THIS LINE FOR AGENT USE ONLY

Lodged by: } A. R. & S. A. WARWICK
PROPERTY CONVEYANCERS
GPO BOX 1745
ADELAIDE 5001

Correction to:

AGENT CODE

ARSA (6)

TITLES, CROWN LEASES, DECLARATIONS ETC. LODGED WITH INSTRUMENT
(TO BE FILLED IN BY PERSON LODGING)

1.
2.
3.
4.
5.

Assessor

PICK-UP NO.	
CP	21146.
DEV. NO.	145 : C025 : 01

REGISTRATION FEE \$82.00
Lands Title 1141 03/01/02 102379

CORRECTION	PASSED
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DELIVERY INSTRUCTIONS (Agent to complete)
PLEASE DELIVER THE FOLLOWING ITEM(S) TO
THE UNDERMENTIONED AGENT(S)

ITEM CT/CL REF.	AGENT CODE

FILED 10-1-2002

B. W. D. L. D. S. P. REGISTRAR-GENERAL

TERMS OF INSTRUMENT NOT
CHECKED BY LANDS TITLES OFFICE

BY-LAWS
DEVELOPMENT APPLICATION
NO. 145/C025/01

BY-LAWS
FOR
COMMUNITY TITLES DEVELOPMENT
82 MAIN ROAD MCLAREN VALE

COMMUNITY CORPORATION
NO. 21146 INCORPORATED

WARNING

THE TERMS OF THESE BY-LAWS ARE BINDING ON THE
COMMUNITY CORPORATION AND ALL OWNERS,
OCCUPIERS AND MORTGAGEES IN POSSESSION
OF AND VISITORS TO ANY COMMUNITY LOT WITHIN THE
COMMUNITY SCHEME

THESE BY-LAWS SHOULD BE READ IN CONJUNCTION WITH
THE COMMUNITY TITLES ACT AND REGULATIONS 1996
AS AMENDED

PROPERTY CONVEYANCERS

These By-Laws have been prepared under instructions from
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purposes relating to the Development.

VON DOUSSAS
Solicitors
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(Att: Ross McOmish)

BY-LAWS
FOR
COMMUNITY TITLES DEVELOPMENT
82 MAIN ROAD MCLAREN VALE

- INDEX -

PART I

INTRODUCTION	4
PURPOSE OF THESE BY-LAWS	4

PART II

BY-LAW 1 ADMINISTRATION, MANAGEMENT & CONTROL OF THE COMMON PROPERTY	5
BY-LAW 2 USE AND ENJOYMENT OF THE COMMON PROPERTY	5
BY-LAW 3 USE OF COMMUNITY LOTS	6
BY-LAW 4 BUILDING ON AND ALTERATIONS TO THE COMMUNITY LOTS ..	6
BY-LAW 5 ARCHITECTURAL STANDARDS	6
BY-LAW 6 MAINTENANCE AND REPAIR	6
BY-LAW 7 WATER AND SEWER RATES ETC	7
BY-LAW 8 GARBAGE	7
BY-LAW 9 FINANCIAL CONTRIBUTIONS BY OWNERS	8
BY-LAW 10 INSURANCE	8
BY-LAW 11 CONTROL OF LESSEES AND LICENSEES	8

BY-LAW 12	CORPORATION'S RIGHT TO REMEDY	9
BY-LAW 13	CORPORATION'S RIGHT TO RECOVER MONEY	9
BY-LAW 14	SUPPLY OF BY-LAWS	9
PART III		
SPECIAL MEANING WORDS		9
RULES FOR UNDERSTANDING THESE BY-LAWS		11

BY-LAWS
FOR
COMMUNITY TITLES DEVELOPMENT
82 MAIN ROAD MCLAREN VALE

PART I

INTRODUCTION

Some words used in these By-Laws have a special meaning. Many of the words in these By-Laws where the first letter is in capitals have special meanings. Those meanings are explained in Part III of these By-Laws. In addition, there are some special legal rules that apply to these By-Laws which you need to understand. Those special legal rules are also explained in Part III of these By-Laws.

PURPOSE OF THESE BY-LAWS

These By-Laws have been established for the benefit of owners and occupiers of Residences within the Development. The intention of these By-Laws is to help create harmonious relationships between owners and occupiers and to maintain values of Residences within the Development.

PART II

BY-LAWS

BY-LAW 1 ADMINISTRATION, MANAGEMENT & CONTROL OF THE COMMON PROPERTY

1.1 The Common Property consists of:

- 1.1.1 the piece of land (including the central driveway and road area) described as Common Property on the Community Plan, and
- 1.1.2 all storm water, water supply, sewer, drainage and other infrastructure (if any) installed in the Community Parcel.

The Corporation¹ is responsible for the administration, management and control of the Common Property.

- 1.2 The Corporation may make rules relating to the management and operation of the Common Property.
- 1.3 The Corporation may contract with such persons and contractors as it may decide to provide management, operational, maintenance and other services to the Common Property.

BY-LAW 2 USE AND ENJOYMENT OF THE COMMON PROPERTY

- 2.1 The Common Property is, subject to the Act and these By-Laws, for the common use and enjoyment of residents living in the Development and their visitors.
- 2.2 A person (including owners and occupiers of Residences) shall not attach any fixture to or otherwise alter the Common Property without the consent of all owners.

¹

See Part 9 of the Community Titles Act which deals with the establishment, function and powers of the Corporation and which provides for the appointment of various officers and if desired by lot owners, a management committee.

2.3 An owner or occupier of a Residence must give notice to all other owners of any damage caused to or defect in the Common Property immediately upon becoming aware of it.

BY-LAW 3 USE OF COMMUNITY LOTS

Residences may only be used for residential purposes and for other purposes that are normally incidental or ancillary to the use of land for residential purposes and may not be used for any other purpose.

BY-LAW 4 BUILDING ON AND ALTERATIONS TO THE COMMUNITY LOTS

The only building or structure that may be erected on a Community Lot is a Residence constructed to the design and in accordance with the Architectural Standards.

BY-LAW 5 ARCHITECTURAL STANDARDS

5.1 The Architectural Standards² bind the owners and occupiers of the Residences and the Corporation.

5.2 The owner of a Residence who wishes to modify or add to his/her Residence shall ensure that any such modification or addition is in accordance with the general theme or architectural style of the Architectural Standards.

5.3 The owners may, from time to time, add to or alter the Architectural Standards provided such amendments are not in breach of any of the conditions attached to any relevant planning or development approval.

BY-LAW 6 MAINTENANCE AND REPAIR

6.1 The owners and occupiers of Residences shall keep the Residences including the paintwork and other finishes on the external parts of Residences and the fences clean and tidy and in good repair and condition.

² For a definition of the term "Architectural Standards" see clause 1.3 in Part III to these By-Laws. In essence the Architectural Standards means the theme or architectural style of the Development as illustrated in the designs and specifications (if any) submitted to and approved by the Council prior to the construction.

- 6.2 The owners and occupiers of Residences must carry out all maintenance and repairs to the exterior of buildings in a proper and workmanlike manner.
- 6.3 For the above purposes the owners and occupiers of each Residence shall permit any adjoining owner or occupier (or tradesman retained by such adjoining owner or occupier) to enter and have access to any easement for the purpose of inspecting, maintaining, repairing or clearing any overhanging roof or any service.
- 6.4 The Corporation may from time to time employ such contractors as maybe necessary for the maintenance and repair of the Common Property and the cost of the same to be part of the general expenditure of the Corporation.
- 6.5 The owners and occupiers of a Residence shall:
 - 6.5.1 not obstruct any stormwater disposal system, drains or sewers situated within the Development, and
 - 6.5.2 repair at their own expense any damage caused to the Common Property by such owner or occupier as soon as possible after that damage occurs.

BY-LAW 7 WATER AND SEWER RATES ETC

The Owners and Occupiers of a Community Lot shall allow SA Water and the Electricity Trust of South Australia and their workmen, agents and contractors access to the Common Property and the Community Lots (if required) for the purpose of reading meters and repair of services.

BY-LAW 8 GARBAGE

The owners and occupiers of all Residences shall comply with Council requirements relating to the disposal of garbage.

BY-LAW 9 FINANCIAL CONTRIBUTIONS BY OWNERS

- 9.1 The Corporation may, from time to time, in general meeting of the Community Lot owners, fix by ordinary resolution the amount it requires by way of contributions from the owners of the Residences which monies shall be paid into an Administrative Fund³.
- 9.2 Unless the owners of the Residences otherwise unanimously agree, all contributions to be made by the owners to the Administrative Fund shall be proportional to their individual lot entitlement.

BY-LAW 10 INSURANCE

- 10.1 The Corporation and the owners of the Residences shall in all respects comply with the provisions of Part 10 Division 2⁵ of the Act relating to insurance obligations.
- 10.2 Subject to paragraph 10.3 hereof the Corporation shall ensure each of the Residences for such amount and for such type of cover as the owners shall agree and in the event of disagreement for such amount as the insurer shall advise.
- 10.3 Where the owners agree to each separately insure their Residences, they shall ensure that the same are insured for their full replacement value and shall on request made by any other owner produce to that owner their policy of insurance and Certificate of Currency of insurance.

BY-LAW 11 CONTROL OF LESSEES AND LICENSEES

An owner of a Residence who leases the same to a tenant shall provide such tenant with a copy of these By-Laws and take all such reasonable steps, including but without limitation, any action available to him under such lease to ensure that the tenant and/or any person on

³ See Section 116 of the Community Titles Act which deals with Administration Funds

⁴ See Section 20 of the Community Titles Act for meaning of lot entitlement.

⁵ Sections 103 to 109 of the Community Titles Act lay down certain provisions in relation to the insurance to be maintained by the Corporation and the owners of the Residences. Compliance with these provisions is obligatory.

the Development with the consent (express or implied) of the tenant, complies with these By-Laws.

BY-LAW 12 CORPORATION'S RIGHT TO REMEDY

The Corporation may do anything on a Community Lot which should have been done by an owner or occupier of that Community Lot under these By-Laws but which has not been done or has not been done properly by such owner or occupier and the cost of the same shall be payable by the defaulting owner to the Corporation..

BY-LAW 13 CORPORATION'S RIGHT TO RECOVER MONEY

The Corporation may recover any money owing to it under the By-Laws as a debt.

BY-LAW 14 SUPPLY OF BY-LAWS

A copy of these By-Laws will be supplied by the Corporation to all owners of the Community Lots from time to time or on request of any owner or occupier of a Community Lot.

PART III

SPECIAL MEANING WORDS

1. In these By-Laws, unless the contrary intention appears.

1.1 **the Act:** means the Community Titles Act 1996 as amended and any other act that replaces it.

1.2 **Administrative Fund:** means the administrative fund to be established by the Corporation pursuant to Section 116 of the Act as referred to in By-Law 9.1.

1.3 Architectural Standards: means the theme or architectural style of the development as illustrated in the architect's designs and specifications (if any) submitted with the Development Application to the Council subject to the conditions attached to the Development approval as varied from time to time in accordance with By-Law 5.3 of these By-Laws.

1.4 Common Property: means the common property forming part of the Community Parcel as described in By-Law 1.

1.5 Community Lot: means a lot that is part of the Development which is not the Common Property.

1.6 Community Parcel: means all of the land comprised within the Community Plan.

1.7 Community Plan: means the plan of Community Division deposited with the Registrar General together with these By-Laws.

1.8 the Corporation: means the Community Corporation incorporated on the deposit of the plan of Community Division lodged with the Registrar General together with these By-Laws.

1.9 Council: means the City of Onkaparinga.

1.10 the Development: means the development to be carried out on the property to be situated at and known as 82 Main Road McLaren Vale.

1.11 Residence means a dwelling situated on a Community Lot within the Development.

2. RULES FOR UNDERSTANDING THESE BY-LAWS

- 2.1 If an Owner comprises two or more persons their obligations under these By-Laws are joint and several. This means that each one of those persons may alone be made to pay any moneys payable by those persons or to perform any obligation imposed on those persons pursuant to these By-Laws.
- 2.2 Words suggesting natural persons include companies and vice versa.
- 2.3 Words suggesting the single number include the plural number and vice versa.
- 2.4 Words suggesting any gender include all genders.
- 2.5 Headings are for reference only and do not affect interpretation.
- 2.6 If the whole or any part of a By-Law is found to be void, unenforceable or illegal, it shall be deemed to be severed from these By-Laws and the remainder of the By-Laws shall have full force and effect unless such severance is contrary to public policy or alters the basic nature of these By-Laws.
- 2.7 Reference to an authority includes any new or substitute authority which carried out substantially the same functions.
- 2.8 Any power, remedy or right vested in the Corporation by the By-Laws may be exercised in its discretion either separate or concurrently with any other power, remedy or right and any delay by the Corporation in exercising any such power, remedy or right does not prevent it from subsequently doing so.
- 2.9 The powers, remedies or rights vested by these By-Laws in the Corporation are in addition to all such powers, remedies or rights provided for in the Act and any other law.

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