



LANDS TITLES REGISTRATION OFFICE

SOUTH AUSTRALIA

LODGEMENT FOR FILING UNDER THE
COMMUNITY TITLES ACT 1996

FORM APPROVED BY THE REGISTRAR-GENERAL

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CORRECTION TO: Psarros & Allen Registered Conveyancers

SUPPORTING DOCUMENTATION LODGED WITH INSTRUMENT
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PICK-UP NO.	
CP	40849

CORRECTION	PASSED 
FILED  1/3/2017  PRO REGISTRAR-GENERAL	

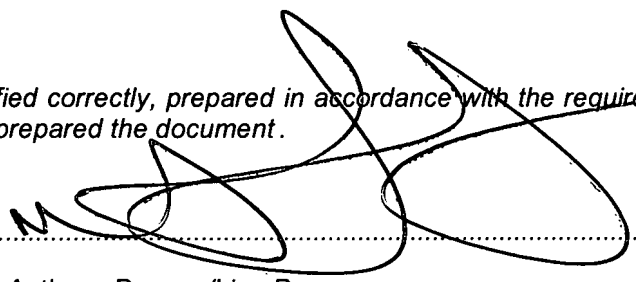
COMMUNITY TITLES ACT 1996

BY – LAWS

COMMUNITY CORPORATION NO.40849 INC.

ADDRESS: 2 RAILWAY TERRACE HOVE SA 5048

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



Mark Anthony Psarros/~~Lina Psarros~~
130 Franklin Street, Adelaide SA 5000

COMMUNITY TITLES ACT 1996
COMMUNITY PLAN NO. 40849
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COMMUNITY SCHEME PLAN NO. 40849

BY-LAWS of the community scheme in relation to the land divided by the plan of community division deposited in the Lands Titles Registration Office and numbered 40849 made pursuant to section 34 of the Community Titles Act 1996.

PART 1 – PRELIMINARY

Interpretation

1. (1) In these by-laws, unless the contrary intention appears –

“the Act” means the Community Titles Act 1996;

“the corporation” means the community corporation established upon the deposit of the plan;

“the plan” means the plan of community division deposited in the Lands Titles Registration Office and numbered 40849;

“building” means building or other improvement;

“the common property” means the common property created by the plan and includes the service infrastructure (except any part of the service infrastructure that provides a service to only one lot or that is vested in a Minister of the Crown or other authority or person) and any other common property described in section 28 (1) of the Act;

“the community parcel” means the land divided by the plan except any street, road, thoroughfare, reserve or other similar open space that is vested in a council or a prescribed authority or that reverts to the Crown under section 26 of the Act;

“lots” means a lot created by the division of the land divided by the plan and includes any building on the lot;

“occupier” in relation to a lot means the occupier of the lot and, if the lot is not occupied, means the owner of the lot;

“service infrastructure” means any cables, wires, pipes, sewers, drains, ducts, plant or equipment by which lots or common property are provided with water, gas or electricity supply or reticulation, telephone services, sewer systems or drainage or other systems or services designed to improve the amenity, or enhance the enjoyment, of lots or common property;

“visitor” means any person who is on the community parcel at the invitation, by the licence, or with the permission, of the owner or occupier of a lot.

- (2) Any term defined in the Act and used in these by-laws has the meaning stated in the Act unless the contrary intention appears.

PART 2 – COMMON PROPERTY

Administration of common property

2. The corporation shall administer, manage and control the common property.
- (a) The Corporation shall maintain repair and replace all of the improvements and service infrastructure in or forming part of the common property,
 - (b) without limiting the effect of By-Law 2 (a) the community corporation shall regularly service and clean all storm water silt traps situated in any roadway or driveway forming part of the common property,
 - (c) the corporation shall ensure that all public lighting within the common property is in good working order and the corporation shall maintain repair and replace the public lighting as and when required,
 - (d) the corporation shall irrigate and properly maintain all lawns gardens and trees situated on the common property,
 - (e) the corporation must ensure that the common property is insured at all times in the name of the community corporation as specified in Division 2 Section 103 and Section 104 of the Community Titles Act 1996.

Use of common property

3. (1) Subject to the Act, these by-laws and any rights that may be granted by the corporation, the owners and occupiers of lots in the community parcel and their visitors may, jointly with the owners and occupiers of the other lots in community parcel and their visitors, use and enjoy the common property for the purposes for which it is provided.
- (2) Owners and occupiers of lots must comply with these by-laws and any rules made, or conditions imposed, by the corporation from time to time relating to the use or enjoyment of the common property.
- (3) Owners and occupiers of lots must not, without the prior consent in writing of the corporation, construct any building fence pergola or other structure on the common property.

PART 3 – COMMUNITY LOTS

Use of lots

7. (1) Lots may be used for residential purposes and for purposes that are normally incidental or ancillary to the use of land for residential purposes but must not be used for any other purpose.
- (2) A person must not use, or suffer or permit a lot to be used, for any unlawful purpose.

Insurance on lots

8. Lot owners must insure their lot as per Section 109 of the Community Titles Act 1996 for full replacement value, and any other insurance on the lot that the lot owner and or insurance company would insure a lot or dwelling for which a prudent person would normally insure for.

PART 4 – THE CORPORATION

Exemption under section 35 of the Act

9. The corporation is exempt from the requirements of the Act –
 - (a) that it holds annual general meetings (except the first general meeting);
 - (b) that it prepares accounting records of the corporation's receipts and expenditure and annual statements of account;
 - (c) that it has the annual statement of accounts audited;
 - (d) that it establish administrative and sinking funds; and
 - (e) that it maintains a register of the names of the owners of the community lots.

Votes of members

10. One vote may be cast in respect of each community lot on any matter arising for decision at a general meeting of the corporation.

- (4) The corporation may withdraw any consent given under this by-law at any time unless the consent specifies a period of notice that must be given before the consent is withdrawn.

Offences on common property

4. A person must not without the prior consent in writing of the corporation –
- (a) enter upon the common property or use the common property in any manner or for any purpose provided that this clause does not apply to the owners and occupiers of lots or their visitors,
 - (b) obstruct, or unreasonably interfere with, the lawful use of the common property by the owner or occupier of any lot or his or her visitors,
 - (c) damage or interfere with any building, tree, plant or garden on the common property, or
 - (d) deposit any rubbish, waste or other material (whether of a similar nature or not) on the common property.

Traffic and Parking

5. (1) A person must not drive a motor vehicle on the common property except on a roadway provided by the corporation for use by motor vehicles.
- (2) A person must not obstruct vehicular or pedestrian traffic on the common property.
- (3) Subject to clause (4) of this by-law, a person must not park, service or repair a motor vehicle on the common property.
- (4) Owners and occupiers of lots and their visitors may park motor vehicles in any area provided by the corporation for the parking of motor vehicles by owners and occupiers and their visitors subject to compliance with these by-laws and any rules made, or conditions imposed, by the corporation from time to time.

Notice of defects in common property

6. Owners and occupiers of lots must give the corporation notice of any damage to, or defect in, the common property immediately they become aware of the damage or defect.

PART 5 – GENERAL

Offences

11. A person who contravenes, or fails to comply with, any provision of these by-laws is guilty of an offence.

Maximum penalty: \$500.00