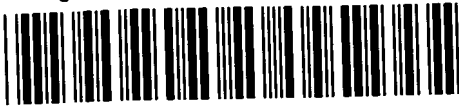


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16:43 25-May-2016
2 of 3

LANDS TITLES REGISTRATION
OFFICE
SOUTH AUSTRALIA

**LODGEMENT FOR FILING UNDER
THE COMMUNITY TITLES ACT 1996**

FORM APPROVED BY THE REGISTRAR-GENERAL

**BELOW THIS LINE FOR OFFICE &
STAMP DUTY PURPOSES ONLY**

Prefix
LF
Series No.
2

BELOW THIS LINE FOR AGENT USE ONLY

AGENT CODE

Lodged by: *Piper Alderman* **PIAL**

Correction to: Piper Alderman **PIAL**

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

- 1.....
- 2.....
- 3.....
- 4.....

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

ITEM(S)	AGENT CODE

PICK-UP NO.	
CP	

CORRECTION	PASSED <i>MM</i>
FILED 1/6/2016 <i>Mark McNeil</i> PRO REGISTRAR-GENERAL	



DEVELOPMENT APPLICATION - 020/C002/16

Planning Conditions

1. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and plans submitted in Development Application No 020/C002/16:
 - a. Alexander & Symonds Pty Ltd Reference A111413COM1(D) Sheets 1- 12 dated 18/12/2015
 - b. Email from Craig McRostie regarding notation of plans dated 6/04/2016

Land Division Requirements

2. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

ADVISORY NOTES:

- a. The development must be substantially commenced or application for certificate made within 12 months of the date of this Notification, unless this period has been extended by the Development Assessment Commission.
- b. The authorisation will lapse if not commenced within 12 months of the date of this Notification.
- c. The applicant is also advised that the final land division certificate must be obtained from the Development Assessment Commission to complete the development within 3 years of the date of the Notification unless this period is extended by the Commission.



Simon Neldner

TEAM LEADER – REGIONAL AND OUT OF COUNCILS
as delegate of the
DEVELOPMENT ASSESSMENT COMMISSION

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SCHEME DESCRIPTION
Development No. 020/C002/16

COMMUNITY TITLES ACT 1996

SCHEME DESCRIPTION

COMMUNITY PLAN NO. 40515

FOR

"Vue on KWS"

411-427 King William Street Adelaide SA 5000

Form 10

Sections 30(1)(ia), 31(3)(ab), 34(2)(e), 39(5a), 47(2)(ka), 50(7)(a)

Certificate as to preparation of scheme description, by-laws or development contracts

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



Anthony Robert Britten-Jones, Lawyer of Level 16, 70 Franklin Street Adelaide SA 5000

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SCHEME DESCRIPTION
Development No. 020/C002/16

**COMMUNITY SCHEME DESCRIPTION
COMMUNITY PLAN NO. 45015**

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SCHEME DESCRIPTION
Development No. 020/C002/16

1. **Definitions/Interpretation**

In this Scheme Description:

- 1.1 A term which is defined by the Act has the definition given to it in the Act;
- 1.2 **Act** means the *Community Titles Act 1996*;
- 1.3 **Building** means the twenty-seven level building comprising apartments and commercial premises, together with any associated balconies, courtyards and common property;
- 1.4 **Common Property** means the Common Property created by the Community Plan;
- 1.5 **Community Parcel** means the whole of the land comprised in Certificate of Title Register Book Volume 5795 Folio 64;
- 1.6 **Community Plan** means Community Plan No. 40515;
- 1.7 **Corporation** means Community Corporation No. 40515 Incorporated;
- 1.8 **Developer** means Vue on KWS Pty Ltd ACN 165 101 655 and includes any related body corporate (as defined by the Corporations Act 2001) of the foregoing entity that is or becomes involved in the Development and/or the Project, as the case may be;
- 1.9 **Development** means the development of Community Lots in accordance with paragraph 5 and development of the Common Property in accordance with paragraph 6;
- 1.10 **Development Approval** means the approval as amended or varied from time to time granted under the *Development Act 1993* by the Development Assessment Commission as the relevant development authority pursuant to Development No. 020/C002/16;
- 1.11 singular includes plural and plural includes singular; and
- 1.12 headings do not affect interpretation.

2. **Identification of the Community Parcel, Community Lots and Common Property**

- 2.1 The Community Parcel and the Community Lots and Common Property into which the parcel is to be divided the whole of the land contained in Certificate of Title Register Book Volume 5795 Folio 64 being the property located at 411-427 King William Street Adelaide South Australia and known as "Vue on King William".

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SCHEME DESCRIPTION
Development No. 020/C002/16

- 2.2 The community plan is a primary plan to divide the Community Parcel into 212 community lots (**Community Lots**) comprising residential premises (**Residential Community Lots**) and commercial premises (**Commercial Community Lots**) and Common Property.
- 2.3 There are no development lots.
3. **Purposes for which the Community Lots and Common Property may be used**
- 3.1 The Residential Community Lots shall be used for residential purposes and storage and car parking associated with residential use.
- 3.2 Commercial Community Lots
- (a) The fitout of the Commercial Community Lots shall be designed in accordance with quality design principles and be comprised of good quality materials which are installed in a professional and tradesman-like manner.
 - (b) The Commercial Community Lots shall not be used for:
 - (i) residential purposes; or
 - (ii) any noxious, noisy, dangerous, immoral or offensive use, purpose, or activity (having regard to the nature of the business and the noise generally expected from the business); or
 - (iii) any purpose or activity which may cause unreasonable annoyance, nuisance, damage or disturbance to any persons who occupy or own any other Commercial Community Lot or Residential Community Lot or which may adversely impact on, affect or detract from the presentation and regulation or the use and enjoyment of the Building by the owners or occupiers of the Community Lots and the general public (having regard to the nature of the business and the times and hours such business is permitted to and are normally open and the noise generally expected from the business).
 - (c) The business(es) conducted from any Commercial Community Lot shall be entitled to:
 - (i) operate during the times and subject to the conditions of the liquor licences (if any) in respect of the Commercial Community Lot imposed by the Commissioner of Liquor and Gaming (or any authority with similar powers) and otherwise in accordance with any laws governing the trading hours of such businesses;

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SCHEME DESCRIPTION
Development No. 020/C002/16

- (ii) engage in activities within or ancillary to the ordinary course of their business(es) without interference from the Corporation or any owner or occupier of a Lot,

PROVIDED THAT the Commercial Community Lots are only used for reputable quality commercial purposes and subject always to paragraphs 3.2(a) and (b).

- (d) For the avoidance of doubt, nothing in this paragraph 3.2 prohibits the by-laws and/or the Corporation from containing or giving reasonable directions or making reasonable rules in regard to security of the Community Parcel, safety of Lot owners and occupiers and their visitors, presentation, cleanliness and the standard of repair of the Commercial Community Lots and anything else which by-laws are permitted to regulate under the Act.

3.3 The Common Property is intended to be used for the purpose of providing:

- (a) access to the Community Lots and lot subsidiaries including entrance areas, walkways, ramps, driveways, passages and stairways;
- (b) lobby;
- (c) elevators and elevator shafts;
- (d) loading facilities;
- (e) garbage disposal and recycled green waste facilities;
- (f) storage areas and mail boxes;
- (g) car parks and visitor parking;
- (h) gymnasium;
- (i) swimming pool;
- (j) toilets and change rooms;
- (k) rooftop garden and BBQ;
- (l) pump rooms;
- (m) fire control;

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SCHEME DESCRIPTION
Development No. 020/C002/16

- (n) airlocks and ducts;
- (o) communications rooms;
- (p) service infrastructure;
- (q) signage;
- (r) service areas including a storm water interceptor system;
- (s) services including meter reading, repairs and maintenance; and
- (t) for other uses approved by the Corporation from time to time.

4. Standard of Buildings and Other Improvements

- 4.1 For the standard of buildings and other improvements to be erected or made by the Developer, refer to clauses 5 and 6 of this Scheme Description.
- 4.2 Any additional buildings or improvements, or alterations or additions to existing buildings or improvements, or replacement of existing buildings or improvements, whether on Community Lots or Common Property, shall be located, designed and constructed in a manner and to a standard consistent with the buildings and improvements undertaken by the Developer.

5. Development of Community Lots

- 5.1 The Developer has developed a twenty seven (27) level building on the Community Parcel and developed the Common Property in accordance with the Development Approval.
- 5.2 The standard of the work performed and the materials used on the Community Lots will be a fair average standard or such higher standard as the Developer, in its absolute discretion, has determined.

6. Development of the Common Property

- 6.1 It is intended that the Common Property will be comprised of any one or more of the following:
 - (a) the external structures of the Building constructed on the Community Parcel;

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SCHEME DESCRIPTION
Development No. 020/C002/16

- (b) walkways, stairways, driveways, pathways, passages, mail boxes, visitor carpark, bicycle storage areas, w/c facilities and entrance areas for access to the Community Lots and lot subsidiaries;
- (c) elevators and elevator shafts;
- (d) garbage disposal and recycled green waste facilities and other waste facilities;
- (e) a stormwater interceptor system and pump out system;
- (f) sewer pumps;
- (g) signage;
- (h) hot water system(s);
- (i) storage areas including but not limited to storage for services, plant and equipment;
- (j) transformer vault room area in the basement and associated areas on the ground floor for electricity supply purposes;
- (k) communications room area on the ground floor;
- (l) main switchboard area on the ground floor;
- (m) pump room area on the ground floor;
- (n) lobby area on the ground floor;
- (o) swimming pool area on the seventh floor;
- (p) gymnasium area on the seventh floor;
- (q) male and female change rooms and associated facilities on the seventh floor;
- (r) deck, rooftop garden and BBQ area on the seventh floor;
- (s) roof terrace on the twenty-seventh floor;
- (t) common landscape areas;
- (u) provision for service infrastructure including but not limited to fire hydrant, fire stairs, fire booster cabinet and water meter; and

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SCHEME DESCRIPTION
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(v) lighting on the Common Property.

- 6.2 The Developer intends to construct the improvements referred to in clause 6.1 on the Common Property. Any such construction shall be in accordance with the Development Approval.
- 6.3 The standard of the work to be performed and the materials to be used on the Common Property will be a fair average standard or such higher standard as the Developer, in its absolute discretion, may determine and such works (if undertaken by the Developer) will be undertaken prior to the expiry of the Development Approval or granted extensions thereof.
- 6.4 The Developer shall be under no obligation to further develop the Lots or Common Property once the Development has been substantially completed.

7. Conditions of Development Imposed Pursuant to the Development Act 1993

The division of the Community Parcel and construction of the building are subject to conditions imposed by the relevant development authority pursuant to the Development Approval.

These conditions are annexed.

8. Other Important Features of this Scheme

8.1 Telecommunications Leases

A portion of the roof may be leased to:

- (a) telecommunications service providers for the erection, maintenance and operation of mobile phone and other telecommunications towers, networks, services, facilities, plant and equipment and associated purposes; and/or
- (b) owners of Lots and/or occupiers of Lots for the purpose of erecting, maintaining and operating communications equipment, telecommunications equipment and/or television receiving devices that the Latholder and/or occupier may require.

8.2 Recreation Area

- (a) A portion of the Common Property on the seventh floor of the Building is to be used as a gymnasium, swimming pool, rooftop garden, deck and BBQ area (**Recreation Area**).

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- (b) The Recreation Area will be made available for use by any owner or occupier of a Residential Community Lot.
- (c) The Corporation may enter into agreements with third parties for the operation, management, maintenance, replacement of and the provision, licensing, leasing and/or hire of goods, services and equipment (including without limitation agreements relating to the swimming pool and the gymnasium plant and any associated plant and equipment) for and in respect of the Recreation Area, on such terms as the Corporation considers appropriate.
- (d) The Corporation will be liable for the operation, maintenance, management and replacement costs of the Recreation Area and the costs of the provision, licensing, leasing and/or hire of goods, services, plant and equipment (including without limitation costs relating to the swimming pool, the gymnasium and any associated plant and equipment) to the Recreation Area (**Outgoings**), which Outgoings will be recovered from the owners of the Lots as community contributions.
- (e) The Corporation will grant the owners or occupiers of Residential Community Lots licences to access and use the Recreation Area on such terms as the Corporation considers appropriate (**Licences**). The Corporation will not charge the owners or occupiers of Residential Community Lots a fee in addition to their contributions towards the Outgoings for the use of the Recreation Area.
- (f) The Corporation may make such rules as it considers appropriate in relation to the use of the Recreation Area, subject to any agreements entered in relation to the Recreation Area and the Licences.

8.3 General

The Corporation will co-ordinate the security and maintenance of the Community Parcel and the effective operation of the Common Property and for this purpose may enter into appropriate contracts with third parties for the provision of plant, equipment, goods and services for the benefit of owners of Community Lots.

8.4 Airconditioning Units

Airconditioning units are proposed to be located on certain sections of the roof.

9. Apportionment of contributions

Any costs imposed by the Corporation which are attributable to or in respect of services, parts or facilities of the Common Property that are not for the benefit of or used by all Lots, but are used

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SCHEME DESCRIPTION
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exclusively for the benefit of particular owners or occupiers of Lots shall be imposed on the owners or levied upon the Lots that have the use or benefit of those particular services, parts or facilities of the Common Property in such proportions as the Corporation shall determine (acting reasonably).

10. **Encroachment**

10.1 The Developer has constructed a canopy on the ground level of the Building (being the area marked "Canopy" on the Community Plan) which forms part of the Building, comprises part of the Common Property on the Community Parcel and encroaches over portion of King William Street and Holland Street Adelaide as marked on the Community Plan (**Encroachment**).

10.2 For the purposes of this Scheme Description, each person bound by this Scheme Description acknowledges that:

- (a) the Encroachment forms part of the Common Property and this Scheme Description applies to the Encroachment as though the Encroachment formed part of the Common Property;
- (b) the Encroachment may be subject to a licence from the Adelaide City Council (**Council**) under the Local Government Act, which licence will be maintained by the Corporation;
- (c) the Corporation may make such rules as it considers appropriate in relation to the use, management and operation of the Encroachment, subject to any licence entered into with Council;
- (d) the Corporation must, at its own cost and expense:
 - (i) comply with any conditions imposed by Council in respect of the Encroachment including but not limited to effecting and maintaining any insurance policies required by Council;
 - (ii) must repair, replace, clean and maintain the Encroachment in a good, structurally sound and water tight condition; and
 - (iii) attend to the management and operation of the Encroachment,(collectively **Encroachment Obligations**);

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- (e) the Corporation may enter into agreements with third parties for the purposes of complying with its Encroachment Obligations on such terms as the Corporation considers appropriate (**Encroachment Agreements**); and
- (f) any expenses, fees, costs and charges incurred by the Corporation of and incidental to compliance with its Encroachment Obligations or associated with any Encroachment Agreements (including but not limited to the costs of the provision, licensing, leasing and/or hire of goods, services, plant and equipment) will be recovered from the owners of the Lots as contributions pursuant to the Act.

11. Other Information Required by the Regulations to the Community Titles Act 1996

No other information is required by the regulations.

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SCHEME DESCRIPTION
Development No. 020/C002/16


Endorsement by Relevant Development Authority

The Development Assessment Commission hereby endorses this Scheme Description in accordance with section 14(4)(d) of the *Community Titles Act 1996*.


1. All the consents or approvals required under the *Development Act 1993* in relation to the division of the land (and a change in use of the land (if any)) in accordance with the Scheme Description and Plan of Community Division have been granted.
2. This endorsement does not limit a relevant authority's right to refuse, or to place conditions on, development authorisation under the *Development Act 1993* in relation to any other development envisaged by this Scheme Description.

This Scheme Description is endorsed by the Development Assessment Commission.

Signed

 (MARK ADCOCK)

Witness



Date

25/5/16

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checked by Lands Titles Office

SCHEME DESCRIPTION
Development No. 020/C002/16

Annexure A – Community Land Division Approval Development No. 020/C002/16

South Australia - Regulation 42 under the Development Act 1993

DECISION NOTIFICATION FORM

Contact Officer: Yasmine Alliu
Telephone: 08 71097076
KNET Reference: 10327120

Development Number:
020/C002/16
Council Reference:
LD/3/2016

FOR DEVELOPMENT APPLICATION

DATED: 1 February 2016
REGISTERED ON: 1 February 2016

TO: Vue on KWS Pty Ltd
 c/- Alexander Symonds Pty Ltd
 PO Box 1000
 Kent Town SA 5071
EMAIL: planning@alexander.com.au

LOCATION OF PROPOSED DEVELOPMENT:

Lot No	Street	Suburb	Hundred	CT Reference
A7, DP 23156	King William Street	Adelaide	Adelaide	5795/64

NATURE OF PROPOSED DEVELOPMENT: Community Land Division (1 into 212 allotments)

From: DEVELOPMENT ASSESSMENT COMMISSION

In respect of this proposed development you are informed that:

NATURE OF DECISION	CONSENT GRANTED	NO. OF CONDITIONS	CONSENT REFUSED	NOT APPLICABLE
Development Plan Consent	GRANTED	1		
Land Division Consent [Strata]	GRANTED	1		
DEVELOPMENT APPROVAL	GRANTED	2		

Any conditions imposed are set out on the attached sheet.



Simon Neldner
TEAM LEADER – REGIONAL AND OUT OF COUNCILS
as delegate of the
DEVELOPMENT ASSESSMENT COMMISSION
Date of Decision: 7.4.2016
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