

COMMUNITY TITLES COMMUNITY PLAN NO. 41726

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1. Interpretation

In this Development Contract:

“Act” means the Community Titles Act 1996.

“By-Laws” means By-Laws filed with this Plan of Community Division

“Common Property” means the Common Property defined in the Plan of Community Division.

“Community Parcel” means the land situated at Boettcher Road Goolwa in the State of South Australia being an allotment comprising pieces 71 & 72 Deposited Plan 111665 of the land comprised in Certificate of Title Register Book Volume 6203 Folio 779.

“Corporation” means the Community Corporation established when the Plan of Community Division is deposited by the Registrar General in the Lands Titles Registration Office.

“Council” means the Alexandrina Council.

“Developer” means Geoffrey David Eastwood of PO Box 445 Goolwa SA 5214 and any other owner of the Community Parcel prior to deposit of the Plan of Community Division and after the deposit of the Plan of Community Division.

“Development Consent” means the development authorisation under the Development Act 1993 approved by the Council or other relevant planning authority as amended or modified from time to time.

“Development Lot” means the Development Lots comprising pieces 81 & 82 shown on the Plan of Community Division after Deposit of the Plan of Primary Community Division.

“Plan of Community Division” means the community plan deposited with this Development Contract.

“Scheme Description” means the Scheme Description filed with this Development Contract.

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

- 2.1 The community parcel, the lots and the common property into which the parcel is to be divided are identified on Community Plan.
- 2.2 The community plan is a primary plan being a division into ten (10) community lots, one (1) development lots comprising pieces 81 & 82 and common property.
- 2.3 The community plan has been developed to accommodate residential usage that may be related to aircraft activity serviced by a roadway, and taxiway, within the common property.

3. Purpose for which the Lots and Common Property can be used

- 3.1 The community lots number 17-26 (both inclusive) and future community lots which result from the development of the Development Lot may be used for rural living and for the facilities and infrastructure required to service rural living which may be associated with the use of aircraft.
- 3.2 The common property shall be used as a roadway and in defined areas as a taxiway to the community lots and for the accommodation of service infrastructure.
- 3.3 The Lot owner may enter into a Commercial Agreement with the Registered Proprietor of the airstrip which is more particularly defined as “J” in Deposited Plan 111665 and which said area “J” is comprised in the adjoining contiguous Certificate of Title Register Book Volume 6203 Folio 778 which is known as the Goolwa Airstrip – to access and use that area marked “J”.

4. Standard of Buildings and Other Improvements

- 4.1 All building, improvements, or alterations or additions to existing buildings or improvements or replacement of existing building, or improvements, whether on lots or common property shall be located, designed, constructed and finished in a manner consistent with other buildings and improvements located upon the adjoining lots but in any event a residence must not be of a temporary nature or be constructed of second hand materials.
- 4.2 The minimum standard for buildings and improvements to be constructed on the community lots shall be as stipulated in the buildings approval to be granted upon application by Alexandrina Council.
- 4.3 The area between the front of any building or improvement on the community lot and the common property shall be landscaped and maintained in a neat and tidy condition.

4.4 All boundary fencing on the community lots within 8 metres of the common property or forward of the front alignment of the dwelling house shall be of rural character and of open see through nature using plain wire, mesh, tubular steel or timber post and rail.

5. Obligation to maintain Goolwa Airport Operations and Develop Community Lots

5.1 The developer will construct the ancillary services in accordance with the Planning Approval Conditions set out on the Decision Notification Form dated 14th July 2014 by the Alexandrina Council as set out in attachment A.

6. Developers Obligations to Improve or Develop the Common Property

6.1 The developer may construct or has constructed an all weather sealed driveway and suitable taxiway on the common property and shall install the service infrastructure in accordance with the Planning Approval Conditions referred to in clause 5.1.

6.2 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.

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

7.1 The further division of the community lots and construction of improvements and ancillary services is subject to conditions or requirements imposed by either the Alexandrina Council or the State Commission Assessment Panel.

8. Details of Future Stages of the Scheme

8.1 The Development Lot which comprises pieces 81 & 82 is identified on the plan attached as annexure B (the Plan).

8.2 The Plan shows the proposed possible future division of these Development Lots which is expressly subject to Development Authorisation under the Development Act of 1993 being granted by the relevant planning authority to the Developer.

8.3 If developed the community lots within the Development Lots would be residential usage with associated out-buildings for storage. They would be serviced from the Common Property and would be self contained for water and for effluent disposal.

8.4 It is proposed that the Development Lots may be developed in stages as market conditions dictate, provided Lots shall be used for residential usage with possible associated aircraft activity.

9. Other Information Required by the Regulations

No other information is required by the Regulations

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Signature of the REGISTERED PROPRIETOR – **GEOFFREY DAVID EASTWOOD**

.....
Signature of WITNESS – Signed in my presence by the REGISTERED
PROPRIETOR who is either personally known to me or has satisfied me
as to his or her identity.

.....
Print Full name of Witness (BLOCK LETTERS)

.....
Address of Witness

.....
Business Hours Telephone Number

ENDORSEMENT BY ALEXANDRINA COUNCIL

1. All the consents or approvals required under the Development Act 1993 in relation to the division of land in accordance with the Scheme Description attached and the relevant plan of community division under the Community Titles Act 1996 have been granted for a Community Title land division of the land into ten (10) community lots, one (1) development lot and common property.
2. However, this endorsement does not limit the Alexandrina Council or other relevant authority's right to refuse, or place conditions on Development approvals under the Development Act 1993 in relation to other development envisaged by the scheme or other authorisations still required.

In this regard you are reminded that Provisional Development Plan Consent and Provisional Building Rules Consent is still required for improvements and usage for each community lot and other forms of Development (as defined in the Development Act 1993) that have not to date received all the required consents. Similarly, any other forms of development (as defined in the Development Act, 1993) that have not been discussed in the Scheme Description will require an application to be lodged with Council for the necessary consents.

Signed

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capacity
for and on behalf of Alexandrina Council