

FORM 1 - Vendor's Statement

(Section 7 Land and Business (Sale and Conveyancing) Act 1994)

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Preliminary

To the purchaser:

The purpose of a statement under section 7 of the *Land and Business (Sale and Conveyancing) Act 1994* is to put you on notice of certain particulars concerning the land to be acquired. If you intend to carry out building work on the land, change the use of the land or divide the land, you should make further inquiries to determine whether this will be permitted. For example, building work may not be permitted on land not connected to a sewerage system or common drainage scheme if the land is near a watercourse, dam, bore or the River Murray and Lakes.

The *Aboriginal Heritage Act 1988* protects any Aboriginal site or object on the land. Details of any such site or object may be sought from the "traditional owners" as defined in that Act.

If you desire additional information, it is up to you to make further inquiries as appropriate.

Instructions to the vendor for completing this statement:

☐ means the Part, Division, particulars or item may not be applicable.

If it is applicable, ensure the box is ticked and complete the Part, Division, particulars or item.

If it is not applicable, ensure the box is empty or strike out the Part, Division, particulars or item. Alternatively, the Part, Division, particulars or item may be omitted, but not in the case of an item or heading in the table of particulars in Division 1 of the Schedule that is required by the instructions at the head of that table to be retained as part of this statement.

* means strike out or omit the option that is not applicable.

All questions must be answered with a YES or NO (inserted in the place indicated by a rectangle or square brackets below or to the side of the question).

If there is insufficient space to provide any particulars required, continue on attachments.

PART A – PARTIES AND LAND

1 Purchaser:

Address:

2 Purchaser's registered agent:

Address:

3 Vendor:

MICHAEL KALLIOS AND DESPINA KALLIOS

Address:

25 FISHER TERRACE, FULHAM GARDENS SA 5024

4 Vendor's registered agent:

MJ Enterprises Pty Ltd T/A Magain Real Estate

Address:

74 Brighton Road Glenelg East SA 5045

5 Date of contract (if made before this statement is served):

6 Description of the land:

[Identify the land including any certificate of title reference]

Being the land situated at Lot 48/55 Liberator Way, Wallaroo SA 5556 and being whole of the land in Certificate of Title Volume 6249 Folio 591 and being whole of Allotment 48 on Deposited Plan 125833 in the Area named Wallaroo in the Hundred of Wallaroo

PART B – PURCHASER'S COOLING-OFF RIGHTS AND PROCEEDING WITH THE PURCHASE

To the purchaser:

Right to cool-off (section 5)

1 – Right to cool-off and restrictions on that right

You may notify the vendor of your intention not to be bound by the contract for the sale of the land UNLESS–

- (a) you purchased by auction; or
- (b) you purchased on the same day as you, or some person on your behalf, bid at the auction of the land; or
- (c) you have, before signing the contract, received independent advice from a legal practitioner and the legal practitioner has signed a certificate in the prescribed form as to the giving of that advice; or
- (d) you are a body corporate and the land is not residential land; or
- (e) the contract is made by the exercise of an option to purchase not less than 5 clear business days after the grant of the option and not less than 2 clear business days after service of this form; or
- (f) the sale is by tender and the contract is made not less than 5 clear business days after the day fixed for the closing of tenders and not less than 2 clear business days after service of this form; or
- (g) the contract also provides for the sale of a business that is not a small business.

2 – Time for service

The cooling-off notice must be served–

- (a) if this form is served on you before the making of the contract– before the end of the second clear business day after the day on which the contract was made; or
- (b) if this form is served on you after the making of the contract– before the end of the second clear business day from the day on which this form is served.

However, if this form is not served on you at least 2 clear business days before the time at which settlement takes place, the cooling-off notice may be served at any time before settlement.

3 – Form of cooling-off notice

The cooling-off notice must be in writing and must be signed by you.

4 – Methods of service

The cooling-off notice must be–

- (a) given to the vendor personally; or
- (b) posted by registered post to the vendor at the following address:

25 FISHER TERRACE, FULHAM GARDENS SA 5024

(being the vendor's last known address); or

- (c) transmitted by fax or email to the following fax number or email address:

brett@magain.com.au

(being a number or address provided to you by the vendor for the purpose of service of the notice); or

- (d) left for the vendor's agent (with a person apparently responsible to the agent) at, or posted by registered post to the agent at, the following address:

74 Brighton Road Glenelg East SA 5045

(being ~~the agent's address for service under the Land Agents Act 1994~~ an address nominated by the agent to you for the purpose of service of the notice).

Note–

Section 5(3) of the *Land and Business (Sale and Conveyancing) Act 1994* places the onus of proving the giving of the cooling-off notice on the purchaser. It is therefore strongly recommended that –

- (a) if you intend to serve the notice by leaving it for the vendor's agent at the agent's address for service or an address nominated by the agent, you obtain an acknowledgment of service of the notice in writing; or
- (b) if you intend to serve the notice by fax or email, you obtain a record of the transmission of the fax or email.

5 – Effect of service

If you serve such cooling-off notice on the vendor, the contract will be taken to have been rescinded at the time when the notice was served. You are then entitled to the return of any money you paid under the contract other than–

- (a) the amount of any deposit paid if the deposit did not exceed \$100; or
- (b) an amount paid for an option to purchase the land.

Proceeding with the purchase

If you wish to proceed with the purchase—

- (a) it is strongly recommended that you take steps to make sure your interest in the property is adequately insured against loss or damage; and
- (b) pay particular attention to the provisions in the contract as to time of settlement - it is essential that the necessary arrangements are made to complete the purchase by the agreed date - if you do not do so, you may be in breach of the contract; and
- (c) you are entitled to retain the solicitor or registered conveyancer of your choice.

PART C – STATEMENT WITH RESPECT TO REQUIRED PARTICULARS

(section 7(1))

To the purchaser:

*+ / We,

MICHAEL KALLIOS AND DESPINA KALLIOS

of

25 FISHER TERRACE, FULHAM GARDENS SA 5024

being the *vendor(s)/person authorised to act on behalf of the vendor(s) in relation to the transaction state that the Schedule contains all particulars required to be given to you pursuant to section 7(1) of the *Land and Business (Sale and Conveyancing) Act 1994*.

Date: 20/01/2025

Signed:

Despina Kallios

Date: 20/01/2025

Signed:

Michael Kallios

PART D – CERTIFICATE WITH RESPECT TO PRESCRIBED INQUIRIES BY REGISTERED AGENT

(section 9)

To the purchaser:

I,

BRETT TAYLOR

certify *that the responses/~~that, subject to the exceptions stated below, the responses~~ to the inquiries made pursuant to section 9 of the *Land and Business (Sale and Conveyancing) Act 1994* confirm the completeness and accuracy of the particulars set out in the Schedule.

Exceptions:

NIL

Date: 20/01/2025

Signed:

Brett Taylor

~~*Vendor's agent / Purchaser's agent~~

~~*Person authorised to act on behalf of *Vendor's agent / Purchaser's agent~~

SCHEDULE – DIVISION 1**PARTICULARS OF MORTGAGES, CHARGES AND PRESCRIBED ENCUMBRANCES AFFECTING THE LAND****(section 7(1)(b))****Note –**

Section 7(3) of the Act provides that this statement need not include reference to charges arising from the imposition of rates or taxes less than 12 months before the date of service of the statement.

Where a mortgage, charge or prescribed encumbrance referred to in column 1 of the table below is applicable to the land, the particulars in relation to that mortgage, charge or prescribed encumbrance required by column 2 of the table must be set out in the table (in accordance with the instructions in the table) unless—

- (a) there is an attachment to this statement and –
 - (i) all the required particulars are contained in that attachment; and
 - (ii) the attachment is identified in column 2; and
 - (iii) if the attachment consists of more than 2 sheets of paper, those parts of the attachment that contain the required particulars are identified in column 2; or
- (b) the mortgage, charge or prescribed encumbrance –
 - (i) is 1 of the following items in the table:
 - (A) under the heading 1. General –
 - 1.1 Mortgage of land
 - 1.4 Lease, agreement for lease, tenancy agreement or licence
 - 1.5 Caveat
 - 1.6 Lien or notice of a lien
 - (B) under the heading 36. Other charges –
 - 36.1 Charge of any kind affecting the land (not included in another item); and
 - (ii) is registered on the certificate of title to the land; and
 - (iii) is to be discharged or satisfied prior to or at settlement.

TABLE OF PARTICULARS

Column 1	Column 2	Column 3
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[If an item is applicable, ensure that the box for the item is ticked and complete the item.]

[If an item is not applicable, ensure that the box for the item is empty or else strike out the item or write "NOT APPLICABLE " or "N/A" in column 1. Alternatively, the item and any inapplicable heading may be omitted, but not in the case of–

- (a) the heading "1. General" and items 1.1, 1.2, 1.3 and 1.4; and
- (b) the heading "5. Development Act 1993 (repealed)" and item 5.1; and
- (c) the heading "6. Repealed Act conditions" and item 6.1; and
- (d) the heading "29. Planning, Development and Infrastructure Act 2016" and items 29.1 and 29.2,

which must be retained as part of this statement whether applicable or not.]

*[If an item is applicable, all particulars requested in column 2 must be set out in the item unless the Note preceding this table otherwise permits. Particulars requested in **bold type** must be set out in column 3 and all other particulars must be set out in column 2.]*

[If there is more than 1 mortgage, charge or prescribed encumbrance of a kind referred to in column 1, the particulars requested in column 2 must be set out for each such mortgage, charge or prescribed encumbrance.]

[If requested particulars are set out in the item and then continued on an attachment due to insufficient space, identify the attachment in the place provided in column 2. If all of the requested particulars are contained in an attachment (instead of in the item) in accordance with the Note preceding this table, identify the attachment in the place provided in column 2 and (if required by the Note) identify the parts of the attachment that contain the particulars.]

Column 1	Column 2	Column 3
1. General		
1.1 Mortgage of land	<p><i>Is this item applicable?</i></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i></p> <p><i>Are there attachments?</i></p> <p><i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Number of mortgage (if registered):</p> <p>Name of mortgagee:</p>	<div style="text-align: right;"> <input type="checkbox"/> YES/NO YES/NO </div>
<p><i>[Note -</i> <i>Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i></p> <p style="text-align: center; font-size: 2em; opacity: 0.5;">N/A</p>		
1.2 Easement (whether over the land or annexed to the land)	<p><i>Is this item applicable?</i></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i></p> <p><i>Are there attachments?</i></p> <p><i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>PROPERTY INTEREST REPORT (PAGE 13)</p> <p>Description of land subject to easement:</p> <p>LOT 48/55 LIBERATOR WAY, WALLAROO SA 5556</p> <p>PORTION OF THE LAND IN CERTIFICATE OF TITLE (VOLUME: 6249 FOLIO: 591)</p> <p>Nature of easement:</p> <p>STATUTORY EASEMENT TO SA POWER NETWORKS (INCLUDING THOSE RELATED TO GAS, WATER AND SEWAGE) MAY EXIST</p> <p>Are you aware of any encroachment on the easement?</p> <p>NO</p> <p>(If YES, give details):</p> <p>If there is an encroachment, has approval for the encroachment been given?</p> <p>(If YES, give details):</p>	<div style="text-align: right;"> <input checked="" type="checkbox"/> NO YES </div>
<p><i>[Note -</i> <i>Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i></p>		
1.3 Restrictive covenant	<p><i>Is this item applicable?</i></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i></p> <p><i>Are there attachments?</i></p> <p><i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>ENCUMBRANCE</p> <p>Nature of restrictive covenant:</p> <p>REFER TO ENCUMBRANCE</p> <p>Name of person in whose favour restrictive covenant operates:</p> <p>COPPER COAST INVESTMENTS PTY LTD (ACN: 166 860 724)</p> <p>Does the restrictive covenant affect the whole of the land being acquired?</p> <p>YES</p> <p>(If NO, give details):</p> <p>Does the restrictive covenant affect land other than that being acquired?</p> <p>YES</p>	<div style="text-align: right;"> <input checked="" type="checkbox"/> NO YES </div>
<p><i>[Note -</i> <i>Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i></p>		

Column 1	Column 2	Column 3
1.4 Lease, agreement for lease, tenancy agreement or licence (The information does not include information about any sublease or subtenancy. That information may be sought by the purchaser from the lessee or tenant or sublessee or subtenant.) [Note - <i>Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i>	Is this item applicable? Will this be discharged or satisfied prior to or at settlement? Are there attachments? <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i> Names of parties: Period of lease, agreement for lease etc: From: To: Amount of rent or licence fee: per (period) Is the lease, agreement for lease etc in writing? If the lease or licence was granted under an Act relating to the disposal of Crown lands, specify- (a) the Act under which the lease or licence was granted: (b) the outstanding amounts due (including any interest or penalty):	<input type="checkbox"/> YES/NO YES/NO
5. Development Act 1993 (repealed)		
5.1 section 42 - Condition (that continues to apply) of a development authorisation [Note - <i>Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i>	Is this item applicable? Will this be discharged or satisfied prior to or at settlement? Are there attachments? <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i> Condition(s) of authorisation:	<input type="checkbox"/> YES/NO YES/NO
6. Repealed Act conditions		
6.1 Condition (that continues to apply) of an approval or authorisation granted under the Building Act 1971 (repealed), the City of Adelaide Development Control Act 1976 (repealed), the Planning Act 1982 (repealed) or the Planning and Development Act 1966 (repealed) [Note - <i>Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i>	Is this item applicable? Will this be discharged or satisfied prior to or at settlement? Are there attachments? <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i> Nature of condition(s):	<input type="checkbox"/> YES/NO YES/NO
7. Emergency Services Funding Act 1998		
7.1 section 16 - Notice to pay levy	Is this item applicable? Will this be discharged or satisfied prior to or at settlement? Are there attachments? <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i> ESL CERTIFICATE PAYABLE Date of notice: 10/10/2024 Amount of levy payable: \$0.00	<input checked="" type="checkbox"/> YES YES

Column 1	Column 2	Column 3
19. Land Tax Act 1936		
19.1 Notice, order or demand for payment of land tax	<p><i>Is this item applicable?</i></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i></p> <p><i>Are there attachments?</i></p> <p><i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>LAND TAX CERTIFICATE PAYABLE</p> <p>Date of notice, order or demand:</p> <p>10/10/2024</p> <p>Amount payable (as stated in the notice):</p> <p>\$0.00</p>	<p><input checked="" type="checkbox"/></p> <p>YES</p> <p>YES</p>
21. Local Government Act 1999		
21.1 Notice, order, declaration, charge, claim or demand given or made under the Act	<p><i>Is this item applicable?</i></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i></p> <p><i>Are there attachments?</i></p> <p><i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>LOCAL GOVERNMENT RATES SEARCH</p> <p>Date of notice, order etc:</p> <p>10/10/2024</p> <p>Name of council by which, or person by whom, notice, order etc is given or made:</p> <p>COPPER COAST COUNCIL</p> <p>Land subject thereto:</p> <p>LOT 48/55 LIBERATOR WAY, WALLAROO SA 5556</p> <p>CERTIFICATE OF TITLE - VOLUME: 6249 FOLIO: 591</p> <p>Nature of requirements contained in notice, order etc:</p> <p>GENERAL RATES 2024/2025 FINANCIAL YEAR</p> <p>Time for carrying out requirements:</p> <p>REFER TO LOCAL GOVERNMENT RATES SEARCH</p> <p>Amount payable (if any):</p> <p>\$1831.50</p>	<p><input checked="" type="checkbox"/></p> <p>YES</p> <p>YES</p>
29. Planning, Development and Infrastructure Act 2016		
29.1 Part 5 - Planning and Design Code	<p><i>Is this item applicable?</i></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i></p> <p><i>Are there attachments?</i></p> <p><i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>PIR, COUNCIL SEARCH AND DATA EXTRACT FOR SECTION 7 SEARCH PURPOSES</p> <p>Title or other brief description of zone, subzone and overlay in which the land is situated (as shown in the Planning and Design Code):</p> <p>ZONES: NEIGHBOURHOOD (N)</p> <p>SUBZONES: NO</p> <p>ZONING OVERLAYS: REFER TO DATA EXTRACT FOR SECTION 7 SEARCH PURPOSES</p> <p>Is there a State heritage place on the land or is the land situated in a State heritage area?</p> <p>NO</p> <p>Is the land designated as a local heritage place?</p> <p>NO</p> <p>Is there a tree or stand of trees declared in Part 10 of the Planning and Design Code to be a significant tree or trees on the land?</p> <p>NO</p> <p>Is there a current amendment to the Planning and Design Code released for public consultation by a designated entity on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation?</p> <p>YES</p> <p>Note-</p> <p>For further information about the Planning and Design Code visit www.code.plan.sa.gov.au</p>	<p><input checked="" type="checkbox"/></p> <p>NO</p> <p>YES</p>

[Note -
Do not omit this item. The item and its heading must be included in the statement even if not applicable.]

Column 1	Column 2	Column 3
29.2 section 127 - Condition (that continues to apply) of a development authorisation <i>[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i>	Is this item applicable? Will this be discharged or satisfied prior to or at settlement? Are there attachments? <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i> COUNCIL SEARCH AND DATA EXTRACT FOR SECTION 7 SEARCH PURPOSES Date of authorisation: 21/07/2023 Name of relevant authority that granted authorisation: COPPER COAST COUNCIL Condition(s) of authorisation: REFER TO DATA EXTRACT FOR SECTION 7 SEARCH PURPOSES	<input checked="" type="checkbox"/> NO YES
29.9 section 192 or 193 - Land management agreement	Is this item applicable? Will this be discharged or satisfied prior to or at settlement? Are there attachments? <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i> LAND MANAGEMENT AGREEMENT Date of agreement: 22/05/2020 Names of parties: COPPER COAST COUNCIL AND COPPER COAST INVESTMENTS PTY. LTD. Terms of agreement: SEE ATTACHED LAND MANAGEMENT AGREEMENT	<input checked="" type="checkbox"/> NO YES
34. Water Industry Act 2012		
34.1 Notice or order under the Act requiring payment of charges or other amounts or making other requirement	Is this item applicable? Will this be discharged or satisfied prior to or at settlement? Are there attachments? <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i> SA WATER CERTIFICATE Date of notice or order: 10/10/2024 Name of person or body who served notice or order: SOUTH AUSTRALIAN WATER CORPORATION Amount payable (if any) as specified in the notice or order: 78.60CR Nature of other requirement made (if any) as specified in the notice or order: PAYMENT OF SA WATER RATES AND CHARGES	<input checked="" type="checkbox"/> YES YES

SCHEDULE – DIVISION 2**OTHER PARTICULARS**

(section 7(1)(b))

Particulars relating to environment protection**1—Interpretation**

- (1) In this and the following items (items 1 to 7 inclusive)—

domestic activity has the same meaning as in the *Environment Protection Act 1993*;**environmental assessment**, in relation to land, means an assessment of the existence or nature or extent of—

- (a) site contamination (within the meaning of the
- Environment Protection Act 1993*
-) at the land; or

- (b) any other contamination of the land by chemical substances,

and includes such an assessment in relation to water on or below the surface of the land;

EPA means the Environment Protection Authority established under the *Environment Protection Act 1993*;**pre-1 July 2009 site audit**, in relation to land, means a review (carried out by a person recognised by the EPA as an environmental auditor) that examines environmental assessments or remediation of the land for the purposes of determining—

- (a) the nature and extent of contamination of the land by chemical substances present or remaining on or below the surface of the land; and

- (b) the suitability of the land for a particular use; and

- (c) what remediation is or remains necessary for a particular use,

but does not include a site contamination audit (as defined below) completed on or after 1 July 2009;

pre-1 July 2009 site audit report means a detailed written report that sets out the findings of a pre-1 July 2009 site audit;**prescribed commercial or industrial activity**—see item 1(2);**prescribed fee** means the fee prescribed under the *Environment Protection Act 1993* for inspection of, or obtaining copies of information on, the public register;**public register** means the public register kept by the EPA under section 109 of the *Environment Protection Act 1993*;**site contamination audit** has the same meaning as in the *Environment Protection Act 1993*;**site contamination audit report** has the same meaning as in the *Environment Protection Act 1993*.

- (2) For the purposes of this and the following items (items 1 to 7 inclusive), each of the following activities (as defined in Schedule 3 clause 2 of the
- Environment Protection Regulations 2009*
-) is a prescribed commercial or industrial activity:

abrasive blasting	acid sulphate soil generation	agricultural activities
airports, aerodromes or aerospace industry	animal burial	animal dips or spray race facilities
animal feedlots	animal saleyards	asbestos disposal
asphalt or bitumen works	battery manufacture, recycling or disposal	breweries
brickworks	bulk shipping facilities	cement works
ceramic works	charcoal manufacture	coal handling or storage
coke works	compost or mulch production or storage	concrete batching works
curing or drying works	defence works	desalination plants
dredge spoil disposal or storage	drum reconditioning or recycling works	dry cleaning
electrical or electronics component manufacture	electrical substations	electrical transformer or capacitor works
electricity generation or power plants	explosives or pyrotechnics facilities	fertiliser manufacture
fibreglass manufacture	fill or soil importation	fire extinguisher or retardant manufacture
fire stations	fire training areas	foundry
fuel burning facilities	furniture restoration	gasworks
glass works	glazing	hat manufacture or felt processing
incineration	iron or steel works	laboratories
landfill sites	lime burner	metal coating, finishing or spray painting
metal forging	metal processing, smelting, refining or metallurgical works	mineral processing, metallurgical laboratories or mining or extractive industries
mirror manufacture	motor vehicle manufacture	motor vehicle racing or testing venues
motor vehicle repair or maintenance	motor vehicle wrecking yards	mushroom farming
oil recycling works	oil refineries	paint manufacture
pest control works	plastics manufacture works	printing works
pulp or paper works	railway operations	rubber manufacture or processing
scrap metal recovery	service stations	ship breaking
spray painting	tannery, fellmongery or hide curing	textile operations
transport depots or loading sites	tyre manufacture or retreading	vermiculture
vessel construction, repair or maintenance	waste depots	wastewater storage, treatment or disposal
water discharge to underground aquifer	wetlands or detention basins	wineries or distilleries
wood preservation works	woolscouring or wool carbonising works	works depots (operated by councils or utilities)

2—Pollution and site contamination on the land—questions for vendor

(1) Is the vendor aware of any of the following activities ever having taken place at the land:

- (a) storage, handling or disposal of waste or fuel or other chemicals (other than in the ordinary course of domestic activities)?
- (b) importation of soil or other fill from a site at which—
 - (i) an activity of a kind listed in paragraph (a) has taken place; or
 - (ii) a prescribed commercial or industrial activity (see item 1(2) above) has taken place?

NO

If **YES**, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

(2) Is the vendor aware of any prescribed commercial or industrial activities (see item 1(2) above) ever having taken place at the land?

NO

If **YES**, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

(3) Is the vendor aware of any dangerous substances ever having been kept at the land pursuant to a licence under the *Dangerous Substances Act 1979*?

NO

If **YES**, give details of all dangerous substances that the vendor is aware of and whether they were kept at the land before or after the vendor acquired an interest in the land:

(4) Is the vendor aware of the sale or transfer of the land or part of the land ever having occurred subject to an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?

NO

If **YES**, give details of each sale or transfer and agreement that the vendor is aware of:

(5) Is the vendor aware of an environmental assessment of the land or part of the land ever having been carried out or commenced (whether or not completed)?

NO

If **YES**, give details of all environmental assessments that the vendor is aware of and whether they were carried out or commenced before or after the vendor acquired an interest in the land:

Note—

These questions relate to details about the land that may be known by the vendor. A "YES" answer to the questions at items 2(1) or 2(2) may indicate that a **potentially contaminating activity** has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

A "YES" answer to any of the questions in this item may indicate the need for the purchaser to seek further information regarding the activities, for example, from the council or the EPA.

3—Licences and exemptions recorded by EPA in public register

Does the EPA hold any of the following details in the public register:

- (a) details of a current licence issued under Part 6 of the *Environment Protection Act 1993* to conduct any prescribed activity of environmental significance under Schedule 1 of that Act at the land?
NO
- (b) details of a licence no longer in force issued under Part 6 of the *Environment Protection Act 1993* to conduct any prescribed activity of environmental significance under Schedule 1 of that Act at the land?
YES
- (c) details of a current exemption issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?
NO
- (d) details of an exemption no longer in force issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?
NO
- (e) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to operate a waste depot at the land?
NO
- (f) details of a licence issued under the repealed *Waste Management Act 1987* to operate a waste depot at the land?
NO
- (g) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to produce waste of a prescribed kind (within the meaning of that Act) at the land?
YES
- (h) details of a licence issued under the repealed *Waste Management Act 1987* to produce prescribed waste (within the meaning of that Act) at the land?
YES

Note—

These questions relate to details about licences and exemptions required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions—

- in the case of a licence or exemption under the *Environment Protection Act 1993*—
 - the purchaser may obtain a copy of the licence or exemption from the public register on payment of the prescribed fee; and
 - the purchaser should note that transfer of a licence or exemption is subject to the conditions of the licence or exemption and the approval of the EPA (see section 49 of the *Environment Protection Act 1993*); and
- in the case of a licence under a repealed Act—the purchaser may obtain details about the licence from the public register on payment of the prescribed fee.

A "YES" answer to any of these questions may indicate that a **potentially contaminating activity** has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

The EPA will not provide details about licences to conduct the following prescribed activities of environmental significance (within the meaning of Schedule 1 Part A of the *Environment Protection Act 1993*): waste transport business (category A), waste transport business (category B), dredging, earthworks drainage, any other activities referred to in Schedule 1 Part A undertaken by means of mobile works, helicopter landing facilities, marinas and boating facilities or discharges to marine or inland waters.

The EPA will not provide details about exemptions relating to—

- the conduct of any of the licensed activities in the immediately preceding paragraph in this note; or
- noise.

4—Pollution and site contamination on the land—details recorded by EPA in public register

Does the EPA hold any of the following details in the public register in relation to the land or part of the land:

- (a) details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the *Environment Protection Act 1993*)?

YES

- (b) details of site contamination notified to the EPA under section 83A of the *Environment Protection Act 1993*?

NO

- (c) a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register?

YES

- (d) a copy of a site contamination audit report?

YES

- (e) details of an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?

YES

- (f) details of an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?

NO

- (g) details of an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?

NO

- (h) details of a notification under section 103Z(1) of the *Environment Protection Act 1993* relating to the commencement of a site contamination audit?

YES

- (i) details of a notification under section 103Z(2) of the *Environment Protection Act 1993* relating to the termination before completion of a site contamination audit?

NO

- (j) details of records, held by the former South Australian Waste Management Commission under the repealed *Waste Management Act 1987*, of waste (within the meaning of that Act) having been deposited on the land between 1 January 1983 and 30 April 1995?

NO

Note—

These questions relate to details required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the public register on payment of the prescribed fee.

5—Pollution and site contamination on the land—other details held by EPA

Does the EPA hold any of the following details in relation to the land or part of the land:

- (a) a copy of a report known as a "Health Commission Report" prepared by or on behalf of the South Australian Health Commission (under the repealed *South Australian Health Commission Act 1976*)?
NO
- (b) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
NO
- (c) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
NO
- (d) a copy of a pre-1 July 2009 site audit report?
NO
- (e) details relating to the termination before completion of a pre-1 July 2009 site audit?
YES

Note—

These questions relate to details that the EPA may hold. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the EPA (on payment of any fee fixed by the EPA).

6—Further information held by councils

Does the council hold details of any development approvals relating to —

- (a) commercial or industrial activity at the land; or
- (b) a change in the use of the land or part of the land (within the meaning of the *Development Act 1993* or the *Planning, Development and Infrastructure Act 2016*)?
NO

Note—

The question relates to information that the council for the area in which the land is situated may hold. If the council answers "YES" to the question, it will provide a description of the nature of each development approved in respect of the land. The purchaser may then obtain further details from the council (on payment of any fee fixed by the council). However, it is expected that the ability to supply further details will vary considerably between councils.

A "YES" answer to paragraph (a) of the question may indicate that a **potentially contaminating activity** has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

It should be noted that—

- the approval of development by a council does not necessarily mean that the development has taken place;
- the council will not necessarily be able to provide a complete history of all such development that has taken place at the land.

7—Further information for purchasers

Note—

The purchaser is advised that other matters under the *Environment Protection Act 1993* (that is, matters other than those referred to in this Statement) that may be relevant to the purchaser's further enquiries may also be recorded in the public register. These include:

- details relating to environmental authorisations such as applications, applicants, locations of activities, conditions, suspension, cancellation or surrender of authorisations, disqualifications, testing requirements and test results;
- details relating to activities undertaken on the land under licences or other environmental authorisations no longer in force;
- written warnings relating to alleged contraventions of the *Environment Protection Act 1993*;
- details of prosecutions and other enforcement action;
- details of civil proceedings;
- other details prescribed under the *Environment Protection Act 1993* (see section 109(3)(l)).

Details of these matters may be obtained from the public register on payment to the EPA of the prescribed fee.

If—

- an environment performance agreement, environment protection order, clean-up order, clean-up authorisation, site contamination assessment order or site remediation order has been registered on the certificate of title for the land; or
- a notice of declaration of special management area in relation to the land has been gazetted; or
- a notation has been made on the certificate of title for the land that a site contamination audit report has been prepared in respect of the land; or
- a notice of prohibition or restriction on taking water affected by site contamination in relation to the land has been gazetted,

it will be noted in the items under the heading *Environment Protection Act 1993* under the Table of Particulars in this Statement. Details of any registered documents may be obtained from the Lands Titles Registration Office.

ACKNOWLEDGEMENT OF RECEIPT OF FORM 1

The Purchaser acknowledges receipt of the following:

FORM 1 – STATEMENT UNDER SECTION 7 (*Land and Business (Sale and Conveyancing) Act 1994*)

the above being identified by pages numbered 1 to 17 inclusive, together with the following annexures and supporting documents (if any):

FORM R3 Buyers Information Notice

- HISTORICAL SEARCH

- CHECK SEARCH

- TITLE AND VALUATION PACKAGE

- PROPERTY INTEREST REPORT

- LOCAL GOVERNMENT INQUIRY CERTIFICATE

- DATA EXTRACT FOR SECTION 7 SEARCH PURPOSES

- EPA STATEMENT

- ENCUMBRANCE

- LAND MANAGEMENT AGREEMENT

- CERTIFICATE OF EMERGENCY SERVICES LEVY

- CERTIFICATE OF LAND TAX PAYABLE

- SA WATER CERTIFICATE

SIGNED BY THE PURCHASER:

Date: _____ Signed: _____

Date: _____ Signed: _____

The Purchaser:

1. acknowledges and consents to the parties and their representatives signing the Form 1 by digital and or electronic signatures under the *Electronic Communications Act* (SA);
2. by signing this Acknowledgement, signs for all Purchasers, and warrants authority to acknowledge the Form 1 for all Purchasers (if more than 1); and
3. is not required to sign a Form 1 for it to be validly served and acknowledges the signing provision above is included if the Agent serves the Form 1 in person and wants evidence of the Purchaser having been served. If the Form 1 is served electronically, the email is sufficient evidence of what has been served.

Form R3

Buyers information notice

Land and Business (Sale and Conveyancing) Act 1994 section 13A
Land and Business (Sale and Conveyancing) Regulations 2010 regulation 17

Before you buy a home there are a number of things that you should investigate and consider. Though it may not be obvious at the time, there could be matters that may affect your enjoyment of the property, the safety of people on the property or the value of the property.

The following questions may help you to identify if a property is appropriate to purchase. In many cases the questions relate to a variety of laws and standards. These laws and standards change over time, so it is important to seek the most up to date information. Various government agencies can provide up to date and relevant information on many of these questions. To find out more, Consumer and Business Services recommend that you check the website: www.cbs.sa.gov.au

Consider having a professional building inspection done before proceeding with a purchase. A building inspection will help you answer some of the questions below.

The questions have been categorised under the headings **Safety**, **Enjoyment** and **Value**, but all of the issues are relevant to each heading.

Safety

- Is there **asbestos** in any of the buildings or elsewhere on the property eg sheds and fences?
- Does the property have any significant **defects** eg **cracking** or **salt damp**? Have the wet areas been waterproofed?
- Is the property in a **bushfire** prone area?
- Are the **electrical wiring**, **gas installation**, **plumbing and appliances** in good working order and in good condition? Is a **safety switch** (RCD) installed? Is it working?
- Are there any prohibited **gas appliances** in bedrooms or bathrooms?
- Are **smoke alarms** installed in the house? If so, are they hardwired? Are they in good working order and in good condition? Are they compliant?
- Is there a **swimming pool and/or spa pool** installed on the property? Are there any safety barriers or fences in place? Do they conform to current standards?
- Does the property have any **termite** or other pest infestations? Is there a current preventive termite treatment program in place? Was the property treated at some stage with persistent organochlorins (now banned) or other **toxic** termiticides?
- Has fill been used on the site? Is the soil contaminated by **chemical residues** or waste?
- Does the property use **cooling towers** or manufactured warm water systems? If so, what are the maintenance requirements?

Enjoyment

- Does the property have any **stormwater** problems?
- Is the property in a flood **prone** area? Is the property prone to coastal flooding?
- Does the property have an on-site **wastewater treatment facility** such as a septic tank installed? If so, what are the maintenance requirements? Is it compliant?
- Is a **sewer mains connection** available?
- Are all gutters, **downpipes** and stormwater systems in good working order and in good condition?
- Is the property near **power lines**? Are there any trees on the property near power lines? Are you considering planting any trees? Do all structures and trees maintain the required clearance from any power lines?
- Are there any significant trees on the property?
- Is this property a unit on **strata or community title**? What could this mean for you? Is this property on strata or community title? Do you understand the restrictions of use and the financial obligations of ownership? Will you have to pay a previous owner's debt or the cost of planned improvements?
- Is the property close to a hotel, restaurant or other venue with entertainment consent for live music? Is the property close to any industrial or commercial activity, a busy road or airport etc that may result in the generation of **noise** or the **emission of materials or odours** into the air?
- What appliances, equipment and fittings are included in the sale of the property?
- Is there sufficient car parking space available to the property?

Value

- Are there any **illegal or unapproved additions**, extensions or alterations to the buildings on the property?
- How energy **efficient** is the home, including appliances and lighting? What **energy sources** (eg electricity, gas) are available?
- Is the property connected to SA Water operated and maintained **mains water**? Is a mains water connection available? Does the property have a **recycled water** connection? What sort of water meter is located on the property (a **direct or indirect meter** – an indirect meter can be located some distance from the property)? Is the property connected to a water meter that is also serving another property?
- Are there water taps outside the building? Is there a watering system installed? Are they in good working order and in good condition?
- Does the property have **alternative sources** of water other than mains water supply (including **bore or rainwater**)? If so, are there any special maintenance requirements?

For more information on these matters visit: www.cbs.sa.gov.au

Disclaimer: There may be other issues relevant to the purchase of real estate. If you are unable to ascertain enough information about the questions raised in this form and any other concerns you may have we strongly recommend you obtain independent advice through a building inspection, a lawyer, and a financial adviser.

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6249 Folio 591

Parent Title(s) CT 6228/864

Creating Dealing(s) RTU 13444758

Title Issued 15/01/2021 Edition 2 Edition Issued 01/06/2022

Estate Type

FEE SIMPLE

Registered Proprietor

DESPINA KALLIOS
OF 25 FISHER TERRACE FULHAM GARDENS SA 5024
MICHAEL KALLIOS
OF 55 LIBERATOR WAY WALLAROO SA 5556
AS JOINT TENANTS

Description of Land

ALLOTMENT 48 DEPOSITED PLAN 125833
IN THE AREA NAMED WALLAROO
HUNDRED OF WALLAROO

Easements

NIL

Schedule of Dealings

Dealing Number	Description
13305794	AGREEMENT UNDER DEVELOPMENT ACT, 1993 PURSUANT TO SECTION 57(2)
13795995	ENCUMBRANCE TO COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL

Certificate of Title

Title Reference: CT 6249/591
Status: CURRENT
Parent Title(s): CT 6228/864
Dealing(s) Creating Title: RTU 13444758
Title Issued: 15/01/2021
Edition: 2

Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
27/05/2022	01/06/2022	13795995	ENCUMBRANCE	REGISTERED	COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)
27/05/2022	01/06/2022	13795994	TRANSFER	REGISTERED	DESPINA KALLIOS, MICHAEL KALLIOS
22/05/2020	01/06/2020	13305794	AGREEMENT	REGISTERED	COPPER COAST COUNCIL

Certificate of Title

Title Reference: CT 6249/591
Status: CURRENT
Edition: 2

Dealings

No Unregistered Dealings and no Dealings completed in the last 90 days for this title

Priority Notices

NIL

Registrar-General's Notes

No Registrar-General's Notes exist for this title

Certificate of Title

Title Reference CT 6249/591
Status CURRENT
Easement NO
Owner Number 01974368
Address for Notices 25 FISHER TCE FULHAM GARDENS, SA 5024
Area 545m² (CALCULATED)

Estate Type

Fee Simple

Registered Proprietor

DESPINA KALLIOS
OF 25 FISHER TERRACE FULHAM GARDENS SA 5024
MICHAEL KALLIOS
OF 55 LIBERATOR WAY WALLAROO SA 5556
AS JOINT TENANTS

Description of Land

ALLOTMENT 48 DEPOSITED PLAN 125833
IN THE AREA NAMED WALLAROO
HUNDRED OF WALLAROO

Last Sale Details

Dealing Reference TRANSFER (T) 13795994
Dealing Date 26/05/2022
Sale Price \$389,900
Sale Type FULL VALUE / CONSIDERATION AND WHOLE OF LAND

Constraints

Encumbrances

Dealing Type	Dealing Number	Beneficiary
AGREEMENT	13305794	COPPER COAST COUNCIL
ENCUMBRANCE	13795995	COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)

Stoppers

NIL

Valuation Numbers

Valuation Number	Status	Property Location Address
3010350323	CURRENT	55 LIBERATOR WAY, WALLAROO, SA 5556

Notations

Dealings Affecting Title

NIL

Notations on Plan

NIL

Registrar-General's Notes

NIL

Administrative Interests

NIL

Valuation Record

Valuation Number	3010350323
Type	Site & Capital Value
Date of Valuation	01/01/2024
Status	CURRENT
Operative From	01/07/2021
Property Location	55 LIBERATOR WAY, WALLAROO, SA 5556
Local Government	COPPER COAST
Owner Names	MICHAEL KALLIOS DESPINA KALLIOS
Owner Number	01974368
Address for Notices	25 FISHER TCE FULHAM GARDENS, SA 5024
Zone / Subzone	N - Neighbourhood
Water Available	Yes
Sewer Available	No
Land Use	4100 - Vacant Land-Urban
Description	L
Local Government Description	Vacant Land

Parcels

Plan/Parcel	Title Reference(s)
D125833 ALLOTMENT 48	CT 6249/591

Values

Financial Year	Site Value	Capital Value	Notional Site Value	Notional Capital Value	Notional Type
Current	\$270,000	\$270,000			
Previous	\$270,000	\$270,000			

Building Details

Valuation Number	3010350323
Building Style	Not Available
Year Built	Not Available
Building Condition	Not Available
Wall Construction	Not Available
Roof Construction	Not Available
Equivalent Main Area	Not Available
Number of Main Rooms	Not Available

Note – this information is not guaranteed by the Government of South Australia

Property Interest Report

Provided by Land Services SA on behalf of the South Australian Government

Title Reference	CT 6249/591	Reference No. 2613032
Registered Proprietors	M & D*KALLIOS	Prepared 09/10/2024 16:52
Address of Property	55 LIBERATOR WAY, WALLAROO, SA 5556	
Local Govt. Authority	COPPER COAST COUNCIL, DISTRICT COUNCIL OF THE COPPER COAST	
Local Govt. Address	51 TAYLOR STREET KADINA SA 5554, 51-53 TAYLOR ST KADINA SA 5554	

This report provides information that may be used to complete a Form 1 as prescribed in the *Land and Business (Sale and Conveyancing) Act 1994*

Table of Particulars

Particulars of mortgages, charges and prescribed encumbrances affecting the land as identified in Division 1 of the Schedule to Form 1 as described in the Regulations to the *Land and Business (Sale and Conveyancing) Act 1994*

All enquiries relating to the Regulations or the Form 1 please contact Consumer & Business Services between 8:30 am and 5:00 pm on 131 882 or via their website www.cbs.sa.gov.au

Prescribed encumbrance	Particulars (Particulars in bold indicates further information will be provided)
------------------------	--

1. General

- | | | |
|-----|--|--|
| 1.1 | Mortgage of land

<i>[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i> | Refer to the Certificate of Title |
| 1.2 | Easement
(whether over the land or annexed to the land)

Note--"Easement" includes rights of way and party wall rights

<i>[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i> | Refer to the Certificate of Title |
| 1.3 | Restrictive covenant

<i>[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i> | Refer to the Certificate of Title for details of any restrictive covenants as an encumbrance |
| 1.4 | Lease, agreement for lease, tenancy agreement or licence
(The information does not include information about any sublease or subtenancy. That information may be sought by the purchaser from the lessee or tenant or sublessee or subtenant.)

<i>[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i> | Refer to the Certificate of Title

also

Contact the vendor for these details |
| 1.5 | Caveat | Refer to the Certificate of Title |
| 1.6 | Lien or notice of a lien | Refer to the Certificate of Title |

2. Aboriginal Heritage Act 1988

- | | | |
|-----|---|---|
| 2.1 | section 9 - Registration in central archives of an Aboriginal site or object | Aboriginal Affairs and Reconciliation in AGD has no registered entries for Aboriginal sites or objects affecting this title |
| 2.2 | section 24 - Directions prohibiting or restricting access to, or activities on, a site or | Aboriginal Affairs and Reconciliation in AGD has no record of any direction affecting this title |

an area surrounding a site

2.3 Part 3 Division 6 - Aboriginal heritage agreement

Aboriginal Affairs and Reconciliation in AGD has no record of any agreement affecting this title

also

Refer to the Certificate of Title

3. ***Burial and Cremation Act 2013***

3.1 section 8 - Human remains interred on land

Births, Deaths and Marriages in AGD has no record of any gravesites relating to this title

also

contact the vendor for these details

4. ***Crown Rates and Taxes Recovery Act 1945***

4.1 section 5 - Notice requiring payment

Crown Lands Program in DEW has no record of any notice affecting this title

5. ***Development Act 1993 (repealed)***

5.1 section 42 - Condition (that continues to apply) of a development authorisation

State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title

[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]

also

Contact the Local Government Authority for other details that might apply

5.2 section 50(1) - Requirement to vest land in a council or the Crown to be held as open space

State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title

also

Contact the Local Government Authority for other details that might apply

5.3 section 50(2) - Agreement to vest land in a council or the Crown to be held as open space

State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title

also

Contact the Local Government Authority for other details that might apply

5.4 section 55 - Order to remove or perform work

State Planning Commission in the Department for Housing and Urban Development has no record of any order or notice affecting this title

also

Contact the Local Government Authority for other details that might apply

5.5 section 56 - Notice to complete development

State Planning Commission in the Department for Housing and Urban Development has no record of any order or notice affecting this title

also

Contact the Local Government Authority for other details that might apply

5.6 section 57 - Land management agreement

Refer to the Certificate of Title

5.7 section 60 - Notice of intention by building owner

Contact the vendor for these details

5.8 section 69 - Emergency order

State Planning Commission in the Department for Housing and Urban Development has no record of any order affecting this title

also

Contact the Local Government Authority for other details that might apply

5.9 section 71 - Fire safety notice

Building Fire Safety Committee in the Department for Housing and Urban Development has no record of any notice affecting this title

5.10	section 84 - Enforcement notice	State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
5.11	section 85(6), 85(10) or 106 - Enforcement order	State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
5.12	Part 11 Division 2 - Proceedings	Contact the Local Government Authority for other details that might apply also Contact the vendor for these details

6. Repealed Act conditions

6.1	Condition (that continues to apply) of an approval or authorisation granted under the <i>Building Act 1971</i> (repealed), the <i>City of Adelaide Development Control Act, 1976</i> (repealed), the <i>Planning Act 1982</i> (repealed) or the <i>Planning and Development Act 1966</i> (repealed) <i>[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i>	State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
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7. Emergency Services Funding Act 1998

7.1	section 16 - Notice to pay levy	An Emergency Services Levy Certificate will be forwarded. If you do not receive the certificate within four (4) working days please contact the RevenueSA Customer Contact Centre on (08) 8226 3750. Clients who have misplaced or not received their certificates and are RevenueSA Online users should log into RevenueSA Online and reprint their certificates www.revenuesaonline.sa.gov.au
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8. Environment Protection Act 1993

8.1	section 59 - Environment performance agreement that is registered in relation to the land	EPA (SA) will respond with details relevant to this item
8.2	section 93 - Environment protection order that is registered in relation to the land	EPA (SA) will respond with details relevant to this item
8.3	section 93A - Environment protection order relating to cessation of activity that is registered in relation to the land	EPA (SA) will respond with details relevant to this item
8.4	section 99 - Clean-up order that is registered in relation to the land	EPA (SA) will respond with details relevant to this item
8.5	section 100 - Clean-up authorisation that is registered in relation to the land	EPA (SA) will respond with details relevant to this item
8.6	section 103H - Site contamination assessment order that is registered in relation to the land	EPA (SA) will respond with details relevant to this item
8.7	section 103J - Site remediation order that is registered in relation to the land	EPA (SA) will respond with details relevant to this item
8.8	section 103N - Notice of declaration of special management area in relation to the land (due to possible existence of site contamination)	EPA (SA) will respond with details relevant to this item

8.9	section 103P - Notation of site contamination audit report in relation to the land	EPA (SA) will respond with details relevant to this item
8.10	section 103S - Notice of prohibition or restriction on taking water affected by site contamination in relation to the land	EPA (SA) will respond with details relevant to this item
9.	<i>Fences Act 1975</i>	
9.1	section 5 - Notice of intention to perform fencing work	Contact the vendor for these details
10.	<i>Fire and Emergency Services Act 2005</i>	
10.1	section 105F - (or section 56 or 83 (repealed)) - Notice to take action to prevent outbreak or spread of fire	Contact the Local Government Authority for other details that might apply Where the land is outside a council area, contact the vendor
11.	<i>Food Act 2001</i>	
11.1	section 44 - Improvement notice	Public Health in DHW has no record of any notice or direction affecting this title also Contact the Local Government Authority for other details that might apply
11.2	section 46 - Prohibition order	Public Health in DHW has no record of any notice or direction affecting this title also Contact the Local Government Authority for other details that might apply
12.	<i>Ground Water (Qualco-Sunlands) Control Act 2000</i>	
12.1	Part 6 - risk management allocation	Qualco Sunlands Ground Water Control Trust has no record of any allocation affecting this title
12.2	section 56 - Notice to pay share of Trust costs, or for unauthorised use of water, in respect of irrigated property	DEW Water Licensing has no record of any notice affecting this title
13.	<i>Heritage Places Act 1993</i>	
13.1	section 14(2)(b) - Registration of an object of heritage significance	Heritage Branch in DEW has no record of any registration affecting this title
13.2	section 17 or 18 - Provisional registration or registration	Heritage Branch in DEW has no record of any registration affecting this title
13.3	section 30 - Stop order	Heritage Branch in DEW has no record of any stop order affecting this title
13.4	Part 6 - Heritage agreement	Heritage Branch in DEW has no record of any agreement affecting this title also Refer to the Certificate of Title
13.5	section 38 - "No development" order	Heritage Branch in DEW has no record of any "No development" order affecting this title
14.	<i>Highways Act 1926</i>	
14.1	Part 2A - Establishment of control of access from any road abutting the land	Transport Assessment Section within DIT has no record of any registration affecting this title
15.	<i>Housing Improvement Act 1940 (repealed)</i>	
15.1	section 23 - Declaration that house is undesirable or unfit for human habitation	Contact the Local Government Authority for other details that might apply
15.2	Part 7 (rent control for substandard houses) - notice or declaration	Housing Safety Authority has no record of any notice or declaration affecting this title
16.	<i>Housing Improvement Act 2016</i>	

16.1	Part 3 Division 1 - Assessment, improvement or demolition orders	Housing Safety Authority has no record of any notice or declaration affecting this title
16.2	section 22 - Notice to vacate premises	Housing Safety Authority has no record of any notice or declaration affecting this title
16.3	section 25 - Rent control notice	Housing Safety Authority has no record of any notice or declaration affecting this title

17. *Land Acquisition Act 1969*

17.1	section 10 - Notice of intention to acquire	Refer to the Certificate of Title for any notice of intention to acquire also Contact the Local Government Authority for other details that might apply
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18. *Landscape South Australia Act 2019*

18.1	section 72 - Notice to pay levy in respect of costs of regional landscape board	The regional landscape board has no record of any notice affecting this title
18.2	section 78 - Notice to pay levy in respect of right to take water or taking of water	DEW has no record of any notice affecting this title
18.3	section 99 - Notice to prepare an action plan for compliance with general statutory duty	The regional landscape board has no record of any notice affecting this title
18.4	section 107 - Notice to rectify effects of unauthorised activity	The regional landscape board has no record of any notice affecting this title also DEW has no record of any notice affecting this title
18.5	section 108 - Notice to maintain watercourse or lake in good condition	The regional landscape board has no record of any notice affecting this title
18.6	section 109 - Notice restricting the taking of water or directing action in relation to the taking of water	DEW has no record of any notice affecting this title
18.7	section 111 - Notice to remove or modify a dam, embankment, wall or other obstruction or object	The regional landscape board has no record of any notice affecting this title
18.8	section 112 - Permit (or condition of a permit) that remains in force	The regional landscape board has no record of any permit (that remains in force) affecting this title also DEW has no record of any permit (that remains in force) affecting this title
18.9	section 120 - Notice to take remedial or other action in relation to a well	DEW has no record of any notice affecting this title
18.10	section 135 - Water resource works approval	DEW has no record of a water resource works approval affecting this title
18.11	section 142 - Site use approval	DEW has no record of a site use approval affecting this title
18.12	section 166 - Forest water licence	DEW has no record of a forest water licence affecting this title
18.13	section 191 - Notice of instruction as to keeping or management of animal or plant	The regional landscape board has no record of any notice affecting this title
18.14	section 193 - Notice to comply with action order for the destruction or control of animals or plants	The regional landscape board has no record of any notice affecting this title
18.15	section 194 - Notice to pay costs of destruction or control of animals or plants on road reserve	The regional landscape board has no record of any notice affecting this title
18.16	section 196 - Notice requiring control or quarantine of animal or plant	The regional landscape board has no record of any notice affecting this title
18.17	section 207 - Protection order to secure compliance with specified provisions of the	The regional landscape board has no record of any notice affecting this title

Act

- | | | |
|-------|--|---|
| 18.18 | section 209 - Reparation order requiring specified action or payment to make good damage resulting from contravention of the Act | The regional landscape board has no record of any notice affecting this title |
| 18.19 | section 211 - Reparation authorisation authorising specified action to make good damage resulting from contravention of the Act | The regional landscape board has no record of any notice affecting this title |
| 18.20 | section 215 - Orders made by ERD Court | The regional landscape board has no record of any notice affecting this title |
| 18.21 | section 219 - Management agreements | The regional landscape board has no record of any notice affecting this title |
| 18.22 | section 235 - Additional orders on conviction | The regional landscape board has no record of any notice affecting this title |

19. *Land Tax Act 1936*

- | | | |
|------|---|---|
| 19.1 | Notice, order or demand for payment of land tax | A Land Tax Certificate will be forwarded.
If you do not receive the certificate within four (4) working days please contact the RevenueSA Customer Contact Centre on (08) 8226 3750.

Clients who have misplaced or not received their certificates and are RevenueSA Online users should log into RevenueSA Online and reprint their certificates
www.revenuesaonline.sa.gov.au |
|------|---|---|

20. *Local Government Act 1934 (repealed)*

- | | | |
|------|---|---|
| 20.1 | Notice, order, declaration, charge, claim or demand given or made under the Act | Contact the Local Government Authority for other details that might apply |
|------|---|---|

21. *Local Government Act 1999*

- | | | |
|------|---|---|
| 21.1 | Notice, order, declaration, charge, claim or demand given or made under the Act | Contact the Local Government Authority for other details that might apply |
|------|---|---|

22. *Local Nuisance and Litter Control Act 2016*

- | | | |
|------|--|---|
| 22.1 | section 30 - Nuisance or litter abatement notice | Contact the Local Government Authority for other details that might apply |
|------|--|---|

23. *Metropolitan Adelaide Road Widening Plan Act 1972*

- | | | |
|------|--|---|
| 23.1 | section 6 - Restriction on building work | Transport Assessment Section within DIT has no record of any restriction affecting this title |
|------|--|---|

24. *Mining Act 1971*

- | | | |
|------|---|---|
| 24.1 | Mineral tenement (other than an exploration licence) | Mineral Tenements in the Department of Energy and Mining has no record of any proclamation affecting this title |
| 24.2 | section 9AA - Notice, agreement or order to waive exemption from authorised operations | Contact the vendor for these details |
| 24.3 | section 56T(1) - Consent to a change in authorised operations | Contact the vendor for these details |
| 24.4 | section 58(a) - Agreement authorising tenement holder to enter land | Contact the vendor for these details |
| 24.5 | section 58A - Notice of intention to commence authorised operations or apply for lease or licence | Contact the vendor for these details |
| 24.6 | section 61 - Agreement or order to pay compensation for authorised operations | Contact the vendor for these details |
| 24.7 | section 75(1) - Consent relating to extractive minerals | Contact the vendor for these details |
| 24.8 | section 82(1) - Deemed consent or agreement | Contact the vendor for these details |

24.9	Proclamation with respect to a private mine	Mineral Tenements in the Department of Energy and Mining has no record of any proclamation affecting this title
25. <i>Native Vegetation Act 1991</i>		
25.1	Part 4 Division 1 - Heritage agreement	DEW Native Vegetation has no record of any agreement affecting this title also Refer to the Certificate of Title
25.2	section 25C - Conditions of approval regarding achievement of environmental benefit by accredited third party provider	DEW Native Vegetation has no record of any agreement affecting this title also Refer to the Certificate of Title
25.3	section 25D - Management agreement	DEW Native Vegetation has no record of any agreement affecting this title also Refer to the Certificate of Title
25.4	Part 5 Division 1 - Refusal to grant consent, or condition of a consent, to clear native vegetation	DEW Native Vegetation has no record of any refusal or condition affecting this title
26. <i>Natural Resources Management Act 2004 (repealed)</i>		
26.1	section 97 - Notice to pay levy in respect of costs of regional NRM board	The regional landscape board has no record of any notice affecting this title
26.2	section 123 - Notice to prepare an action plan for compliance with general statutory duty	The regional landscape board has no record of any notice affecting this title
26.3	section 134 - Notice to remove or modify a dam, embankment, wall or other obstruction or object	The regional landscape board has no record of any notice affecting this title
26.4	section 135 - Condition (that remains in force) of a permit	The regional landscape board has no record of any notice affecting this title
26.5	section 181 - Notice of instruction as to keeping or management of animal or plant	The regional landscape board has no record of any notice affecting this title
26.6	section 183 - Notice to prepare an action plan for the destruction or control of animals or plants	The regional landscape board has no record of any notice affecting this title
26.7	section 185 - Notice to pay costs of destruction or control of animals or plants on road reserve	The regional landscape board has no record of any notice affecting this title
26.8	section 187 - Notice requiring control or quarantine of animal or plant	The regional landscape board has no record of any notice affecting this title
26.9	section 193 - Protection order to secure compliance with specified provisions of the Act	The regional landscape board has no record of any order affecting this title
26.10	section 195 - Reparation order requiring specified action or payment to make good damage resulting from contravention of the Act	The regional landscape board has no record of any order affecting this title
26.11	section 197 - Reparation authorisation authorising specified action to make good damage resulting from contravention of the Act	The regional landscape board has no record of any authorisation affecting this title
27. <i>Outback Communities (Administration and Management) Act 2009</i>		
27.1	section 21 - Notice of levy or contribution payable	Outback Communities Authority has no record affecting this title

28. ***Phylloxera and Grape Industry Act 1995***

- 28.1 section 23(1) - Notice of contribution payable The Phylloxera and Grape Industry Board of South Australia has no vineyard registered against this title. However all properties with greater than 0.5 hectares of planted vines are required to be registered with the board

29. ***Planning, Development and Infrastructure Act 2016***

- 29.1 Part 5 - Planning and Design Code
[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]
- Contact the Local Government Authority for the title or other brief description of the zone or subzone in which the land is situated.
- also
- Heritage Branch in DEW has no record of a State Heritage Area created prior to 15 January 1994 under the former South Australian Heritage Act 1978 affecting this title
- also
- For details of this item, including State Heritage Areas which have been authorised or put under interim effect since 15 January 1994, contact the Local Government Authority
- also
- Contact the Local Government Authority for other details that might apply to a place of local heritage value
- also
- For details of declared significant trees affecting this title, contact the Local Government Authority
- also
- Code Amendment**
- Residential Driveway Crossovers –draft design standard aiming to improve public safety and enhance streetscapes across SA. Minor changes to the Planning and Design Code have also been drafted to complement the design standard and support its delivery and are open for consultation as part of this process. For more information, refer to the 'Code Amendments' page on the PlanSA portal: https://plan.sa.gov.au/have_your_say/ or phone PlanSA on 1800752664.**
- Code Amendment**
- Statewide Bushfire Hazards Overlay - aims to review the current policy framework (spatial layers and policy content) of the six Hazard (Bushfire Risk) Overlays as well as explore other planning instruments and mechanisms to assist in mitigating bushfire hazard impacts. Please note that this Code Amendment only applies to a portion of some council areas. To understand if your property is affected, please check the bushfire hazard map at <https://plus.geodata.sa.gov.au/bushfire/index.html>. For more information, please visit https://plan.sa.gov.au/have_your_say/ or contact PlanSA via email (PlanSA@sa.gov.au) or telephone (1800 752 664).**
- Code Amendment**
- Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment - The Chief Executive of the Department for Trade and Investment has initiated the Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment to review the definitions for 'ancillary accommodation' and 'student accommodation'. For more information and to view the DPA online, visit the amendment webpage on the SA Planning Portal https://plan.sa.gov.au/have_your_say/general_consultations or phone PlanSA on 1800752664.**
- Code Amendment**
- Wallaroo - seeks to rezone the affected area from the "Rural" to a combination of "Employment" and "Neighbourhood". This will support employment growth in the Region, ensure a logical connection with existing residentially zoned land and provide an opportunity to manage the interface between residential and non-residential land uses. For more information, visit the Code Amendments webpage on the SA Planning Portal https://plan.sa.gov.au/have_your_say/general_consultations or phone PlanSA on 1800752664.**

29.2	section 127 - Condition (that continues to apply) of a development authorisation [Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]	State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
29.3	section 139 - Notice of proposed work and notice may require access	Contact the vendor for these details
29.4	section 140 - Notice requesting access	Contact the vendor for these details
29.5	section 141 - Order to remove or perform work	State Planning Commission in the Department for Housing and Urban Development has no record of any order or notice affecting this title also Contact the Local Government Authority for other details that might apply
29.6	section 142 - Notice to complete development	State Planning Commission in the Department for Housing and Urban Development has no record of any order or notice affecting this title also Contact the Local Government Authority for other details that might apply
29.7	section 155 - Emergency order	State Planning Commission in the Department for Housing and Urban Development has no record of any order or notice affecting this title also Contact the Local Government Authority for other details that might apply
29.8	section 157 - Fire safety notice	Building Fire Safety Committee in the Department for Housing and Urban Development has no record of any order or notice affecting this title also Contact the Local Government Authority for other details that might apply
29.9	section 192 or 193 - Land management agreement	Refer to the Certificate of Title
29.10	section 198(1) - Requirement to vest land in a council or the Crown to be held as open space	State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
29.11	section 198(2) - Agreement to vest land in a council or the Crown to be held as open space	State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
29.12	Part 16 Division 1 - Proceedings	Contact the Local Government Authority for details relevant to this item also Contact the vendor for other details that might apply
29.13	section 213 - Enforcement notice	State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
29.14	section 214(6), 214(10) or 222 - Enforcement order	Contact the Local Government Authority for details relevant to this item also

State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title

30. ***Plant Health Act 2009***

- | | | |
|------|---|---|
| 30.1 | section 8 or 9 - Notice or order concerning pests | Plant Health in PIRSA has no record of any notice or order affecting this title |
|------|---|---|

31. ***Public and Environmental Health Act 1987 (repealed)***

- | | | |
|------|---|---|
| 31.1 | Part 3 - Notice | Public Health in DHW has no record of any notice or direction affecting this title
also
Contact the Local Government Authority for other details that might apply |
| 31.2 | <i>Public and Environmental Health (Waste Control) Regulations 2010 (or 1995)</i> (revoked) Part 2 - Condition (that continues to apply) of an approval | Public Health in DHW has no record of any condition affecting this title
also
Contact the Local Government Authority for other details that might apply |
| 31.3 | <i>Public and Environmental Health (Waste Control) Regulations 2010</i> (revoked) regulation 19 - Maintenance order (that has not been complied with) | Public Health in DHW has no record of any order affecting this title
also
Contact the Local Government Authority for other details that might apply |

32. ***South Australian Public Health Act 2011***

- | | | |
|------|---|---|
| 32.1 | section 66 - Direction or requirement to avert spread of disease | Public Health in DHW has no record of any direction or requirement affecting this title |
| 32.2 | section 92 - Notice | Public Health in DHW has no record of any notice affecting this title
also
Contact the Local Government Authority for other details that might apply |
| 32.3 | <i>South Australian Public Health (Wastewater) Regulations 2013</i> Part 4 - Condition (that continues to apply) of an approval | Public Health in DHW has no record of any condition affecting this title
also
Contact the Local Government Authority for other details that might apply |

33. ***Upper South East Dryland Salinity and Flood Management Act 2002 (expired)***

- | | | |
|------|---|--|
| 33.1 | section 23 - Notice of contribution payable | DEW has no record of any notice affecting this title |
|------|---|--|

34. ***Water Industry Act 2012***

- | | | |
|------|---|---|
| 34.1 | Notice or order under the Act requiring payment of charges or other amounts or making other requirement | <p>An SA Water Certificate will be forwarded.
 If you do not receive the certificate please contact the SA Water Customer Contact Centre on 1300 650 950</p> <p>also</p> <p>The Office of the Technical Regulator in DEM has no record of any notice or order affecting this title</p> <p>also</p> <p>Lightsview Re-Water Supply Co Pty Ltd has no record of any notice or order affecting this title.</p> <p>also</p> <p>Robusto Investments Pty. Ltd. trading as Compass Springs has no current record of any notice or order affecting this title.</p> <p>also</p> <p>Alano Utilities Pty. Ltd. has no record of any notice or order affecting this title.</p> |
|------|---|---|

35. *Water Resources Act 1997* (repealed)

- | | | |
|------|--|---|
| 35.1 | section 18 - Condition (that remains in force) of a permit | DEW has no record of any condition affecting this title |
| 35.2 | section 125 (or a corresponding previous enactment) - Notice to pay levy | DEW has no record of any notice affecting this title |

36. Other charges

- | | | |
|------|--|--|
| 36.1 | Charge of any kind affecting the land (not included in another item) | Refer to the Certificate of Title
also
Contact the vendor for these details
also
Contact the Local Government Authority for other details that might apply |
|------|--|--|

Other Particulars

Other particulars as identified in Division 2 of the Schedule to Form 1 as described in the *Regulations to the Land and Business (Sale and Conveyancing) Act 1994*

- | | |
|--|---|
| 1. Particulars of transactions in last 12 months | Contact the vendor for these details |
| 2. Particulars relating to community lot (including strata lot) or development lot | Enquire directly to the Secretary or Manager of the Community Corporation |
| 3. Particulars relating to strata unit | Enquire directly to the Secretary or Manager of the Strata Corporation |
| 4. Particulars of building indemnity insurance | Contact the vendor for these details
also
Contact the Local Government Authority |
| 5. Particulars relating to asbestos at workplaces | Contact the vendor for these details |
| 6. Particulars relating to aluminium composite panels | Please note that the audit is limited to classes of buildings, and that this note does not confirm the presence or absence of Aluminium Composite Panelling. Contact the vendor for relevant details. |
| 7. Particulars relating to court or tribunal process | Contact the vendor for these details |
| 8. Particulars relating to land irrigated or drained under Irrigation Acts | SA Water will arrange for a response to this item where applicable |
| 9. Particulars relating to environment protection | Contact the vendor for details of item 2
also
EPA (SA) will respond with details relating to items 3, 4 or 5 affecting this title
also
Contact the Local Government Authority for information relating to item 6 |
| 10. Particulars relating to <i>Livestock Act, 1997</i> | Animal Health in PIRSA has no record of any notice or order affecting this title |

Additional Information

The following additional information is provided for your information only.
These items are not prescribed encumbrances or other particulars prescribed under the Act.

- | | |
|---|---|
| 1. Pipeline Authority of S.A. Easement | Epic Energy has no record of a Pipeline Authority Easement relating to this title |
| 2. State Planning Commission refusal | No recorded State Planning Commission refusal |
| 3. SA Power Networks | SA Power Networks has no interest other than that recorded on the attached notice or registered on the Certificate of Title |
| 4. South East Australia Gas Pty Ltd | SEA Gas has no current record of a high pressure gas transmission pipeline traversing this property |
| 5. Central Irrigation Trust | Central Irrigation Trust has no current records of any infrastructure or Water Delivery Rights associated to this title. |
| 6. ElectraNet Transmission Services | ElectraNet has no current record of a high voltage transmission line traversing this property |
| 7. Outback Communities Authority | Outback Communities Authority has no record affecting this title |
| 8. Dog Fence (<i>Dog Fence Act 1946</i>) | The Dog Fence Board has no current interest in Dog Fence rates relating to this title. |
| 9. Pastoral Board (<i>Pastoral Land Management and Conservation Act 1989</i>) | The Pastoral Board has no current interest in this title |
| 10. Heritage Branch DEW (<i>Heritage Places Act 1993</i>) | Heritage Branch in DEW has no record of any World, Commonwealth or National Heritage interest affecting this title |
| 11. Health Protection Programs – Department for Health and Wellbeing | Health Protection Programs in the DHW has no record of a public health issue that currently applies to this title. |

Notices

Notices are printed under arrangement with organisations having some potential interest in the subject land. You should contact the identified party for further details.

Electricity and Telecommunications Infrastructure - Building Restrictions and Statutory Easements (including those related to gas, water and sewage)

Building restrictions

It is an offence under section 86 of the *Electricity Act 1996* to erect a building or structure within a prescribed distance of aerial or underground powerlines. In some, but not all, cases approval may be obtained from the Technical Regulator. Generally, however, land owners must not build, or alter a building or structure, with the result that any part of the resulting building or structure is within the minimum clearance distance required from certain types of powerlines. These building limitations are set out in the *Electricity (General) Regulations 2012* regulations 81 and 82. Purchasers intending to redevelop the property to be purchased should therefore be aware that the restrictions under the *Electricity Act* and *Regulations* may affect how, or if, they are able to redevelop the property.

In addition, if a building or structure is erected in proximity to a powerline of an electricity entity in contravention of the *Electricity Act*, the entity may seek a court order:

- a) requiring the person to take specified action to remove or modify the building or structure within a specified period;
- b) for compensation from the person for loss or damage suffered in consequence of the contravention; and/or
- c) for costs reasonably incurred by the entity in relocating the powerline or carrying out other work.

Contact the Office of the Technical Regulator in DEM on 8226 5500 for further details.

Statutory easements

Statutory easements for purposes such as (and without limitation) electricity, telecommunications, gas, water and sewage, may also exist, but may not be registered or defined on the title for the land.

Separate from the above building restrictions, South Australia's electricity supply and transmission businesses have statutory easements over land where part of the electricity distribution or transmission system was on, above or under the land as at particular dates specified by legislation.

This notice does not necessarily imply that any statutory or other easement exists.

However, where in existence, statutory easements may provide these organisations and businesses (identified in the relevant legislation) with the right of entry, at any reasonable time, to operate, repair, examine, replace, modify or maintain their equipment, to bring any vehicles or equipment on the land for these purposes, and to install, operate and carry out work on any pipelines, electricity or telecommunications cables or equipment that may be incorporated in, or attached to, their equipment (For example, see Clause 2 of Schedule 1 of the *Electricity Corporations (Restructuring and Disposal) Act 1999*; section 48A of the *Electricity Act 1996*).

For further clarification on these matters, please contact the relevant organisations or businesses, such as SA Power Networks' Easements Branch on telephone 8404 5897 or 8404 5894.

If you intend to excavate, develop or subdivide land, it is suggested that you first lodge a 'Dial Before you Dig' enquiry. Dial Before You Dig is a free referral service that provides information on the location of underground infrastructure. Using the Dial Before you Dig service (<https://1100.com.au>) may mitigate the risk of injury or expense resulting from inadvertent interference with, damage to, or requirement to relocate infrastructure.

Land Tax Act 1936 and Regulations thereunder

Agents should note that the current owner will remain liable for any additional charge accruing due before the date of this certificate which may be assessed on the land and also that the purchaser is only protected in respect of the tax for the financial year for which this certificate is issued. If the change of ownership will not occur on or before the 30th June, another certificate should be sought in respect of the next financial year or requests for certificate should not be made until after 30th June.

Animal and Plant Control (Agriculture Protection and other purposes) Act 1986 and Regulations

Agents should note that this legislation imposes a responsibility on a landholder to control and keep controlled proclaimed plants and particular classes of animals on a property.

Information should be obtained from:

- The vendor about the known presence of proclaimed plants or animals on the property including details which the vendor can obtain from records held by the local animal and plant control board
- The local animal and plant control board or the Animal and Plant Control Commission on the policies and priorities relating to the control of any serious proclaimed plants or animals in the area where the property is located.

Landscape South Australia 2019

Water Resources Management - Taking of underground water

Under the provisions of the *Landscape South Australia Act 2019*, if you intend to utilise underground water on the land subject to this enquiry the following apply:

- A well construction permit accompanied by the prescribed fee is required if a well/bore exceeding 2.5 meters is to be constructed. As the prescribed fee is subject to annual review, you should visit the webpage below to confirm the current fee
- A licensed well driller is required to undertake all work on any well/bore
- Work on all wells/bores is to be undertaken in accordance with the *General specification for well drilling operations affecting water in South Australia*.

Further information may be obtained by visiting <https://www.environment.sa.gov.au/licences-and-permits/water-licence-and-permit-forms>. Alternatively, you may contact the Department for Environment and Water on (08) 8735 1134 or email DEWwaterlicensing@sa.gov.au.

SECTION 7 SEARCH REQUEST

Search Number: 16101

Date: 10.10.2024

APPLICANT	
NAME	COMMERCIAL & LEGAL
ADDRESS	LEVEL 1 162 FLINDERS ST ADELAIDE SA 5000

To Whom It May Concern,

Re: Request for Information

We refer to your request and now attach particulars and documentary material that Council must supply pursuant to the provisions of the Local Government Act and the Land and Business (Sale and Conveyancing) Act 1994.

Yours faithfully,

Hayley Gray

SEARCH CO-ORDINATOR

info@coppercoast.sa.gov.au

	Biller Code: 45773
	Ref: 1001476201
Telephone & Internet Banking – BPAY® Contact your bank or financial institution to make this payment from your cheque, savings, debit or transaction account. More info: www.bpay.com.au	

CERTIFICATE OF LOCAL GOVERNMENT CHARGES

Pursuant to the Local Government Act, 1999

For the Financial Year ending 30th June 2025

RATES/CHARGES			
SEARCH NUMBER	16101	ASSESSMENT NUMBER	A147620
CAPITAL VALUE	\$270,000.00	VALUATION NUMBER	3010350323
PROPERTY DESCRIBED AS	55 LIBERATOR WAY WALLAROO 5556		
OWNER/S NAME	D & M KALLIOS		
SECTION/S		ALLOTMENT/S	48
PLAN		CERTIFICATE OF TITLE/S	6249591

RATES AND FINES IN ARREARS BROUGHT FORWARD FROM 1 st JULY 2024	\$0.00
RATES FOR CURRENT FINANCIAL YEAR	\$1,851.05
SERVICE CHARGES / SEPARATE RATE	\$591.00
INTEREST / LEGAL FEES TO DATE	\$0.00
SUNDRY DEBTORS	\$0.00

LESS PAYMENTS MADE	\$610.55
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TOTAL OUTSTANDING AT DATE OF THIS CERTIFICATE	\$1,831.50
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It is the responsibility of the Conveyancer, prior to settlement, to obtain an updated balance of the Total Outstanding from Council, as rates not paid on or before the **DUE DATE** are subject to a **FINE** of 2% with further **INTEREST CHARGES** of 0.7625% being added to **ARREARS** each month following.

Miscellaneous:

RATES OFFICER SIGNATURE	<div>DocuSigned by: <i>Esther Hibbard</i> FFBD1B730E13446</div>	DATE	10.10.2024
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DEVELOPMENT SECTION	
Development Act 1993 (Repealed)	
Section 42 – Condition (that continues to apply) of a development authorisation	NO
Section 50(1) – Requirement to vest land in a council or the Crown to be held as open space	NIL
Section 50(2) – Agreement to vest land in a council or the Crown to be held as open space	NIL
Section 55 – Order to remove or perform work	NIL
Section 56 – Notice to complete development	NIL
Section 57 – Land management agreement	YES
Section 69 – Emergency order	NIL
Section 71 – Fire safety notice	NIL
Section 84 – Enforcement notice	NIL
Section 85(6), 85(10) or 106 – Enforcement order	NIL
Part 11 Division 2 – Proceedings	NIL

Repealed Act Conditions	
Condition (that continues to apply) of an approval or authorisation granted under the Building Act 1971 (repealed), the City of Adelaide Development Control Act 1976 (repealed), the Planning Act 1982 (repealed) or the Planning and Development Act 1966 (repealed)	NO

Planning, Development and Infrastructure Act 2016	
Is there a current amendment to the Planning and Design Code released for public consultation by a designated entity on which consultation is continuing or on which consultation has ended but whose proposed amendments has not yet come into operation	NO
Section 127 – Condition (that continues to apply) of a development authorisation	YES
Section 141 – Order to remove or perform work	NIL
Section 142 – Notice to complete development	NIL
Section 155 – Emergency order	NIL
Section 157 – Fire safety notice	NIL
Section 192 or 193 – Land management agreement	YES
Section 198(1) – Requirement to vest land in a council or the Crown to be held as open space	NIL
Section 198(2) – Agreement to vest land in a council or the Crown to be held as open space	NIL
Part 16 Division 1 – Proceedings	NIL
Section 213 – Enforcement notice	NIL
Section 214(6), 214(10) or 222 – Enforcement order	NIL

Particulars relating to Environment Protection - Further Information held by Council	
Does the Council hold details of any development approvals for land relating to commercial or industrial activity at the land; or a change in the use of the land or part of the land?	NO

Particulars of Building Indemnity Insurance			
<p>Note: Building indemnity insurance is not required for –</p> <ul style="list-style-type: none"> a. domestic building work for which approval under the Building Act 1971 or a development authorisation under the Development Act 1993 was not required; or b. minor domestic building work (see section 3 of the Building Work contractors Act 1995); or c. domestic building work commenced before 1 May, 1987; or d. building work in respect of which an exemption from the application of Division 3 of Part 5 of the Building Work Contractors Act 1995 applies under the Building Work Contractors Regulations 1996; or e. building work in respect of which an exemption from the application of Division 3 of Part 5 of the Building Work Contractors Act 1995 has been granted by the Minister under section 45 of that Act. 			
BUILDING INDEMNITY INSURANCE IS REQUIRED	NIL		
NAME/S OF PERSON/S INSURED			
NAME OF INSURER			
LIMITATIONS IN THE LIABILITY OF THE INSURER		DATE OF ISSUE	
NAME OF BUILDER		BUILDERS LICENCE NUMBER	
DESCRIPTION OF INSURED BUILDING WORK			
Ministerial exemption from holding insurance under the Building Work Contractors Act 1995			
<p>If particulars of insurance are not given –</p> <p>Has the Minister granted an exemption under section 45 of the Building Work Contractors Act 1995 from the requirement to hold an insurance policy in accordance with Division 3 of Part 5 of that Act?</p> <p>YES/NO</p> <p>If YES, please give details:</p> <ul style="list-style-type: none"> a. Date of exemption: b. Name of builder granted the exemption: c. Licence number of builder granted the exemption: d. Details of building work for which the exemption applies: e. Details of conditions (if any) to which the exemption is subject: 			
Disclaimer			
<p>It should be noted that –</p> <ul style="list-style-type: none"> the approval of development by a Council does not necessarily mean that the development has taken place; the Council will not necessarily be able to provide a complete history of all such development that has taken place at the land. <p>Every attempt is made from the available documentation to ensure the accuracy and reliability of the information contained within this Property Search</p>			

HEALTH SECTION	
Fire and Emergency Services Act 2005	
Section 105F or section 56 (repealed) – Notice of action required concerning flammable materials on land and to protect against outbreak or spread of fire	NIL
Food Act 2001	
Section 44 – Improvement notice	NIL
Section 46 – Prohibition order	NIL
Housing Improvement Act 1940 (Repealed)	
Section 23 – declaration that house is undesirable or unfit for human habitation	NIL
Part 7 (rent control for substandard houses) – notice or declaration	NIL
Land Acquisition Act 1969	
Section 10 – Notice of intention to acquire	NIL
Local Government Act 1934 (Repealed)	
Notice, order, declaration, charge, claim or demand given or made under the Act	NIL
Local Government Act 1999	
Notice, order, declaration, charge, claim or demand given or made under the Act	NIL
Local Nuisance and Litter Control Act 2016	
Section 30 – Nuisance or litter abatement notice	NIL
Public and Environmental Health Act 1987 (Repealed)	
Part 3 – Notice	NIL
<i>Public and Environmental Health (Waste Control) Regulations 2010 (or 1995) Part 2 – Condition (that continues to apply) of an approval</i>	NIL
<i>Public and Environmental Health (Waste Control) Regulations 2010 (revoked) regulation 19 – Maintenance order (that has not been complied with)</i>	NIL
South Australian Public Health Act 2011	
Section 92 – Notice	NIL
Wastewater Regulations 2013 Part 4 – Condition (that continue to apply) of an approval	NIL
Water Industry Act 2012	
Notice or order under the Act requiring payment of charges or other amounts or making other requirements	NIL

Data Extract for Section 7 search purposes

Valuation ID 3010350323

Data Extract Date: 10/10/2024

Parcel ID: D125833 A48

Certificate Title: CT6249/591

Property Address: 55 LIBERATOR WAY WALLAROO SA 5556

Zones

Neighbourhood (N)

Subzones

No

Zoning overlays

Overlays

Affordable Housing

The Affordable Housing Overlay seeks to ensure the integration of a range of affordable dwelling types into residential and mixed use development.

Heritage Adjacency

The Heritage Adjacency Overlay seeks to ensure development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those places.

Hazards (Flooding - Evidence Required)

The Hazards (Flooding - Evidence Required) Overlay adopts a precautionary approach to mitigate potential impacts of potential flood risk through appropriate siting and design of development.

Native Vegetation

The Native Vegetation Overlay seeks to protect, retain and restore areas of native vegetation.

Is the land situated in a State Heritage Place/Area

No

Open the SA Heritage Places Database Search tool to find the locations' Heritage Place Details.

<http://maps.sa.gov.au/heritagesearch/HeritageSearchLocation.aspx>

Is the land designated as a Local Heritage Place

No

Open the SA Heritage Places Database Search tool to find the locations' Heritage Place Details.

<http://maps.sa.gov.au/heritagesearch/HeritageSearchLocation.aspx>

Is there a tree or stand of trees declared in Part 10 of the Planning and Design Code (the Code) to be a significant tree or trees on the land? (Note: there may be regulated and/or significant trees on the land that are not listed in the Code - see below).

No

Under the Planning, Development and Infrastructure Act 2016 (the Act), a tree may be declared as a significant tree in the Code, or it may be declared as a significant or regulated tree by the Planning, Development and Infrastructure (General) Regulations 2017. Under the Act, protections exist for trees declared to be significant and/or regulated trees. Further information regarding protected trees can be found on the PlanSA website: <https://plan.sa.gov.au/>

Open the Online Planning and Design Code to browse the full Code and Part 10 - Significant Trees for more information.

<https://code.plan.sa.gov.au/>

Associated Development Authorisation Information

A Development Application cannot be enacted unless the Development Authorisation for Development Approval has been granted.

Application ID: 23014811

Development Description: Two storey detached dwelling

Site Address: 55 LIBERATOR WAY WALLAROO SA 5556

Development Authorisation: Planning Consent

Date of authorisation: 21 July 2023

Name of relevant authority that granted authorisation: Copper Coast Council

Condition 1

The applicant/developer shall proceed strictly in accordance with the approved plans and other information submitted in support of the development and conditions imposed by this consent, except where otherwise specified by any condition of this approval or where minor changes are required to comply with the Building Code of Australia or any other relevant act. Where there is a conflict between the Plan of Development and a written condition, the written condition shall apply.

Condition 2

The applicant/owner shall ensure that air-conditioning compressor units (excluding evaporative systems) are installed so that no part of the unit is higher than the fence line or 1.5 metres above the ground level, whichever is lower. Evaporative systems must be installed in a manner that ensures the units are installed below the ridgeline of the roof and on the side of the roof where the visual impact of the units on any adjoining street is minimised.

Condition 3

The position of the driveway crossover is approved as shown on the Plan of Development and shall be constructed in accordance with Council's specifications and as follows: a) It must be constructed to the kerb of the road or, if there is no kerb, to the sealed surface of the road; and b) From the kerb or sealed road surface up to the property boundary it must be constructed to follow the same grade as Council's footpath.

Condition 4

Site falls and gradings are to be directed away from the building perimeter and no ponding of stormwater resulting from the development shall occur on adjacent sites. All roof water is to be directed to the street drainage system (or storage tank) to the satisfaction of the Relevant Authority. The drainage system shall be completed by the finish of the construction of the building.

Condition 5

It is the responsibility of the developer to implement appropriate measures for the duration of the construction period to prevent soil erosion and contamination of the stormwater drainage system and waterways during the construction of the approved development.

Condition 6

The applicant/owner is reminded that they must obtain approval from Council for the installation of a Waste Control system prior to the commencement of construction. The Waste Control system must be installed in accordance with the conditions of the approval.

Condition 7

Prior to occupation of the dwelling, all upper-storey windows as identified on the hereby stamped approved plans must: a) be permanently obscured to a height of 1.5 metres above finished floor level (FFL) and are fixed or not capable of being opened more than 200mm; or b) Have sill heights greater than or equal to 1.5 metres above FFL; or c) Incorporate screening with a maximum of 25% openings permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5 metres above the FFL; and, thereafter maintained to the reasonable satisfaction of the Relevant Authority.

Condition 8

Prior to the occupation of the dwelling, screening to a minimum height of 1.7 metres above finished floor level (FFL) shall be installed to the balcony as identified on the hereby stamped approved plans and thereafter maintained to the reasonable satisfaction of the Relevant Authority.

Development Authorisation: Building Consent

Date of authorisation: 20 March 2024

Name of relevant authority that granted authorisation: BCA Concepts Pty Ltd

Condition 1

This consent is issued on the basis that no building work contract for the building work had been entered into at the time of lodgement of the application for building rules consent. The owner of land on which domestic building work is to be performed must ensure that a copy of a certificate of insurance in relation to that work is lodged with the relevant authority on or before the giving of notice of the intended commencement of the building work under Regulation 36. Domestic building work must not commence unless or until a copy of a certificate of insurance in relation to that work has been lodged.

Associated Building Indemnity Insurance

Building Work: two storey dwelling

Not Applicable

Development Authorisation: Development Approval: Planning Consent and Building Consent

Date of authorisation: 20 March 2024

Name of relevant authority that granted authorisation: Copper Coast Council

Land Management Agreement (LMA)

- 13305794 Agreement with Council COPPER COAST COUNCIL

Orig. **AG 13305794**



14:43 22-May-2020
1 of 1

LANDS TITLES REGISTRATION OFFICE

SOUTH AUSTRALIA

APPLICATION

FORM APPROVED BY THE REGISTRAR-GENERAL

PRIORITY NOTICE ID

STAMP DUTY DOCUMENT ID:

SERIES NO	PREFIX
	AG

AGENT CODE

LODGED BY:

KELJ

CORRECTION TO:

KELJ

SUPPORTING DOCUMENTATION LODGED WITH INSTRUMENT
(COPIES ONLY)

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

CORRECTION

PASSED

ML

REGISTERED

1 JUN 2020

M. Loofaro



PRO

APPLICATION TO NOTE LAND MANAGEMENT AGREEMENT

PRIVACY COLLECTION STATEMENT: The information in this form is collected under statutory authority and is used for maintaining publicly searchable registers and indexes. It may also be used for authorised purposes in accordance with Government legislation and policy requirements.

LAND DESCRIPTION

Whole of the land in Certificate of Title Register Book Volume 6228 Folio 864

ESTATE & INTEREST

Fee Simple

APPLICANT (Full name and address)

The Copper Coast Council of 51 Taylor Street, Kadina SA 5554

SPECIFY NATURE OF APPLICATION

*mc
procc
16/5/2020*
The applicant applies pursuant to section 57(5) of the Development Act 1993 to note the Land Management Agreement pursuant to section 57(2) of the Develo~~vement~~ment Act 1993 dated *19th May 2020* ("the Agreement") between THE COPPER COAST COUNCIL of 51 Taylor Street, Kadina SA 5554 and COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724) of Level 1, 187 Fullarton Road, Dulwich SA 5056 to note the Agreement on the certificate of title for the land described above.

DATED *22nd May 2020*

EXECUTED UNDER DELEGATED AUTHORITY

Pursuant to section 20 of the Development Act 1993

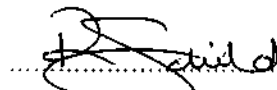
by Russell Peate, Chief Executive Officer of

The Copper Coast Council:



Russell Peate, Chief Executive Officer

Witnessed by:



Signature of Witness:

Raylene Schild

Name of Witness (print)

COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)

("the Owner")

And

THE COPPER COAST COUNCIL

("the Council")

LAND MANAGEMENT AGREEMENT

THIS AGREEMENT is made the 19th day of May 2020

BETWEEN

COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724) of Level 1, ¹⁸⁵187 Fullarton Road, Dulwich SA 5056 ("the Owner")

AND

THE COPPER COAST COUNCIL of 51 Taylor Street, Kadina SA 5554 ("the Council")

BACKGROUND

- A. The Owner is the registered proprietor in fee simple of the land in Certificate of Title Register Book Volume 6228 Folio 864 known as Lot 2021 Liberator Way, Wallaroo SA 5556 ("the Land"). A copy of the Certificate of Title is contained in **Annexure 1**.
- B. The Owner has lodged Development Application Number 340/D005/18 ("the Development Application") seeking to divide the Land into seven allotments. A copy of the application form and Plan of Division for the Development Application are contained in **Annexure 2**.
- C. The Land is subject to a Site Contamination Audit Report dated 16 January 2014 ("the SCAR") that provides findings, recommendations and conditions in respect of the Land. The findings, recommendations and conditions of the SCAR are summarised in the Site Contamination Audit Statement issued 16 September 2019 (EPA Ref: 62043_001) ("the Audit Statement"). A copy of the Audit Statement is contained in **Annexure 3**.
- D. The Development Application forms part of the proposed redevelopment of the area known as Wallaroo Shores. The Land is currently vacant. A plan of the Wallaroo Shores redevelopment showing assigned land uses and the land subject to the SCAR and Audit Statement is contained in **Annexure 4**.
- E. The Council requires the Owner, and any subsequent owner, of the Land or allotments created from the Land to be aware of and comply with the conditions in the Audit Statement, including in respect of any reviews, updates and/or amendments to the Audit Statement.
- F. The Council and the Owner recognise the importance of:
 - a. ensuring that the Land, and any further allotments created from the Land, is suitable for its intended use;
 - b. ensuring that development and management of the Land is carried out in accordance with the recommendations and conditions in the SCAR and Audit Statement to ensure the safety of persons on, near or occupying the Land; and

- c. ensuring that future owners of the Land are aware of their obligations arising out of the SCAR and Audit Statement.
- G. The purpose of this Agreement is to ensure that the Owner and future owners of the Land:
- a. are informed and understand the contamination which exists within the Land;
 - b. are protected from adverse impacts as a result of contamination;
 - c. are made aware of the recommendations and conditions for the Land in the Audit Statement; and
 - d. comply with the recommendations and conditions in the Audit Statement.
- H. The parties have entered into this Agreement as a Land Management Agreement pursuant to section 57(2) of the *Development Act 1993* ("the Act") to agree matters relating to the development, management, preservation or conservation of the Land, on the terms and conditions which follow.

DEFINITIONS AND INTERPRETATION

1. The parties acknowledge that the matters set out in the Background to this Agreement are true and accurate and agree that they form part of the terms of this Agreement.
2. In this Agreement:
 - 2.1 **Act** means the Development Act 1993.
 - 2.2 **Allotment** means an allotment created by the Plan of Division, being allotments 46 to 52 on the Plan of Division.
 - 2.3 **Agreement** means this Agreement as executed by the parties.
 - 2.4 **Audit Statement** means the Site Contamination Audit Statement (Reference No: 62043_001) contained in **Annexure 3** and includes any review, update and/or amendment to the Audit Statement.
 - 2.5 **Development Application** means Development Application number 340/D005/18 lodged in respect of the Land.
 - 2.6 **Land** means the whole or any part of the land now comprised in Certificate of Title Register Book Volume 6228 Folio 864.
 - 2.7 **Notice** means a notice, demand, consent, approval or communication issued under this Agreement.
 - 2.8 **Owner** means any person who is, or is entitled to become, the registered proprietor of an estate in fee simple of the Land, or any part of the Land, and includes a successor in title to an estate in fee simple to the Land.
 - 2.9 **Plan of Division** means the Plan of Division prepared by Mosel Surveyors dated 22 August 2018 which forms part of the Development Application and is contained in **Annexure 2**.

2.10 **Site Contamination Audit Report** or **SCAR** means the report titled "Site Contamination Audit Report Residential Area, Former IFL Site, Charles Terrace, Wallaroo, South Australia" dated 16 January 2014 and includes any review, update and/or amendment to the SCAR. The summary of the findings and recommendations in the SCAR are contained in the Audit Statement.

3. In this Agreement unless the context otherwise requires:

3.1 A term, other than a term defined in the Background or in Clause 2, has the same meaning as in a provision of the Act or the *Development Regulations 2008* ("the Regulations") as in force at the date of this Agreement. A term which is defined in the Background or in Clause 2 has the meaning there defined;

3.2 headings do not affect interpretation;

3.3 the term "person" includes a corporate body, partnership, association, government body or other entity;

3.4 a reference to a party includes its executors, administrators, successors and permitted assigns;

3.5 singular includes plural and plural includes singular;

3.6 where two or more persons are bound by this Agreement to observe or perform any obligation or agreement whether express or implied then they shall be bound jointly and also severally;

3.7 a reference to any statute or subordinate legislation includes all statutes and subordinate legislation amending, consolidating or replacing the statute or subordinate legislation referred to; and

4. The requirements of this Agreement are to be construed as additional to any requirements upon either party in relation to the Land under the Act or any other legislation.

5. In the consideration of any further development application(s) for the Land under the Act, the provisions of this Agreement are to be afforded significant weight such that any proposed development which is contrary to this Agreement should be refused.

OWNER'S UNDERTAKINGS AND OBLIGATIONS

6. The Owner is liable to the Council for any act or omission on the part of an officer, employee, contractor, agent, invitee, lessee or licensee of the Owner which, if done or not done by the Owner would constitute a breach of this Agreement.

7. Where a person ceases to be an Owner, such person ceases to be a party to this Agreement, but without prejudice to rights or obligations already accrued.

8. The Owner warrants and represents that all persons with a legal interest in the Land consent to the Owner entering into this Agreement.

9. The Owner agrees the following in relation to the Land:

- 9.1 that any and all future works and/or development on the Land will comply with the requirements and recommendations in the SCAR and Audit Statement, including compliance with any future review, update and/or amendment to the SCAR and/or Audit Statement;
- 9.2 that, in complying with clause 9.1 above, compliance with the conditions and recommendations contained on page 11 of the Audit Statement will be achieved, including:
 - 9.2.1 the existing capping of the Land to be maintained to ensure that a thickness of more than 0.6 m below the final design level (and 0.3 m of cap for the roads) is maintained. It is noted that the current capping depths are generally well in excess of these requirements, and that the final design levels are intended to exceed current surface levels;
 - 9.2.2 there must be no abstraction of site groundwater from the Land for any beneficial uses, unless the groundwater has been tested and shown to be safe and suitable for the proposed uses;
 - 9.2.3 any soil/fill imported to the Land must be classified as meeting the chemical and physical criteria for 'Waste Fill' as defined in the *Environment Protection Regulations 2009*; and
 - 9.2.4 any soil/fill exported from the Site must be appropriately disposed of in accordance with EPA guidelines.

COUNCIL'S POWERS AND OBLIGATIONS

- 10. The Council, including any employee or agent of the Council authorised by the Council, may at any reasonable time enter the Land for the purpose of:
 - 10.1 inspecting the Land and any building or structure on the Land; or
 - 10.2 exercising any other powers of the Council under this Agreement, or pursuant to any other law.
- 11. If the Owner is in breach of this Agreement, the Council may, by Notice served on the Owner specifying the nature of the breach, require the Owner to remedy the breach within such time as is specified in the Notice. If the Owner fails to comply with the Notice, the Council (or its servants or agents) may enter the Land and cause the works or requirements specified in the Notice to be carried out and may recover its costs of doing so against the Owner.
- 12. Without providing a Notice to the Owner, the Council may apply to the Registrar-General to note this Agreement against the Certificate of Title of the Land.
- 13. In the event of a breach or threatened breach of the Agreement by the Owner, the Council may (without limiting any other remedy available to the Council, including under Part 11 of the Act), obtain an injunction restraining the Owner from committing a breach of the Agreement without proving any actual damage has or will be sustained by the Council.

The parties agree that a breach of this Agreement by the Owner may cause injury for which damages may not be an adequate remedy to the Council.

OPERATION AND APPLICATION OF THE AGREEMENT

14. Upon execution, this Agreement is effective as a deed.
15. The parties intend that this Agreement will be effective as a Land Management Agreement pursuant to section 57(2) of the Act upon being registered under the *Real Property Act 1886* as a note against the instrument of title to the Land.
16. This Agreement is the whole agreement between the parties in relation to the matters contained within it. This Agreement may only be varied by a supplementary agreement executed by the Council and the Owner.

NOTING OF THIS AGREEMENT

17. Each party shall do and execute all such acts, documents and things necessary so that as soon as practicable following the execution of this Agreement by all parties, the Agreement is noted against the Certificate of Title for the Land pursuant to the provisions of section 57(5) of the Act in priority to any other registered instrument.

WAIVER

18. The Council may, conditionally or unconditionally, waive compliance by the Owner with the whole or any part of the Owner's past or future obligations under this Agreement.
19. To be effective, a waiver must be in writing and signed by the Council.
20. The failure, delay, relaxation or indulgence by a party in exercising a power or right under this Agreement is not a waiver of that power or right.
21. An exercise of a power or right under this Agreement does not preclude a further exercise of it or the exercise of another right or power.

SEVERANCE

22. Where a clause or part of a clause in this Agreement would, but for this clause, be unenforceable:
 - 22.1 the clause or part of the clause shall be read down to the extent necessary to avoid that result; or
 - 22.2 where the clause or part of the clause cannot be read down, it may be severed from this Agreement and the remainder of the clause or of the Agreement shall continue in force, unless this would result in a material change to the intended effect of the Agreement.

GOVERNING LAW

23. This Agreement is governed by the law in South Australia.

NOTICES

24. A Notice must be in writing, be signed by the party issuing the Notice, and be hand delivered or sent by pre-paid post to the recipient's address as stated in this Agreement, or as last notified.
25. A Notice is deemed to be received:
- 25.1 if hand delivered, on delivery; and
- 25.2 if sent by pre-paid post, two business days after posting.
26. If two or more people comprise a party, providing a Notice to one is effective as notice to all.

ABOUT THE COUNCIL

27. The Council may delegate any of its powers under this Deed or pursuant to law.
28. The Council enters into this Deed as a council acting under section 57(2) of the Act and not in any other capacity. This Deed does not preclude or pre-empt the exercise by the Council of any other regulatory function of power.

COSTS

29. The Owner must pay to the Council on demand the Council's costs and expenses (including legal costs and expenses) of preparing, stamping and noting this Agreement.

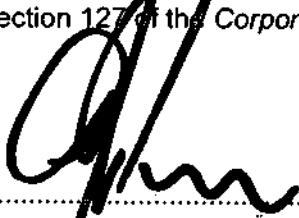
COUNTERPARTS

30. This Agreement may be executed in any number of counterparts which together will constitute one instrument. A party may execute this Agreement by signing any counterpart.

Executed by Owner:

COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)


in accordance with
section 127 of the Corporations Act 2001:



Signature of Director

ALEXANDER P. AIORA

Full Name of Director



Signature of Director/Secretary

BRUCE EDWIN CAMPBELL

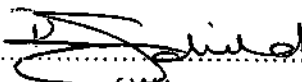
Full Name of Director/Secretary

8 MAY 2020

Date

Executed by the Council:


The Copper Coast Council by Russell Peate, Chief Executive Officer, pursuant to section 20 of the *Development Act 1993* in the presence of:



 Signature of Witness



 Full Name of Witness



 Date

Russell Peate
 Chief Executive Officer

ANNEXURE 1



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6228 Folio 864

Parent Title(s) CT 6059/236

Creating Dealing(s) RTC 13174651

Title Issued 24/09/2019

Edition 1

Edition Issued

24/09/2019

Estate Type

FEE SIMPLE

Registered Proprietor

COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)
OF L 1 187 FULLARTON ROAD DULWICH SA 5065

Description of Land

ALLOTMENT 2021 DEPOSITED PLAN 121859
IN THE AREA NAMED WALLAROO
HUNDRED OF WALLAROO

Easements

SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED E(T/F) ON D121859 FOR ELECTRICITY SUPPLY PURPOSES TO DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000) (223LG RPA)

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL




Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes NIL

Administrative Interests NIL

ANNEXURE 2

  		Ref. No. IDA2018917 24 APR 2018	
Search Configure Notification Email Log Out			
Application Detail			File No. 3-71-4
General			Hide All Hide
Unique Id : 61446 Development No : 340/D005/18 Application Type : Conventional Land Division Application Extent : Provisional Development Plan Consent with Land Division Consent Land Use/Building Consent : No Council Name : District Council of Copper Coast Agents Reference : K14095 L6 Super Lot E Short Reference : HeriWallaro Submitting Agents Name : Mosel Surveyors Submitted By : Michael Liebelt, Mosel Surveyors Application Status : Lodged & Distributed (No Decision)			
Application Type Details : Conventional Land Division			Hide
Total Area of Land to be Divided : 4485 square metres Reserve Area : 747 square metres Number of existing allotments : 1 Number of proposed allotments (excluding 7 road and reserve) : Number of additional allotments : 6			
Applicant Details			Hide
Salutation	Name	Organisation Name	Address
		Copper Coast Investments	c/- Mosel Surveyors 6 Graves Street Kadina South Australia AUSTRALIA
Owner Details			Hide
Salutation	Name	Organisation Name	Address
		Copper Coast Investments	187 Fullarton Road Dulwich South Australia AUSTRALIA
Contact Details			Hide
Salutation	Name	Address	Telephone
Mr	Michael Liebelt	6 Graves St KADINA 5554 South Australia AUSTRALIA	Telephone 1 : 08 8821 3544 Telephone 2 : Mobile :
			Fax : Fax 1 : Fax 2 :
			Email : info@mosel.com.au
Subject/Property Details			Hide
House No. : Lot No. : Street : Heritage Drive Suburb/Town Wallaroo Hundred: Wallaroo Reference Section:			
Title Reference and Plan Parcel			
Title Code	Title Description	Volume	Folio
CT	Certificate of Title	6059	236
			Plan Code
			Plan Description
			Plan No.
			Parcel No.
			82762
			A2004
Other Details			Hide
Existing Use : Residential Description of Proposed Development : 1 into 7 Does either schedule 21 or 22 of the No Development Regulations 1993 apply? : Notes : Super Lot E - Allotment 2021 in DA 340/D017/17 Part CT 6059/236 Additional Information Requests :			

Additional Fees and Payments :

Lodgement Date : 18 Apr 2018

Months for Development Approval Request : 12

Categorisation Details

Hide

Decision Authority : Council
 Application Classification : Technical
 Kind of Development : Merit
 Notification Category : Not Applicable
 Zone : Residential/Policy Area 14
 Development Plan Map No : CoCo/10
 Allocated Planner : Biljana Prokic
 Categorisation Comments : Reg 29 referral to EPA (EP 47136)

Categorised By : Biljana Prokic
 Categorisation Date : 23 Apr 2018

Distribution Details

Hide

Referral Agency	Referred to Agent	First Accessed	Referral State	Due Date	Response
Development Assessment Commission	23 Apr 2018	23 Apr 2018	Current	18 Jun 2018	Show
Environment Protection Authority	23 Apr 2018		Current	21 May 2018	Show
SA Water Corporation	23 Apr 2018	23 Apr 2018	Current	21 May 2018	Show
DPTI - Mark Maintenance Section	23 Apr 2018		Current	21 May 2018	Show
Decision Authority	Distributed for Decision	First Accessed	Decision State	Decision Issued	Response
District Council of Copper Coast	23 Apr 2018	24 Apr 2018	Current		Show

Decision Details

Hide

There has not yet been a decision submitted for this application

Overturned Decision Details

Hide

There are no overturned decision details currently available for this application

Clock Stops (State Commission Assessment Panel only)

Hide

No clock stops have been set

Lodgement Fees

Hide

Fee Invoice No.	Fee Invoice Date	Invoice Description	Fee Status
57395	18 Apr 2018	New Application Invoice	Fees Paid
Fee Line Type Description			Total Fee (\$)
Lodgement Fee (additional allotment)			209.50
Land Division Fee (additional allotment)			158.00
Land Division Fee (per Additional Allotment)			89.40
Statement of Requirements Fee (additional allotment)			417.00
Certificate of Approval Fee (additional allotments)			347.00
Invoice Total Fee(\$):			1220.90

Certificate of Approval (CoA) Details

Hide

There are no Certificate of Approval (CoA) details currently associated with this application

Certificate of Approval (CoA) Clearance Requirements Details

Hide

There are no clearance requests submitted for this application

Additional DA Fees

Hide

Additional DA Fees - Paid

Fee Desc	Fee Issue Date	Payment Date	Total Fee (\$) Incl. GST	Detail
DAC Consultation Report (additional allotment)	19 Apr 2018	19 Apr 2018	208.00	Show

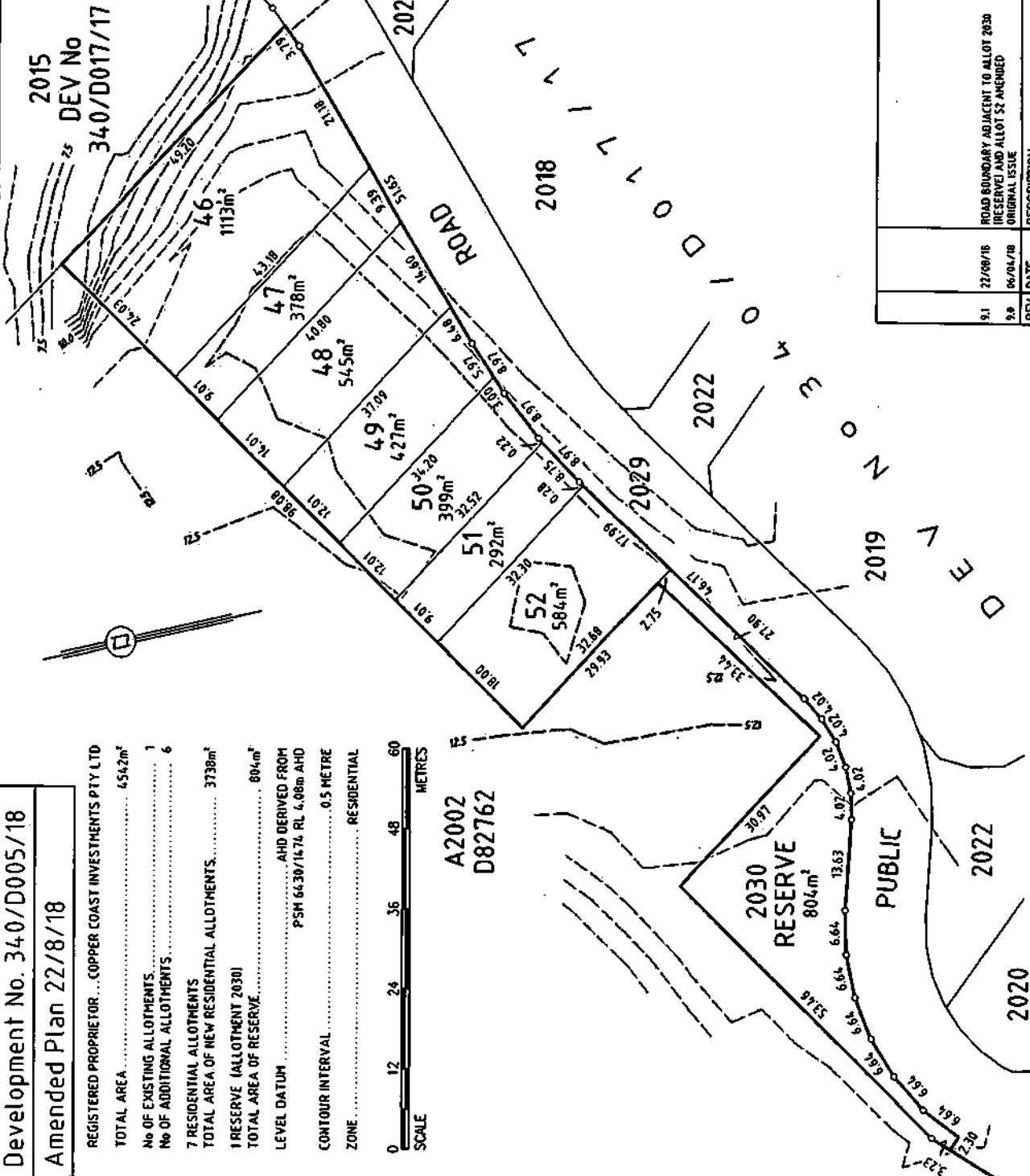
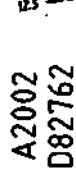
Additional DA Fees - Outstanding

Fee Desc	Fee Issue Date	Total Fee (\$) Incl. GST
No Outstanding Fees to be paid		

Additional CoA Fees						Hide
There are currently no Certificate of Approval (CoA) fees generated for this application						
Application Documents						Hide
Document Title	Document Type	Version #	State	File Size (Kb)	Date Uploaded	Notes
K14095P9.0 New	Proposed Plan of Division	1	Uploaded	144.0900000	18 Apr 2018	Show
CT6059-236 New	Certificate of Title/Lease	1	Uploaded	223.0800000	18 Apr 2018	Show
Lodgement Fee Receipt New	Miscellaneous	1	Uploaded	28.2200000	18 Apr 2018	Show
DA Fee Receipt New	Miscellaneous	1	Uploaded	23.5800000	19 Apr 2018	Show
Location plan New	Miscellaneous	1	Uploaded	317.0700000	23 Apr 2018	Show
Location plan - enlargement New	Miscellaneous	1	Uploaded	240.6300000	23 Apr 2018	Show
DAC Regulation 29 Letter New	Miscellaneous	1	Uploaded	871.9200000	23 Apr 2018	Show
LOTS Admin Interests New	Miscellaneous	1	Uploaded	28.5000000	23 Apr 2018	Show
Final Plan Documents for Certificate of Approval (CoA)						Hide
There are no Final Plans for Certificate of Approval (CoA) currently associated with this application						
Certified Certificate of Approval (CoA) Plan Documents						Hide
There are no Certified Certificate of Approval (CoA) Plans currently associated with this application						
Mode: ApplicationDisplay/Revision: 14						
DisclaimerTerms and Department of Planning, Transport and Infrastructure, Level 5, 50 Flinders St, ADELAIDE South Australia 5000 - P 1800 752 664 Copyright Conditions						

Amended Plan 22/8/18

A vertical scale bar labeled "METRES" at the top and "SCALE" at the bottom. The scale has markings at 0, 12, 24, 36, 48, and 60.



**PROPOSED PLAN OF
DIVISION**

MAP REF: 6430-42-K

COUNCIL: COPPER COAST COUNCIL	LAND DESCRIPTION
-------------------------------	------------------

HD OF WALLAROO
ALLOTMENT 2021 in DEV NO
340/D017/17
REBING PORTION OF ALLOTMENT 2004
in D02762)

PT. C.T. VOL. 6059 FOL. 236

EASEMENT NOTES AND OTHER ANNOTATIONS:

DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY.

VOUCHED FOR IN ACCORDANCE WITH SCHEDULE S OF THE DEVELOPMENT REGULATIONS, 2008.

MICHAEL LIEBELT.....**22/08/18**
LICENSED SURVEYOR.....**DATE**

SUPPORTIVE NOTES: This plan was forwarded for CONFER COAST STUDENTS LTD as a proposed resolution to the CONFER COAST COUNCIL and should not be used for any other purpose. The number of students shown below are subject to field survey and also to the recommendations of Council and any other authority which may have requirements under any relevant legislation. The names should be placed on the information on this form for any financial dealings involving the fund. The Board of Management and the Board of Governors have no liability for any loss or damage suffered or whatsoever incurred arising from any party who has been named on this form. The names of the persons named on this document prepared for the sole purpose of being submitted to the Council and which may be subject to alteration for reasons beyond the control of the Board of Management. This policy is not intended to be interpreted as an endorsement.



CLARE
08 8842 1278
ADELAIDE &
MURRAY BRIDGE
1300 853 203

**MOSEL
SURVEYORS**

REFERENCE: K14.095P9.1

ROAD BOUNDARY ADJACENT TO ALLOT 2630
(RESERVE) AND ALLOT 57 AMENDED

REV	DATE	DESCRIPTION	ORIGINAL ISSUE
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ADDITIONS & AMENDMENTS

ANNEXURE 3

SITE CONTAMINATION AUDIT SYSTEM SITE CONTAMINATION AUDIT STATEMENT



INSTRUCTIONS

Requirements relating to site contamination audit statements are prescribed in the *Environment Protection Regulations 2009* (the Regulations) and include the following:

Regulation 67—Site contamination audit report summary and statement

- (1) A site contamination audit report required under section 103Z(4)(a) and (b)(i) of the Act¹ must include a summary of the findings of the site contamination audit to which it relates that—
 - (a) is in the form set out in Schedule 3 clause 8 for site contamination audit statements; and
 - (b) is certified by the responsible auditor in accordance with the directions contained in the form set out in Schedule 3 clause 8.
- (2) A site contamination audit statement required under section 103Z(4)(b)(ii) of the Act in relation to a site contamination audit must comprise—
 - (a) a copy of the summary in the site contamination audit report relating to the audit and itself be certified by the responsible auditor in accordance with the directions contained in the form set out in Schedule 3 clause 8; or
 - (b) a photocopy, faxed copy or electronic copy of the summary as certified by the responsible auditor in accordance with the directions contained in the form set out in Schedule 3 clause 8.

Audit reports and audit statements are required to be provided to the EPA under section 103Z(4) of the Act, which requires that:

103Z—Requirements relating to site contamination audits

- (4) A site contamination auditor must, on the completion of each site contamination audit for which the auditor is the responsible auditor—
 - (a) provide a site contamination audit report to the person who commissioned the audit; and
 - (b) at the same time, provide—
 - (i) a site contamination audit report to the Authority; and
 - (ii) a site contamination audit statement to the council for the area in which the land to which the audit relates is situated and any prescribed body².

Penalty: Division 5 fine.

Where the audit subject to this form has been completed subject to a restricted scope, the audit report must be identified in the title as a 'Site contamination audit report (restricted scope)'.

An audit subject to a restricted scope is not suitable to be relied upon by a planning authority for the purpose of making decisions as to whether land is suitable for a sensitive use or another use or range of uses.

Please ensure that all sections of the form are completed, requested information and attachments (where necessary) are provided and labelled as indicated.

Please do not modify the form by moving or deleting sections or text, including these instructions.

Please ensure you are using the current version of the form (check the *EPA website*).

Refer to the current version of the EPA publication *Guidelines for the site contamination audit system*, for further information. For any enquiries or questions relating to the site contamination audit system, including requests for editable versions of this form, contact the EPA Site Contamination Branch.

¹ *Environment Protection Act 1993*.

² Refer to Regulation 68 of the *Environment Protection Regulations 2009* regarding prescribed bodies.

Site contamination audit statements must be included in the relevant site contamination audit reports, and be sent to:

By mail

Manager, Site Contamination Branch
Environment Protection Authority
GPO Box 2607
Adelaide SA 5001

Forms can also be emailed in pdf format to the Manager and an auditor's allocated EPA coordinator.

For any enquiries or questions relating to the site contamination audit system, contact the EPA Site Contamination Branch on:

Telephone: (08) 8204 2004

Email: <EPAsitecontam@sa.gov.au>

EPA GENI Reference

(EPA use only)

SITE CONTAMINATION AUDIT STATEMENT

(under section 103Z of the *Environment Protection Act 1993*)

This statement contains the summary of the findings of the site contamination audit set out in the site contamination audit report titled:

Site Contamination Audit Report Stage 1 – Charles Terrace, Wallaroo, South Australia

(referred to in this form as '*the report*')

dated: 16 September 2019

SECTION A: AUDITOR DETAILS	
Name of auditor*:	Mr. Phillip Hitchcock
Auditor's accreditation number:	2009014
Name of auditor's company or business:	Australian Environmental Auditors Pty Ltd
SECTION B: AUDIT SITE DETAILS	
Auditor's project reference:	EA0637
EPA reference:	62043_001
Name of audit site [if applicable]:	NA
Address of audit site:	Stage 1 – Charles Terrace, Wallaroo, South Australia
Name of council for area in which audit site is situated [if within council area]:	Copper Coast Council
Provide the following particulars** relating to the relevant land and the audit:	
<ul style="list-style-type: none"> certificates of title of all the relevant land and an indication of whether the audit site comprises all or part only of the land shown on or described in the certificates of title 	CT6059/241 CT6059/242 CT6059/237 (part) CT6059/236 (part) CT6059/243 (part)
<ul style="list-style-type: none"> details sufficient to identify the location of the land, including section or allotment numbers, area and hundred and AMG co-ordinates (GDA 94, UTM 53 and 54) 	Allotment 2010 Deposited Plan 82762 Allotment 2011 Deposited Plan 82762 Allotment 2005 Deposited Plan 82762 (part) Allotment 2004 Deposited Plan 82762 (part) Allotment 2012 Deposited Plan 82762 (part) Please refer to Annexure B .

<ul style="list-style-type: none"> - if the audit site comprises part only of the land described in the certificates of title, or if there is no certificate of title for the land comprising the audit site— survey plans prepared by a licensed surveyor 	Please refer to Annexure C
<ul style="list-style-type: none"> - audit plans indicating the location and extent of the audit site (which must comply with the guidelines issued by the EPA from time to time) - Refer to Annexure C 	
SECTION C: AUDIT DETAILS	
Name of owner of audit site:	Copper Coast Investments Pty Ltd
Name of occupier of audit site:	Vacant
Name, postal address and position of person who commissioned audit:	Mr Peter Vardy Project Manager, Monopoly Group 187 Fullarton Road, Dulwich, SA 5065
Indicate authority of person who commissioned audit:	EPA Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Owner Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Occupier Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Developer Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other [please specify]
Indicate reasons for audit [indicate all reasons]:	Required under the Development Act 1993 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Required under the Environment Protection Act 1993 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Other: required due to change of land use to a more sensitive use than previously signed off
If audit was required under the Environment Protection Act 1993, provide EPA reference number:	N/A
Indicate audit purposes [indicate all purposes]:	Determining the nature and extent of any site contamination present or remaining on or below the surface of the site Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Determining the suitability of the site for a sensitive use or another use or range of uses Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Determining what remediation is or remains necessary for a specified use or range of uses Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

If audit was required for development plan consent under the *Development Act 1993*, provide:

Name of relevant planning authority:	N/A
Development application number [if known]:	N/A
Site zoning:	N/A
Proposed site use:	N/A

Date of commencement of audit:	13 August 2018
Date of notification of commencement of audit to EPA:	24 August 2018
Date of completion of audit:	16 September 2019

SUMMARY OF FINDINGS

Please refer to Annexure A.

CERTIFICATION OF COPY OF SUMMARY FINDINGS

I certify that the summary of findings contained within or annexed to this statement represents a true and accurate summary of the findings of the site contamination audit set out in the report.



Signed*:

Phillip Hitchcock

Site Contamination Auditor, accredited by the Environment Protection Authority (EPA) under Division 4 of Part 10A of the Environment Protection Act, 1993
Australian Environmental Auditors Pty Ltd

Dated: 16 September 2019

** This form must be completed and signed by the 'responsible auditor', being, under the Environment Protection Act 1993 and the Environment Protection Regulations 2009, the auditor who personally carried out or directly supervised the work involved in the audit.*

This site contamination audit statement must be lodged, on completion of the audit, with the council for the area in which the audit site is situated and any prescribed body (see regulation 68 of the Environment Protection Regulations 2009).

The report (including the summary of findings) will be recorded in the public register kept by the EPA under section 109 of the Environment Protection Act 1993.

Annexure A

Summary of Findings

1. Conceptual Site Model

The development of the conceptual site model (CSM) has been prepared in consideration of the complexity of contamination issues at the Site and recommendations provided in the following guidelines:

- ASC NEPM 1999, Schedule B(2);
- ASTM International, Standard Guide for Developing Conceptual Site Models for Contaminated Sites, 2008, ASTM E1689-95; and
- SA EPA, Guidelines for the Assessment and Remediation of Site Contamination (2018).

Table 1 presents the Auditor's summary of the CSM based on both information provided by the Consultant and some minor information gaps filled by the Auditor as necessary.

Table 1: Conceptual Site Model	
CSM Aspect	Summary of Information Provided
Source:	
Known and potential sources of contamination	<p><u>On site:</u> Known and potential sources and their location are detailed in Section 9 of the SCAR. The primary potential sources of contamination are activities associated with the containment of slag and ore material on site. To a lesser extent, nutrients from fertiliser operations and petroleum hydrocarbons in groundwater.</p> <p><u>Off site:</u> Known sources are detailed in Section 9 of the SCAR. The primary potential off-site source of contamination is the former Smelter west of the Site.</p>
Mechanisms of contamination	<p>The most likely mechanism for contamination from nutrients and hydrocarbons is associated with the potential disposal/storage of chemicals, 'top down' spills. The most likely mechanism for contamination from slag containment is dry weight and leachable contaminants.</p> <p>The most likely mechanism from off-site contamination to impact the Site is from migration of contaminated groundwater to the Site.</p>
Chemicals of concern/interest	<p><u>On site:</u> Potential chemical substances of concern are detailed in Section 9 of the SCAR. The primary substances of concern are metals, petroleum hydrocarbons, nutrients and asbestos.</p> <p><u>Off site:</u> Potential off-site chemical substances of concern are detailed in Section 9 of the SCAR. The primary substances of concern are metals and hydrocarbons.</p>
Types of contaminants	<p><u>Solid phase:</u> Particles of contaminants such as ash, cinders and asbestos.</p> <p><u>Sorbed phase:</u> Contaminants sorbed onto soil particles, such as heavy metals, nutrients and hydrocarbons, are anticipated.</p> <p><u>Dissolved phase:</u> Contaminants dissolved in groundwater, particularly heavy metals, nutrients and hydrocarbons, are anticipated.</p> <p><u>Free phase:</u> Contaminants present in soil and/or porosity as non-aqueous phase liquid (NAPL) above and within groundwater, particularly hydrocarbons.</p> <p><u>Vapour phase:</u> Contaminants as vapour in soil, particularly hydrocarbons and solvents.</p>

Table 1: Conceptual Site Model

CSM Aspect	Summary of Information Provided
Nature of chemical substances	<p>Mobility: Heavy metals cannot be readily degraded (discounted oxidation states) and exist in either mobile or immobile forms (primarily adsorption and precipitation) within the soil matrix. They are normally retained in the soil surface as long as the retention capacity of the soil is not exceeded. The retention is governed by soil properties which include pH, redox potential, surface area, organic and clay content, CEC and carbonate levels.</p> <p>Metals, once in the aqueous phase of soils, are subject to movement with porewater, and may be transported through the vadose zone to groundwater, plant uptake or for some metals (arsenic, selenium, mercury) volatilisation mechanisms.</p> <p>The mobility and rate of degradation of hydrocarbons depend on the size and structure of the hydrocarbon molecule, but in general, light end hydrocarbons are relatively mobile and heavy end hydrocarbons are less mobile.</p> <p>Persistence: The chlorinated chemicals do not generally bind well to soil particles. Concentrations in the subsurface generally dissipate over time via volatilisation and biodegradation if conditions are favourable (i.e. anaerobic with the presence of carbon), but may persist for many years in certain conditions.</p> <p>The more volatile components (i.e. TPH C₆-C₉) are generally more soluble and therefore have a lower adsorption and higher mobility. They are also readily available for biodegradation. The opposite is true for the heavier components (i.e. TPH C₁₀-C₃₆) which can persist in the environment for a much longer period.</p> <p>Toxicity: The toxicity of chemical substances varies depending on the contaminant, exposure pathway and sensitivity of the receptor. Concentrations were initially compared to published investigation criteria which take toxicity into consideration.</p> <p>Volatility: Volatility is particularly a concern for short chained hydrocarbon compounds (i.e. TPH C₆-C₉). The volatility of contaminants has been taken into consideration when assessing the suitability of Consultants' sampling plans. The risk from volatile contaminants was initially compared to ASC NEPM HSLs which take contaminant volatility into consideration.</p>
Potentially affected elements of environment	<p>Based on the audit purpose, the Auditor considers the potentially affected elements of the environment include:</p> <ul style="list-style-type: none"> • land (soil, sediment and soil vapour); • air, particularly contaminated dust, asbestos fibres and emissions from volatile contaminants; • water, specifically surface water bodies and groundwater; • organisms; • ecosystems; • human-made or modified structures or areas; and • amenity values (e.g. odour, aesthetics).
Potentially affected media	<p>Based on the potential chemical substances of concern and site setting, the Auditor considers the potentially affected media to be soil, soil vapour and groundwater.</p>
Receptor	
Human (on site)	<p>Construction workers associated with the proposed development.</p> <p>Future users of the Site including residents, visitors and construction/maintenance workers (particularly those associated with underground services).</p> <p>Possible groundwater users of the uppermost aquifer were identified as those extracting groundwater for recreational or domestic irrigation purposes.</p>

Table 1: Conceptual Site Model

GSM Aspect	Summary of Information Provided
Human (off site)	<p>Residents and visitors to neighbouring residential properties.</p> <p>Workers and visitors to neighbouring commercial/industrial properties.</p> <p>Possible groundwater users of the uppermost aquifer were identified as those extracting groundwater for recreational or domestic irrigation purposes.</p>
Ecological (on site)	<p>There are no significant environmental receptors on site and they are unlikely to be present as part of the development.</p>
Ecological (off site)	<p>The Auditor generally considers that the ecological receptor of most concern is the nearest surface water body that receives groundwater and/or surface water run-off from the Site. The Spencer Gulf to the north and marina to the west are located 100 – 300 m from the Site.</p> <p>There are no freshwater ecosystems within 2 km of the Site.</p>
Pathway	
Unsaturated zone pathway characteristics (soil)	<p>Regional geology: Wallaroo lies within the southern area of the Pirie Basin which includes the upper section of the Spencer Gulf. The basin is underlain by Cambrian limestone and sandstone and Palaeo- and Meso-Proterozoic age granites and metasediments. The basin comprises a range of sedimentary deposits comprising three main units: the Kanaka Beds of early Tertiary age (carbonaceous siltstone, shale and sand); the Melton Limestone of Late Oligocene to Early Miocene age (quartzose limestone, calcarenite and calcareous sandstone); and, the non-marine Gibbon Beds (mottles sandy clays, clayey sands and conglomerates up to 8 to 10 m thickness).</p> <p>Site geology: Fill is predominately comprised of slag, ranging from fine grain gravels to boulder size with gravels, sands and inert industrial waste inclusions (concrete, steel and bricks) to depths between 1.5 and 8 m. Recent soil remediation works have placed engineered slag fill material within repositories, which have been covered with at least 0.6 m of capping material, except the Council Road (Liberator Way) where capping is at least 0.3m. Natural soils were predominantly silty sandy clay with calcrete in some locations, with fractured rock encountered below the natural soils between approximately 0.5 m and 9 mbgl.</p> <p>Preferential pathways: Given the relatively shallow groundwater (approximately 4-10 mbgl), infiltration of surface water directly through soils to groundwater is considered a likely contaminant pathway. Based on the outcomes from the risk assessment the 0.6 m of capping (and 0.3 m of cap for the Council road, Liberator Way), this is not considered significant.</p>
Saturated zone pathway characteristics (groundwater)	<p>Elevation: Standing water level in the shallow aquifer is approximately 4-10 mbgl, equating to approximately -0.2 to 3.6 m Australian Height Datum (AHD) across the entire Site.</p> <p>Flow direction: Local flow direction of groundwater beneath the Site is in a northerly direction, which is consistent with regional flow.</p> <p>Gradients: Low. Approximately 26 mm/m to the north.</p> <p>Hydraulic conductivities, porosities and velocity: Hydraulic conductivity is 0.3 m/day and effective porosity is 0.05.</p> <p>Aquitards and deeper aquifers: No driver to investigate deeper aquifers has been identified as part of the Audit.</p> <p>Preferential pathways: Preferential pathways may exist within the water bearing zone within porous lithologies that are present (i.e. gravelly/sand lenses).</p>
Pathways (Human Health)	<p>Ingestion – soil: Potentially complete pathway on site, however remediation resulted in 0.6 m capping layer above the slag (and 0.3 m of cap for the Council road, Liberator Way).</p> <p>Ingestion – groundwater: Potentially complete pathway on site based on determination of environmental values. Potentially complete pathway off site at surface water bodies, although pore water sampling of the Wallaroo Bay foreshore did not identify concentrations exceeding guidelines</p>

Table 1: Conceptual Site Model	
GSM/Aspect	Summary of Information Provided
	<p>within the inferred groundwater discharge zone, therefore a complete pathway off site at surface water bodies is not considered to exist.</p> <p><u>Dermal contact – soil</u>: Same as Ingestion – soil.</p> <p><u>Dermal contact – groundwater</u>: Potentially complete pathway on site based on determination of environmental values. Pore water sampling of the Wallaroo Bay foreshore did not identify concentrations exceeding guidelines within the inferred groundwater discharge zone, therefore a complete pathway off site at surface water bodies is not considered to exist.</p> <p><u>Inhalation – dust</u>: Potentially complete pathway on site during construction and to a lesser degree off site.</p> <p><u>Inhalation – volatilisation</u>: Complete pathway on site and off site.</p>
Pathways (Ecological)	<p><u>Migration into on-site ecological receptors</u>: No on-site ecological receptors identified.</p> <p><u>Leaching into groundwater</u>: Potentially complete pathway from contaminated soils leaching into groundwater.</p> <p>Off-site migration in groundwater: Potentially complete pathway.</p> <p><u>Off-site migration in surface water</u>: Unlikely to be a complete pathway.</p> <p><u>Migration into off-site ecological receptors</u>: Pore water sampling of the Wallaroo Bay foreshore did not identify concentrations exceeding guidelines within the inferred groundwater discharge zone, therefore a complete pathway off site at surface water bodies is not considered to exist.</p>
Additional Information	
Data gaps in CSM refinements	No major data gaps identified that would alter the audit outcomes.
Written presentation of CSM (illustrated if necessary)	A CSM is attached as Annexure D.
Auditor's comment	<p>The Auditor has reviewed the CSM information provided in the Consultants' Reports against the requirements detailed in SA EPA Guidelines, Section 4 of Schedule B(2) of the ASC NEPM and ASTM Standard Guide for Development Conceptual Site Models for Contaminated Sites (E1689, 2014).</p> <p>The Auditor considers that sufficient information has been provided to define a conceptual site model for the Site for the audit purposes.</p>

2. Auditor Determinations and Audit Outcomes

The Stage 1 audit site represents a portion of the larger IFL Property (previous audit EPA reference 60240), which was historically used for fertiliser operations, storage and disposal activities resulting in contaminated soils and the deposition of granular slag (from adjacent smelter activities) beneath parts of the Site. Soil and groundwater contamination issues at the Site were predominantly limited to metals and nutrients with some hydrocarbon groundwater contamination from an off-site source (RA1). It is understood that the Site has remained vacant between 2014 (completion of the previous 60240 audit) and 2018 (commencement of the current Stage 1 Audit (EPA Ref 62043)).

The previous 60240 audit was separated into numerous stages (refer to Attachment 1 of the SCAR), with the following audit reports relevant to the Stage 1 site: Residential Area SCAR (60240_SCAR_005A) and Commercial Development

Area SCAR (60240_SCAR_001B), with restrictions on land use. The complete audit reports are included in Appendix D of the SCAR.

The purpose of the Stage 1 audit was to assess the suitability of the site for residential use (with no management plan), assuming ASC NEPM HIL A land use defined as '*sensitive use – residential with garden/accessible soil (home-grown produce <10% fruit and vegetable intake, no poultry), also includes children's day care centres, preschools and primary schools*'.

Works undertaken as part of this current Audit included a radiation survey, human health risk assessment, ecological risk assessment, capping investigation, additional placement of capping material, cap verification and survey. Survey of the Site was undertaken during and after completion of the additional capping works. The final survey was undertaken in August 2019 and the survey levels, provided in Attachment 9 of the SCAR, represent our understanding of the current site levels. It is understood that final design levels will be the same or higher than the surface levels indicated in Attachment 9 of the SCAR.

The Auditor considers that the Site has been adequately assessed and remediated by JBS&G (as part of the previous 60240 audit) and Mud Environmental (as part of the current 62043 Audit). Based on the extent of the investigations and remediation works and adequacy, quality and completeness of these works, the Auditor considers that there is minimal uncertainty regarding the assessments completed at the Site.

The following provides an assessment of the audit outcomes against the audit objectives:

- Section 3(1), b, i: *'The nature and extent of any site contamination present or remaining on or below the surface of the site.'*

The Auditor concludes that in its current state, site contamination of soil does not exist at the Site for proposed residential use. However, should the capping thickness be reduced to less than 0.6 m (except roads which have 0.3 m of cap) then site contamination could potentially exist, noting that current capping levels are generally well in excess of these levels.

The Auditor considers the elevated groundwater concentrations of cadmium, chromium, copper, manganese, mercury, lead, nickel, zinc, nitrogen and ammonia are above one or more of the adopted assessment criteria. The presence of these chemical substances has resulted in '*actual or potential harm to water that is not trivial*' and therefore site contamination of groundwater exists for irrigation and recreational purposes. These concentrations are considered to be site-derived but pose no risk to any of the relevant on-site or off-site environmental values, subject to prohibition of groundwater extraction down-hydraulic gradient of the Site.

The Auditor concludes that the nature and extent of site contamination at the Site has been adequately determined.

- Section 3(1), b, ii: *'The suitability of the site for a sensitive use or another use or range of uses.'*

The Auditor concludes that the Site is suitable for the proposed use(s), that being for '*sensitive use – residential with garden/accessible soil (home-grown produce <10% fruit and vegetable intake, no poultry), also includes children's day care centres, preschools and primary schools (ASC NEPM HIL A)*' and other less sensitive uses, with a condition on land and water.

The audit site is suitable for the following sensitive uses or another use or range of uses, including:

- a. Sensitive use – residential with garden/accessible soil (home grown produce <10% fruit and vegetable intake, no poultry)
- b. Sensitive use – residential with minimal opportunities for soil access; includes dwellings with fully and permanently paved yard space such as high-rise buildings and apartments
- c. Sensitive use – childcare centres, kindergartens, preschools and primary schools

- d. Public open space such as parks, playgrounds, playing fields (e.g. ovals), secondary schools and footpaths
- e. Commercial use such as shops, offices, consulting rooms, petrol filling stations and warehouses
- f. Industrial use such as light, service, general or special industry

- Section 3(1), b, iii: *'What remediation is or remains necessary for a specific use or range of uses.'*

The Site has been suitably capped for the proposed development with the only ongoing remediation being maintenance of the capping thickness which is a condition of this Audit.

3. Audit Conditions and Recommendations

a. Audit Conditions

i. Planning and Development

There are no conditions relating to planning and development.

ii. Environmental Monitoring

There are no conditions relating to environmental monitoring.

iii. Remediation and Management

1. The existing capping at the Site must be maintained to ensure that a thickness of more than 0.6 m below the final design level (and 0.3 m of cap for the roads) is maintained. It is noted that the current capping depths are generally well in excess of these requirements, and that the final design levels are intended to exceed current surface levels.

iv. Water Restrictions

2. There must be no abstraction of site groundwater for any beneficial uses, unless the groundwater has been tested and shown to be safe and suitable for the proposed uses.

v. Other

There are no other conditions.

b. Recommendations to the EPA in relation to Groundwater Extraction

The potential off-site concentrations of cadmium, chromium, copper, manganese, mercury, lead, nickel, zinc, nitrogen and ammonia in groundwater pose a potential risk if extracted. Therefore, it is recommended that the EPA consider declaring a prohibition or restriction zone to control groundwater extraction in the down hydraulic gradient direction under Section 103S of the Environment Protection Act 1993.

c. Other Recommendations

The Auditor makes the following recommendations:

- Following submission of this SCAR/SCAS, the SA EPA will aim to complete an administrative review to ensure compliance with the relevant legislation and guidelines within 21 days of receipt. It is understood that the planning authority and the site owner can rely on this SCAR/SCAS during this period;
- Any soil/fill imported to the Site should be classified as meeting the chemical and physical criteria for 'Waste Fill' as defined in the Environment Protection Regulations, 2009; and
- Any soil/fill exported from the Site, should be appropriately disposed of in accordance with EPA guidelines.

d. Concluding Advice

The Auditor advises that all owners of the Site (both current and future) should be made aware of the above audit determinations, outcomes and recommendations.

Annexure B

CERTIFICATE OF TITLE:

Certificate of Title Volume 6059 Folio 241

Certificate of Title Volume 5069 Folio 242

Certificate of Title Volume 6059 Folio 237 (part)

Certificate of Title Volume 6059 Folio 236 (part)

Certificate of Title Volume 5069 Folio 243 (part)

Refer Annexure C for survey drawing



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6059 Folio 236

Parent Title(s)	CT 5152/373, CT 5477/584, CT 5803/697, CT 5850/358 AND OTHERS				
Creating Dealing(s)	RTC 11362220				
Title Issued	04/06/2010	Edition	2	Edition Issued	20/05/2014

Estate Type

FEE SIMPLE

Registered Proprietor

COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)
OF UNIT 801 61 HINDMARSH SQUARE ADELAIDE SA 5000

Description of Land

ALLOTMENT 2004 DEPOSITED PLAN 82762
IN THE AREA NAMED WALLAROO
HUNDRED OF WALLAROO

Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED A TO THE COUNCIL FOR THE AREA (TG 7526837)

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes

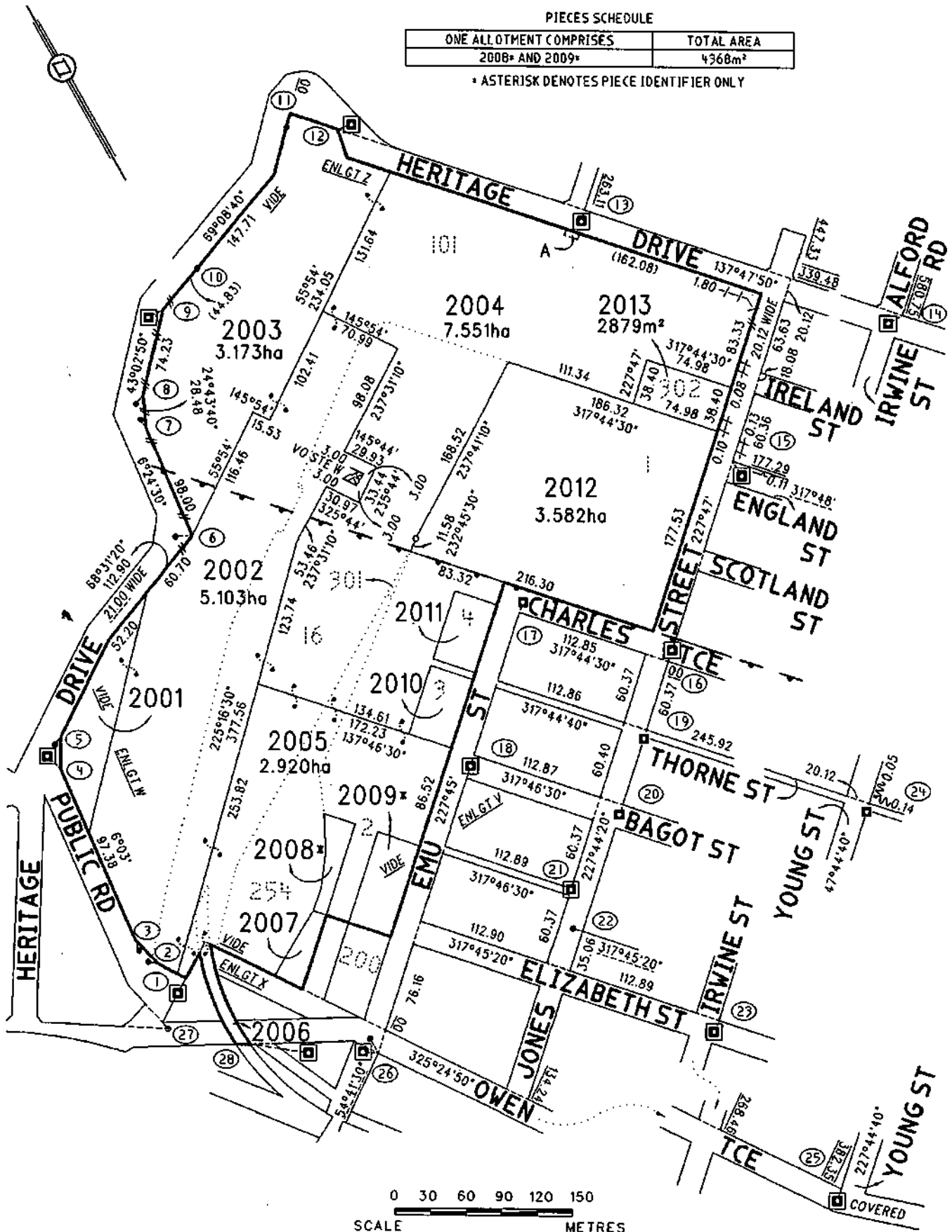
APPROVED D121859

Administrative Interests NIL

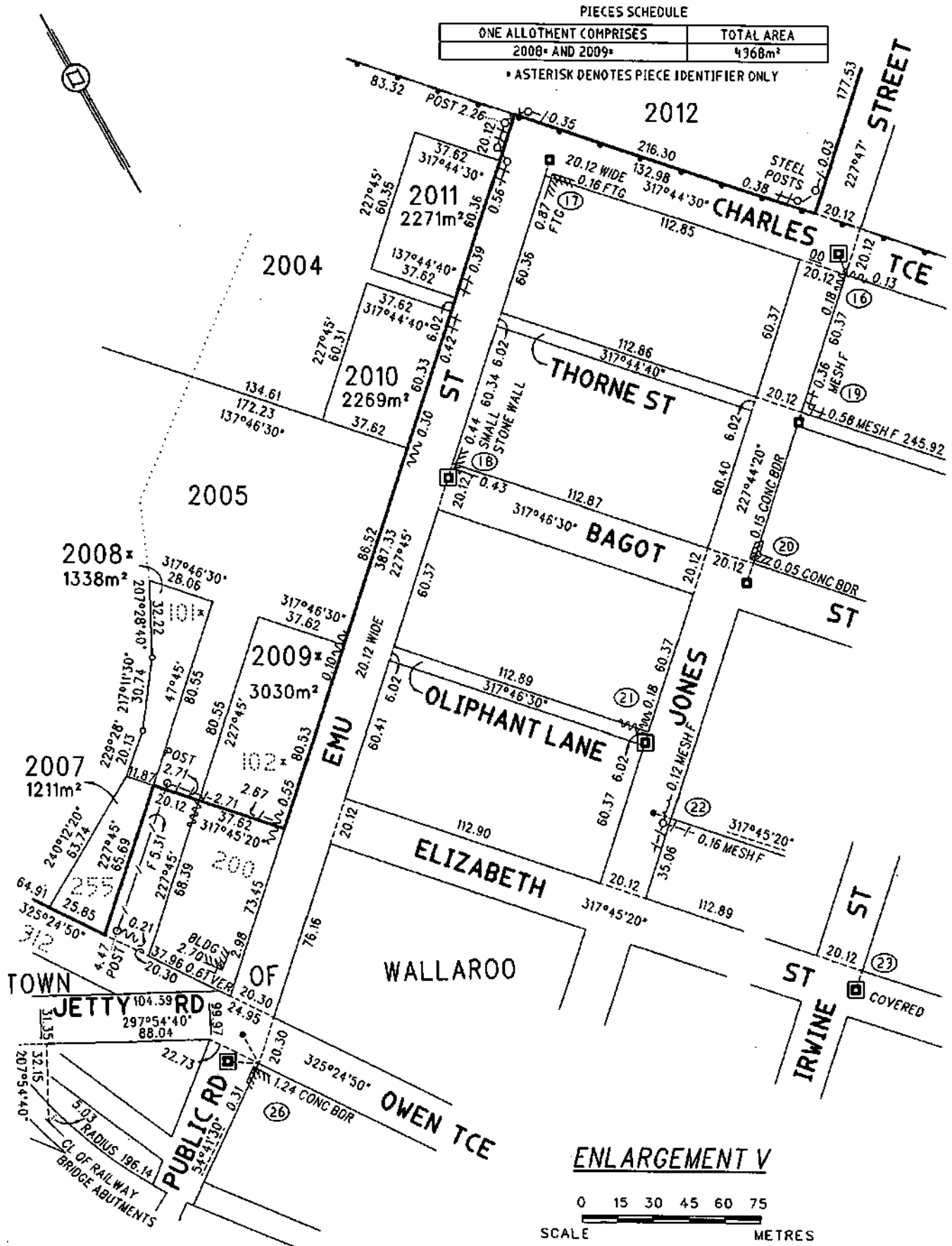
PIECES SCHEDULE

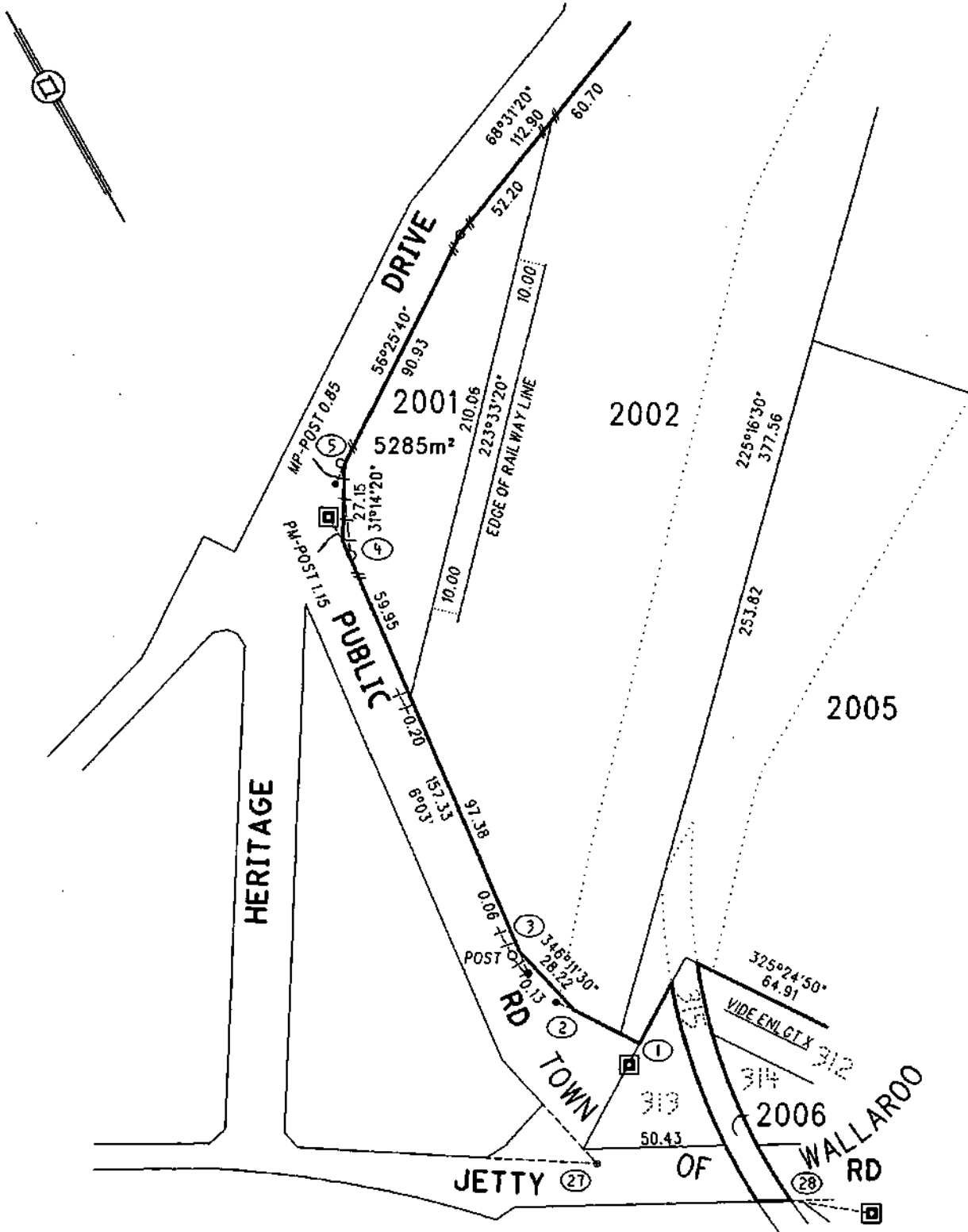
ONE ALLOTMENT COMPRISES	TOTAL AREA
2008* AND 2009*	4368m ²

* ASTERISK DENOTES PIECE IDENTIFIER ONLY



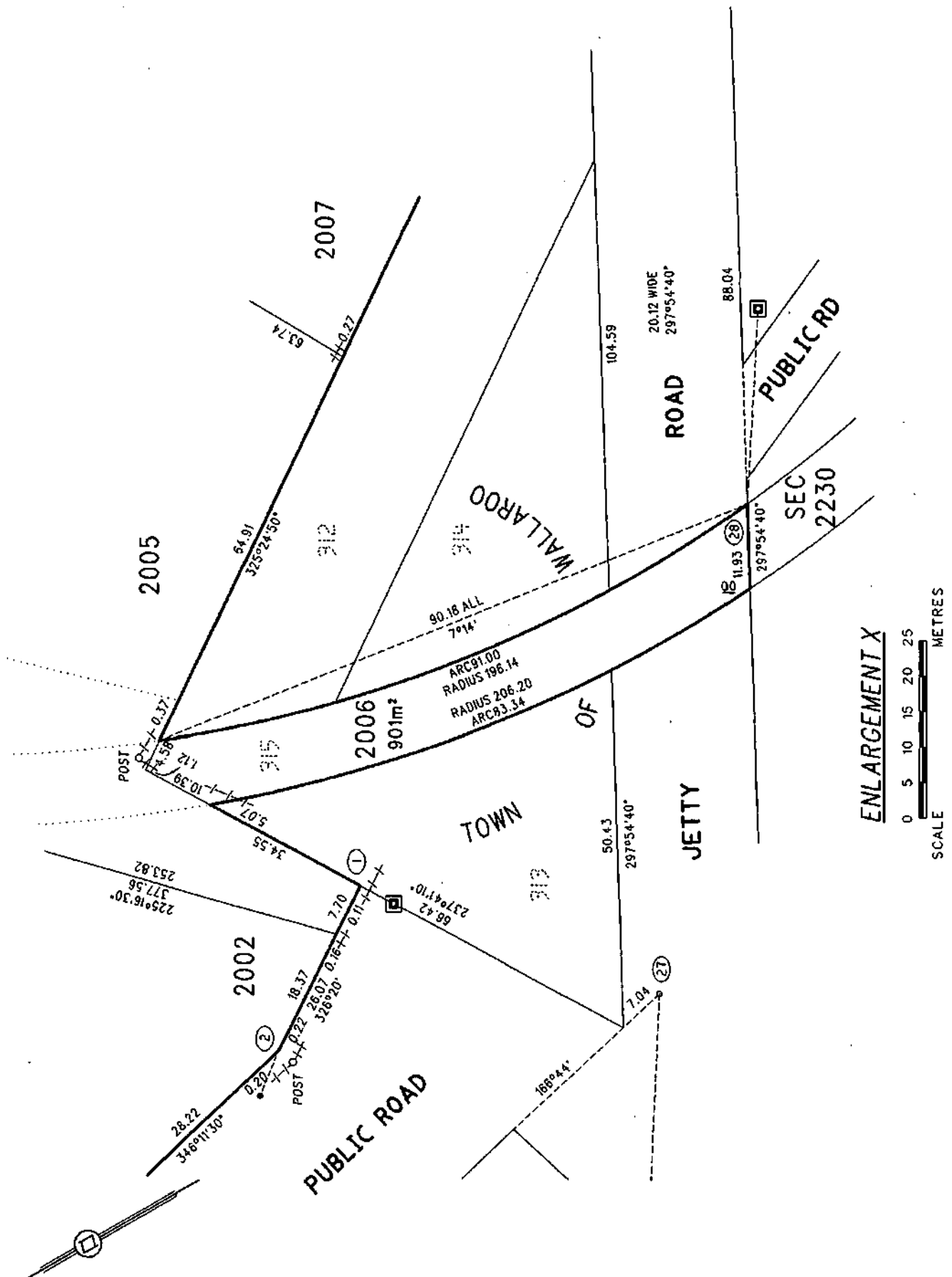
SURVEY INFORMATION IS DERIVED FROM DEPOSITED PLAN 82762

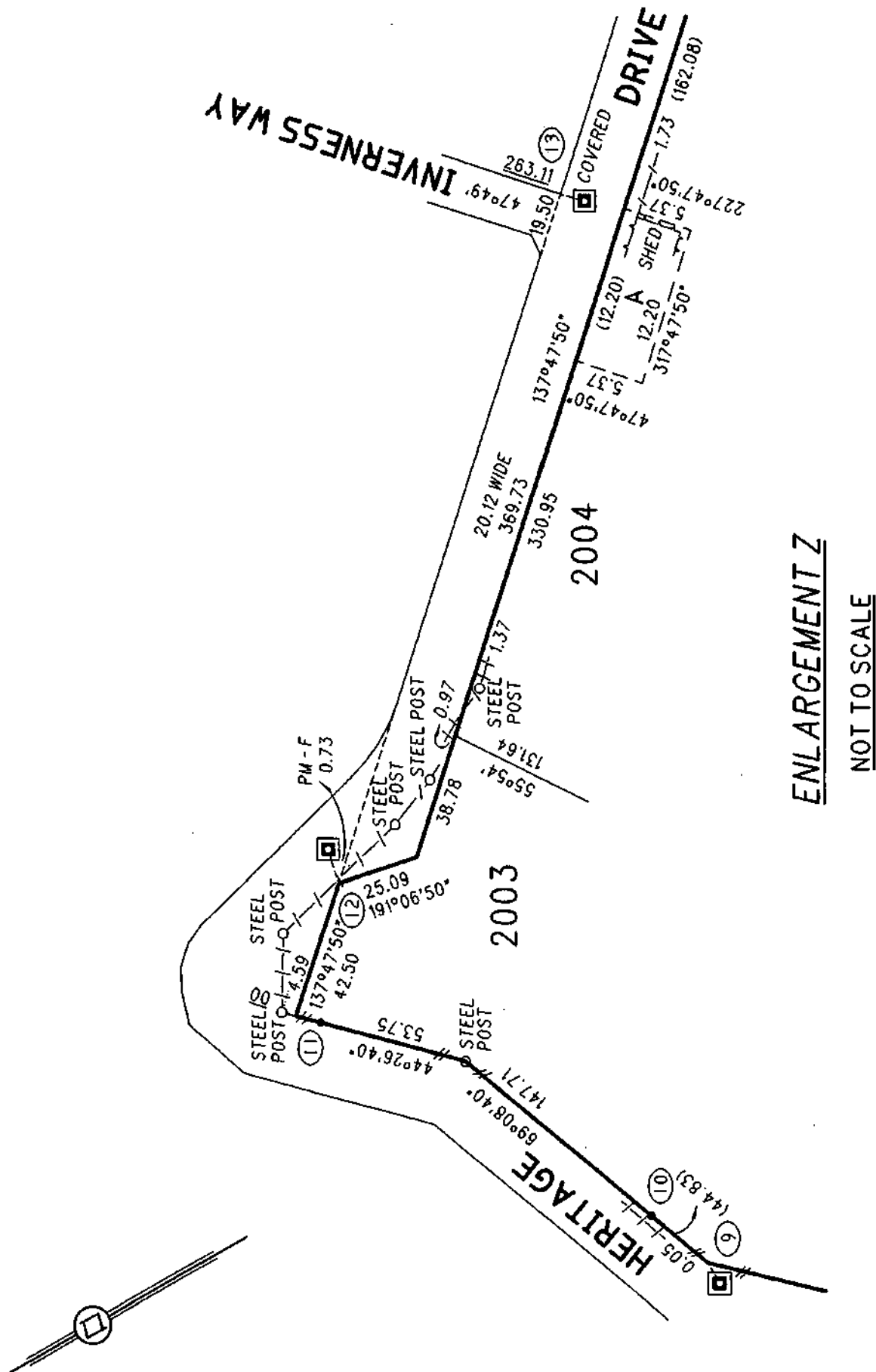




ENLARGEMENT W

0 15 30 45 60 75
SCALE METRES





ENLARGEMENT Z

NOT TO SCALE

REAL PROPERTY ACT, 1985



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6059 Folio 237

Parent Title(s)	CT 5477/584, CT 5803/697, CT 5850/358, CT 6013/362				
Creating Dealing(s)	RTC 11362220				
Title Issued	04/06/2010	Edition	2	Edition Issued	20/05/2014

Estate Type

FEE SIMPLE

Registered Proprietor

COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)
OF 187 FULLARTON ROAD DULWICH SA 5065

Description of Land

ALLOTMENT 2005 DEPOSITED PLAN 82762
IN THE AREA NAMED WALLAROO
HUNDRED OF WALLAROO

Easements

NIL

Schedule of Dealings

Dealing Number	Description
12912095	MORTGAGE TO PEARLY SAM SHIEN LEE
12912096	MORTGAGE TO MONOPOLY FUNDS MANAGEMENT PTY. LTD. (ACN: 625 261 681)

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL

Registrar-General's Notes

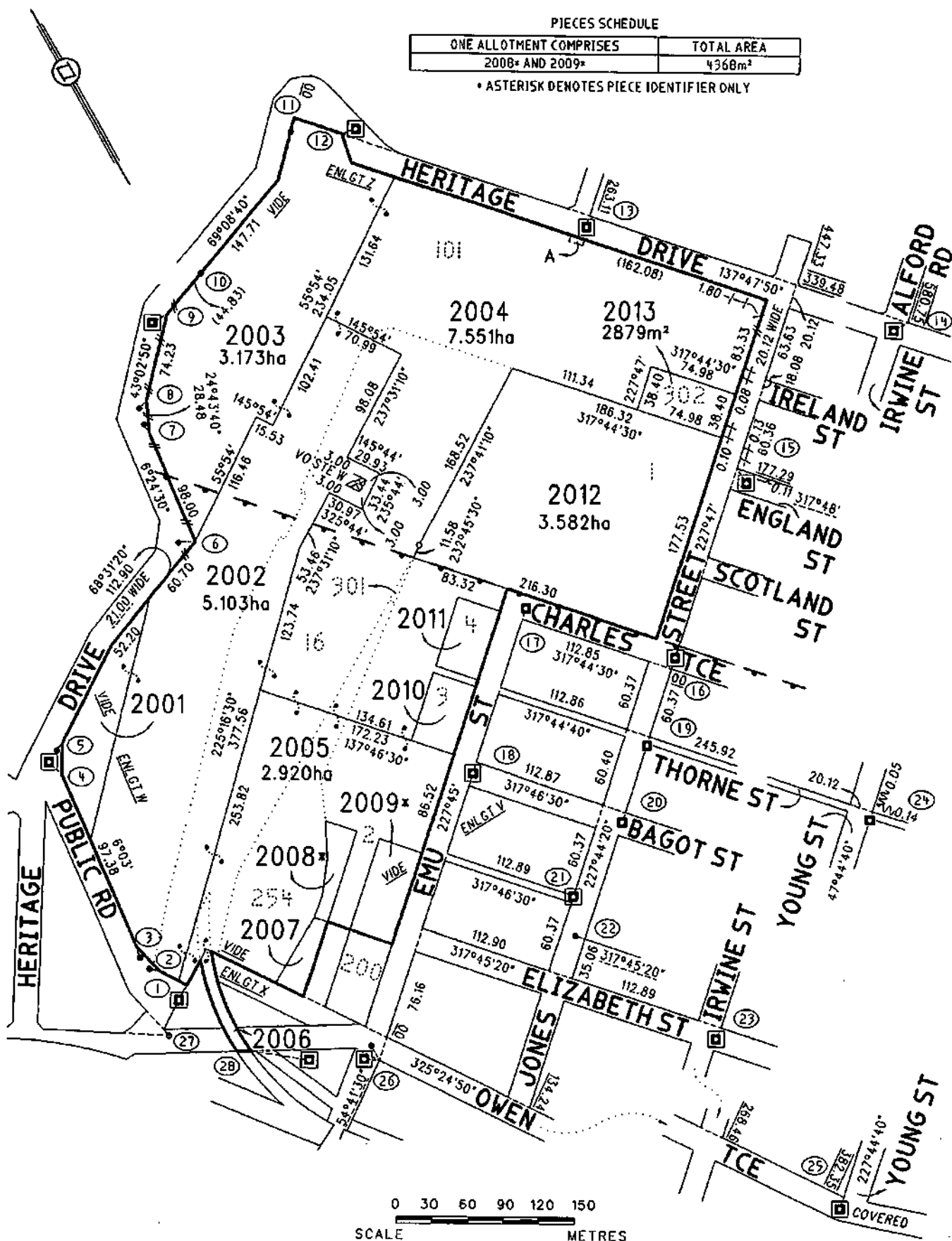
APPROVED D121859

Administrative Interests	NIL
--------------------------	-----

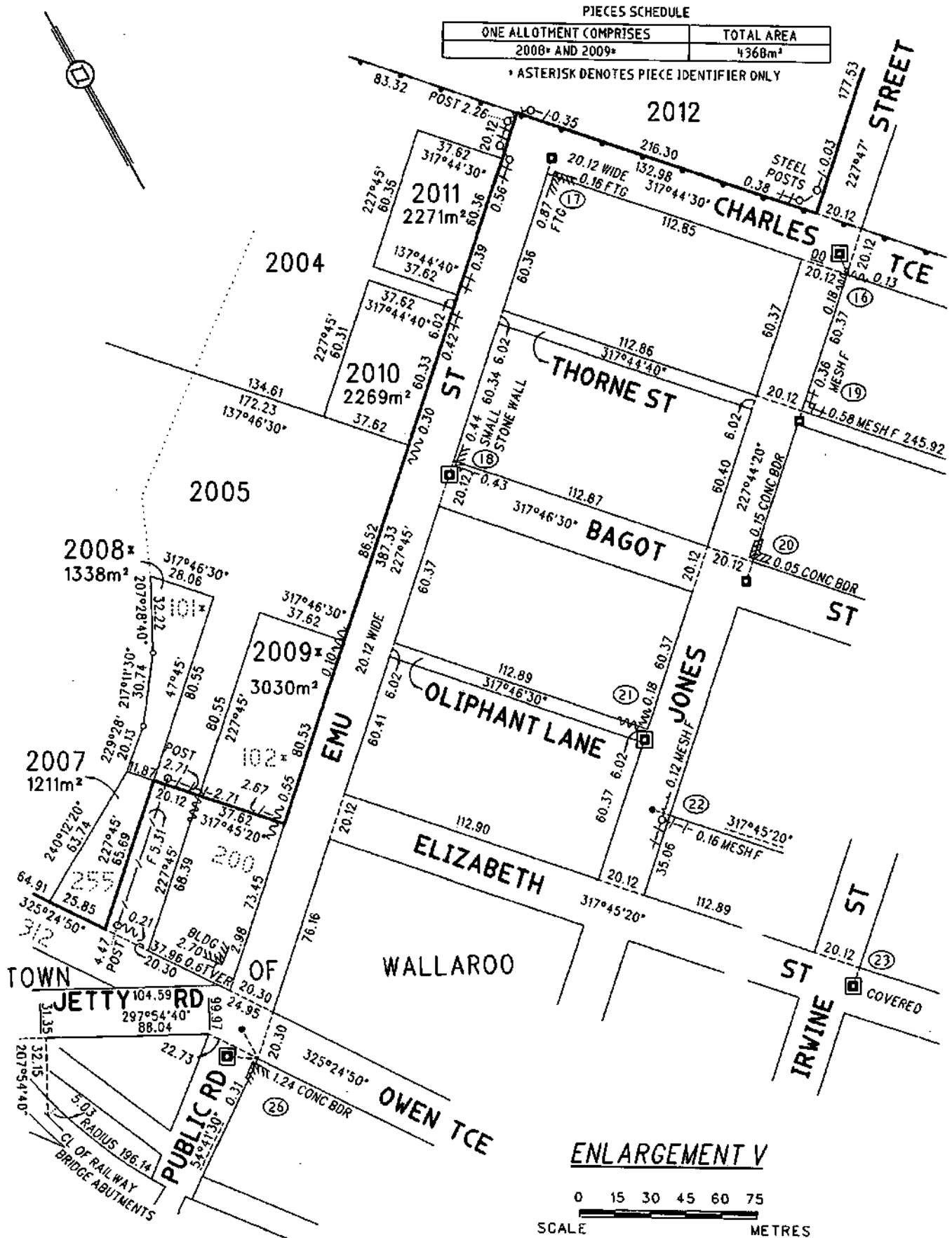
PIECES SCHEDULE

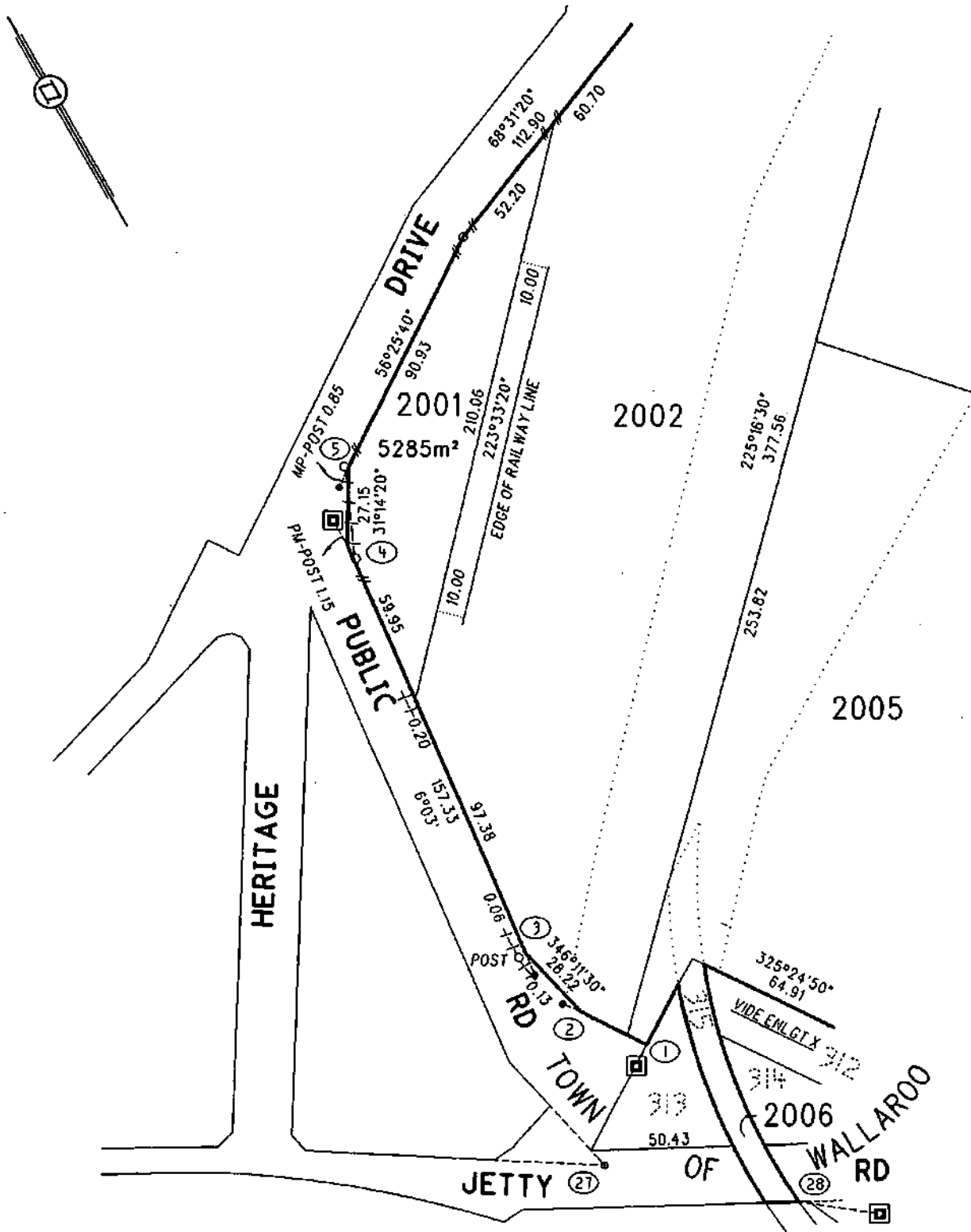
ONE ALLOTMENT COMPRISES	TOTAL AREA
2008* AND 2009*	4368m ²

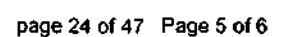
* ASTERISK DENOTES PIECE IDENTIFIER ONLY

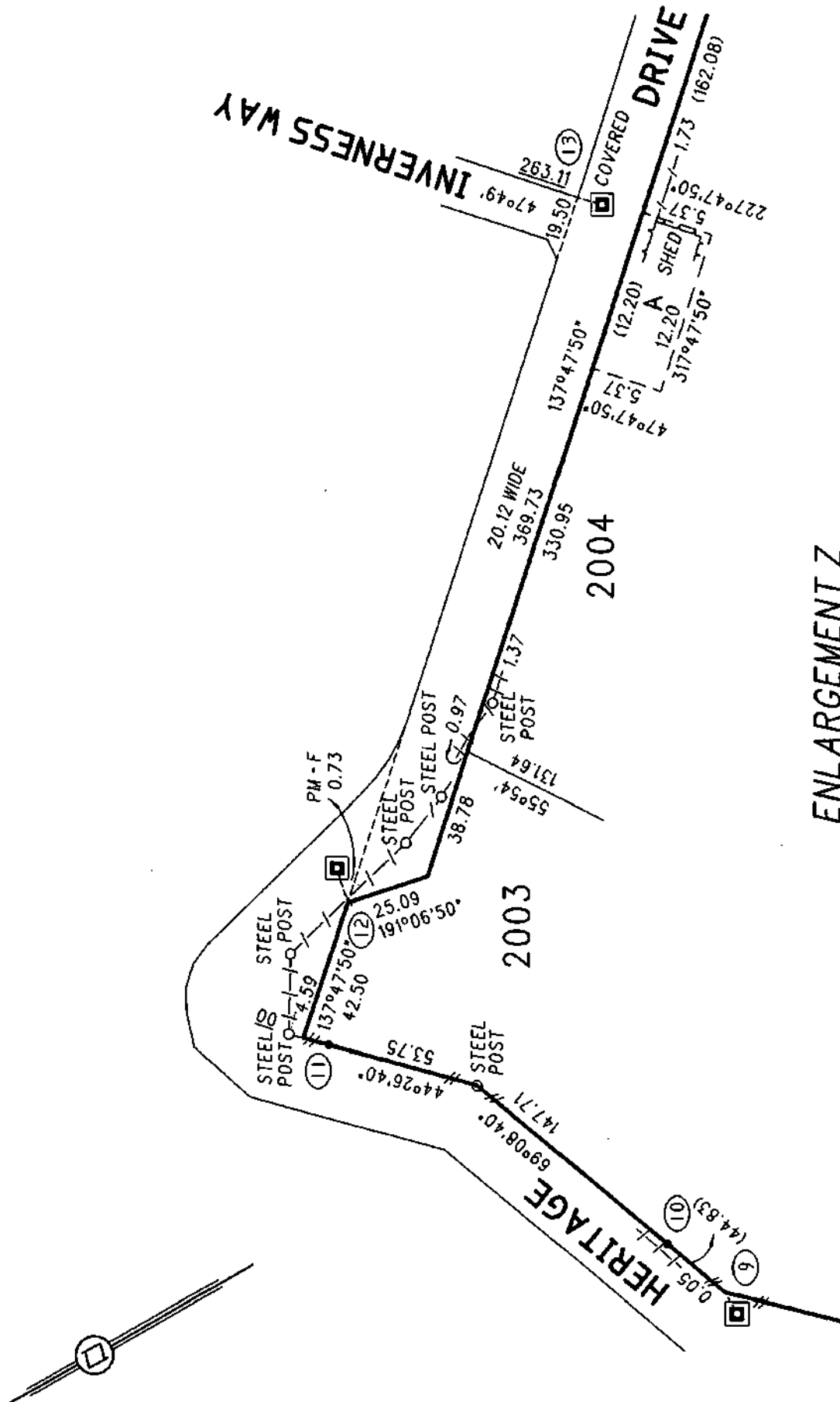


SURVEY INFORMATION IS DERIVED FROM DEPOSITED PLAN 82762









ENLARGEMENT Z

NOT TO SCALE

REAL PROPERTY ACT, 1986



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6059 Folio 241

Parent Title(s)	CT 5803/697		
Creating Dealing(s)	RTC 11362220		
Title Issued	04/06/2010	Edition 2	Edition Issued 20/05/2014

Estate Type

FEE SIMPLE

Registered Proprietor

COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)
OF UNIT 801 61 HINDMARSH SQUARE ADELAIDE SA 5000

Description of Land

ALLOTMENT 2010 DEPOSITED PLAN 82762
IN THE AREA NAMED WALLAROO
HUNDRED OF WALLAROO

Easements

NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL

Registrar-General's Notes

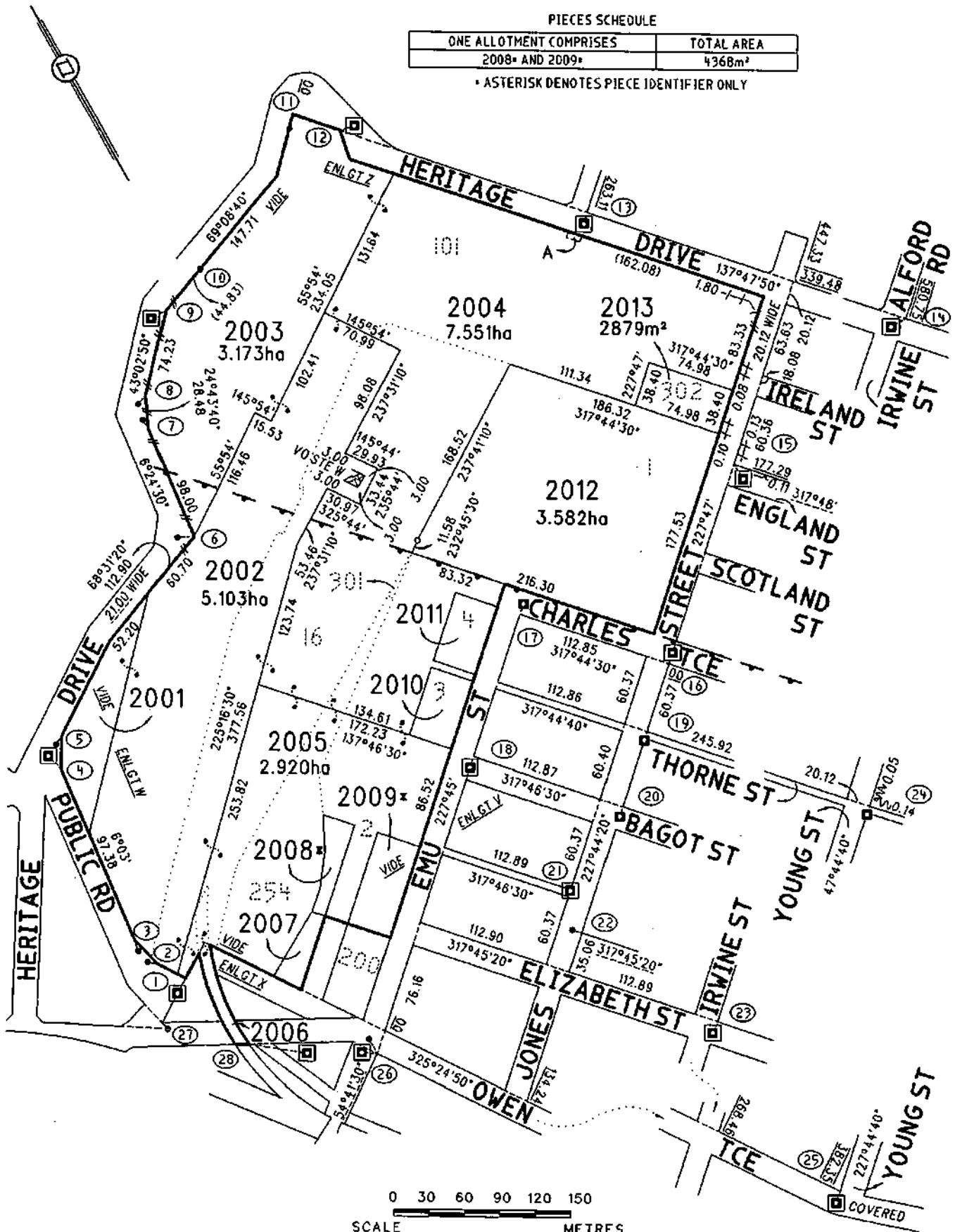
APPROVED D121859

Administrative Interests	NIL
--------------------------	-----

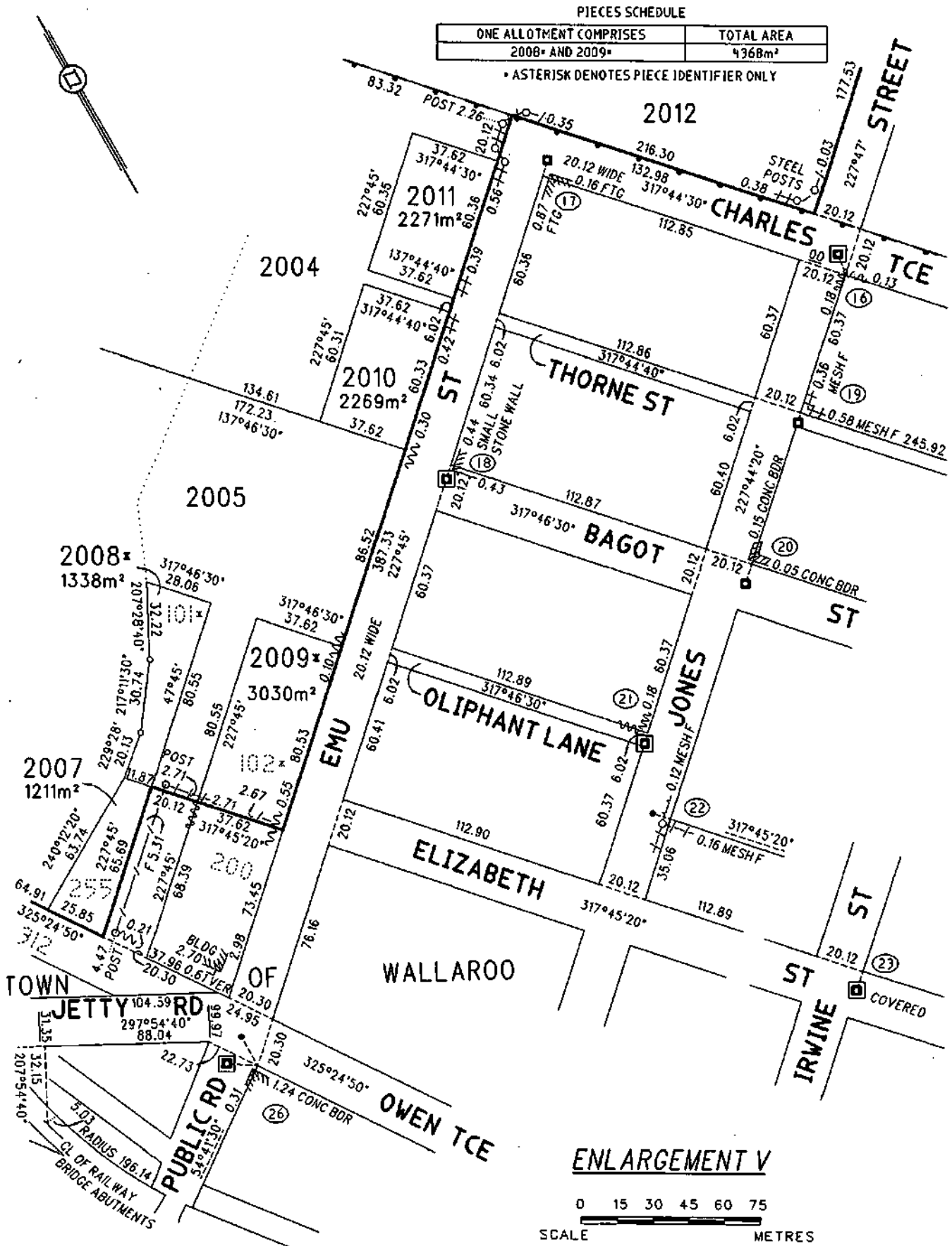
PIECES SCHEDULE

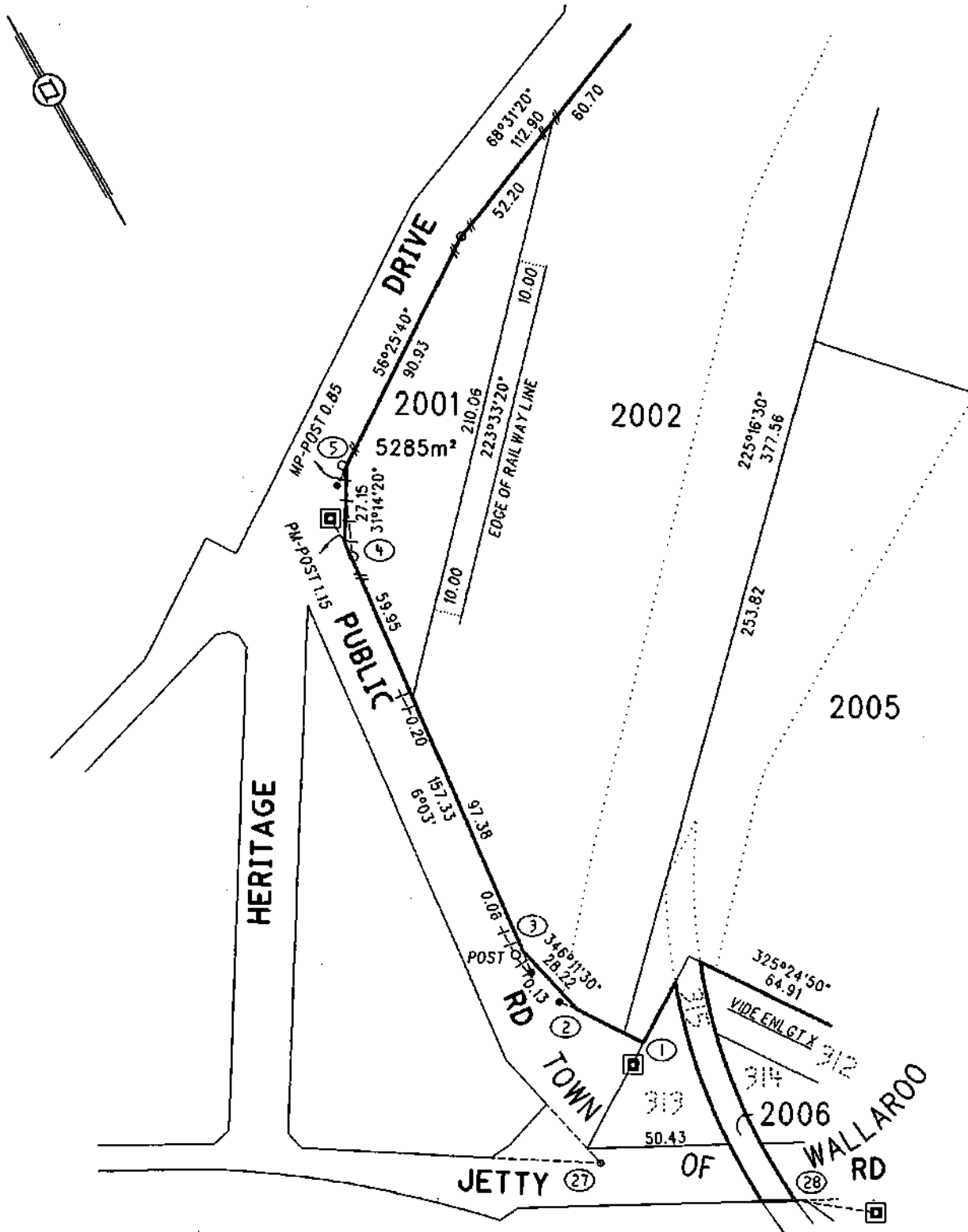
ONE ALLOTMENT COMPRISES	TOTAL AREA
2008* AND 2009*	4368m ²

* ASTERISK DENOTES PIECE IDENTIFIER ONLY

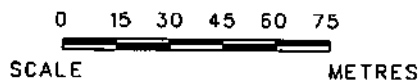


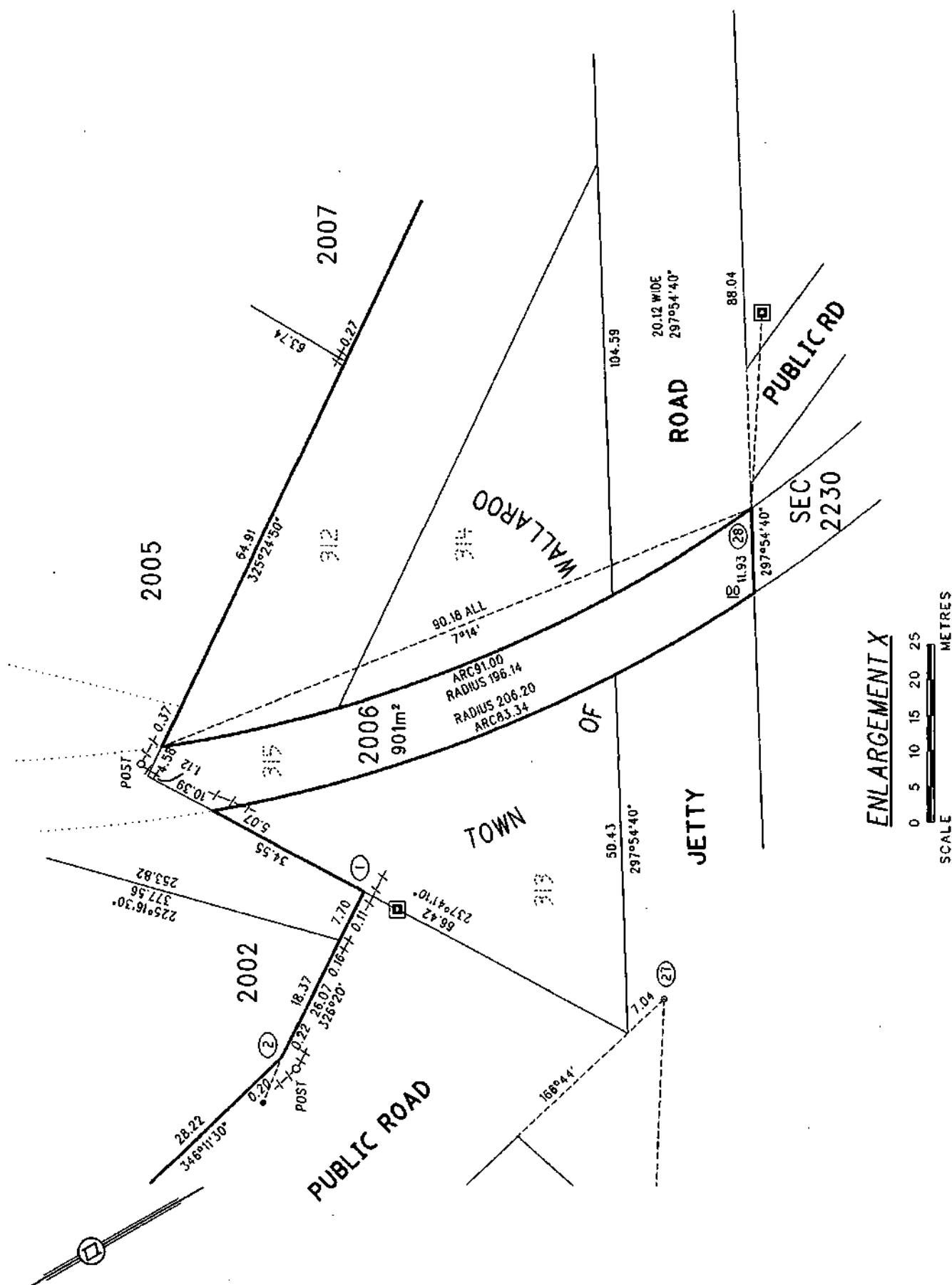
SURVEY INFORMATION IS DERIVED FROM DEPOSITED PLAN 82762

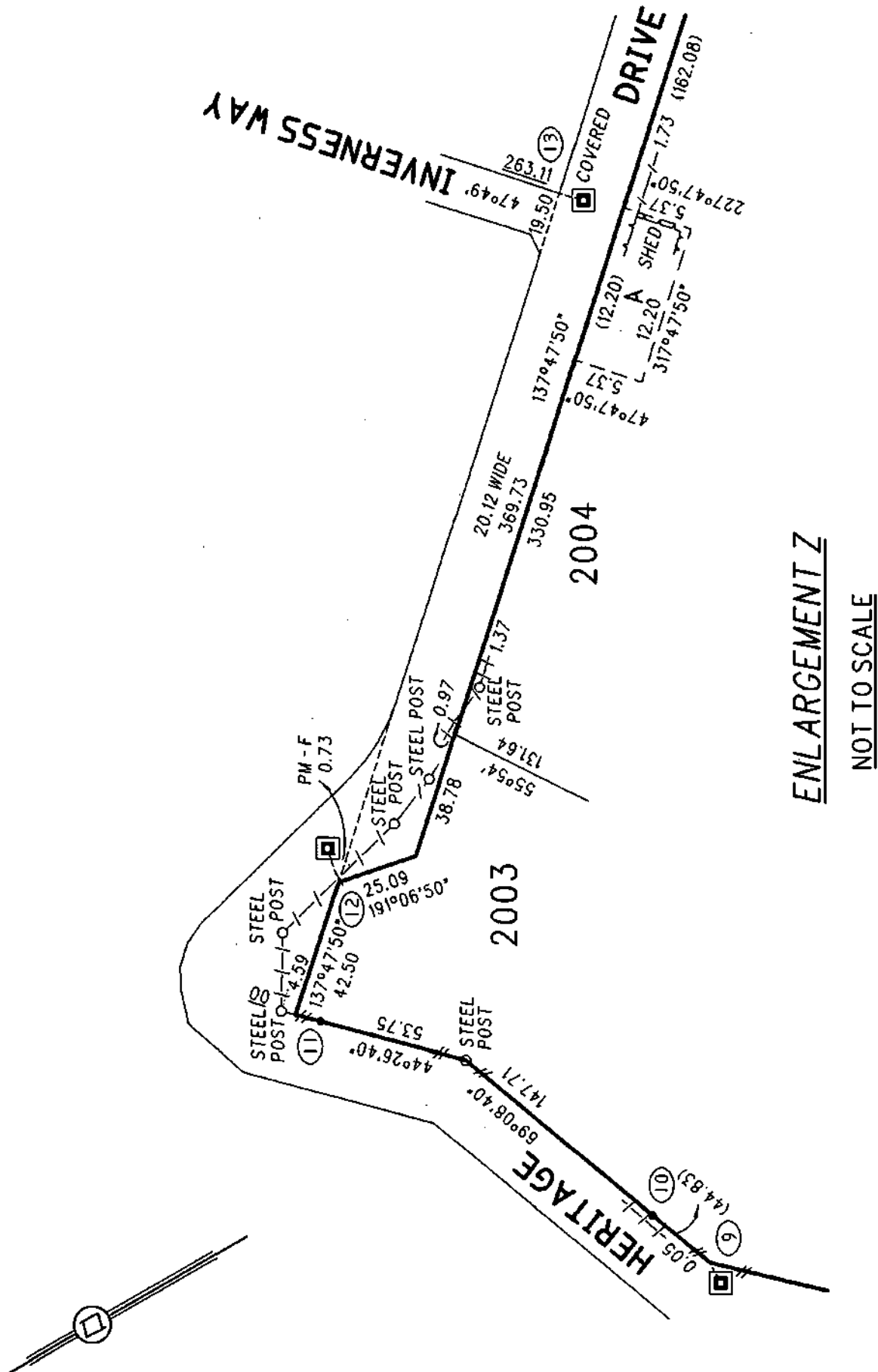




ENLARGEMENT W







REAL PROPERTY ACT, 1986



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6059 Folio 242

Parent Title(s)	CT 5803/697			
Creating Dealing(s)	RTC 11362220			
Title Issued	04/06/2010	Edition 2	Edition Issued	20/05/2014

Estate Type

FEE SIMPLE

Registered Proprietor

COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)
OF UNIT 801 61 HINDMARSH SQUARE ADELAIDE SA 5000

Description of Land

ALLOTMENT 2011 DEPOSITED PLAN 82762
IN THE AREA NAMED WALLAROO
HUNDRED OF WALLAROO

Easements

NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes

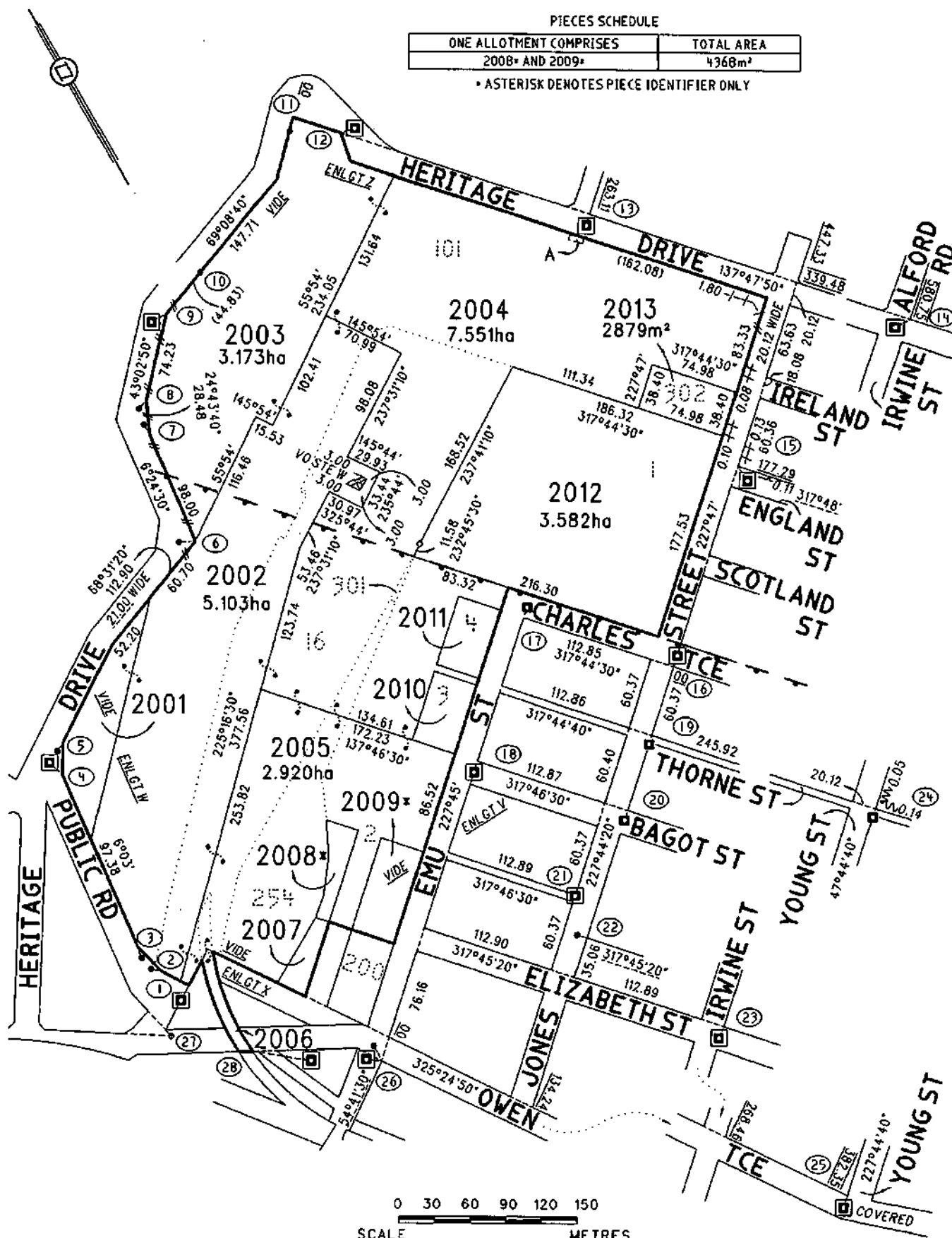
APPROVED D121859

Administrative Interests NIL

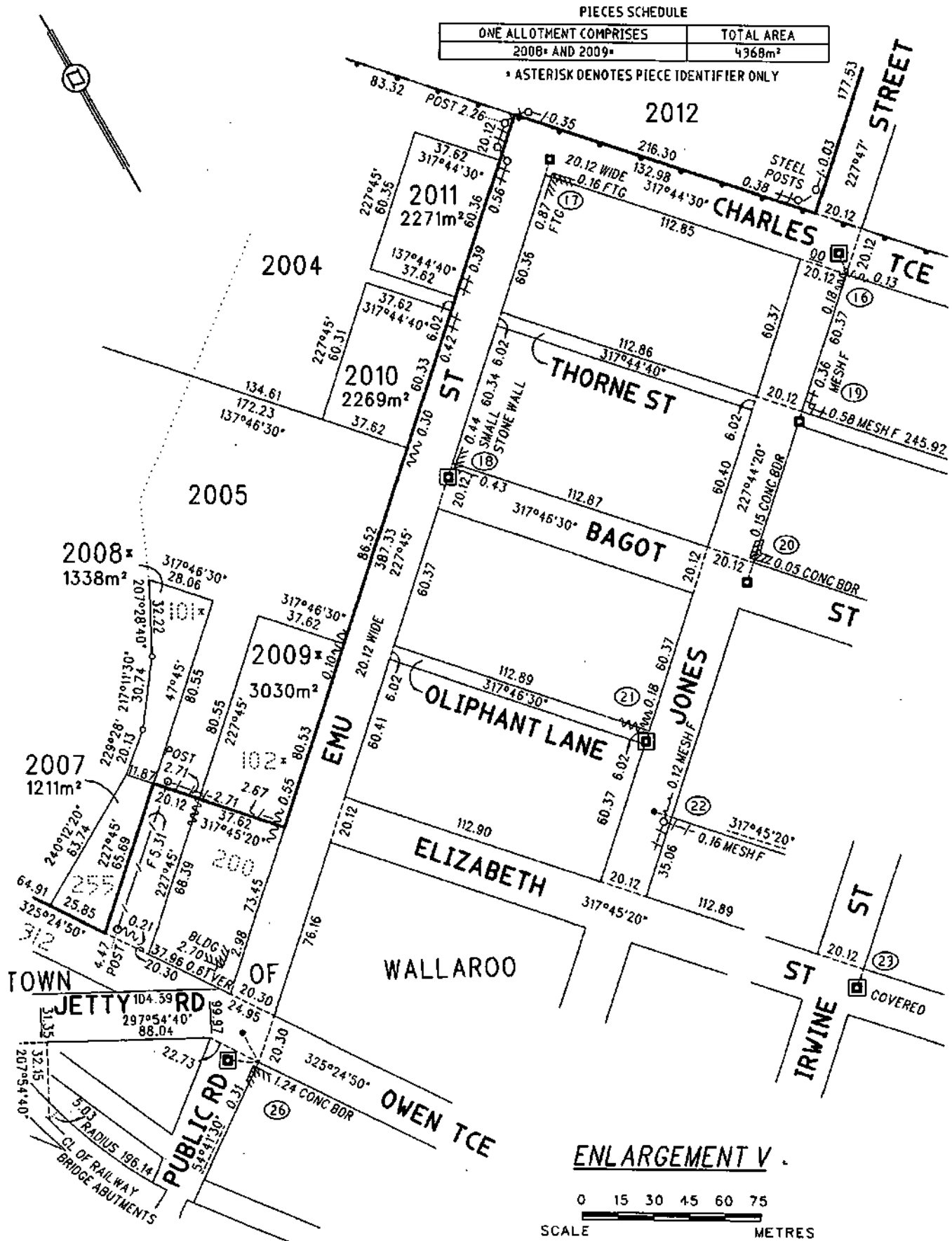
PIECES SCHEDULE

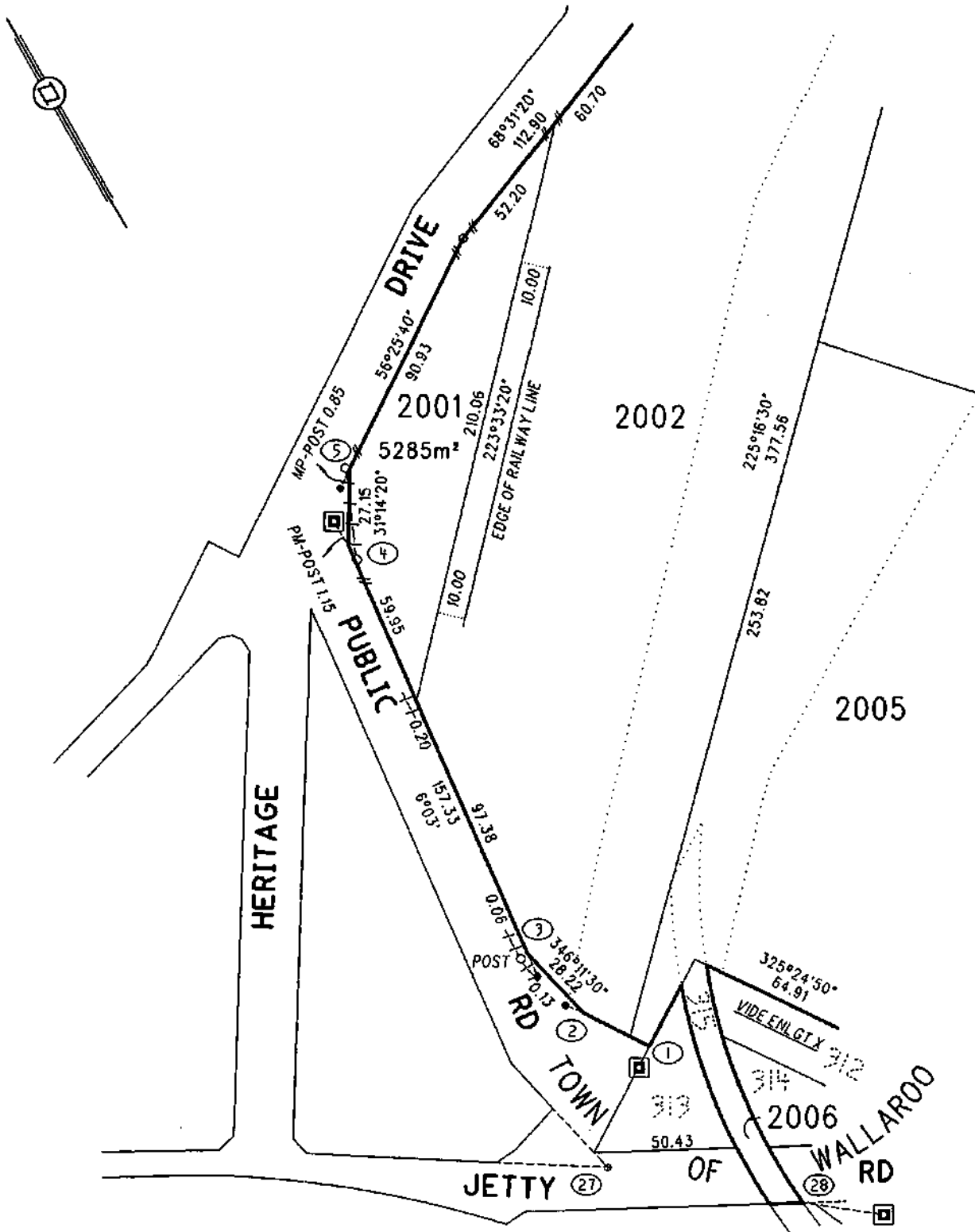
ONE ALLOTMENT COMPRISES	TOTAL AREA
2008* AND 2009*	4368m ²

* ASTERISK DENOTES PIECE IDENTIFIER ONLY

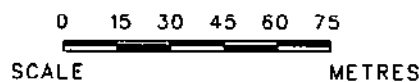


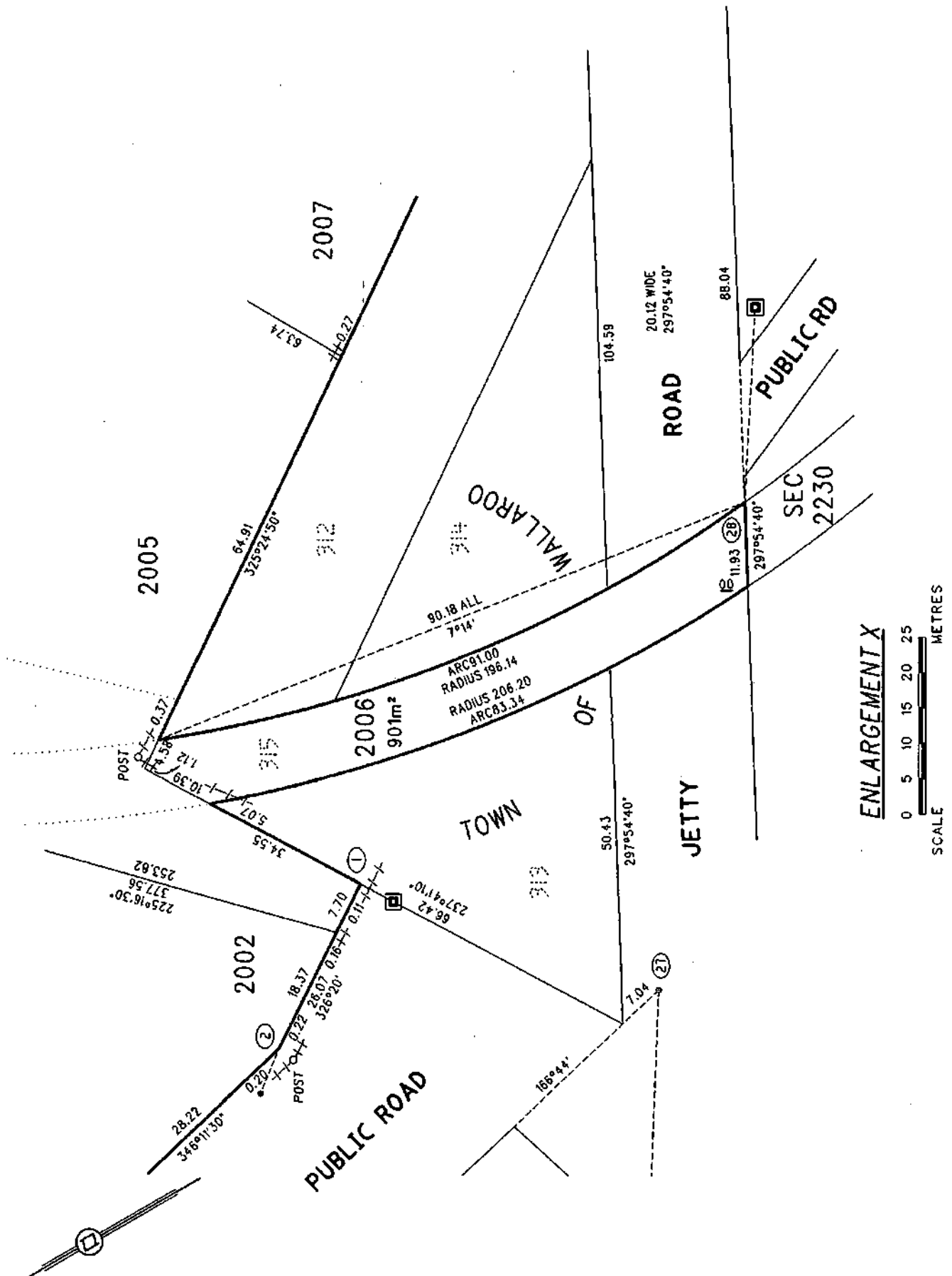
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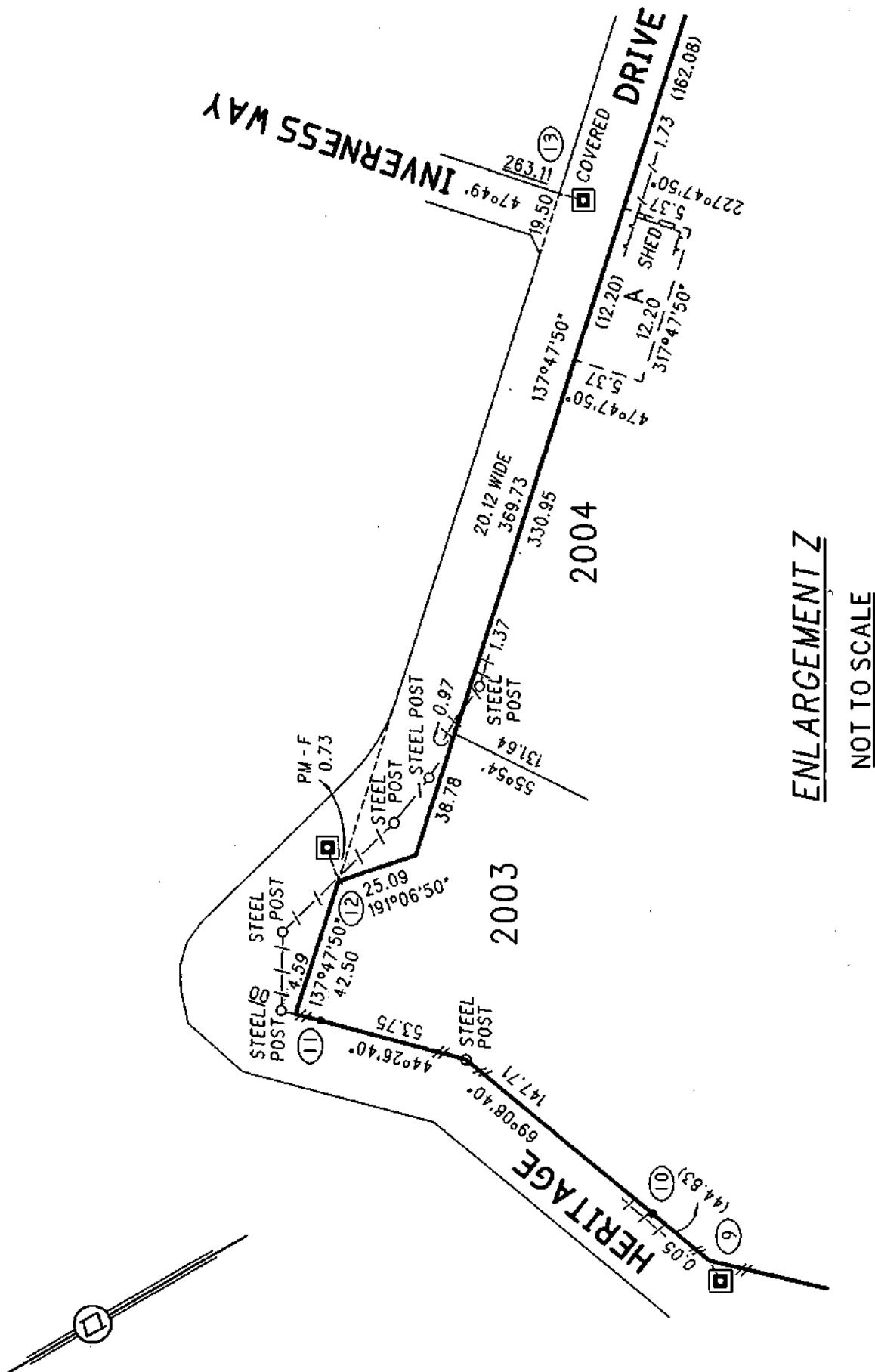




ENLARGEMENT W







REAL PROPERTY ACT, 1886



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6059 Folio 243

Parent Title(s)	CT 5803/697			
Creating Dealing(s)	RTC 11362220			
Title Issued	04/06/2010	Edition 2	Edition Issued	20/05/2014

Estate Type

FEE SIMPLE

Registered Proprietor

COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)
OF UNIT 801 61 HINDMARSH SQUARE ADELAIDE SA 5000

Description of Land

ALLOTMENT 2012 DEPOSITED PLAN 82762
IN THE AREA NAMED WALLAROO
HUNDRED OF WALLAROO

Easements

NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes

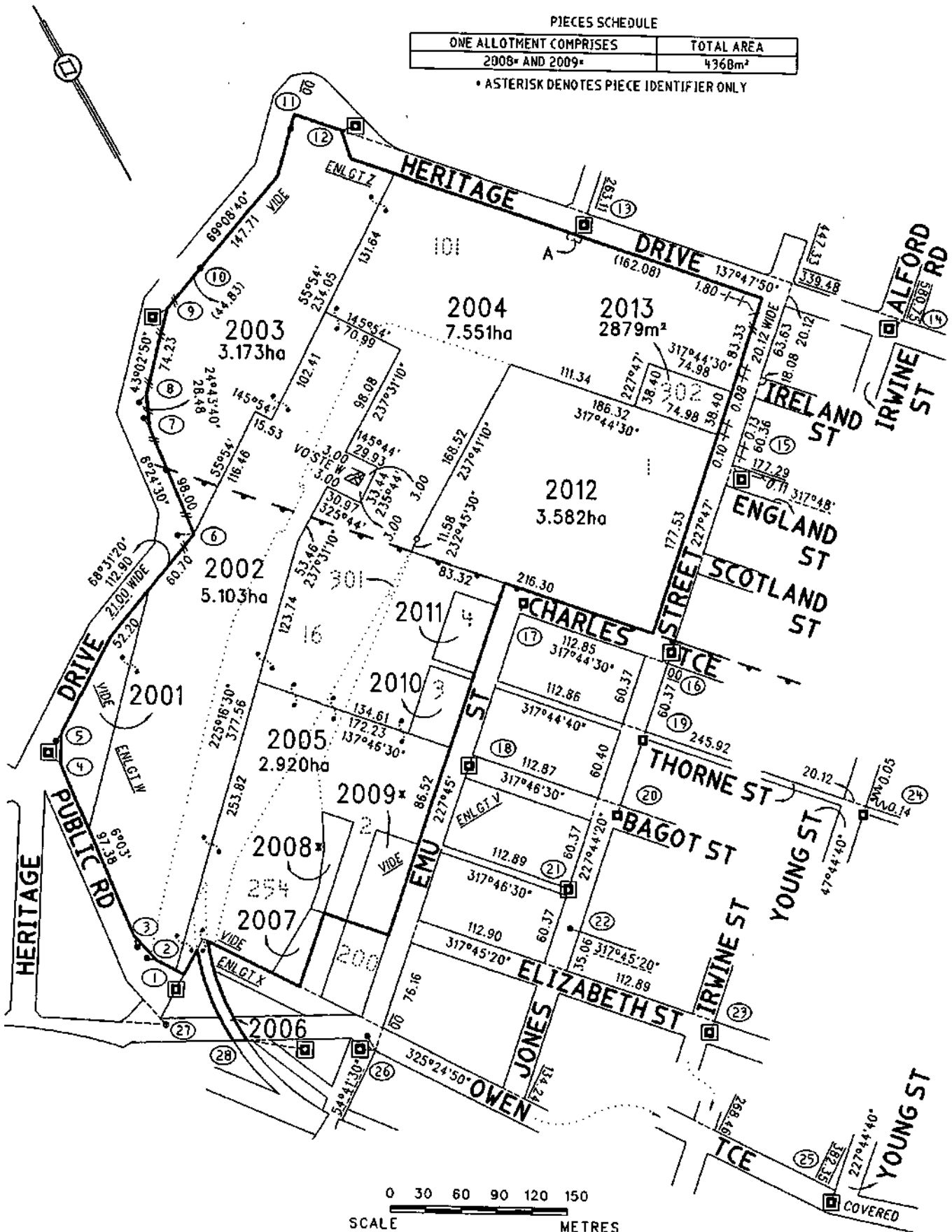
APPROVED D121859

Administrative Interests NIL

PIECES SCHEDULE

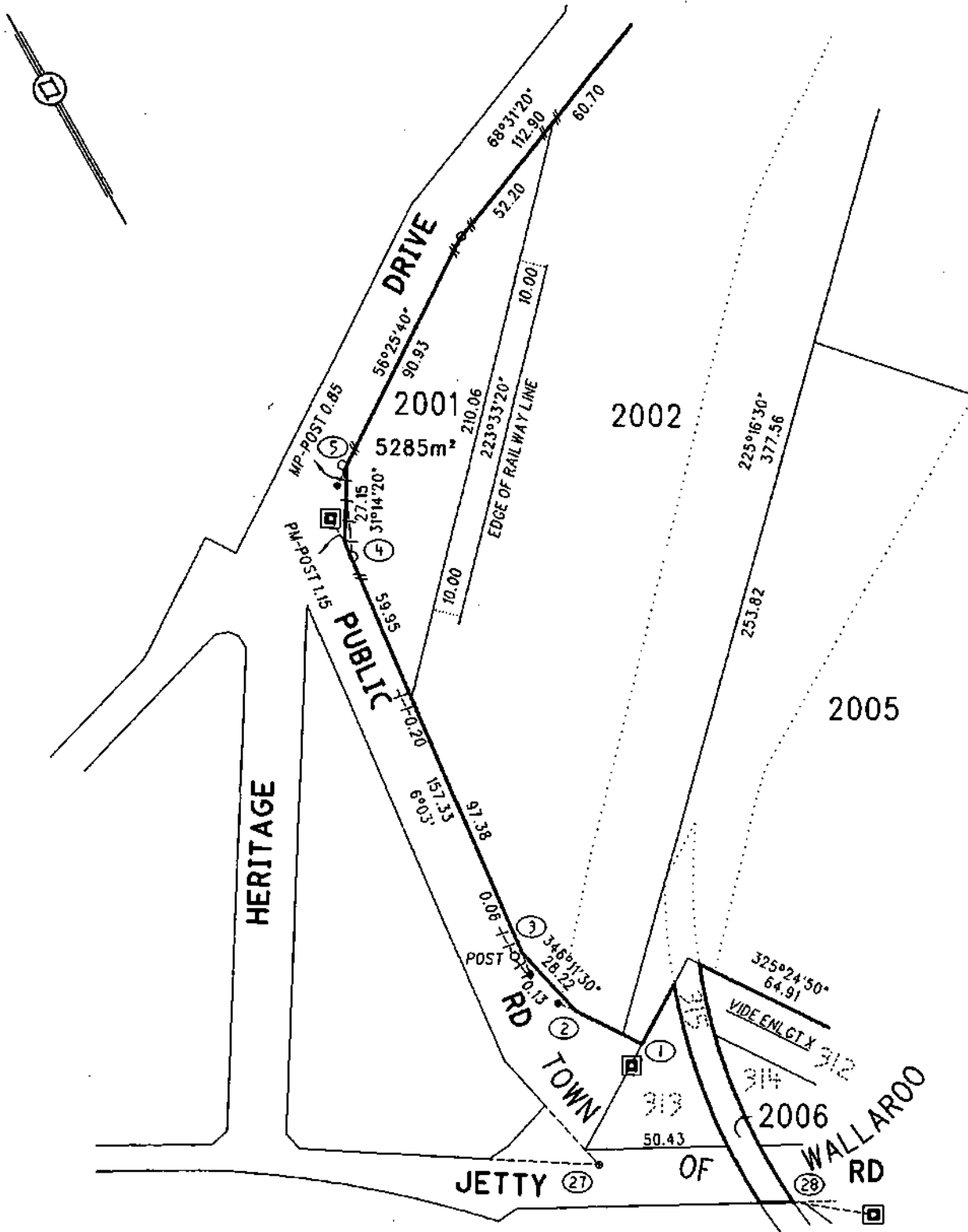
ONE ALLOTMENT COMPRISES	TOTAL AREA
2008* AND 2009*	4368m ²

* ASTERISK DENOTES PIECE IDENTIFIER ONLY



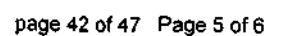
SURVEY INFORMATION IS DERIVED FROM DEPOSITED PLAN 82762

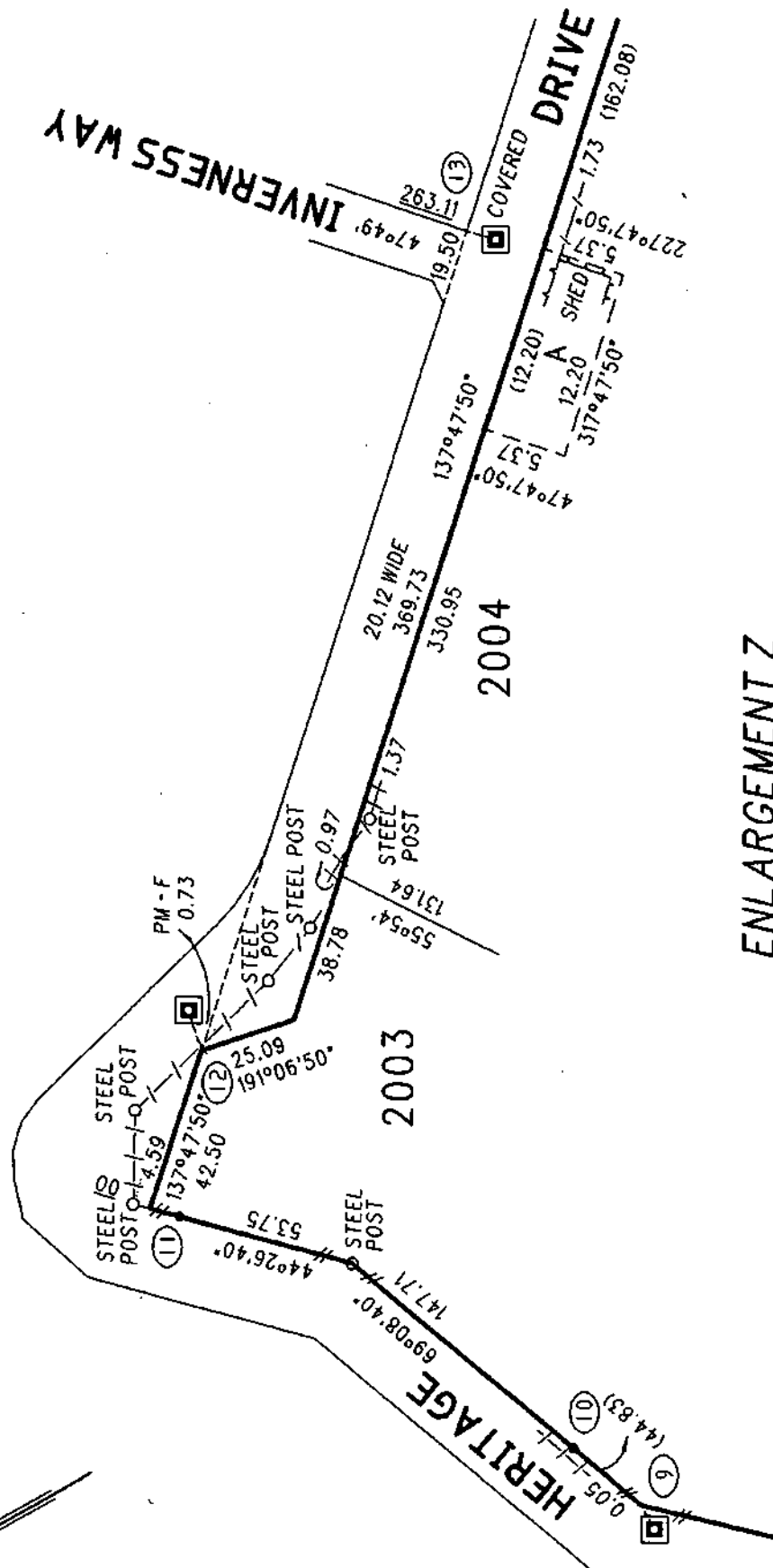
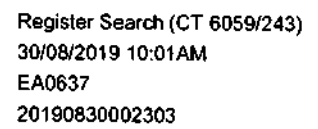




ENLARGEMENT W

0 15 30 45 60 75
SCALE METRES



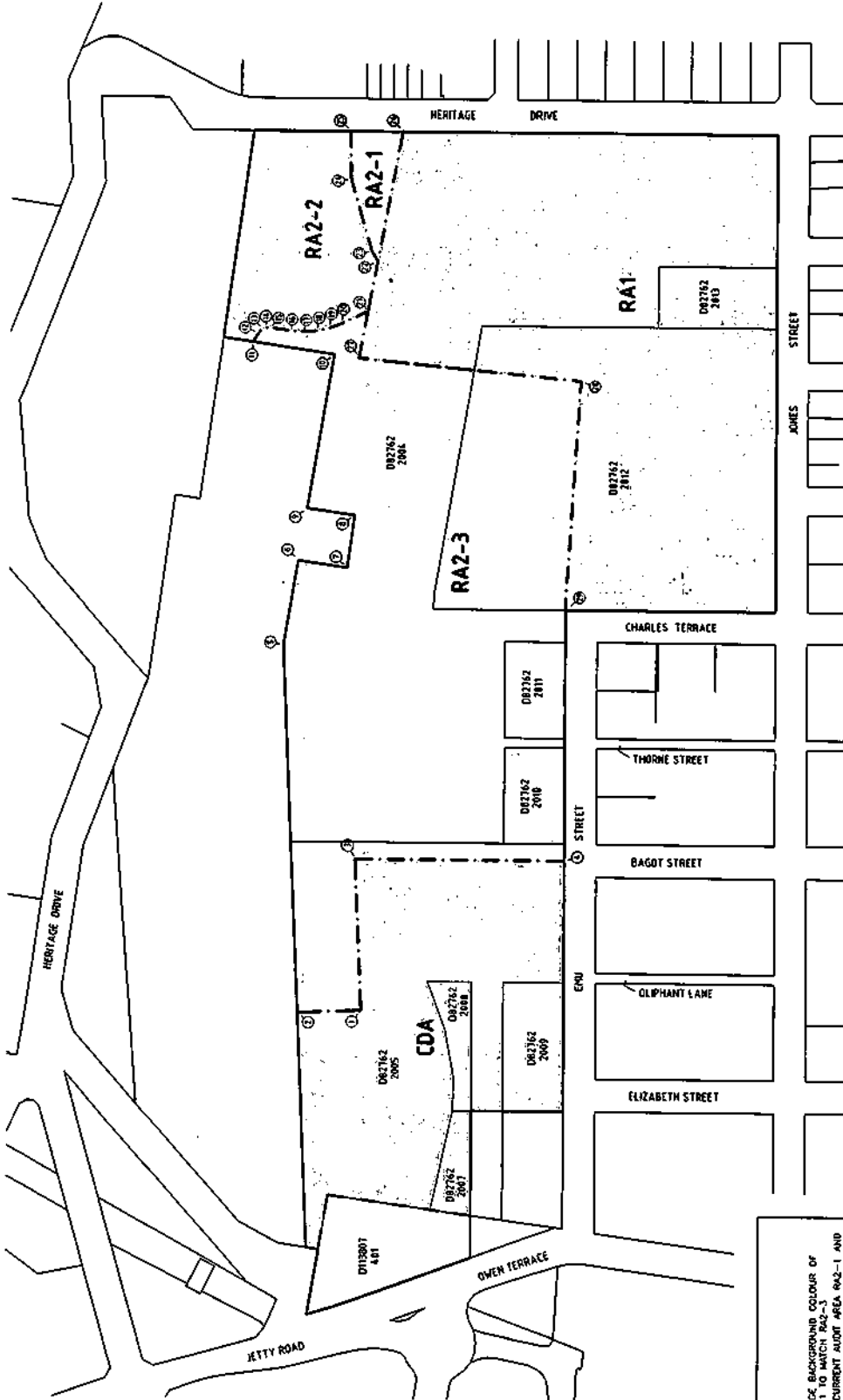


NOT TO SCALE

Annexure C

Survey Plan

WALLAROO SHORES



Corner	East	North
1	74.2804 N	62.1312 E
2	74.1704 N	62.1754 E
3	74.1704 N	62.1754 E
4	74.1704 N	62.1754 E
5	74.1704 N	62.1754 E
6	74.1704 N	62.1754 E
7	74.1704 N	62.1754 E
8	74.1704 N	62.1754 E
9	74.1704 N	62.1754 E
10	74.1704 N	62.1754 E
11	74.1704 N	62.1754 E
12	74.1704 N	62.1754 E
13	74.1704 N	62.1754 E
14	74.1704 N	62.1754 E
15	74.1704 N	62.1754 E
16	74.1704 N	62.1754 E
17	74.1704 N	62.1754 E
18	74.1704 N	62.1754 E
19	74.1704 N	62.1754 E
20	74.1704 N	62.1754 E
21	74.1704 N	62.1754 E
22	74.1704 N	62.1754 E
23	74.1704 N	62.1754 E
24	74.1704 N	62.1754 E
25	74.1704 N	62.1754 E
26	74.1704 N	62.1754 E
27	74.1704 N	62.1754 E
28	74.1704 N	62.1754 E
29	74.1704 N	62.1754 E
30	74.1704 N	62.1754 E

6.1

21/06/19

CHANGE BACKGROUND COLOUR OF RA2-1 TO MATCH RA2-3

9.0

06/06/19

ORIGINAL ISSUE

MOSEL

Land Solutions

6 Great Street SA 5154

PO BOX 554

WALLAROO SA 5154

ACN 144 516 388

08 392 3278

ADLADE & MURRAY BRIDGES

1300 855 203

REFERENCE: K100819.1

21/06/19

M.L.G.W.I

AUDIT AREA BOUNDARY PLAN

COPPER COAST INVESTMENTS PTY LTD

WALLAROO

EXISTING BOUNDARIES

CURRENT AUDIT AREA RA2-1 AND RA2-3

NOTES:

CO-ORDINATE DATUM: MGA 94, ZONE 53

ORIENTED FROM: PSN 64.30.2061

CO-ORDINATES E: 742805.841

N: 621312.474

AUDIT BOUNDARIES PLOTTED FROM ENVIRONMENTAL MANAGEMENT PLANS PREPARED BY ARSEK, DATED 16/09/13 AND 13/12/13, AND

AMENDMENTS PROPOSED BY PHILIP HITCHCOCK DATED 29/05/19

--- AUDIT BOUNDARY (INCLUDES AREAS RA2-3 AND RA2-1)

SCALE

0 40 80 120 160 200

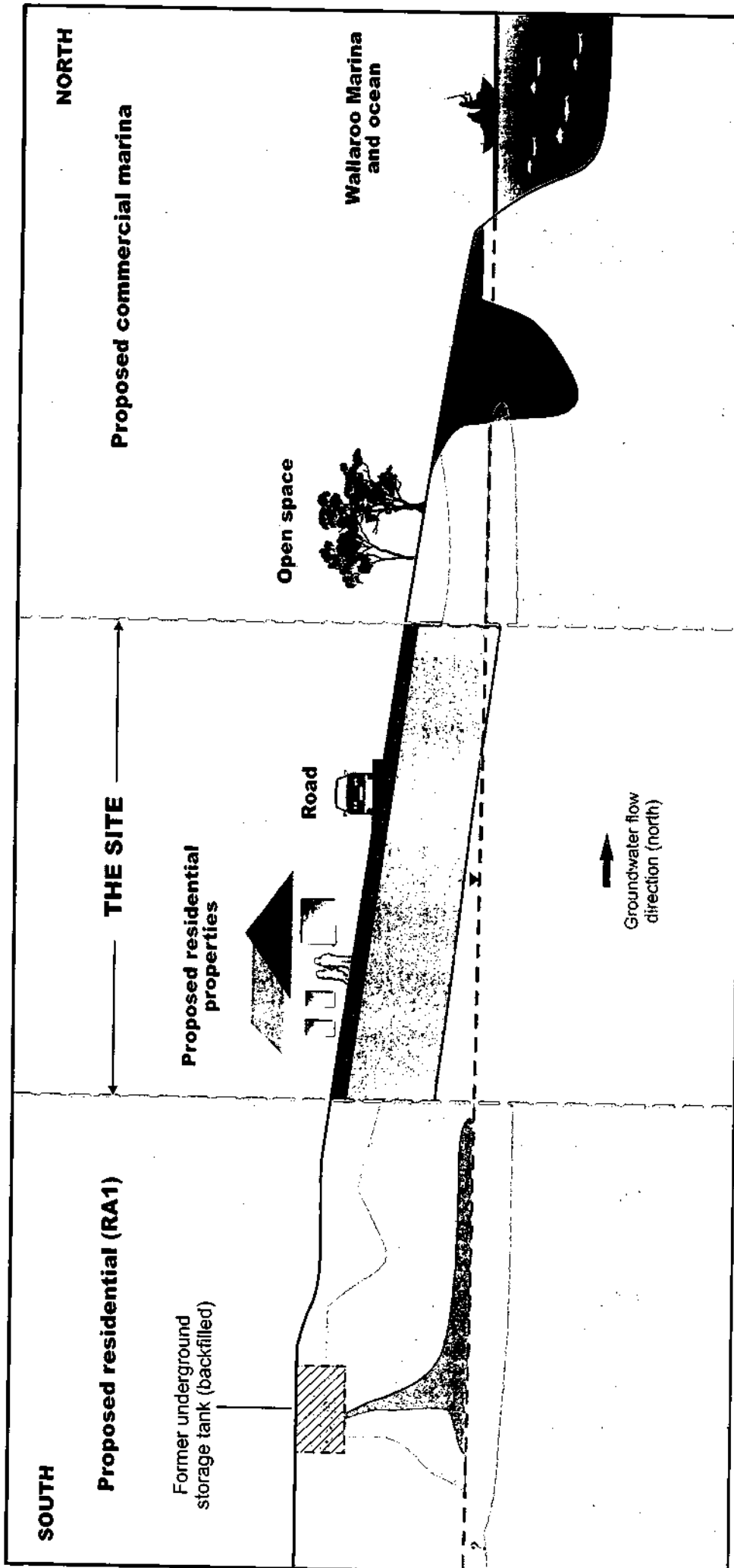
METRES

ORIGINAL SHEET SIZE A2

SHEET 1 OF 1

Annexure D

Conceptual Site Model



LEGEND

- Soil cap 600mm thick (300mm beneath the road)
- Marker layer
- Slag, treated slag or soil with slag inclusions
- Natural soils
- Fill
- Sandy clay
- Clay
- Limestone
- Fractured rock
- Slag
- Inferred dissolved petroleum hydrocarbons
- Inferred dissolved phase extent (metals and nutrients)
- Groundwater level

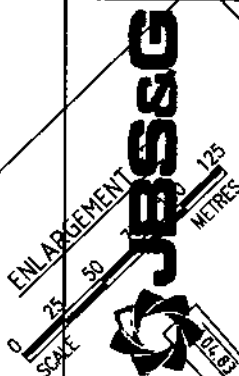
FA <small>Environmental & Planning Consultants</small> <small>211 North Street, Adelaide SA 5000</small> <small>Ph: 08 823 3488</small> <small>Fax: 08 823 3488</small> <small>www.environmentalplanning.com.au</small>		CLIENT MONOPOLY GROUP	PROJECT WALLAROO SHORES DEVELOPMENT	STATUS A4												
DRAWING CHECK <table border="1"> <tr> <td>DATE</td> <td>13.08.15</td> </tr> <tr> <td>SIGNATURE</td> <td></td> </tr> <tr> <td>DRAWN</td> <td>BSW</td> </tr> <tr> <td>DESIGNED</td> <td></td> </tr> <tr> <td>CHECKED</td> <td>BR</td> </tr> <tr> <td>APPROVED</td> <td></td> </tr> </table>		DATE	13.08.15	SIGNATURE		DRAWN	BSW	DESIGNED		CHECKED	BR	APPROVED		TITLE CONCEPTUAL SITE MODEL		
DATE	13.08.15															
SIGNATURE																
DRAWN	BSW															
DESIGNED																
CHECKED	BR															
APPROVED																
SCALE NTS		DRAWING No. EA0637page17 of 47 FIGURE 1														

ANNEXURE 4

Legend

- Greater Site Boundary
- Allotment Boundaries
- Residential Portion 1 (RA1)
- Commercial Marina Area
- North West Commercial Allotment
- Heritage Area
- Commercial Development Area
- Residential Portion 2 (RA2)

Audit site is depicted
by yellow line



Job No: 60240/1835

Client: Infotec Pivot Limited

Version: Draft Date: 28 November 2013

Drawn By: AS Checked By: NP

Scale: 1:3,500 at A4



0 75 150 metres

Data Source: Google Earth and Google Maps

Coord. Sys.: MGA Zone 53 (GDA 94)

Charles Street, Wollaroo, South Australia

KEY SITE AREAS

60240_SCAR_005A

FIGURE 2



Receipt No : 0002613032
Admin No : 108761 (88634)

COMMERCIAL & LEGAL PTY LTD
278 FLINDERS Street
ADELAIDE SA 5000

Contact: Section 7
Telephone: (08) 8204 2026
Email: epasection7@sa.gov.au

Contact: Public Register
Telephone: (08) 8204 9128
Email: epa.publicregister@sa.gov.au

16 October, 2024

EPA STATEMENT TO FORM 1 - CONTRACTS FOR SALE OF LAND OR BUSINESS

The EPA provides this statement to assist the vendor meet its obligations under section 7(1)(b) of the *Land and Business (Sale and Conveyancing) Act 1994*. A response to the questions prescribed in Schedule 1-Contracts for sale of land or business-forms (Divisions 1 and 2) of the *Land and Business (Sale and Conveyancing) Act 1994* is provided in relation to the land.

I refer to your enquiry concerning the parcel of land comprised in

Title Reference CT Volume 6249 Folio 591
Address Allotment 48 (DP 125833), 55 Liberator Way, WALLAROO SA 5556

Summary of land use:
Acids, Inorganic Manufacturing

Schedule – Division 1 – *Land and Business (Sale and Conveyancing) Regulations 2010*

PARTICULARS OF MORTGAGES, CHARGES AND PRESCRIBED ENCUMBRANCES AFFECTING THE LAND

8. *Environment Protection Act 1993*

Does the EPA hold any of the following details relating to the *Environment Protection Act 1993*:

8.1	Section 59 - Environment performance agreement that is registered in relation to the land.	NO
8.2	Section 93 - Environment protection order that is registered in relation to the land.	NO
8.3	Section 93A - Environment protection order relating to cessation of activity that is registered in relation to the land.	NO
8.4	Section 99 - Clean-up order that is registered in relation to the land.	NO
8.5	Section 100 - Clean-up authorisation that is registered in relation to the land.	NO
8.6	Section 103H - Site contamination assessment order that is registered in relation to the land.	NO
8.7	Section 103J - Site remediation order that is registered in relation to the land.	NO

8.8	Section 103N - Notice of declaration of special management area in relation to the land (due to possible existence of site contamination).	NO
8.9	Section 103P - Notation of site contamination audit report in relation to the land.	NO
8.10	Section 103S - Notice of prohibition or restriction on taking water affected by site contamination in relation to the land.	NO

Schedule – Division 2 – Land and Business (Sale and Conveyancing) Regulations 2010

PARTICULARS RELATING TO ENVIRONMENT PROTECTION

3-Licences and exemptions recorded by EPA in public register

Does the EPA hold any of the following details in the public register:

a)	details of a current licence issued under Part 6 of the <i>Environment Protection Act 1993</i> to conduct any prescribed activity of environmental significance under Schedule 1 of that Act at the land?	NO
b)	details of a licence no longer in force issued under Part 6 of the <i>Environment Protection Act 1993</i> to conduct any prescribed activity of environmental significance under Schedule 1 of that Act at the land?	YES
c)	details of a current exemption issued under Part 6 of the <i>Environment Protection Act 1993</i> from the application of a specified provision of that Act in relation to an activity carried on at the land?	NO
d)	details of an exemption no longer in force issued under Part 6 of the <i>Environment Protection Act 1993</i> from the application of a specified provision of that Act in relation to an activity carried on at the land?	NO
e)	details of a licence issued under the repealed <i>South Australian Waste Management Commission Act 1979</i> to operate a waste depot at the land?	NO
f)	details of a licence issued under the repealed <i>Waste Management Act 1987</i> to operate a waste depot at the land?	NO
g)	details of a licence issued under the repealed <i>South Australian Waste Management Commission Act 1979</i> to produce waste of a prescribed kind (within the meaning of that Act) at the land?	YES
h)	details of a licence issued under the repealed <i>Waste Management Act 1987</i> to produce prescribed waste (within the meaning of that Act) at the land?	YES

4-Pollution and site contamination on the land - details recorded by the EPA in public register

Does the EPA hold any of the following details in the public register in relation to the land or part of the land:

a)	details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the <i>Environment Protection Act 1993</i>)?	YES
----	--	------------

- | | | |
|----|--|-----|
| b) | details of site contamination notified to the EPA under section 83A of the <i>Environment Protection Act 1993</i> ? | NO |
| c) | a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register? | YES |
| d) | a copy of a site contamination audit report? | YES |
| e) | details of an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the <i>Environment Protection Act 1993</i> applies? | YES |
| f) | details of an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the <i>Environment Protection Act 1993</i> ? | NO |
| g) | details of an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the <i>Environment Protection Act 1993</i> ? | NO |
| h) | details of a notification under section 103Z(1) of the <i>Environment Protection Act 1993</i> relating to the commencement of a site contamination audit? | YES |
| i) | details of a notification under section 103Z(2) of the <i>Environment Protection Act 1993</i> relating to the termination before completion of a site contamination audit? | NO |
| j) | details of records, held by the former <i>South Australian Waste Management Commission</i> under the repealed <i>Waste Management Act 1987</i> , of waste (within the meaning of that Act) having been deposited on the land between 1 January 1983 and 30 April 1995? | NO |

5-Pollution and site contamination on the land - other details held by EPA

Does the EPA hold any of the following details in relation to the land or part of the land:

- | | | |
|----|--|-----|
| a) | a copy of a report known as a "Health Commission Report" prepared by or on behalf of the <i>South Australian Health Commission</i> (under the repealed <i>South Australian Health Commission Act 1976</i>)? | NO |
| b) | details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the <i>Environment Protection Act 1993</i> ? | NO |
| c) | details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the <i>Environment Protection Act 1993</i> ? | NO |
| d) | a copy of a pre-1 July 2009 site audit report? | NO |
| e) | details relating to the termination before completion of a pre-1 July 2009 site audit? | YES |

Records identified in this EPA Statement to Form 1: **EPA/1551; P0108; SC12537; SC15575; SC60240; SC62043; SC12323; SC61345**

The above records have been identified with a YES response in this EPA Statement to Form 1 and can be obtained by contacting the Public Register on (08) 8204 9128 or email epa.publicregister@sa.gov.au

All care and diligence has been taken to access the above information from available records. Historical records provided to the EPA concerning matters arising prior to 1 May 1995 are limited and may not be accurate or complete.

NOTE

This parcel of land was used by a business or company who in the course of an industrial or commercial process or a teaching or research activity produced prescribed (hazardous) waste.

Waste Produced

Acids And Acidic Solutions

Alkalis And Alkaline Solutions

Vanadium Compounds

E 13795995

Lodged: 27 May 2022 11:46:04 AM

2 OF 2

Form M2

Version 40.4

LANDS TITLES REGISTRATION OFFICE
SOUTH AUSTRALIA

Registered: 01 June 2022 11:49:31 AM



ENCUMBRANCE

Responsible Subscriber: COMMERCIAL AND LEGAL (EL - PEXA) (E100274)

Reference: 1388627 SZH CER

ELN Lodgement Case ID: 489271321

ELN Workspace ID: 7940134

PRIVACY COLLECTION STATEMENT: The information in this form is collected under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes.

ESTATE AND/OR INTEREST BEING ENCUMBERED

FEE SIMPLE

LAND DESCRIPTION

THE WHOLE OF THE LAND IN CT VOLUME 6249 FOLIO 591

ENCUMBRANCER (Full name and address)

MICHAEL KALLIOS OF 55 LIBERATOR WAY WALLAROO SA 5556

DESPINA KALLIOS OF 25 FISHER TCE FULHAM GARDENS SA 5024

ENCUMBRANCEE (Full name, address and mode of holding)

COPPER COAST INVESTMENTS PTY LTD ACN 166860724 OF 185 FULLARTON RD DULWICH SA 5065

THE ENCUMBRANCER ENCUMBERS THE ESTATE AND INTEREST IN THE LAND DESCRIBED FOR THE BENEFIT OF THE ENCUMBRANCEE WITH AN ANNUITY OR RENT CHARGE OF TEN CENTS (\$0.10) IF DEMANDED TO BE PAID TO THE ENCUMBRANCEE ANNUALLY AT THE TIMES AND IN THE MANNER FOLLOWING COMMENCING 27 MAY 2022 FOR A PERIOD OF 5 YEARS

IT IS COVENANTED BETWEEN THE ENCUMBRANCER AND ENCUMBRANCEE in accordance with those terms and conditions expressed below

TERMS AND CONDITIONS OF THIS ENCUMBRANCE

(a) Document Reference

(b) Additional terms and conditions

Refer to Covenants

DATED 26 MAY 2022

CERTIFICATION

Encumbrancer

The Certifier has taken reasonable steps to verify the identity of the encumbrancer or his, her or its administrator or attorney.

The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.

The Certifier has retained the evidence supporting this Registry Instrument or Document.

The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant law and any Prescribed Requirement.

Joanna Moutzouris

Practitioner Certifier

For: COMMERCIAL AND LEGAL

On behalf of: MICHAEL KALLIOS, DESPINA KALLIOS

Encumbrancee

The Certifier has taken reasonable steps to verify the identity of the encumbrancee or his, her or its administrator or attorney.

The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.

The Certifier has retained the evidence supporting this Registry Instrument or Document.

The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant law and any Prescribed Requirement.

Yvette Graetz

Practitioner Certifier

For: MINTER ELLISON

On behalf of: COPPER COAST INVESTMENTS PTY LTD

This is a representation of an instrument that was electronically lodged

IT IS COVENANTED BETWEEN THE ENCUMBRANCER AND ENCUMBRANCEE as follows:

1. Definitions and interpretation

1.1 Definitions

In this Encumbrance:

Wallaroo Shores Estate means all or any part of the land comprised in Certificates of Title Volume 6228 Folio's 861, 864 and 869.

Design Guidelines means the design guidelines for Wallaroo Shores Estate (a copy of which is attached to this Encumbrance at Annexure A), as amended from time to time.

Dispose means assign, transfer, otherwise dispose of or grant or permit or suffer the grant of any legal or equitable interest (either in whole or in part) whether by sale, lease, declaration or creation of a trust or otherwise and where the context requires or permits, **Disposal** has the same meaning.

Encumbrancee means the party described as such on page 1 of this Encumbrance and includes its assigns.

Encumbrancer means the party described as such on page 1 of this Encumbrance and includes its successors in title, permitted assigns and the registered proprietor for the time being of the Land.

Land means the land described on page 1 of this Encumbrance.

Rent Charge means the rent charge described on page 1 of this Encumbrance.

1.2 Interpretation

In this Encumbrance, unless it is stated to the contrary:

- (a) the singular includes the plural and conversely;
- (b) a reference to a person, corporation, trust, partnership, unincorporated body or other entity includes any of them;
- (c) a reference to a clause is a reference to a clause of this Encumbrance;
- (d) a reference to an agreement or document (including this Encumbrance) is to the agreement or document as amended, varied, supplemented, novated or replaced, except to the extent prohibited by this Encumbrance or that other agreement or document;
- (e) a reference to **writing** includes any method of representing or reproducing words, figures, drawings, or symbols in a visible form but excludes any communication using electronic mail;
- (f) a reference to an **agreement** includes any undertaking, deed, agreement and legally enforceable arrangement, whether or not in writing;
- (g) a reference to a right or obligation of any two or more persons confers that right, or imposes that obligation, as the case may be, jointly and severally;
- (h) references to **agree, approve or consent** are references to agreement, approval or consent (as the case may be) in writing;
- (i) nothing in this Encumbrance is to be interpreted against a party solely on the ground that the party put forward this Encumbrance or any part of it;
- (j) where the consent or approval of a party to this Encumbrance is required hereunder to any act matter or thing such requirement shall in the absence of any express stipulation to the contrary mean the prior written consent or approval in the absolute discretion of such party and which consent or approval may be provided on such conditions as may be required by such party; and
- (k) headings do not affect the interpretation of this Encumbrance.

2. Rent Charge

2.1 Payment of Rent Charge

The Encumbrancer must pay the Rent Charge to the Encumbrancee on 30 June immediately following the grant of this Encumbrance and on each succeeding 30 June during the term of this Encumbrance, if payment is demanded by the Encumbrancee.

2.2 Encumbrancee's right to injunctive relief and damages

The provisions of this clause 2 do not in any way affect or prejudice the rights of the Encumbrancee to:

- (a) seek an injunction preventing or restraining any breach of the covenants in this Encumbrance; or
- (b) claim damages for any such breach.

3. Successors Bound by Encumbrance

Without detracting in any way from this Encumbrance being binding on the successors of the Encumbrancer, the Encumbrancer must not Dispose of the Land to any person unless the Encumbrancer has first procured the grant by that person of an encumbrance:

- (a) in the same form and to the same effect as this Encumbrance;
- (b) which binds that person;
- (c) is for the benefit of the Encumbrancee; and
- (d) which is registered on the certificate of title for the Land immediately after the transfer of the Land to the incoming purchaser or transferee and prior to any other interest in the Land is created or registered.

4. Permitted Use

The Encumbrancer must not use the Land or permit, cause or allow it to be used for any purpose other than a residential use which is consistent with the Design Guidelines.

5. Development in accordance with the Design Guidelines

The Encumbrancer agrees that it will not erect, install, make or carry out, or permit, cause or allow to be erected, installed, made or carried out any:

- (a) building, dwelling or structure (including any fence or wall or any nature whatsoever); or
- (b) site works (including fencing, any excavation, any levelling or filling or any retaining wall or any driveway or any rainwater tank),

on the Land or any part thereof except in accordance with plans and specifications and a schedule of materials which are:

- (c) sufficient to outline the building, dwelling, structure or site works;
- (d) consistent with and that comply with the Design Guidelines; and
- (e) first approved in writing by the Encumbrancee,

PROVIDED THAT the Encumbrancer must not submit building plans and specifications to the Encumbrancee for approval, unless the plans and specifications are accompanied by sufficient information to satisfy the Encumbrancee that the building, dwelling, structure or works are consistent and comply with the Design Guidelines and **PROVIDED FURTHER THAT** the Encumbrancee will not unreasonably refuse or withhold any such approval except in circumstances where, in the Encumbrancee's reasonable opinion, the proposed works do not conform with the Design Guidelines or where the proposed works are undesirable by reason of the effect that they would have upon Wallaroo Shores Estate including, without limitation, the appearance, health or amenity of the neighbourhood of which the Land forms part.

6. No delay

The Encumbrancer will not permit, cause or allow any undue delay to occur in the commencement or in the completion of any works approved by the Encumbrancee under clause 5 and will not permit, cause or allow any variation to such work as approved to occur other than in accordance with the terms of any subsequent written approval of the Encumbrancee given before such variation is commenced.

7. Build within 36 months

Without limiting clause 6, the Encumbrancer will not:

- (a) permit, cause or allow the Land to remain undeveloped for more than 36 months from the date of this Encumbrance (or such later date as may be advised by the Encumbrancee in writing), which obligation will be satisfied by the substantial commencement of construction of a residential dwelling approved by the Encumbrancee under clause 5 on the Land by that date; or
- (b) permit, cause or allow practical completion of construction of the residential dwelling to be achieved by any date later than 48 months from the date of this Encumbrance (or such later date as may be advised by the Encumbrancee in writing).

8. Landscaping

The Encumbrancer must not:

- (a) permit, cause or allow the Land, including the front or side (if relevant) verge and garden areas in public view to remain without landscaping for more than 6 months from the date of practical completion of construction of the residential dwelling on the Land;
- (b) permit, cause or allow the maintenance of the landscaping on the Land including the front verge, (and side verge if applicable) to fall below a standard acceptable to the Encumbrancee and the general standard of landscaping of land within Wallaroo Shores Estate;
- (c) plant or grow or permit, cause or allow to be planted or grown or remain planted or growing on the Land any noxious or unlawful tree plant or shrub;
- (d) permit, cause or allow the Land to become or remain untidy or fall into a state of disrepair;
- (e) permit, cause or allow rubbish or weeds to accumulate on the Land; or
- (f) permit, cause or allow the Land to become a fire hazard or a hazard to public health.

9. Fencing

The Encumbrancer must not:

- (a) permit, cause or allow the Land to remain unfenced for more than 6 months from the date of practical completion of construction of the residential dwelling on the Land;
- (b) permit, cause or allow the removal or alteration to any fencing on the Land without the Encumbrancee's approval;
- (c) permit, cause or allow any front fences or
- (d) permit, cause or allow the erection of any fencing on the Land without the Encumbrancee's approval.

10. Not to damage verge areas, etc.

The Encumbrancer must not:

- (a) permit, cause or allow any damage to occur to:
 - (i) the kerb of any roadway in front of or adjacent to the Land;
 - (ii) any part of any verge area between such kerb and the Land, or any footpath, landscaping, irrigation systems, pipes, fittings or public infrastructure including but not limited to services for

sewer, water, gas and telephonic located adjacent to the Land; or

(iii) any driveway or driveway crossover between the Land and the roadway;

(b) permit cause or allow any damage of the kinds referred to in clause 10(a) to remain unremedied for more than 28 days,

and the Encumbrancer acknowledges and agrees that rectification of any such damage will be at the cost and expense of the Encumbrancer.

11. Parking of vehicles

(a) The Encumbrancer must not permit, cause or allow:

(i) the parking of motor vehicles on the Land other than in the driveway on the Land;

(ii) the storage of boats, caravans or trailers on any part of any verge area between such kerb and the Land or any footpath and landscaping near or adjacent to the Land;

(iii) commercial vehicles to be parked or left unattended on the Land except in a position where the same are not visible from the road frontage to the Land; or

(iv) any vehicle greater than 3 tonnes in weight to be parked or left unattended on the Land.

(b) In this clause, '**commercial vehicle**' means a vehicle between 1 and 3 tonnes in tare weight intended or designed to carry goods, equipment or passengers in commercial quantities.

12. Outbuildings

The Encumbrancer must not:

(a) erect or permit, cause or allow to be erected any outbuilding without the approval of the Encumbrancee; or

(b) permit, cause or allow any outbuilding (including but not limited to pergolas, garages, gazebos, verandahs and sheds (attached or detached to the dwelling)) to be erected on the Land that is not complimentary to the surrounding environment.

13. External equipment, Services etc.

The Encumbrancer must not permit, cause or allow to be erected on the Land or attached to any building on the Land any utility or mechanical equipment including but not limited to a television antenna, a radio aerial, an air-conditioning system, a satellite dish, a security grill, a shade structure, or a solar water heating system (**external equipment**) except where:

(a) the external equipment is below the ridgeline of the roof and screened from public view; and

(b) the external equipment and the manner of its erection or attachment has been approved by the Encumbrancee.

14. NBN

The Encumbrancer must ensure that the residential dwelling on the Land is connected to and uses the NBN Network access point provided to the Land.

15. No obstruction

The Encumbrancer must not obstruct or do anything which would prevent or hinder the Encumbrancee, or any of its servants, agents or contractors from entering the Land for the purpose of remedying any breach by the Encumbrancer of its obligations under this Encumbrance of which breach at least 14 days' notice in writing has been given to the Encumbrancer and which breach has not been remedied.

16. Consequences of breach

16.1 Transfer of Land to Encumbrancee in certain circumstances

The Encumbrancer must at the request of the Encumbrancee (**Transfer Request**) transfer to the Encumbrancee or its nominee an estate in fee simple in the Land subject only to this Encumbrance if any of the following events occur:

- (a) the Encumbrancer:
 - (i) uses the Land for a purpose other than the purpose permitted under clause 4; or
 - (ii) carries out any works or actions set out in clause 5;
without the prior approval of the Encumbrancee; or
- (b) the construction of a dwelling on the Land approved by the Encumbrancee under clause 5 is:
 - (i) not commenced within 36 months from the date of this Encumbrance (or such later date as may be advised by the Encumbrancee in writing); or
 - (ii) not completed within 48 months from the date of this Encumbrance (or such later date as may be advised by the Encumbrancee in writing).

16.2 Manner of Transfer

The following provisions apply to any transfer of the Land pursuant to clause 16.1:

- (a) the transfer will be subject only to this Encumbrance;
- (b) subject to clause 16.4, the transfer shall be for a price equal to the consideration expressed in the Memorandum of Transfer of the Land from the Encumbrancee to the Encumbrancer;
- (c) no deposit shall be payable;
- (d) settlement of the transfer of the Land will be effected within 45 days of the date of the Transfer Request;
- (e) the purchase price must be paid on settlement of the transfer of the Land, provided that the Encumbrancee shall be entitled to deduct from the purchase price any amounts which may be required to discharge any mortgage, charge, lien or other interest over the Land;
- (f) rates and taxes and all other outgoings in respect of the Land will be adjusted to the date of settlement;
- (g) all reasonable costs associated with the transfer (including the Encumbrancee's legal costs) will be borne by the Encumbrancer;
- (h) any stamp duty in relation to the transfer will be borne by the Encumbrancer;
- (i) otherwise on the terms and conditions of the standard Real Estate Institute of South Australia Contract for the Sale and Purchase of Land.

16.3 Execution of Contract

The Encumbrancer will, if requested by the Encumbrancee, execute a standard Real Estate Institute of South Australia Contract for Sale and Purchase of the Land, on the terms and conditions contemplated in clause 16.2, within 7 days of the Encumbrancee providing it to the Encumbrancer for execution.

16.4 Compensation for works completed

- (a) If at the time of the Encumbrancee's request pursuant to clause 16.1:
 - (i) the Encumbrancer has substantially commenced the construction of any building or structure upon the Land; and
 - (ii) that building or structure has been approved by the Encumbrancee in accordance with clause 5,

the price payable by the Encumbrancee under clause 16.2(b) is increased by an amount equal to the fair market value of the works completed in respect of that building or structure at the date of that request.

- (b) The fair market value of the works completed in respect of any such building or structure shall be determined by a quantity surveyor who:
- (i) is registered to practice in the City of Adelaide; and
 - (ii) has no less than 5 years relevant experience immediately prior to the appointment,
- appointed at the request of the Encumbrancee by the then President of the South Australian Chapter of the Australian Institute of Quantity Surveyors.
- (c) The following provisions apply to the determination of the fair market value of such works by the appointed quantity surveyor:
- (i) the appointed quantity surveyor is an expert and not an arbitrator;
 - (ii) the appointed quantity surveyor must seek, accept and give due consideration to written submissions from or on behalf of the Encumbrancee or Encumbrancer;
 - (iii) the appointed quantity surveyor must determine the fair market value of the works as at the date on which the Encumbrancee requested the transfer of the Land pursuant to clause 16.1;
 - (iv) each party will bear its own costs and expenses in relation to the appointed quantity surveyor's determination;
 - (v) the parties will bear its own costs and expenses in relation to the appointed quantity surveyor's determination;
 - (vi) the appointed quantity surveyor must provide the determination to the parties in writing, with reasons for the determination, within 30 days of appointment;
 - (vii) the provisions of the *Commercial Arbitration Act 1986 (SA)* do not apply to the appointed quantity surveyor's determination; and
 - (viii) the determination of the appointed surveyor is final and binding on the parties.

17. Costs for breach

- (a) The Encumbrancer must pay to the Encumbrancee on demand all costs (including legal costs) and expenses incurred by the Encumbrancee its servants, agents or contractors in respect of any breach by the Encumbrancer of its obligations under the Encumbrance and any action taken to remedy the same. All such costs and expenses may be recovered in any court of competent jurisdiction in addition to all other powers and rights available to the Encumbrancee hereunder.
- (b) The Encumbrancer indemnifies and will keep indemnified the Encumbrancee from and against all costs (including legal costs), charges and expenses, including those incurred in connection with advisors, experts and consultants, claims, damages, liability, losses, injury (actual or contingent) suffered or incurred by the Encumbrancee as a result of or relating to any failure by the Encumbrancer to comply with the terms of this Encumbrance.

18. Consent

Except where otherwise expressly set out in this Encumbrance, the Encumbrancee's consent or approval:

- (a) means the Encumbrancee's prior written consent or prior written approval;
- (b) may be given or withheld in the absolute discretion of the Encumbrancee; and
- (c) if given may be made conditional or unconditional.

19. Waiver and Release

19.1 Encumbrancee may waive any covenant relating to the Land

The Encumbrancee from time to time in its absolute discretion may waive, vary or release any of the covenants and other stipulations contained or implied in this Encumbrance.

19.2 Encumbrancee may waive any covenant relating to other land within Wallaroo Shores Estate

- (a) The Encumbrancee may from time to time in its absolute discretion lessen, waive or release any of the covenants and other stipulations expressed or implied in any memorandum of encumbrance or other instrument whatsoever relating to any other land in the Wallaroo Shores Estate and whether it was entered into or imposed before, at the same time as or after the date of this Encumbrance.
- (b) No such waiver, variation or release will release the Encumbrancer or its successors in title from the covenants and other stipulations contained and implied in this Encumbrance.
- (c) The Encumbrancer acknowledges and agrees that the Encumbrancee will not be liable for any loss or damage suffered by the Encumbrancer for or on account of or in any way whatsoever arising out of or connected with any non-observance of, or any failure to enforce any provisions of this Encumbrance or of any other Encumbrance over any land within Wallaroo Shores Estate, and the Encumbrancer will indemnify and keep indemnified the Encumbrancee and its agents and servants from and against all claims for any such loss or damage.

20. Mortgagee's Rights and Obligations

20.1 Exercise of power of sale

If the Encumbrancer is in default under the terms of any mortgage granted over the Land and registered under the *Real Property Act 1886* (SA), nothing in this Encumbrance is to be construed as in any way affecting the rights of the mortgagee to exercise its power of sale contained in that mortgage if the mortgagee in the exercise of its power of sale gives the first option to purchase the Land to the Encumbrancee or its nominee for the price calculated in accordance with clauses 16.2(b) and 16.4.

20.2 Transfer by Mortgagee Subject to Encumbrance

Any mortgagee who exercises its power of sale must not Dispose of the Land except subject to this Encumbrance and procuring a replacement encumbrance from the incoming purchaser or transferee to the Encumbrancee, on the same terms as this Encumbrance, which replacement encumbrance must be registered on the certificate of title for the Land immediately after the transfer of the Land to the incoming purchaser or transferee, and before any other interest in the Land is created or registered.

20.3 Price of Land

Subject to the mortgagee's obligations both at law and in equity in exercising its power of sale, the price for which the Land is offered by the mortgagee to the Encumbrancee will not exceed the consideration payable by the Encumbrancee to the Encumbrancer in the event of the Encumbrancee repurchasing the Land pursuant to clause 16 of this Encumbrance.

20.4 Mortgagee's rights otherwise preserved

Apart from clauses 20.1, 20.2 and 20.3, nothing in this Encumbrance shall be construed as in any way affecting the rights of a mortgagee of the Land to exercise the power of sale contained in the mortgage.

21. Design Guidelines

21.1 Acknowledgement

The Encumbrancer acknowledges that it received a current copy of the Design Guidelines prior to the grant of this Encumbrance.

21.2 Notice of Amendments

The Encumbrancee must notify the Encumbrancer of any amendment to the Design Guidelines made at any time after the grant of this Encumbrance.

21.3 When Amendments Binding

Any amendment to the Design Guidelines made at any time after the grant of this Encumbrance only binds the Encumbrancer upon the Encumbrancee complying with the provisions of clause 21.2.

21.4 Benefit of Covenants of Encumbrance

The Encumbrancer acknowledges for itself and its successors in title that:

- (a) this Encumbrance is imposed as part of a building scheme for the regulation of development of land within Wallaroo Shores Estate; and
- (b) the covenants of this Encumbrance are for the benefit of both the Encumbrancee and for the benefit of every other allotment within Wallaroo Shores Estate.

22. Notices

- (a) Any notice or demand to be given to or made upon the Encumbrancer under this Encumbrance:-
 - (i) must be in writing and signed by the party giving notice, its authorised agent or its Solicitor;
 - (ii) may be served:
 - (A) by being left at the last known residence or place of business of the Encumbrancer;
 - (B) by being sent by ordinary post in a pre-paid envelope to the address of the Encumbrancer set out in this Memorandum of Encumbrance; or
 - (C) by a means allowed by the *Electronic Transactions Act 2000* (SA) (including by email to the Encumbrancer's email address as last notified by the Encumbrancer), and is given when that Act specifies;
- (b) will be deemed served if posted in accordance with clause 22(a)(ii)(B), two (2) business days after posting; and
- (c) will be deemed sufficiently served if served in accordance with this clause on one of several persons comprising the Encumbrancer.

23. Severance

Each word, phrase, sentence and clause (**provision**) of this Encumbrance is severable and if a court determines that a provision is unenforceable, illegal or void the court may sever that provision and such severance will not affect the other provisions of this Encumbrance.

24. Sunset Clause

The rights and obligations of the Encumbrancee (but not the Encumbrancer or any person claiming under the Encumbrancer as purchasers of any land in Wallaroo Shores Estate) will cease 5 years after the date that the Encumbrancee ceases to be the registered proprietor of any of the land comprised within Wallaroo Shores Estate.

25. Remedies

The Encumbrancee is entitled to all the powers rights and remedies given to encumbrances by the *Real Property Act 1886* (SA).



WHERE TOWN MEETS SEA

DESIGN GUIDELINES

OCTOBER 2020

An aerial photograph of a coastal development. In the foreground, there's a large, light-colored, irregularly shaped area, possibly a beach or a large lawn, with some scattered trees. To the right, a road or path runs diagonally. In the background, there are several buildings, including a large, modern-looking structure with a flat roof and some smaller buildings. The overall scene is a mix of natural and built environments.

WALLAROO SHORES

WHERE TOWN MEETS SEA

WALLAROO SHORES

WHERE TOWN MEETS SEA

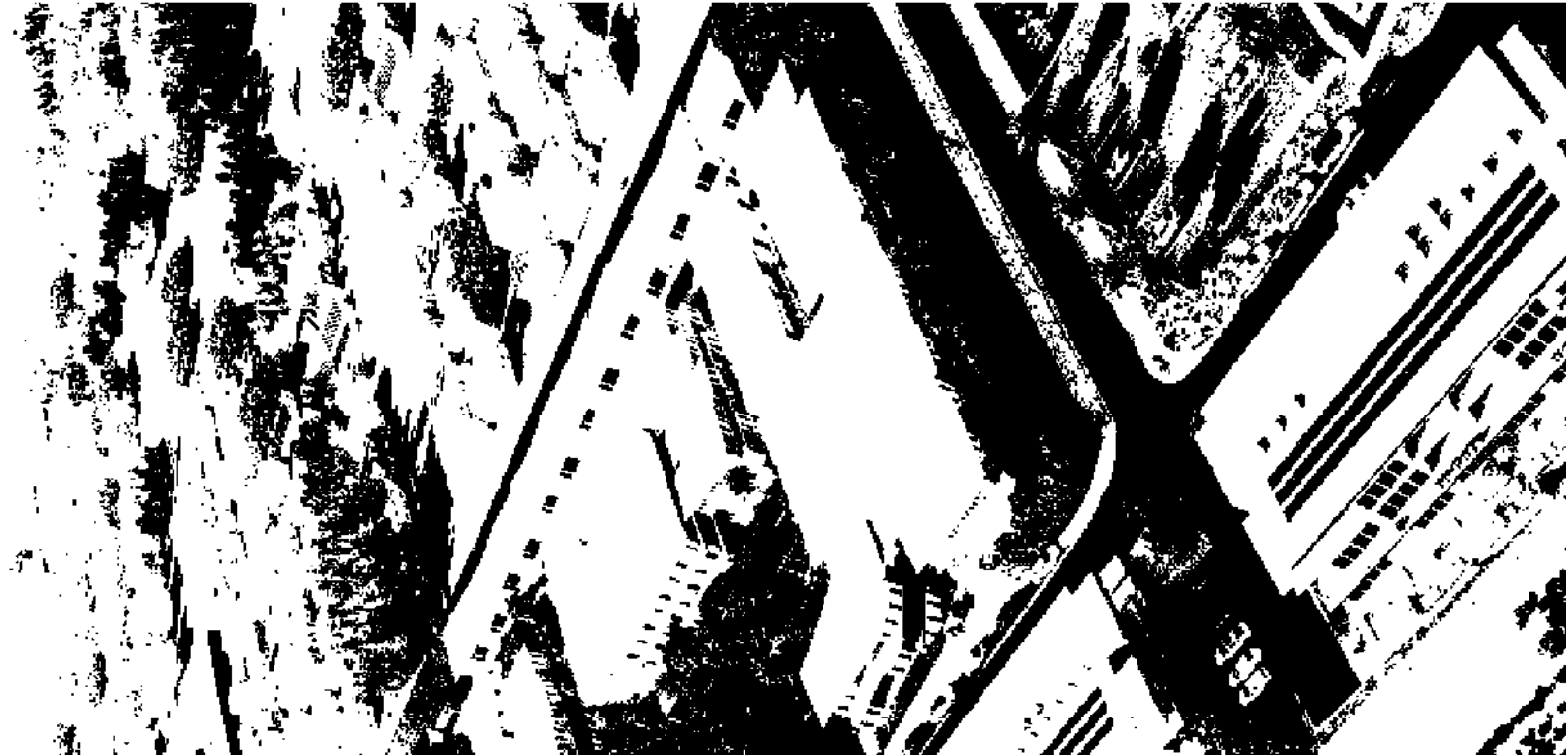
Welcome to the community of Wallaroo Shores Estate, your new community located in the idyllic seaside township of Wallaroo. Offering a relaxed lifestyle and modern living, this brand new estate offers generous allotments that maximise amazing coastal views.

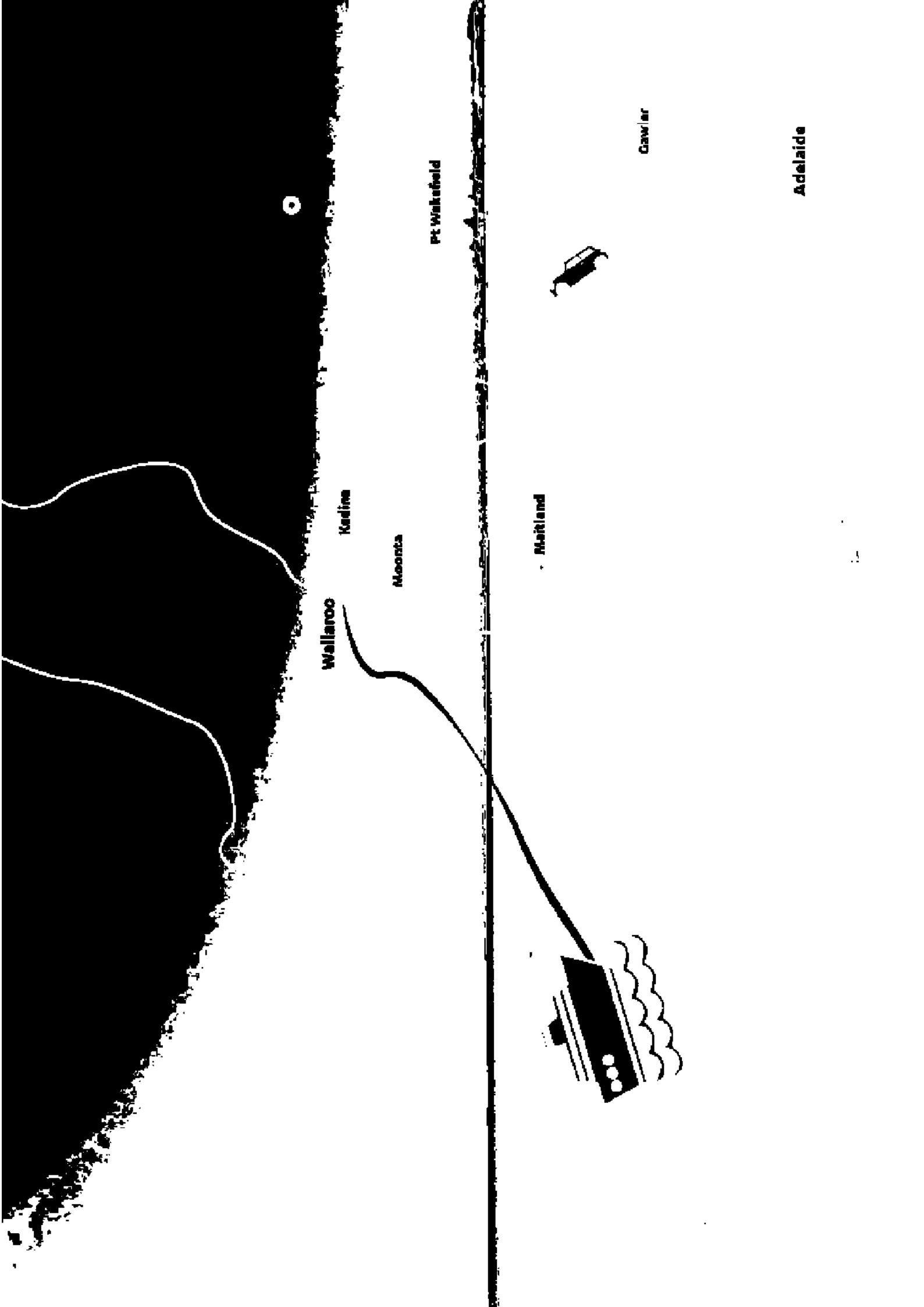
Wallaroo boasts a semi-rural lifestyle with the convenience of nearby shops and eateries. The seaside location offers a variety of water-based leisure activities to enjoy with friends and family. The beach, relaxed pace and friendly community make Wallaroo an ideal place to call home

Building your new home should be as easy as possible. These guidelines will help you make the best decisions when contemplating design, layout and materials for your new build. This includes:

- Maximising the appearance and style of your new home
- The best position for your home on the allotment
- Selecting the most suitable building height
- Selecting materials to be used
- Achieving an environmentally efficient home to reduce energy consumption

Let these guidelines help you design a modern and liveable 'dream home' that complements other buildings in the Wallaroo Shores Estate.





Wallaroo

Kadina

Moonta

Pt Wakefield

Maitland

Cawlar

Adelaide

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1 | DESIGN AND APPROVAL PROCESS

The Design and Approval Process ensures a quality neighbourhood within Wallaroo Shores Estate whilst providing flexibility for you to design your dream home.

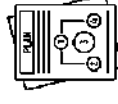
All purchasers of land at Wallaroo Shores Estate have committed to the Encumbrance which is a legally binding document registered on your Certificate of Title.

The Encumbrance Manager will review your plans to ensure they comply with the Design Guidelines. This process is a pre-requisite to obtaining Planning and Building Approval, but does not replace the development approvals required from Council.

The Encumbrance Manager can approve plans that do not comply with these Guidelines, but only if the design promotes the character, quality and aesthetic appeal of the Wallaroo Shores Estate in a positive way.

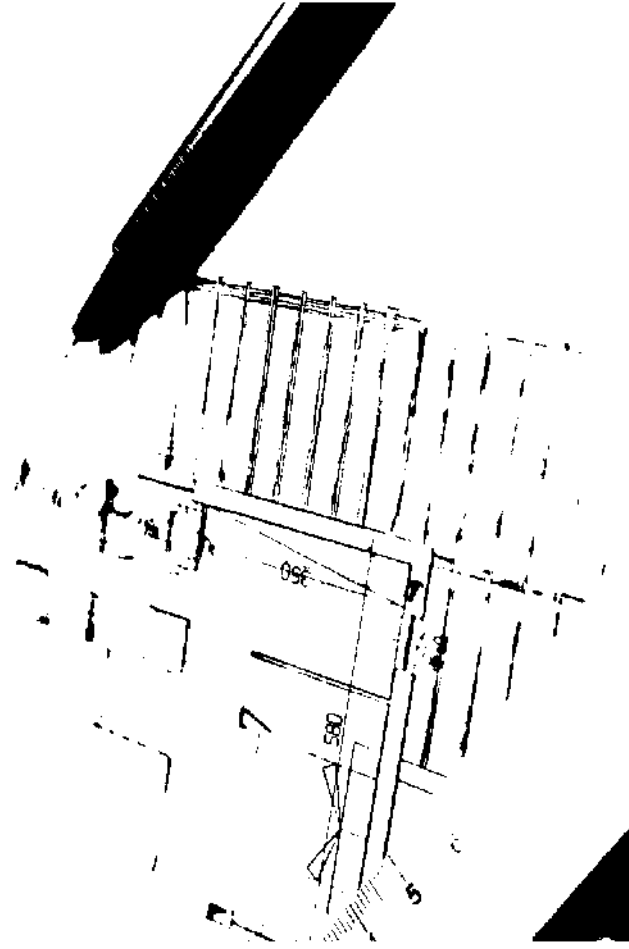


Read these Design Guidelines and consider the Building Envelope Plan for your allotment



Prepare the plans for the allotment of your new home

In order to achieve Encumbrance Approval, please ensure the following steps are taken:



Construction must commence within 3 years (allotments with frontage to Liberator Way) or 5 years (allotments without frontage to Liberator Way) from the settlement of your land.

All applications for Encumbrance Approval should be submitted to:

Encumbrance Manager
Monopoly Property Group
Wallaroo Shore Estate

Email: info@wallaroohores.com.au



Submit your site plan, floor plan, evaluations, schedule of external materials and colours and landscaping plan. If you require further clarification or amendments, please refer your queries to the Encumbrance Manager

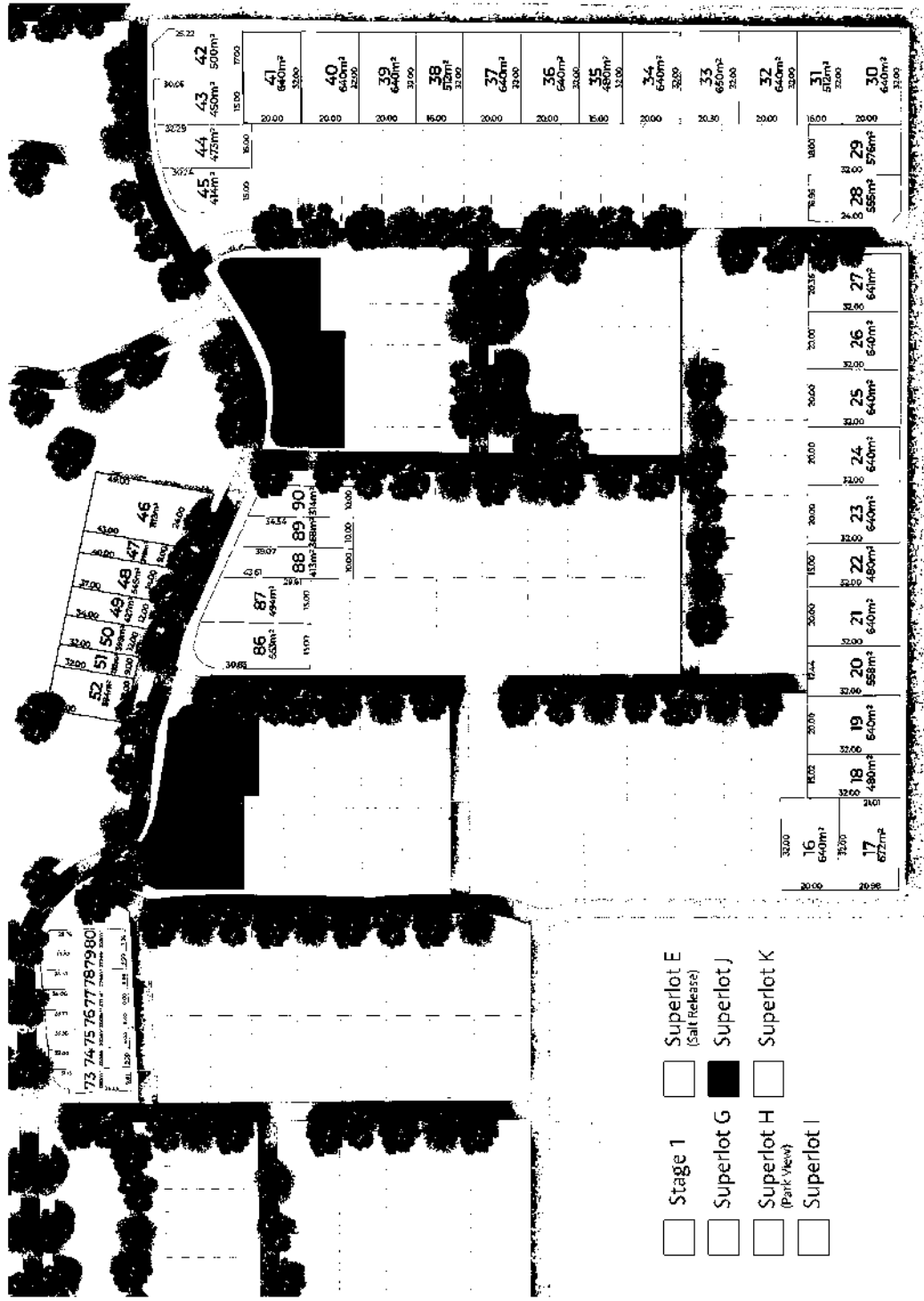


Approval granted by the Encumbrance Manager. Stamped plans will be supplied to your builder for submission to the Copper Coast Council for statutory development assessment and approvals



Construction of your home

2 | WALLAROO SHORES ESTATE



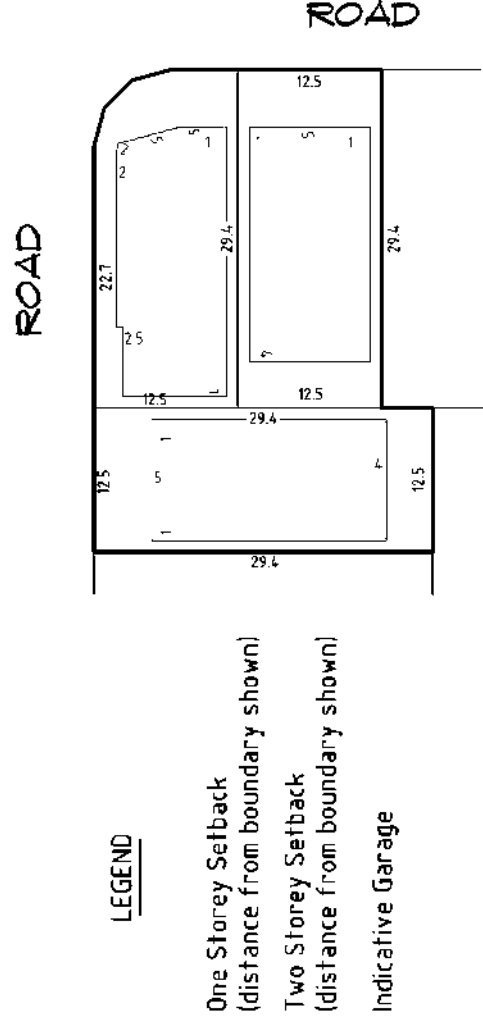
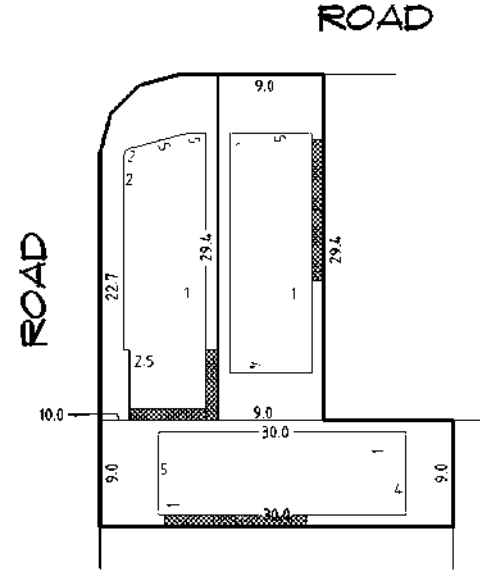
Wallaroo Shores Estate is divided into different stages where unique design criteria may apply. Stage specific allotment criteria will prevail over standardised criteria where applicable. Please refer to the image above and the Staging Specific Criteria section of these Guidelines.

3 | BUILDING SETBACKS

A Building Envelope Plan identifies the position a dwelling can be placed on the site

The dwelling must be placed within the prescribed Building Envelope Plan, along with satisfying other relevant design criteria contained within these Guidelines. A dwelling that exceeds the Building Envelope Plan may be at risk of not being approved. This will be at the discretion of the Encumbrance Manager.

Your home will need to comply with one of the two following Building Envelope Plans:



LEGEND

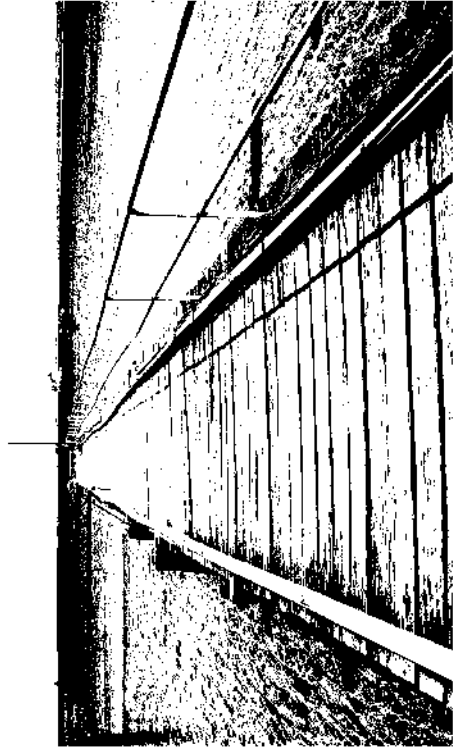
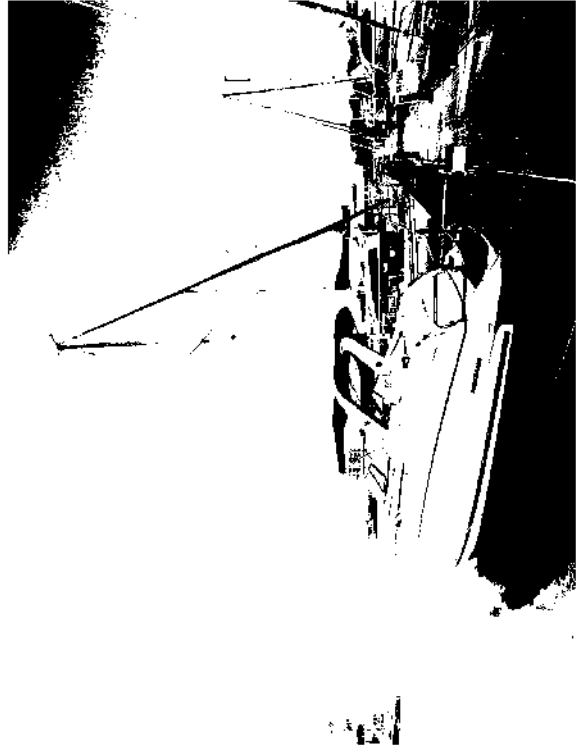
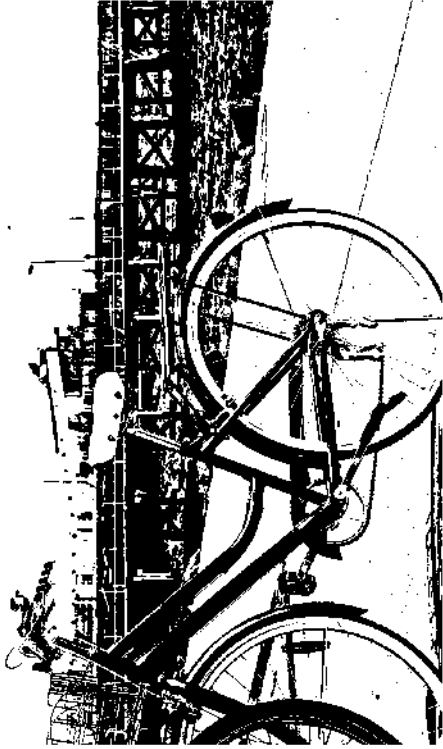
One Storey Setback
(distance from boundary shown)

Two Storey Setback
(distance from boundary shown)

Indicative Garage

Allotments with a street frontage width of
10.0 metres or less

Allotments with a street frontage width of
more than 10.0 metres



When planning the front setback of your home, you will need to consider the setback of the dwelling in relation to the front setback of the garage. The differences in setbacks helps to provide interest and design appeal to the front façade of your home, providing an interesting streetscape.

The minimum setback from the boundary to the front of the dwelling is 5.0 metres.

An additional setback of 0.5 metres is required from the front of the dwelling to the front of the garage, this provides an appealing visual presentation to the street. This also enables a vehicle to be safely parked within the driveway, without encroaching on the footpath or roadway.

Minor structures such as porches, porticos, balconies and verandahs, may be permitted to encroach closer to the front boundary than the minimum 5.0 metre setback. A maximum 1.5 metre encroachment will be considered if the structure is an integral part of the dwelling and does not dominate the overall design.

Smaller front setbacks may be suitable as outlined in the Staging Specific section of the Guidelines.

The minimum ground floor dwelling setback is 1.0 metres from the side boundary. When an allotment contains a secondary road frontage, a 2.0 metre setback is required.

Allotments with a street frontage of 10.0 metres or less may build a garage on one side boundary, excluding laneway and secondary road frontages, but should not exceed:

- A wall length of 12.0 metres
- A wall height of 3.0 metres

Garages, similar to the setback from a primary road frontage, should be setback at an additional 0.5 metres from the dwelling wall when fronting the secondary road frontage.

Upper levels are to be setback a minimum of 1.2 metres from the side boundary in order to maintain visual consistency throughout the estate. It also provides improved articulation and appealing dwelling design.

Smaller setbacks may also be suitable as outlined in the Staging Specific section of the Guidelines.

The minimum setback of a dwelling to the rear boundary is 4.0 metres.

An increase in rear setbacks may be required in order to provide adequate areas of private open space to accommodate future outbuildings.

Varied setbacks may be appropriate when outlined in the Staging Specific section of the Guidelines.

4 | BUILDING DESIGN and EXPRESSION

Wallaroo has a distinctive natural beauty, with undisturbed coastline. Wallaroo Shores Estate, is uniquely surrounded by heritage stonework and rubble historic walking routes. The site lends itself to embracing these design elements into the architectural features of your new home.

Modern design adds to the appeal and individual style of your home, however high proportions of glazing and articulation will need to be part of your home, rather than simply building bold, inexpressive boxes.

The front facade of your home is an important design component and will contribute to the overall appeal and vision of the Wallaroo Shores Estate. Facades must demonstrate careful design which incorporate architectural detailing, articulation, appropriate materials and colour choices.

Vertical masonry elements are encouraged, and make a pleasing visual connection to the iconic copper smelter stack and stonework.

Buildings on allotments fronting Heritage Drive and Jones Street should incorporate a more traditional dwelling design to ensure a pleasing visual transition between the existing residential areas of Wallaroo and the Wallaroo Shores Estate. Roof forms, materials and building techniques, such as the use of a hipped/gabled roof and the

inclusion of eaves are encouraged.

The main entry of the house must address the primary road frontage.

No transportable buildings are permitted in Wallaroo Shores Estate and each dwelling's ground floor must be constructed using slab on ground construction.



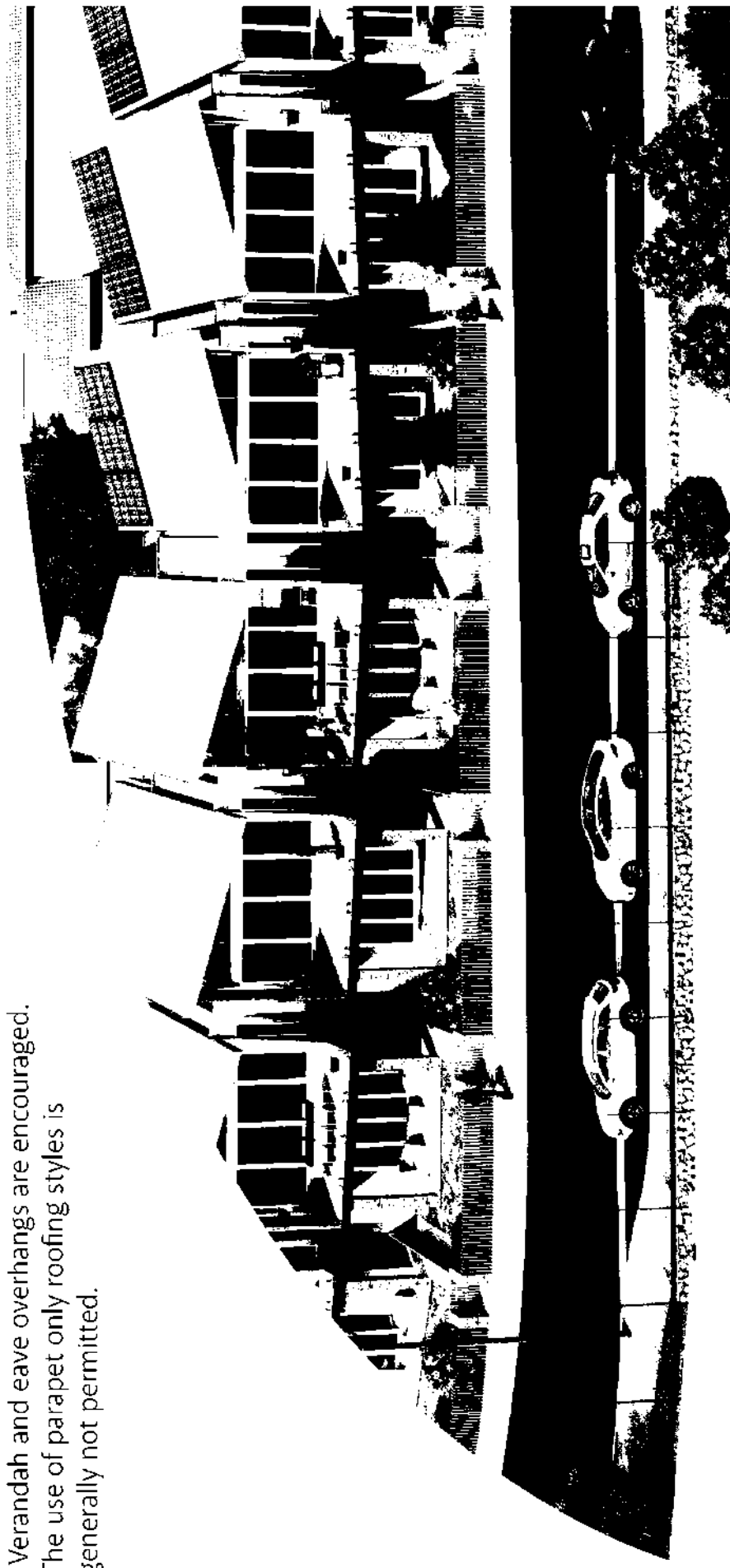
Roofing designs must be constructed from colour-coated iron, cement or clay tiles, slate or shingles. Galvanised iron roofing will not be accepted.

A diverse range of roof styles will be considered within the Wallaroo Shore Estate that recognises its coastal location and contributes to the overall dwelling design.

Verandah and eave overhangs are encouraged.

The use of parapet only roofing styles is generally not permitted.

Roof designs should be designed to encourage the placement of rooftop solar photovoltaic systems.



The appearance of dwellings, especially second and third storeys, should be enhanced through increased architectural detailing. This includes the articulation of walls to avoid large, featureless facades with uninterrupted walls. In certain locations and varying elevations, increased articulation and detailing is important when visible to the public.

Dwellings on corner sites must also be designed to address both the primary and secondary frontages. Incorporating similar design treatments and materials to the front façade of the home is encouraged, especially when visible from the road (ie not located behind any side perimeter fencing).

Dwellings with both a street and coastal frontage, are both considered as important frontages. Significant detailing and architectural elements need to be applied consistently on both elevations.

Garages are a key component of any dwelling design and contribute to the overall streetscape. Garage doors are to be constructed of panel lift, tilt-up, sectional or roller and must comprise materials and colours that complement the dwelling.

Garages are to contain a maximum width of 7.0 metres or 50% of the site frontage width to ensure that they do not dominate the dwelling design. For allotments with smaller allotment widths, a single width garage is encouraged. Alternatively, the inclusion of greater

architectural features are required to reduce its visual massing – it is recommended that this is discussed with the Encumbrance Manager prior to submitting a proposal for approval.

Balconies should be designed to provide access to the local views and vistas, along with accommodating outdoor entertaining and maximising sun and shade. These should be well considered elements to the building, along with any overlooking requirements.



It is encouraged to use 'coastal' or 'natural' colour palettes including those reflecting the historical area adjoining the Wallaroo Shores Estate.

Vibrant or bright colours are not permitted.

The careful selection of colours and materials will achieve a level of consistency between dwellings and improve the quality and appearance of the streetscape and character of the Wallaroo Shores Estate.



5 | BUILDING AND CEILING HEIGHTS

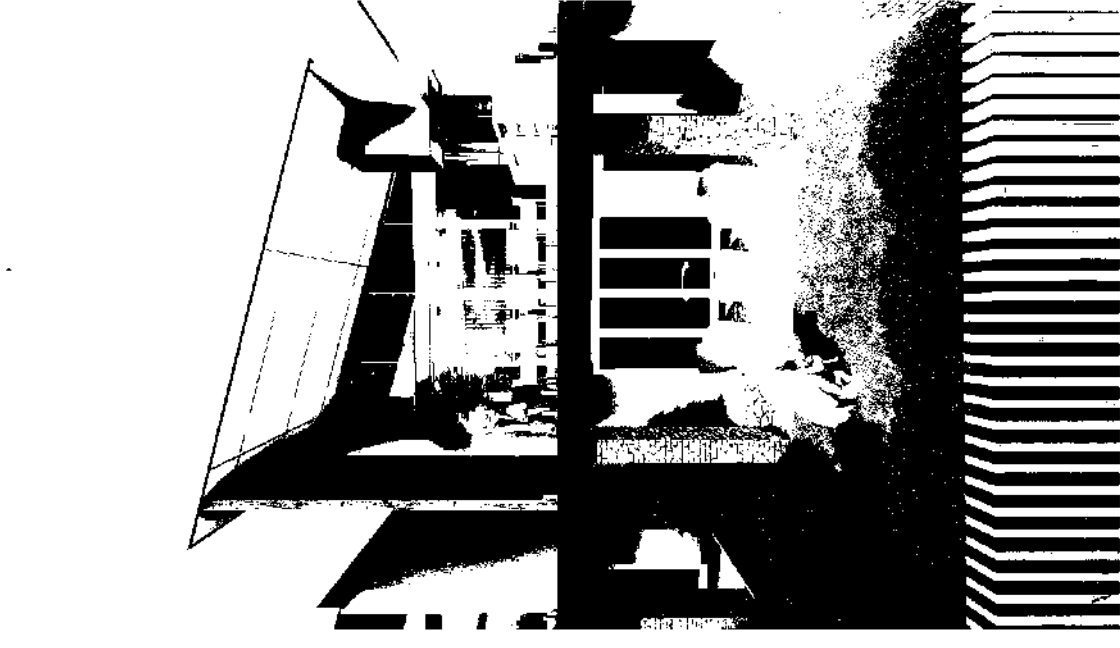
Building heights vary throughout the master planned community, with single or two storey developments preferred. Where the rear of an allotment contains coastal views, three storey development may be considered when appropriately designed to minimise impacts of its increased height and scale. Additional details of building heights are prescribed in the Staging Specific section of these Guidelines.

The desired building heights in each Stage will help you maximise views of the ocean and surroundings areas. Care should be taken to locate the dwelling so that adverse impacts such as shadowing or overlooking on neighbouring properties are minimised.

The minimum requirement for the ceiling height on the ground floor is 2700mm. The minimum requirement for the ceiling height on the upper storey is 2400mm.

In order to protect your privacy and the privacy of others, development should minimise direct overlooking into habitable rooms and private open spaces of adjoining properties. Some effective ways of achieving this are detailed below but are not limited to:

- Off-set the location of balconies and windows of habitable rooms with those of other buildings to eliminate direct views



- Screening devices (including fencing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents or neighbour's amenities
- Appropriate windows have sill heights that create a viewing level no less than 1700mm above the finished floor level
- Screening on the sides of balconies to protect your privacy and that of your neighbour.

Importantly, these features or measures should be designed to

integrate seamlessly with the design of the dwelling while promoting the use of balconies and upper level living areas, to enjoy the views on offer.

Where the rear of an allotment contains coastal views, it is recognised that direct overlooking into private open spaces of adjoining properties from upper storey balconies and windows will occur. A reduced reliance on screening devices and high sill heights will be considered.



6 | PRIVATE OPEN SPACE

Dwellings are required to provide an area of private space that is for the sole use of each dwelling occupant. The private open space should be designed to be integrated with the main living areas of the dwelling and used for entertaining, gardening and playing.

Allotments are to be provided with private open space areas that are in accordance with the following:

Allotment Size	Minimum Area of Private Open Space	Minimum Dimension of Private Open Space areas
	24m ²	3 metres
	60m ²	4 metres

Balconies with a minimum dimension of 2.0 metres may be included as private open space, although the majority of private open space is to be provided on the ground level.

Front yards and areas covered by outbuildings are not to be included as part of private open space areas.



7 | OUTBUILDINGS

Outbuildings include structures such as sheds, workshops, gazebos, verandahs and other buildings that are generally separate from the main dwelling.

They must be ancillary to with the main dwelling and not located within the front yard. Outbuildings must be constructed of pre-coloured materials (such as Colorbond) and not contain any highly reflective materials.

Outbuildings may be built on side and rear boundaries, with outbuildings greater than 40m² requiring an increased setback of 600mm. Increased setbacks are required if located on the secondary road frontage (refer to side setbacks).

Larger outbuildings will be considered in future stages where allotment sizes are typically larger than other areas of the Wallaroo Shores Estate.

No outbuildings are permitted in the rear yard of allotments within Stage 1 due to the location of an existing drainage easement. Additional storage should be considered when designing your home and incorporated into its overall design.

- Outbuildings with no slab (ie verandah/gazebo) may be considered if not impeding access to the drainage easement. This is subject to the Copper Coast Council support.

Similarly, no outbuildings are permitted in the rear yard of allotments that contain frontage with coastal views, such as allotments on the western side of Liberator Way, due to their prominent position facing the coastline. Additional storage areas should be considered when designing your home and incorporated into its overall design.

Outbuildings less than 3 x 3 metres do not require the Encumbrance Managers approval unless it meets one or more of the following criteria:

- It will result in more than one outbuilding on the allotment
- Does not use materials prescribed in the Design Guidelines
- It is located in the front yard
- It is located in the rear yard of allotment with coastal views

8 | VEHICLE PARKING AND DRIVEWAY /CROSSOVER

At least one car parking space must be constructed under the main roof of the dwelling or in a garage that is complementary to the design of the dwelling.

Open carports are not permitted unless they can be demonstrated to have a clear design connection to the style of the dwelling. It is at the discretion of the Encumbrance Manager should a carport be considered appropriate.

Parking spaces for boats, trailers and caravans should not be located forward of the primary façade of the dwelling.

Driveways and crossovers should be constructed of similar materials to footpaths. Gravel is not permitted.

Driveways accessing a single garage require a minimum width of 3 metres from the kerb of the road to the covered car parking space. Driveways accessing a double garage should have a maximum width of no greater than 5.5 metres.

The driveway is to be constructed prior to occupying the dwelling.

9 FENCING

Front fencing is not allowed.

All side and rear fencing must be 1800mm high.

Side fencing is to be constructed of Colorbond TL5 Good Neighbour fencing, Colorbond Shale Grey in colour.

Side fences along common boundaries should be located 1m behind the front facade of the dwelling (2 metres behind the facade for corner allotments).

SHALE GREY™

10 | LANDSCAPING

Front landscaping, including the front or side (if relevant) verge and garden areas in public view must be constructed within six (6) months of construction of the dwelling.

Water efficient garden design is encouraged by the use of appropriate plant selection, drip irrigation and mulching and collection of rainwater via on-site tanks.



The use of drought tolerant plants particularly natives, should be considered, with the use of coastal plant varieties helping provide a cohesive landscape outcome that connects with the area's unique coastal surrounds.

On areas not planted with trees, shrubs, groundcovers or lawn, need to include paving, gravel or timber decking to provide useable and pleasant outdoor spaces.

The ongoing maintenance of your landscaping, including the front verge, (and side verge if applicable), is the responsibility of the owner.

11 | CLOTHESLINES, LETTERBOXES AND OTHER ANCILLARY ITEMS

All ancillary structures to the house, including solar hot water systems, air conditioning units, satellite dishes, TV and radio antennas should not extend above the roofline of the dwelling.

Tanks for solar hot water services should be located at ground level and screened.

Clotheslines and rainwater tanks shall be carefully positioned to minimise their visual impact to the street and public spaces and shall not be located in front of the dwelling. Dedicated service yards / areas are recommended to locate these structures and to also locate household bins.

Rainwater tanks are to be sited abutting a dwelling or outbuilding and are constructed of Colorbond or similar metal sheets, fibreglass or plastic material of a colour to integrate with the dwelling.

Air-conditioning plant must be located in a service area. The service area must be located to the side of the property and screened from view. The use of evaporative air-conditioning units is discouraged; but if incorporated, the colour of the unit must match the colour of the roof and not extend past the highest point of the roof.

Letterboxes shall be subtle in design and be in keeping with the aesthetic of the building. For example, predominantly rendered homes should have a rendered letterbox.

The owner must ensure that any solar heating collecting panels are constructed and located so they are architecturally integrated with the dwelling, conform to the roof pitch (no elevated metal stands) and located below the roofline of the dwelling.

12 | SUSTAINABLE DESIGN

When designing your home, sustainable design elements that increase the living comfort within your home are strongly encouraged.

These may include, but are not limited to:

- Position living areas and private open space on the northern side of the allotment. Place service areas along the southern side of the allotment
- Locate windows in appropriate areas to allow for increased winter sun and reduced summer heat loads
- Appropriate use of masonry elements to catch winter sun for re-radiation of heat at night. Masonry elements also keep the home cooler in summer for longer
- Substantial roof overhangs provide protection from the sun in summer while allowing for the lower winter northern sun
- Design external openings to allow for cross ventilation during summer months
- Ensure windows and doors are adequately sealed against drafts and effectively air lock main entry areas to your house
- Extensively insulate your house (walls and ceiling)
- Use solar hot water systems and efficient water fittings
- Connect rainwater tanks to non-potable uses eg toilet flushing, washing, watering garden
- Use power management technology, energy efficient fittings and controls and eliminate excess light fittings
- Design roof pitches to enable the effective use of rooftop solar photovoltaic system
- Design gardens with the use of drought resistant plants. Locate deciduous trees to provide shade where needed in summer, and to let sun through in the winter. When designing your garden, it is always a good idea to seek advice on the appropriate selection of plants for your allotment and the area.



13 | SITE MANAGEMENT, CONSTRUCTION AND LAND DIVISION

To ensure a high level of amenity and quality of life for residents of the Wallaroo Shores Estate, management techniques during construction are required. Following the completion of construction, residents are asked to maintain allotments to a high standard.

All refuse must be contained within an appropriate refuse collection bin / container on the allotment.

Vacant allotments are not to be used for the storage of vehicles, caravans, shipping containers, sheds, boats or any other structures/vehicles prior to the commencement of construction.

Adjoining allotments are not to be used for the storage of materials or portable toilets during the construction period of your allotment.



It is the responsibility of the land owner and builder to ensure existing street trees, footpaths and kerbing are protected during the construction process. Monopoly Property Group are not liable for any damage caused by landowners or buildings during/after the construction process.

Any excavation, including the construction of a swimming pool, will require the approval of the Encumbrance Manager prior to any work being undertaken.

Allotments are to be maintained and kept free of excess weeds, rubbish and building waste.

Any excess building materials must be removed from the allotment within 3 months of the occupation of the dwelling.

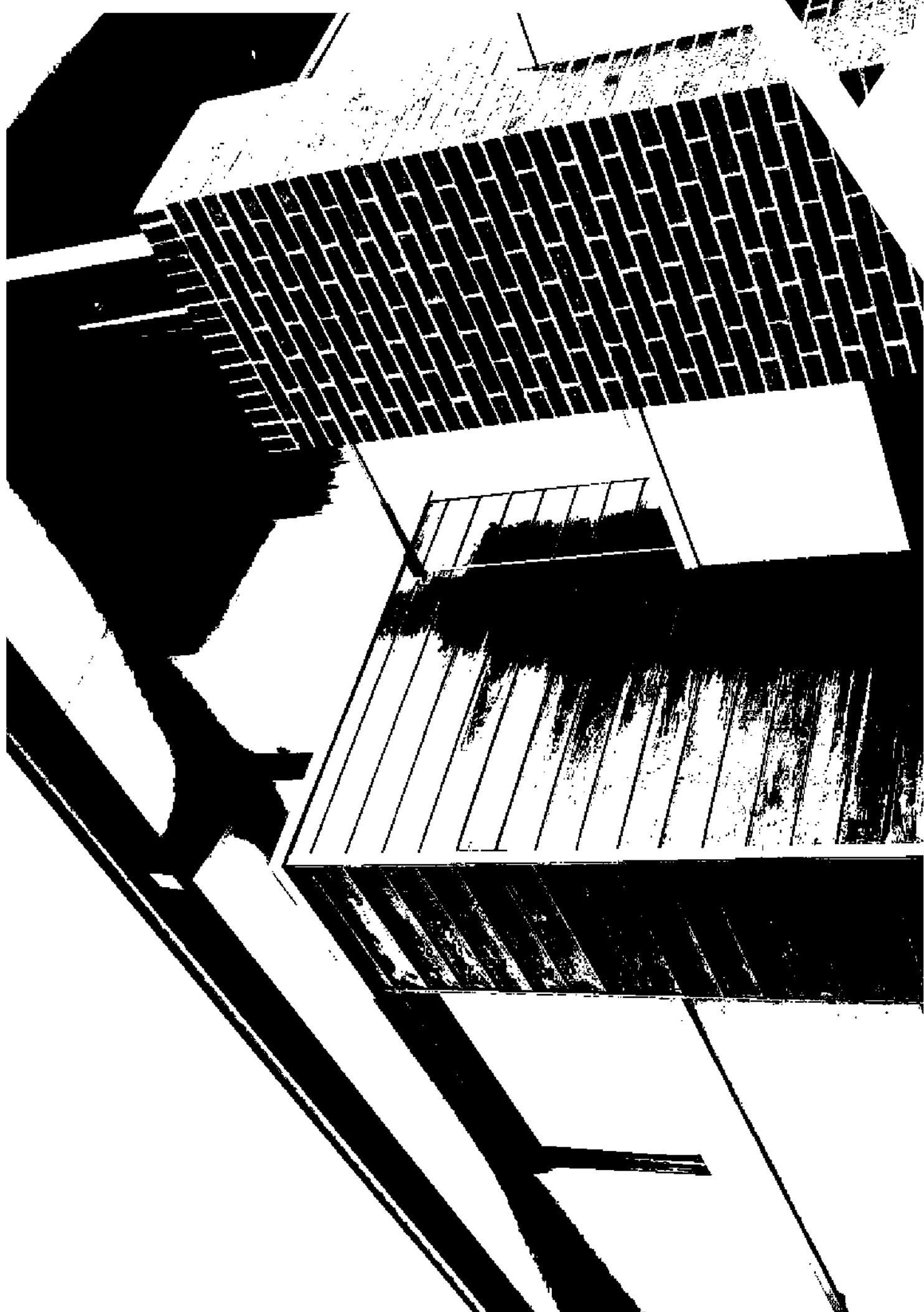
The parking of vehicles exceeding 3,000kg are not permitted on allotments.

Caravan, boats and trailers should not be parked in front yards.

The division of land to create additional allotments is not permitted within the Wallaroo Shores Estate.

14 | STAGING SPECIFIC CRITERIA

<p>This Stage encourages high quality architectural dwelling designs to take advantage of each allotments unrestricted views to the coastline.</p>	<p>The minimum rear setback is 5.0 metres, with an increase requirement for any third storey component – in the order of 10.0 metres.</p>
<p>Significant detailing and architectural elements need to be applied consistently on both front and rear elevations to enhance its visual appeal from both Liberator Way and the adjoining Heritage Walk.</p>	<p>Overlooking and privacy provisions are not required for balconies and windows that offer views to the coast or the public realm. It is encouraged to utilise screening techniques on the upper storey windows on the northern and southern façades in order to minimise overlooking into the living areas of adjoining properties.</p>
<p>Allotments 46 and 52 also require increased articulation and detailing along its side walls to avoid large, featureless facades that are visible to the public realm.</p>	<p>Outbuildings of any size are not permitted in either the front or rear yards of any allotment. Additional storage and vehicle accommodation should be considered when designing your home and incorporated into its overall design.</p>
<p>Two storey is the preferred building height within Superlot E, with emphasis placed on the views afforded towards to the coast. Three storey dwellings will be considered where there is increased design consideration to the visual impacts of the upper storey. Increased setbacks, articulation, overshadowing impacts upon the habitable areas of dwellings (to the south) and its overall presentation to the street frontage will need to be considered as part of a three storey proposal.</p>	<p>Careful design of garages fronting Liberator Way will be required to ensure that they do not dominate the dwelling design or present blank, featureless designs to the street. Increased architectural features are required to reduce its visual massing, particularly on allotments with small frontage.</p>
<p>Single storey will only be considered if the architectural design is of a high standard to reflect the prime location of these allotments that front the coast. A single storey proposal will be at the discretion of the Encumbrance Manager.</p>	<p>Frameless glass fencing is to be used for rear boundary fencing to maintain the views of the coast and to ensure safety for residents. Frameless glass fencing will also maintain the aesthetic of the estate when viewed from the coastline.</p>



This Stage requires a more compact design with a reduced front and rear setback. This takes advantage of the allotments adjoining a public reserve and smaller laneway access. Greater design emphasis is placed on the rear façade to enhance its visual appeal from the reserve and Liberator Way.

The minimum setback from the rear boundary is 1.5 metres with garages to be setback a minimum 0.5 metre from the laneway, to provide suitable vehicle access.

Dwellings and garages may be built on side boundaries. This includes both ground and upper levels of a proposed dwelling.

If an allotment contains a secondary road frontage, a minimum setback of 1.5 metres is required. An increased upper storey setback should also be considered to increase articulation and improve overall presentation from the street frontage.

Overlooking and privacy provisions are not required for balconies and windows that front onto the reserve and Liberator Way. It is encouraged to utilise screening techniques on the upper storey balconies and windows on the eastern façade in order to minimise overlooking into private open spaces of adjoining properties.

Two storey is the preferred building height within Superlot L.

Outbuildings (of any size) are not permitted in the rear yard (adjoining the reserve and Liberator Way).





WALLAROO SHORES


WHERE TOWN MEETS SEA

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E info@wallaroohores.com.au

 /wallaroohores

 www.wallaroohores.com.au

Encumbrance Manager
Monopoly Property Group
Wallaroo Shore Estate



Orig. **AG 13305794**



14:43 22-May-2020
1 of 1

LANDS TITLES REGISTRATION OFFICE

SOUTH AUSTRALIA

APPLICATION

FORM APPROVED BY THE REGISTRAR-GENERAL

PRIORITY NOTICE ID

STAMP DUTY DOCUMENT ID:

SERIES NO	PREFIX
	AG

AGENT CODE

LODGED BY:

KELJ

CORRECTION TO:

KELJ

SUPPORTING DOCUMENTATION LODGED WITH INSTRUMENT
(COPIES ONLY)

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

CORRECTION

PASSED

ML

REGISTERED

1 JUN 2020

M. Loofaro



PRO

APPLICATION TO NOTE LAND MANAGEMENT AGREEMENT

PRIVACY COLLECTION STATEMENT: The information in this form is collected under statutory authority and is used for maintaining publicly searchable registers and indexes. It may also be used for authorised purposes in accordance with Government legislation and policy requirements.

LAND DESCRIPTION

Whole of the land in Certificate of Title Register Book Volume 6228 Folio 864

ESTATE & INTEREST

Fee Simple

APPLICANT (Full name and address)

The Copper Coast Council of 51 Taylor Street, Kadina SA 5554

SPECIFY NATURE OF APPLICATION

The applicant applies pursuant to section 57(5) of the Development Act 1993 to note the Land Management Agreement pursuant to section 57(2) of the Development Act 1993 dated *19th May 2020* ("the Agreement") between THE COPPER COAST COUNCIL of 51 Taylor Street, Kadina SA 5554 and COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724) of Level 1, 187 Fullarton Road, Dulwich SA 5056 to note the Agreement on the certificate of title for the land described above.

DATED *22nd May 2020*

EXECUTED UNDER DELEGATED AUTHORITY

Pursuant to section 20 of the Development Act 1993

by Russell Peate, Chief Executive Officer of

The Copper Coast Council:



Russell Peate, Chief Executive Officer

Witnessed by:

Roylene Schild
Signature of Witness:

Roylene Schild
Name of Witness (print)

COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)

("the Owner")

And

THE COPPER COAST COUNCIL

("the Council")

LAND MANAGEMENT AGREEMENT

THIS AGREEMENT is made the 19th day of May 2020

BETWEEN

COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724) of Level 1, ¹⁸⁵187 Fullarton Road, Dulwich SA 5056 ("the Owner")

AND

THE COPPER COAST COUNCIL of 51 Taylor Street, Kadina SA 5554 ("the Council")

BACKGROUND

- A. The Owner is the registered proprietor in fee simple of the land in Certificate of Title Register Book Volume 6228 Folio 864 known as Lot 2021 Liberator Way, Wallaroo SA 5556 ("the Land"). A copy of the Certificate of Title is contained in **Annexure 1**.
- B. The Owner has lodged Development Application Number 340/D005/18 ("the Development Application") seeking to divide the Land into seven allotments. A copy of the application form and Plan of Division for the Development Application are contained in **Annexure 2**.
- C. The Land is subject to a Site Contamination Audit Report dated 16 January 2014 ("the SCAR") that provides findings, recommendations and conditions in respect of the Land. The findings, recommendations and conditions of the SCAR are summarised in the Site Contamination Audit Statement issued 16 September 2019 (EPA Ref: 62043_001) ("the Audit Statement"). A copy of the Audit Statement is contained in **Annexure 3**.
- D. The Development Application forms part of the proposed redevelopment of the area known as Wallaroo Shores. The Land is currently vacant. A plan of the Wallaroo Shores redevelopment showing assigned land uses and the land subject to the SCAR and Audit Statement is contained in **Annexure 4**.
- E. The Council requires the Owner, and any subsequent owner, of the Land or allotments created from the Land to be aware of and comply with the conditions in the Audit Statement, including in respect of any reviews, updates and/or amendments to the Audit Statement.
- F. The Council and the Owner recognise the importance of:
 - a. ensuring that the Land, and any further allotments created from the Land, is suitable for its intended use;
 - b. ensuring that development and management of the Land is carried out in accordance with the recommendations and conditions in the SCAR and Audit Statement to ensure the safety of persons on, near or occupying the Land; and

- c. ensuring that future owners of the Land are aware of their obligations arising out of the SCAR and Audit Statement.
- G. The purpose of this Agreement is to ensure that the Owner and future owners of the Land:
- a. are informed and understand the contamination which exists within the Land;
 - b. are protected from adverse impacts as a result of contamination;
 - c. are made aware of the recommendations and conditions for the Land in the Audit Statement; and
 - d. comply with the recommendations and conditions in the Audit Statement.
- H. The parties have entered into this Agreement as a Land Management Agreement pursuant to section 57(2) of the *Development Act 1993* ("the Act") to agree matters relating to the development, management, preservation or conservation of the Land, on the terms and conditions which follow.

DEFINITIONS AND INTERPRETATION

1. The parties acknowledge that the matters set out in the Background to this Agreement are true and accurate and agree that they form part of the terms of this Agreement.
2. In this Agreement:
 - 2.1 **Act** means the Development Act 1993.
 - 2.2 **Allotment** means an allotment created by the Plan of Division, being allotments 46 to 52 on the Plan of Division.
 - 2.3 **Agreement** means this Agreement as executed by the parties.
 - 2.4 **Audit Statement** means the Site Contamination Audit Statement (Reference No: 62043_001) contained in **Annexure 3** and includes any review, update and/or amendment to the Audit Statement.
 - 2.5 **Development Application** means Development Application number 340/D005/18 lodged in respect of the Land.
 - 2.6 **Land** means the whole or any part of the land now comprised in Certificate of Title Register Book Volume 6228 Folio 864.
 - 2.7 **Notice** means a notice, demand, consent, approval or communication issued under this Agreement.
 - 2.8 **Owner** means any person who is, or is entitled to become, the registered proprietor of an estate in fee simple of the Land, or any part of the Land, and includes a successor in title to an estate in fee simple to the Land.
 - 2.9 **Plan of Division** means the Plan of Division prepared by Mosel Surveyors dated 22 August 2018 which forms part of the Development Application and is contained in **Annexure 2**.

2.10 **Site Contamination Audit Report** or **SCAR** means the report titled "Site Contamination Audit Report Residential Area, Former IFL Site, Charles Terrace, Wallaroo, South Australia" dated 16 January 2014 and includes any review, update and/or amendment to the SCAR. The summary of the findings and recommendations in the SCAR are contained in the Audit Statement.

3. In this Agreement unless the context otherwise requires:

3.1 A term, other than a term defined in the Background or in Clause 2, has the same meaning as in a provision of the Act or the *Development Regulations 2008* ("the Regulations") as in force at the date of this Agreement. A term which is defined in the Background or in Clause 2 has the meaning there defined;

3.2 headings do not affect interpretation;

3.3 the term "person" includes a corporate body, partnership, association, government body or other entity;

3.4 a reference to a party includes its executors, administrators, successors and permitted assigns;

3.5 singular includes plural and plural includes singular;

3.6 where two or more persons are bound by this Agreement to observe or perform any obligation or agreement whether express or implied then they shall be bound jointly and also severally;

3.7 a reference to any statute or subordinate legislation includes all statutes and subordinate legislation amending, consolidating or replacing the statute or subordinate legislation referred to; and

4. The requirements of this Agreement are to be construed as additional to any requirements upon either party in relation to the Land under the Act or any other legislation.

5. In the consideration of any further development application(s) for the Land under the Act, the provisions of this Agreement are to be afforded significant weight such that any proposed development which is contrary to this Agreement should be refused.

OWNER'S UNDERTAKINGS AND OBLIGATIONS

6. The Owner is liable to the Council for any act or omission on the part of an officer, employee, contractor, agent, invitee, lessee or licensee of the Owner which, if done or not done by the Owner would constitute a breach of this Agreement.

7. Where a person ceases to be an Owner, such person ceases to be a party to this Agreement, but without prejudice to rights or obligations already accrued.

8. The Owner warrants and represents that all persons with a legal interest in the Land consent to the Owner entering into this Agreement.

9. The Owner agrees the following in relation to the Land:

- 9.1 that any and all future works and/or development on the Land will comply with the requirements and recommendations in the SCAR and Audit Statement, including compliance with any future review, update and/or amendment to the SCAR and/or Audit Statement;
- 9.2 that, in complying with clause 9.1 above, compliance with the conditions and recommendations contained on page 11 of the Audit Statement will be achieved, including:
 - 9.2.1 the existing capping of the Land to be maintained to ensure that a thickness of more than 0.6 m below the final design level (and 0.3 m of cap for the roads) is maintained. It is noted that the current capping depths are generally well in excess of these requirements, and that the final design levels are intended to exceed current surface levels;
 - 9.2.2 there must be no abstraction of site groundwater from the Land for any beneficial uses, unless the groundwater has been tested and shown to be safe and suitable for the proposed uses;
 - 9.2.3 any soil/fill imported to the Land must be classified as meeting the chemical and physical criteria for 'Waste Fill' as defined in the *Environment Protection Regulations 2009*; and
 - 9.2.4 any soil/fill exported from the Site must be appropriately disposed of in accordance with EPA guidelines.

COUNCIL'S POWERS AND OBLIGATIONS

- 10. The Council, including any employee or agent of the Council authorised by the Council, may at any reasonable time enter the Land for the purpose of:
 - 10.1 inspecting the Land and any building or structure on the Land; or
 - 10.2 exercising any other powers of the Council under this Agreement, or pursuant to any other law.
- 11. If the Owner is in breach of this Agreement, the Council may, by Notice served on the Owner specifying the nature of the breach, require the Owner to remedy the breach within such time as is specified in the Notice. If the Owner fails to comply with the Notice, the Council (or its servants or agents) may enter the Land and cause the works or requirements specified in the Notice to be carried out and may recover its costs of doing so against the Owner.
- 12. Without providing a Notice to the Owner, the Council may apply to the Registrar-General to note this Agreement against the Certificate of Title of the Land.
- 13. In the event of a breach or threatened breach of the Agreement by the Owner, the Council may (without limiting any other remedy available to the Council, including under Part 11 of the Act), obtain an injunction restraining the Owner from committing a breach of the Agreement without proving any actual damage has or will be sustained by the Council.

The parties agree that a breach of this Agreement by the Owner may cause injury for which damages may not be an adequate remedy to the Council.

OPERATION AND APPLICATION OF THE AGREEMENT

14. Upon execution, this Agreement is effective as a deed.
15. The parties intend that this Agreement will be effective as a Land Management Agreement pursuant to section 57(2) of the Act upon being registered under the *Real Property Act 1886* as a note against the instrument of title to the Land.
16. This Agreement is the whole agreement between the parties in relation to the matters contained within it. This Agreement may only be varied by a supplementary agreement executed by the Council and the Owner.

NOTING OF THIS AGREEMENT

17. Each party shall do and execute all such acts, documents and things necessary so that as soon as practicable following the execution of this Agreement by all parties, the Agreement is noted against the Certificate of Title for the Land pursuant to the provisions of section 57(5) of the Act in priority to any other registered instrument.

WAIVER

18. The Council may, conditionally or unconditionally, waive compliance by the Owner with the whole or any part of the Owner's past or future obligations under this Agreement.
19. To be effective, a waiver must be in writing and signed by the Council.
20. The failure, delay, relaxation or indulgence by a party in exercising a power or right under this Agreement is not a waiver of that power or right.
21. An exercise of a power or right under this Agreement does not preclude a further exercise of it or the exercise of another right or power.

SEVERANCE

22. Where a clause or part of a clause in this Agreement would, but for this clause, be unenforceable:
 - 22.1 the clause or part of the clause shall be read down to the extent necessary to avoid that result; or
 - 22.2 where the clause or part of the clause cannot be read down, it may be severed from this Agreement and the remainder of the clause or of the Agreement shall continue in force, unless this would result in a material change to the intended effect of the Agreement.

GOVERNING LAW

23. This Agreement is governed by the law in South Australia.

NOTICES

24. A Notice must be in writing, be signed by the party issuing the Notice, and be hand delivered or sent by pre-paid post to the recipient's address as stated in this Agreement, or as last notified.
25. A Notice is deemed to be received:
- 25.1 if hand delivered, on delivery; and
- 25.2 if sent by pre-paid post, two business days after posting.
26. If two or more people comprise a party, providing a Notice to one is effective as notice to all.

ABOUT THE COUNCIL

27. The Council may delegate any of its powers under this Deed or pursuant to law.
28. The Council enters into this Deed as a council acting under section 57(2) of the Act and not in any other capacity. This Deed does not preclude or pre-empt the exercise by the Council of any other regulatory function of power.

COSTS

29. The Owner must pay to the Council on demand the Council's costs and expenses (including legal costs and expenses) of preparing, stamping and noting this Agreement.

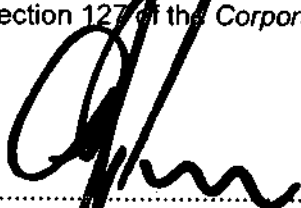
COUNTERPARTS

30. This Agreement may be executed in any number of counterparts which together will constitute one instrument. A party may execute this Agreement by signing any counterpart.

Executed by Owner:

COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)

in accordance with
section 127 of the Corporations Act 2001:



Signature of Director

ALEXANDER P. AIORA

Full Name of Director



Signature of Director/Secretary

BRUCE EDWIN CAMPBELL

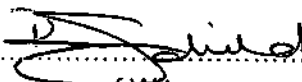
Full Name of Director/Secretary

8 MAY 2020

Date

Executed by the Council:

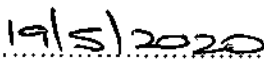
The Copper Coast Council by Russell
 Peate, Chief Executive Officer, pursuant to
 section 20 of the *Development Act 1993* in
 the presence of:




 Signature of Witness



 Full Name of Witness



 Date



 Russell Peate
 Chief Executive Officer

ANNEXURE 1



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6228 Folio 864

Parent Title(s) CT 6059/236
Creating Dealing(s) RTC 13174651
Title Issued 24/09/2019 **Edition** 1 **Edition Issued** 24/09/2019

Estate Type

FEE SIMPLE

Registered Proprietor

COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)
OF L 1 187 FULLARTON ROAD DULWICH SA 5065

Description of Land

ALLOTMENT 2021 DEPOSITED PLAN 121859
IN THE AREA NAMED WALLAROO
HUNDRED OF WALLAROO

Easements

SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED E(T/F) ON D121859 FOR ELECTRICITY SUPPLY PURPOSES TO DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000) (223LG RPA)




Schedule of Dealings

NIL

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL

ANNEXURE 2

  		Ref. No. IDA2018917 24 APR 2018	
Search Configure Notification Email Log Out			
Application Detail			File No. 3-71-4
General			Hide All Hide
Unique Id : 61446 Development No : 340/D005/18 Application Type : Conventional Land Division Application Extent : Provisional Development Plan Consent with Land Division Consent Land Use/Building Consent : No Council Name : District Council of Copper Coast Agents Reference : K14095 L6 Super Lot E Short Reference : HeriWallaro Submitting Agents Name : Mosel Surveyors Submitted By : Michael Liebelt, Mosel Surveyors Application Status : Lodged & Distributed (No Decision)			
Application Type Details : Conventional Land Division			Hide
Total Area of Land to be Divided : 4485 square metres Reserve Area : 747 square metres Number of existing allotments : 1 Number of proposed allotments (excluding 7 road and reserve) : Number of additional allotments : 6			
Applicant Details			Hide
Salutation	Name	Organisation Name	Address
		Copper Coast Investments	c/- Mosel Surveyors 6 Graves Street Kadina South Australia AUSTRALIA
Owner Details			Hide
Salutation	Name	Organisation Name	Address
		Copper Coast Investments	187 Fullarton Road Dulwich South Australia AUSTRALIA
Contact Details			Hide
Salutation	Name	Address	Telephone
Mr	Michael Liebelt	6 Graves St KADINA 5554 South Australia AUSTRALIA	Telephone 1 : 08 8821 3544 Telephone 2 : Mobile :
			Fax : Fax 1 : Fax 2 :
			Email : info@mosel.com.au
Subject/Property Details			Hide
House No. : Lot No. : Street : Heritage Drive Suburb/Town Wallaroo Hundred: Wallaroo Reference Section:			
Title Reference and Plan Parcel			
Title Code	Title Description	Volume	Folio
CT	Certificate of Title	6059	236
			Plan Code
			Plan Description
			Plan No.
			Parcel No.
			82762
			A2004
Other Details			Hide
Existing Use : Residential Description of Proposed Development : 1 into 7 Does either schedule 21 or 22 of the No Development Regulations 1993 apply? : Notes : Super Lot E - Allotment 2021 in DA 340/D017/17 Part CT 6059/236 Additional Information Requests :			

Additional Fees and Payments :

Lodgement Date : 18 Apr 2018

Months for Development Approval Request : 12

Categorisation Details

Hide

Decision Authority : Council
 Application Classification : Technical
 Kind of Development : Merit
 Notification Category : Not Applicable
 Zone : Residential/Policy Area 14
 Development Plan Map No : CoCo/10
 Allocated Planner : Biljana Prokic
 Categorisation Comments : Reg 29 referral to EPA (EP 47136)

Categorised By : Biljana Prokic
 Categorisation Date : 23 Apr 2018

Distribution Details

Hide

Referral Agency	Referred to Agent	First Accessed	Referral State	Due Date	Response
Development Assessment Commission	23 Apr 2018	23 Apr 2018	Current	18 Jun 2018	Show
Environment Protection Authority	23 Apr 2018		Current	21 May 2018	Show
SA Water Corporation	23 Apr 2018	23 Apr 2018	Current	21 May 2018	Show
DPTI - Mark Maintenance Section	23 Apr 2018		Current	21 May 2018	Show
Decision Authority	Distributed for Decision	First Accessed	Decision State	Decision Issued	Response
District Council of Copper Coast	23 Apr 2018	24 Apr 2018	Current		Show

Decision Details

Hide

There has not yet been a decision submitted for this application

Overturned Decision Details

Hide

There are no overturned decision details currently available for this application

Clock Stops (State Commission Assessment Panel only)

Hide

No clock stops have been set

Lodgement Fees

Hide

Fee Invoice No.	Fee Invoice Date	Invoice Description	Fee Status
57395	18 Apr 2018	New Application Invoice	Fees Paid
Fee Line Type Description			Total Fee (\$)
Lodgement Fee (additional allotment)			209.50
Land Division Fee (additional allotment)			158.00
Land Division Fee (per Additional Allotment)			89.40
Statement of Requirements Fee (additional allotment)			417.00
Certificate of Approval Fee (additional allotments)			347.00
Invoice Total Fee(\$):			1220.90

Certificate of Approval (CoA) Details

Hide

There are no Certificate of Approval (CoA) details currently associated with this application

Certificate of Approval (CoA) Clearance Requirements Details

Hide

There are no clearance requests submitted for this application

Additional DA Fees

Hide

Additional DA Fees - Paid

Fee Desc	Fee Issue Date	Payment Date	Total Fee (\$) Incl. GST	Detail
DAC Consultation Report (additional allotment)	19 Apr 2018	19 Apr 2018	208.00	Show

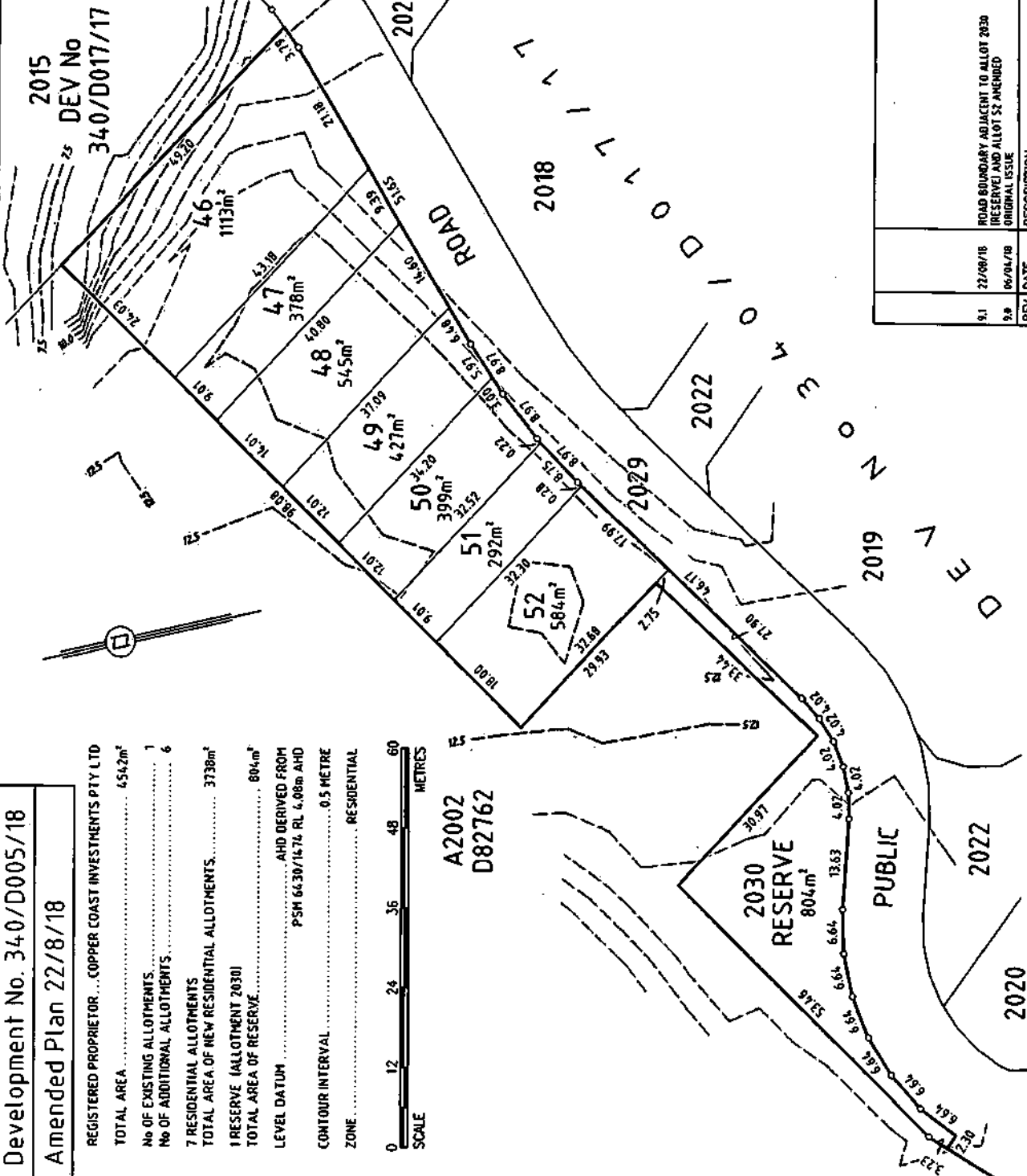
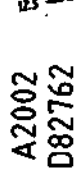
Additional DA Fees - Outstanding

Fee Desc	Fee Issue Date	Total Fee (\$) Incl. GST
No Outstanding Fees to be paid		

Additional CoA Fees						Hide
There are currently no Certificate of Approval (CoA) fees generated for this application						
Application Documents						Hide
Document Title	Document Type	Version #	State	File Size (Kb)	Date Uploaded	Notes
K14095P9.0 New	Proposed Plan of Division	1	Uploaded	144.0900000	18 Apr 2018	Show
CT6059-236 New	Certificate of Title/Lease	1	Uploaded	223.0800000	18 Apr 2018	Show
Lodgement Fee Receipt New	Miscellaneous	1	Uploaded	28.2200000	18 Apr 2018	Show
DA Fee Receipt New	Miscellaneous	1	Uploaded	23.5800000	19 Apr 2018	Show
Location plan New	Miscellaneous	1	Uploaded	317.0700000	23 Apr 2018	Show
Location plan - enlargement New	Miscellaneous	1	Uploaded	240.6300000	23 Apr 2018	Show
DAC Regulation 29 Letter New	Miscellaneous	1	Uploaded	871.9200000	23 Apr 2018	Show
LOTS Admin Interests New	Miscellaneous	1	Uploaded	28.5000000	23 Apr 2018	Show
Final Plan Documents for Certificate of Approval (CoA)						Hide
There are no Final Plans for Certificate of Approval (CoA) currently associated with this application						
Certified Certificate of Approval (CoA) Plan Documents						Hide
There are no Certified Certificate of Approval (CoA) Plans currently associated with this application						
Mode: ApplicationDisplay/Revision: 14						
DisclaimerTerms and Department of Planning, Transport and Infrastructure, Level 5, 50 Flinders St, ADELAIDE South Australia 5000 - P 1800 752 664 Copyright Conditions						

Amended Plan 22/8/18

A vertical scale bar labeled "METRES" at the top and "SCALE" at the bottom. The scale has markings at 0, 12, 24, 36, 48, and 60.



**PROPOSED PLAN OF
DIVISION**

MAP REF: 6430-42-K

COUNCIL:	COPPER COAST COUNCIL
	LAND DESCRIPTION

HD OF WALLAROO
ALLOTMENT 2021 in DEV NO
340/D017/17
REBING PORTION OF ALLOTMENT 2004
in D82762)

PT. C.T. VOL. 6059 FOL. 236

EASEMENT NOTES AND OTHER ANNOTATIONS:

DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY.

**VOUCHED FOR IN ACCORDANCE WITH SCHEDULE 5
OF THE DEVELOPMENT REGULATIONS, 2008.**

22/08/18
DATE
MICHAEL LIEBELT
LICENSED SURVEYOR

[illegible]

MOSEL
SURVEYORS
—Land Solutions—

REFERENCE: K14095P9.1	22/08/18	MILGW1
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1.1 22/68/18 ROAD BOUNDARY ADJACENT TO ALLOT 2630
PRESERVE AND ALLOT 52 AMENDED

#	06/04/18	ORIGINAL ISSUE
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REV	DATE	DESCRIPTION
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ADDITIONS & AMENDMENTS

ANNEXURE 3

SITE CONTAMINATION AUDIT SYSTEM SITE CONTAMINATION AUDIT STATEMENT



INSTRUCTIONS

Requirements relating to site contamination audit statements are prescribed in the *Environment Protection Regulations 2009* (the Regulations) and include the following:

Regulation 67—Site contamination audit report summary and statement

- (1) A site contamination audit report required under section 103Z(4)(a) and (b)(i) of the Act¹ must include a summary of the findings of the site contamination audit to which it relates that—
 - (a) is in the form set out in Schedule 3 clause 8 for site contamination audit statements; and
 - (b) is certified by the responsible auditor in accordance with the directions contained in the form set out in Schedule 3 clause 8.
- (2) A site contamination audit statement required under section 103Z(4)(b)(ii) of the Act in relation to a site contamination audit must comprise—
 - (a) a copy of the summary in the site contamination audit report relating to the audit and itself be certified by the responsible auditor in accordance with the directions contained in the form set out in Schedule 3 clause 8; or
 - (b) a photocopy, faxed copy or electronic copy of the summary as certified by the responsible auditor in accordance with the directions contained in the form set out in Schedule 3 clause 8.

Audit reports and audit statements are required to be provided to the EPA under section 103Z(4) of the Act, which requires that:

103Z—Requirements relating to site contamination audits

- (4) A site contamination auditor must, on the completion of each site contamination audit for which the auditor is the responsible auditor—
 - (a) provide a site contamination audit report to the person who commissioned the audit; and
 - (b) at the same time, provide—
 - (i) a site contamination audit report to the Authority; and
 - (ii) a site contamination audit statement to the council for the area in which the land to which the audit relates is situated and any prescribed body².

Penalty: Division 5 fine.

Where the audit subject to this form has been completed subject to a restricted scope, the audit report must be identified in the title as a 'Site contamination audit report (restricted scope)'.

An audit subject to a restricted scope is not suitable to be relied upon by a planning authority for the purpose of making decisions as to whether land is suitable for a sensitive use or another use or range of uses.

Please ensure that all sections of the form are completed, requested information and attachments (where necessary) are provided and labelled as indicated.

Please do not modify the form by moving or deleting sections or text, including these instructions.

Please ensure you are using the current version of the form (check the *EPA website*).

Refer to the current version of the EPA publication *Guidelines for the site contamination audit system*, for further information. For any enquiries or questions relating to the site contamination audit system, including requests for editable versions of this form, contact the EPA Site Contamination Branch.

¹ *Environment Protection Act 1993*.

² Refer to Regulation 68 of the *Environment Protection Regulations 2009* regarding prescribed bodies.

Site contamination audit statements must be included in the relevant site contamination audit reports, and be sent to:

By mail

Manager, Site Contamination Branch
Environment Protection Authority
GPO Box 2607
Adelaide SA 5001

Forms can also be emailed in pdf format to the Manager and an auditor's allocated EPA coordinator.

For any enquiries or questions relating to the site contamination audit system, contact the EPA Site Contamination Branch on:

Telephone: (08) 8204 2004

Email: <EPAsitecontam@sa.gov.au>

EPA GENI Reference

(EPA use only)

SITE CONTAMINATION AUDIT STATEMENT

(under section 103Z of the *Environment Protection Act 1993*)

This statement contains the summary of the findings of the site contamination audit set out in the site contamination audit report titled:

Site Contamination Audit Report Stage 1 – Charles Terrace, Wallaroo, South Australia

(referred to in this form as '*the report*')

dated: 16 September 2019

SECTION A: AUDITOR DETAILS	
Name of auditor*:	Mr. Phillip Hitchcock
Auditor's accreditation number:	2009014
Name of auditor's company or business:	Australian Environmental Auditors Pty Ltd
SECTION B: AUDIT SITE DETAILS	
Auditor's project reference:	EA0637
EPA reference:	62043_001
Name of audit site [if applicable]:	NA
Address of audit site:	Stage 1 – Charles Terrace, Wallaroo, South Australia
Name of council for area in which audit site is situated [if within council area]:	Copper Coast Council
Provide the following particulars** relating to the relevant land and the audit:	
<ul style="list-style-type: none"> certificates of title of all the relevant land and an indication of whether the audit site comprises all or part only of the land shown on or described in the certificates of title 	CT6059/241 CT6059/242 CT6059/237 (part) CT6059/236 (part) CT6059/243 (part)
<ul style="list-style-type: none"> details sufficient to identify the location of the land, including section or allotment numbers, area and hundred and AMG co-ordinates (GDA 94, UTM 53 and 54) 	Allotment 2010 Deposited Plan 82762 Allotment 2011 Deposited Plan 82762 Allotment 2005 Deposited Plan 82762 (part) Allotment 2004 Deposited Plan 82762 (part) Allotment 2012 Deposited Plan 82762 (part) Please refer to Annexure B .

<ul style="list-style-type: none"> - if the audit site comprises part only of the land described in the certificates of title, or if there is no certificate of title for the land comprising the audit site— survey plans prepared by a licensed surveyor 	Please refer to Annexure C
<ul style="list-style-type: none"> - audit plans indicating the location and extent of the audit site (which must comply with the guidelines issued by the EPA from time to time) - Refer to Annexure C 	
SECTION C: AUDIT DETAILS	
Name of owner of audit site:	Copper Coast Investments Pty Ltd
Name of occupier of audit site:	Vacant
Name, postal address and position of person who commissioned audit:	Mr Peter Vardy Project Manager, Monopoly Group 187 Fullarton Road, Dulwich, SA 5065
Indicate authority of person who commissioned audit:	EPA Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Owner Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Occupier Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Developer Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other [please specify]
Indicate reasons for audit [indicate all reasons]:	Required under the Development Act 1993 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Required under the Environment Protection Act 1993 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Other: required due to change of land use to a more sensitive use than previously signed off
If audit was required under the Environment Protection Act 1993, provide EPA reference number:	N/A
Indicate audit purposes [indicate all purposes]:	Determining the nature and extent of any site contamination present or remaining on or below the surface of the site Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Determining the suitability of the site for a sensitive use or another use or range of uses Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Determining what remediation is or remains necessary for a specified use or range of uses Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

If audit was required for development plan consent under the *Development Act 1993*, provide:

Name of relevant planning authority:	N/A
Development application number [if known]:	N/A
Site zoning:	N/A
Proposed site use:	N/A

Date of commencement of audit:	13 August 2018
Date of notification of commencement of audit to EPA:	24 August 2018
Date of completion of audit:	16 September 2019

SUMMARY OF FINDINGS

Please refer to Annexure A.

CERTIFICATION OF COPY OF SUMMARY FINDINGS

I certify that the summary of findings contained within or annexed to this statement represents a true and accurate summary of the findings of the site contamination audit set out in the report.



Signed*:

Phillip Hitchcock

Site Contamination Auditor, accredited by the Environment Protection Authority (EPA) under Division 4 of Part 10A of the Environment Protection Act, 1993
Australian Environmental Auditors Pty Ltd

Dated: 16 September 2019

** This form must be completed and signed by the 'responsible auditor', being, under the Environment Protection Act 1993 and the Environment Protection Regulations 2009, the auditor who personally carried out or directly supervised the work involved in the audit.*

This site contamination audit statement must be lodged, on completion of the audit, with the council for the area in which the audit site is situated and any prescribed body (see regulation 68 of the Environment Protection Regulations 2009).

The report (including the summary of findings) will be recorded in the public register kept by the EPA under section 109 of the Environment Protection Act 1993.

Annexure A

Summary of Findings

1. Conceptual Site Model

The development of the conceptual site model (CSM) has been prepared in consideration of the complexity of contamination issues at the Site and recommendations provided in the following guidelines:

- ASC NEPM 1999, Schedule B(2);
- ASTM International, Standard Guide for Developing Conceptual Site Models for Contaminated Sites, 2008, ASTM E1689-95; and
- SA EPA, Guidelines for the Assessment and Remediation of Site Contamination (2018).

Table 1 presents the Auditor's summary of the CSM based on both information provided by the Consultant and some minor information gaps filled by the Auditor as necessary.

Table 1: Conceptual Site Model	
CSM Aspect	Summary of Information Provided
Source:	
Known and potential sources of contamination	<p><u>On site:</u> Known and potential sources and their location are detailed in Section 9 of the SCAR. The primary potential sources of contamination are activities associated with the containment of slag and ore material on site. To a lesser extent, nutrients from fertiliser operations and petroleum hydrocarbons in groundwater.</p> <p><u>Off site:</u> Known sources are detailed in Section 9 of the SCAR. The primary potential off-site source of contamination is the former Smelter west of the Site.</p>
Mechanisms of contamination	<p>The most likely mechanism for contamination from nutrients and hydrocarbons is associated with the potential disposal/storage of chemicals, 'top down' spills. The most likely mechanism for contamination from slag containment is dry weight and leachable contaminants.</p> <p>The most likely mechanism from off-site contamination to impact the Site is from migration of contaminated groundwater to the Site.</p>
Chemicals of concern/interest	<p><u>On site:</u> Potential chemical substances of concern are detailed in Section 9 of the SCAR. The primary substances of concern are metals, petroleum hydrocarbons, nutrients and asbestos.</p> <p><u>Off site:</u> Potential off-site chemical substances of concern are detailed in Section 9 of the SCAR. The primary substances of concern are metals and hydrocarbons.</p>
Types of contaminants	<p><u>Solid phase:</u> Particles of contaminants such as ash, cinders and asbestos.</p> <p><u>Sorbed phase:</u> Contaminants sorbed onto soil particles, such as heavy metals, nutrients and hydrocarbons, are anticipated.</p> <p><u>Dissolved phase:</u> Contaminants dissolved in groundwater, particularly heavy metals, nutrients and hydrocarbons, are anticipated.</p> <p><u>Free phase:</u> Contaminants present in soil and/or porosity as non-aqueous phase liquid (NAPL) above and within groundwater, particularly hydrocarbons.</p> <p><u>Vapour phase:</u> Contaminants as vapour in soil, particularly hydrocarbons and solvents.</p>

Table 1: Conceptual Site Model

CSM Aspect	Summary of Information Provided
Nature of chemical substances	<p>Mobility: Heavy metals cannot be readily degraded (discounted oxidation states) and exist in either mobile or immobile forms (primarily adsorption and precipitation) within the soil matrix. They are normally retained in the soil surface as long as the retention capacity of the soil is not exceeded. The retention is governed by soil properties which include pH, redox potential, surface area, organic and clay content, CEC and carbonate levels.</p> <p>Metals, once in the aqueous phase of soils, are subject to movement with porewater, and may be transported through the vadose zone to groundwater, plant uptake or for some metals (arsenic, selenium, mercury) volatilisation mechanisms.</p> <p>The mobility and rate of degradation of hydrocarbons depend on the size and structure of the hydrocarbon molecule, but in general, light end hydrocarbons are relatively mobile and heavy end hydrocarbons are less mobile.</p> <p>Persistence: The chlorinated chemicals do not generally bind well to soil particles. Concentrations in the subsurface generally dissipate over time via volatilisation and biodegradation if conditions are favourable (i.e. anaerobic with the presence of carbon), but may persist for many years in certain conditions.</p> <p>The more volatile components (i.e. TPH C₆-C₉) are generally more soluble and therefore have a lower adsorption and higher mobility. They are also readily available for biodegradation. The opposite is true for the heavier components (i.e. TPH C₁₀-C₃₆) which can persist in the environment for a much longer period.</p> <p>Toxicity: The toxicity of chemical substances varies depending on the contaminant, exposure pathway and sensitivity of the receptor. Concentrations were initially compared to published investigation criteria which take toxicity into consideration.</p> <p>Volatility: Volatility is particularly a concern for short chained hydrocarbon compounds (i.e. TPH C₆-C₉). The volatility of contaminants has been taken into consideration when assessing the suitability of Consultants' sampling plans. The risk from volatile contaminants was initially compared to ASC NEPM HSLs which take contaminant volatility into consideration.</p>
Potentially affected elements of environment	<p>Based on the audit purpose, the Auditor considers the potentially affected elements of the environment include:</p> <ul style="list-style-type: none"> • land (soil, sediment and soil vapour); • air, particularly contaminated dust, asbestos fibres and emissions from volatile contaminants; • water, specifically surface water bodies and groundwater; • organisms; • ecosystems; • human-made or modified structures or areas; and • amenity values (e.g. odour, aesthetics).
Potentially affected media	<p>Based on the potential chemical substances of concern and site setting, the Auditor considers the potentially affected media to be soil, soil vapour and groundwater.</p>
Receptor	
Human (on site)	<p>Construction workers associated with the proposed development.</p> <p>Future users of the Site including residents, visitors and construction/maintenance workers (particularly those associated with underground services).</p> <p>Possible groundwater users of the uppermost aquifer were identified as those extracting groundwater for recreational or domestic irrigation purposes.</p>

Table 1: Conceptual Site Model

GSM Aspect	Summary of Information Provided
Human (off site)	<p>Residents and visitors to neighbouring residential properties.</p> <p>Workers and visitors to neighbouring commercial/industrial properties.</p> <p>Possible groundwater users of the uppermost aquifer were identified as those extracting groundwater for recreational or domestic irrigation purposes.</p>
Ecological (on site)	<p>There are no significant environmental receptors on site and they are unlikely to be present as part of the development.</p>
Ecological (off site)	<p>The Auditor generally considers that the ecological receptor of most concern is the nearest surface water body that receives groundwater and/or surface water run-off from the Site. The Spencer Gulf to the north and marina to the west are located 100 – 300 m from the Site.</p> <p>There are no freshwater ecosystems within 2 km of the Site.</p>
Pathway	
Unsaturated zone pathway characteristics (soil)	<p>Regional geology: Wallaroo lies within the southern area of the Pirie Basin which includes the upper section of the Spencer Gulf. The basin is underlain by Cambrian limestone and sandstone and Palaeo- and Meso-Proterozoic age granites and metasediments. The basin comprises a range of sedimentary deposits comprising three main units: the Kanaka Beds of early Tertiary age (carbonaceous siltstone, shale and sand); the Melton Limestone of Late Oligocene to Early Miocene age (quartzose limestone, calcarenite and calcareous sandstone); and, the non-marine Gibbon Beds (mottles sandy clays, clayey sands and conglomerates up to 8 to 10 m thickness).</p> <p>Site geology: Fill is predominately comprised of slag, ranging from fine grain gravels to boulder size with gravels, sands and inert industrial waste inclusions (concrete, steel and bricks) to depths between 1.5 and 8 m. Recent soil remediation works have placed engineered slag fill material within repositories, which have been covered with at least 0.6 m of capping material, except the Council Road (Liberator Way) where capping is at least 0.3m. Natural soils were predominantly silty sandy clay with calcrete in some locations, with fractured rock encountered below the natural soils between approximately 0.5 m and 9 mbgl.</p> <p>Preferential pathways: Given the relatively shallow groundwater (approximately 4-10 mbgl), infiltration of surface water directly through soils to groundwater is considered a likely contaminant pathway. Based on the outcomes from the risk assessment the 0.6 m of capping (and 0.3 m of cap for the Council road, Liberator Way), this is not considered significant.</p>
Saturated zone pathway characteristics (groundwater)	<p>Elevation: Standing water level in the shallow aquifer is approximately 4-10 mbgl, equating to approximately -0.2 to 3.6 m Australian Height Datum (AHD) across the entire Site.</p> <p>Flow direction: Local flow direction of groundwater beneath the Site is in a northerly direction, which is consistent with regional flow.</p> <p>Gradients: Low. Approximately 26 mm/m to the north.</p> <p>Hydraulic conductivities, porosities and velocity: Hydraulic conductivity is 0.3 m/day and effective porosity is 0.05.</p> <p>Aquitards and deeper aquifers: No driver to investigate deeper aquifers has been identified as part of the Audit.</p> <p>Preferential pathways: Preferential pathways may exist within the water bearing zone within porous lithologies that are present (i.e. gravelly/sand lenses).</p>
Pathways (Human Health)	<p>Ingestion – soil: Potentially complete pathway on site, however remediation resulted in 0.6 m capping layer above the slag (and 0.3 m of cap for the Council road, Liberator Way).</p> <p>Ingestion – groundwater: Potentially complete pathway on site based on determination of environmental values. Potentially complete pathway off site at surface water bodies, although pore water sampling of the Wallaroo Bay foreshore did not identify concentrations exceeding guidelines</p>

Table 1: Conceptual Site Model	
GSM/Aspect	Summary of Information Provided
	<p>within the inferred groundwater discharge zone, therefore a complete pathway off site at surface water bodies is not considered to exist.</p> <p><u>Dermal contact – soil</u>: Same as Ingestion – soil.</p> <p><u>Dermal contact – groundwater</u>: Potentially complete pathway on site based on determination of environmental values. Pore water sampling of the Wallaroo Bay foreshore did not identify concentrations exceeding guidelines within the inferred groundwater discharge zone, therefore a complete pathway off site at surface water bodies is not considered to exist.</p> <p><u>Inhalation – dust</u>: Potentially complete pathway on site during construction and to a lesser degree off site.</p> <p><u>Inhalation – volatilisation</u>: Complete pathway on site and off site.</p>
Pathways (Ecological)	<p><u>Migration into on-site ecological receptors</u>: No on-site ecological receptors identified.</p> <p><u>Leaching into groundwater</u>: Potentially complete pathway from contaminated soils leaching into groundwater.</p> <p>Off-site migration in groundwater: Potentially complete pathway.</p> <p><u>Off-site migration in surface water</u>: Unlikely to be a complete pathway.</p> <p><u>Migration into off-site ecological receptors</u>: Pore water sampling of the Wallaroo Bay foreshore did not identify concentrations exceeding guidelines within the inferred groundwater discharge zone, therefore a complete pathway off site at surface water bodies is not considered to exist.</p>
Additional Information	
Data gaps in CSM refinements	No major data gaps identified that would alter the audit outcomes.
Written presentation of CSM (illustrated if necessary)	A CSM is attached as Annexure D.
Auditor's comment	<p>The Auditor has reviewed the CSM information provided in the Consultants' Reports against the requirements detailed in SA EPA Guidelines, Section 4 of Schedule B(2) of the ASC NEPM and ASTM Standard Guide for Development Conceptual Site Models for Contaminated Sites (E1689, 2014).</p> <p>The Auditor considers that sufficient information has been provided to define a conceptual site model for the Site for the audit purposes.</p>

2. Auditor Determinations and Audit Outcomes

The Stage 1 audit site represents a portion of the larger IFL Property (previous audit EPA reference 60240), which was historically used for fertiliser operations, storage and disposal activities resulting in contaminated soils and the deposition of granular slag (from adjacent smelter activities) beneath parts of the Site. Soil and groundwater contamination issues at the Site were predominantly limited to metals and nutrients with some hydrocarbon groundwater contamination from an off-site source (RA1). It is understood that the Site has remained vacant between 2014 (completion of the previous 60240 audit) and 2018 (commencement of the current Stage 1 Audit (EPA Ref 62043)).

The previous 60240 audit was separated into numerous stages (refer to Attachment 1 of the SCAR), with the following audit reports relevant to the Stage 1 site: Residential Area SCAR (60240_SCAR_005A) and Commercial Development

Area SCAR (60240_SCAR_001B), with restrictions on land use. The complete audit reports are included in Appendix D of the SCAR.

The purpose of the Stage 1 audit was to assess the suitability of the site for residential use (with no management plan), assuming ASC NEPM HIL A land use defined as '*sensitive use – residential with garden/accessible soil (home-grown produce <10% fruit and vegetable intake, no poultry), also includes children's day care centres, preschools and primary schools*'.

Works undertaken as part of this current Audit included a radiation survey, human health risk assessment, ecological risk assessment, capping investigation, additional placement of capping material, cap verification and survey. Survey of the Site was undertaken during and after completion of the additional capping works. The final survey was undertaken in August 2019 and the survey levels, provided in Attachment 9 of the SCAR, represent our understanding of the current site levels. It is understood that final design levels will be the same or higher than the surface levels indicated in Attachment 9 of the SCAR.

The Auditor considers that the Site has been adequately assessed and remediated by JBS&G (as part of the previous 60240 audit) and Mud Environmental (as part of the current 62043 Audit). Based on the extent of the investigations and remediation works and adequacy, quality and completeness of these works, the Auditor considers that there is minimal uncertainty regarding the assessments completed at the Site.

The following provides an assessment of the audit outcomes against the audit objectives:

- Section 3(1), b, i: *The nature and extent of any site contamination present or remaining on or below the surface of the site.*

The Auditor concludes that in its current state, site contamination of soil does not exist at the Site for proposed residential use. However, should the capping thickness be reduced to less than 0.6 m (except roads which have 0.3 m of cap) then site contamination could potentially exist, noting that current capping levels are generally well in excess of these levels.

The Auditor considers the elevated groundwater concentrations of cadmium, chromium, copper, manganese, mercury, lead, nickel, zinc, nitrogen and ammonia are above one or more of the adopted assessment criteria. The presence of these chemical substances has resulted in '*actual or potential harm to water that is not trivial*' and therefore site contamination of groundwater exists for irrigation and recreational purposes. These concentrations are considered to be site-derived but pose no risk to any of the relevant on-site or off-site environmental values, subject to prohibition of groundwater extraction down-hydraulic gradient of the Site.

The Auditor concludes that the nature and extent of site contamination at the Site has been adequately determined.

- Section 3(1), b, ii: *The suitability of the site for a sensitive use or another use or range of uses.*

The Auditor concludes that the Site is suitable for the proposed use(s), that being for '*sensitive use – residential with garden/accessible soil (home-grown produce <10% fruit and vegetable intake, no poultry), also includes children's day care centres, preschools and primary schools (ASC NEPM HIL A)*' and other less sensitive uses, with a condition on land and water.

The audit site is suitable for the following sensitive uses or another use or range of uses, including:

- a. Sensitive use – residential with garden/accessible soil (home grown produce <10% fruit and vegetable intake, no poultry)
- b. Sensitive use – residential with minimal opportunities for soil access; includes dwellings with fully and permanently paved yard space such as high-rise buildings and apartments
- c. Sensitive use – childcare centres, kindergartens, preschools and primary schools

- d. Public open space such as parks, playgrounds, playing fields (e.g. ovals), secondary schools and footpaths
- e. Commercial use such as shops, offices, consulting rooms, petrol filling stations and warehouses
- f. Industrial use such as light, service, general or special industry

- Section 3(1), b, iii: *'What remediation is or remains necessary for a specific use or range of uses.'*

The Site has been suitably capped for the proposed development with the only ongoing remediation being maintenance of the capping thickness which is a condition of this Audit.

3. Audit Conditions and Recommendations

a. Audit Conditions

i. Planning and Development

There are no conditions relating to planning and development.

ii. Environmental Monitoring

There are no conditions relating to environmental monitoring.

iii. Remediation and Management

1. The existing capping at the Site must be maintained to ensure that a thickness of more than 0.6 m below the final design level (and 0.3 m of cap for the roads) is maintained. It is noted that the current capping depths are generally well in excess of these requirements, and that the final design levels are intended to exceed current surface levels.

iv. Water Restrictions

2. There must be no abstraction of site groundwater for any beneficial uses, unless the groundwater has been tested and shown to be safe and suitable for the proposed uses.

v. Other

There are no other conditions.

b. Recommendations to the EPA in relation to Groundwater Extraction

The potential off-site concentrations of cadmium, chromium, copper, manganese, mercury, lead, nickel, zinc, nitrogen and ammonia in groundwater pose a potential risk if extracted. Therefore, it is recommended that the EPA consider declaring a prohibition or restriction zone to control groundwater extraction in the down hydraulic gradient direction under Section 103S of the Environment Protection Act 1993.

c. Other Recommendations

The Auditor makes the following recommendations:

- Following submission of this SCAR/SCAS, the SA EPA will aim to complete an administrative review to ensure compliance with the relevant legislation and guidelines within 21 days of receipt. It is understood that the planning authority and the site owner can rely on this SCAR/SCAS during this period;
- Any soil/fill imported to the Site should be classified as meeting the chemical and physical criteria for 'Waste Fill' as defined in the Environment Protection Regulations, 2009; and
- Any soil/fill exported from the Site, should be appropriately disposed of in accordance with EPA guidelines.

d. Concluding Advice

The Auditor advises that all owners of the Site (both current and future) should be made aware of the above audit determinations, outcomes and recommendations.

Annexure B

CERTIFICATE OF TITLE:

Certificate of Title Volume 6059 Folio 241

Certificate of Title Volume 5069 Folio 242

Certificate of Title Volume 6059 Folio 237 (part)

Certificate of Title Volume 6059 Folio 236 (part)

Certificate of Title Volume 5069 Folio 243 (part)

Refer Annexure C for survey drawing

REAL PROPERTY ACT, 1986



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6059 Folio 236

Parent Title(s)	CT 5152/373, CT 5477/584, CT 5803/697, CT 5850/358 AND OTHERS				
Creating Dealing(s)	RTC 11362220				
Title Issued	04/06/2010	Edition	2	Edition Issued	20/05/2014

Estate Type

FEE SIMPLE

Registered Proprietor

COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)
OF UNIT 801 61 HINDMARSH SQUARE ADELAIDE SA 5000

Description of Land

ALLOTMENT 2004 DEPOSITED PLAN 82762
IN THE AREA NAMED WALLAROO
HUNDRED OF WALLAROO

Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED A TO THE COUNCIL FOR THE AREA (TG 7526837)

Schedule of Dealings

NIL

Notations

Dealings Affecting Title	NIL
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Priority Notices	NIL
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Notations on Plan	NIL
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Registrar-General's Notes

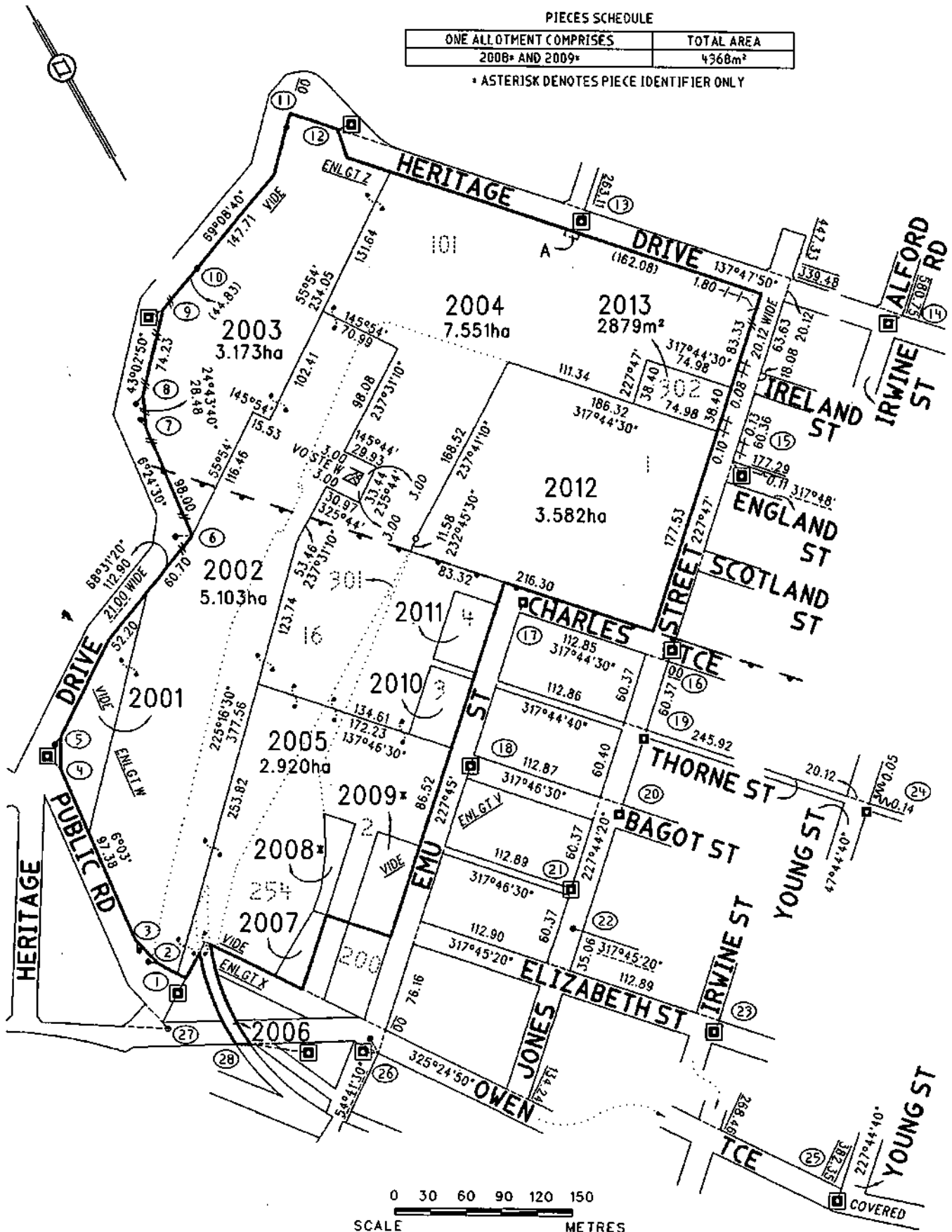
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Administrative Interests	NIL
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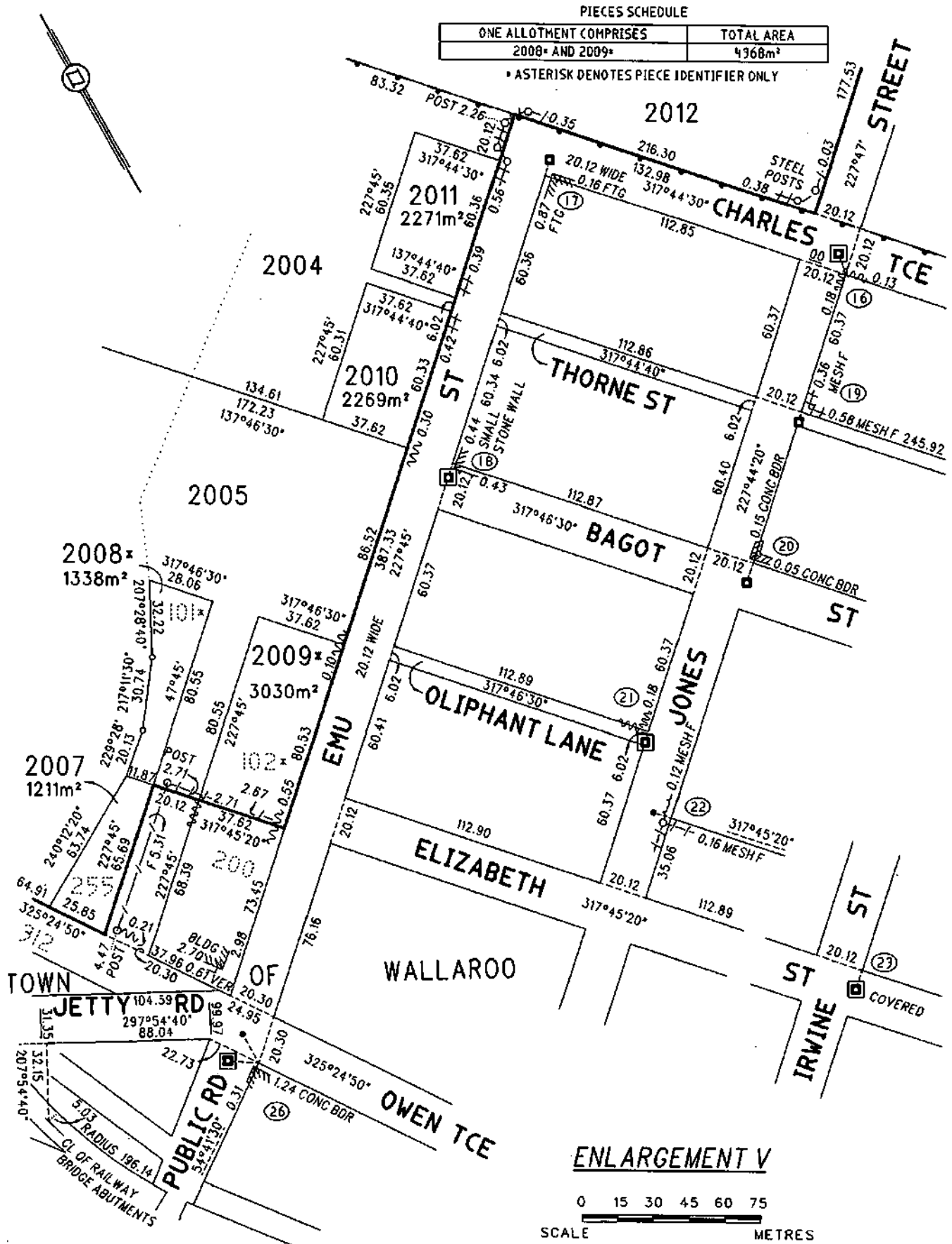
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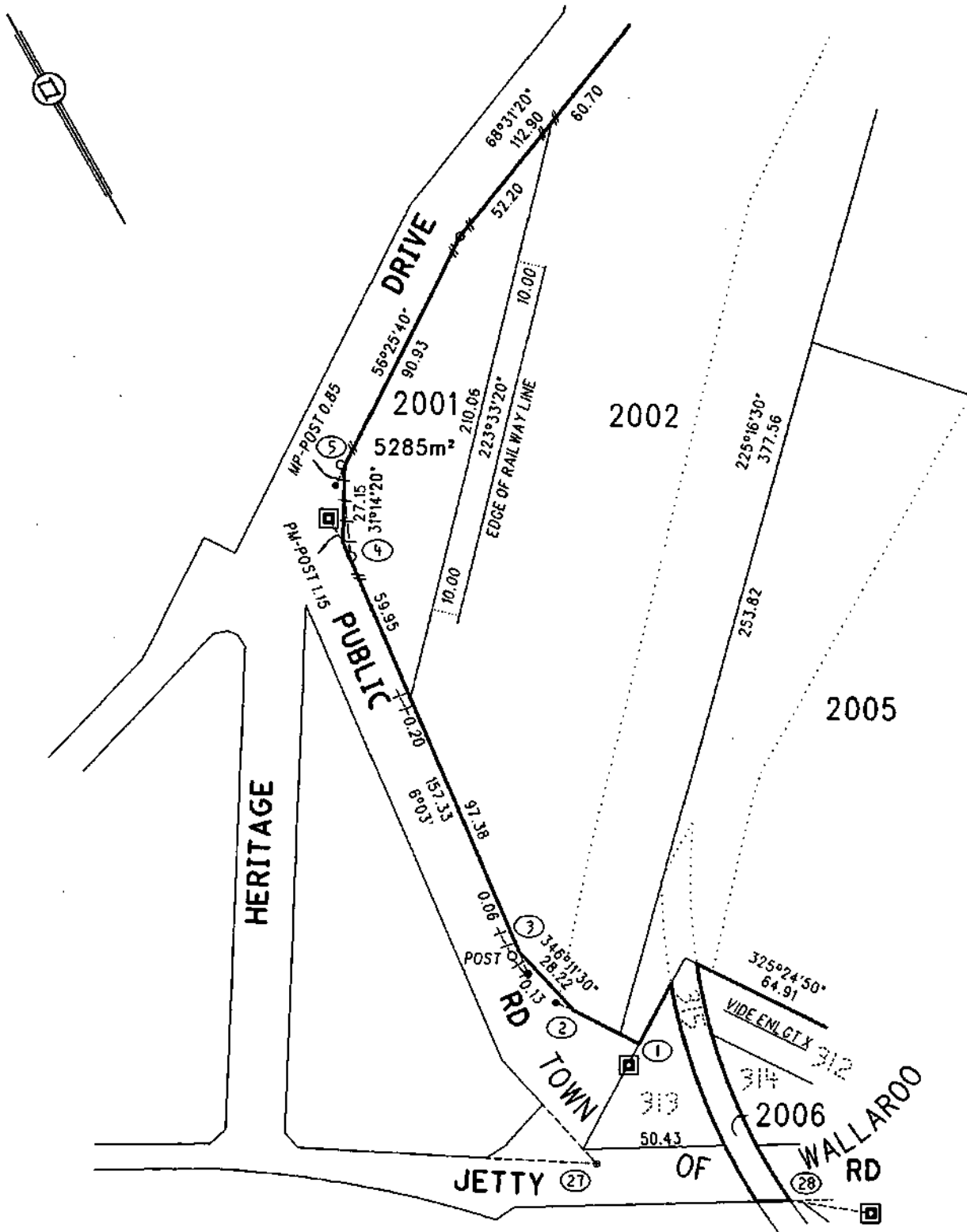
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2008* AND 2009*	4368m ²

* ASTERISK DENOTES PIECE IDENTIFIER ONLY



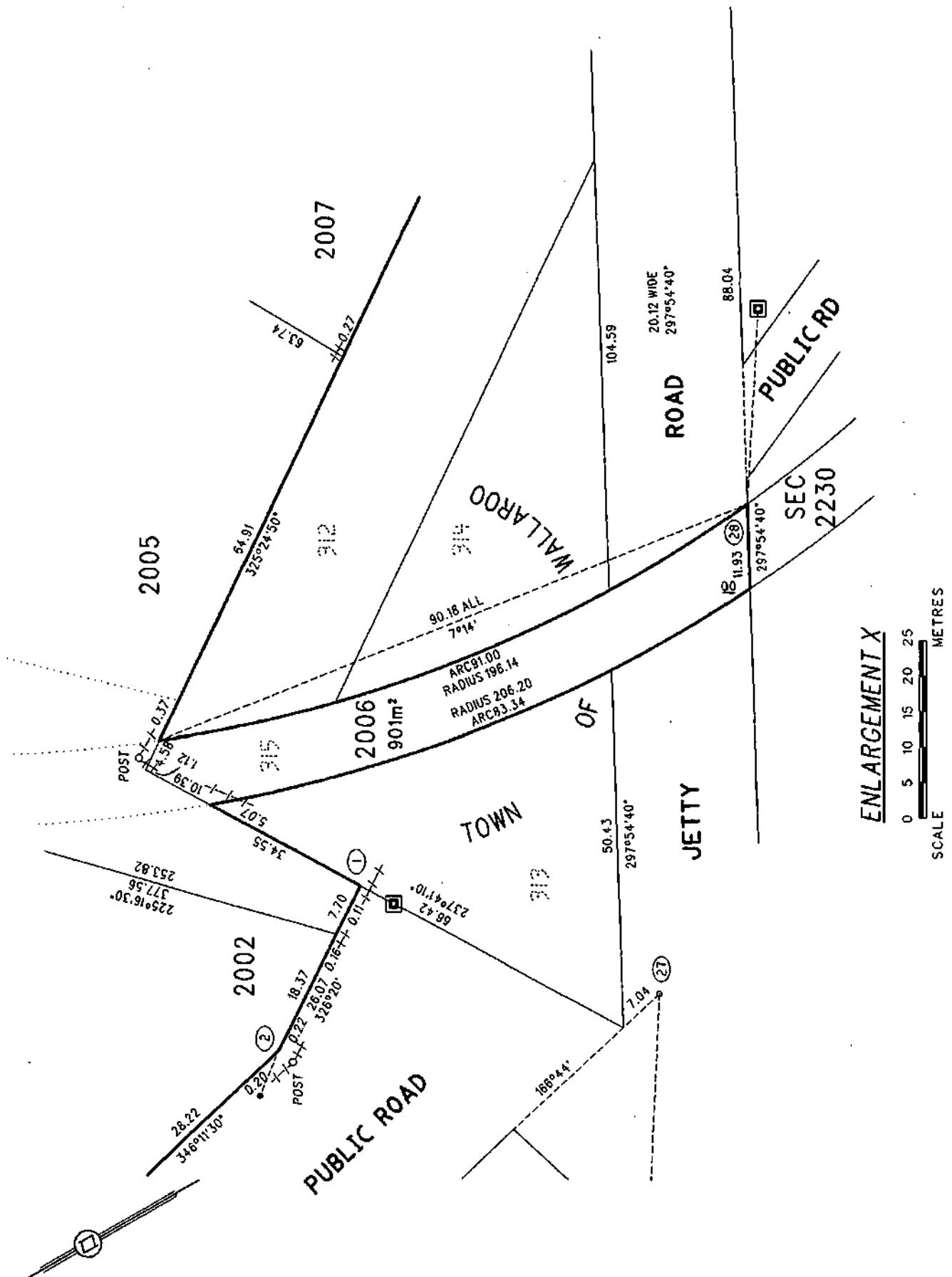
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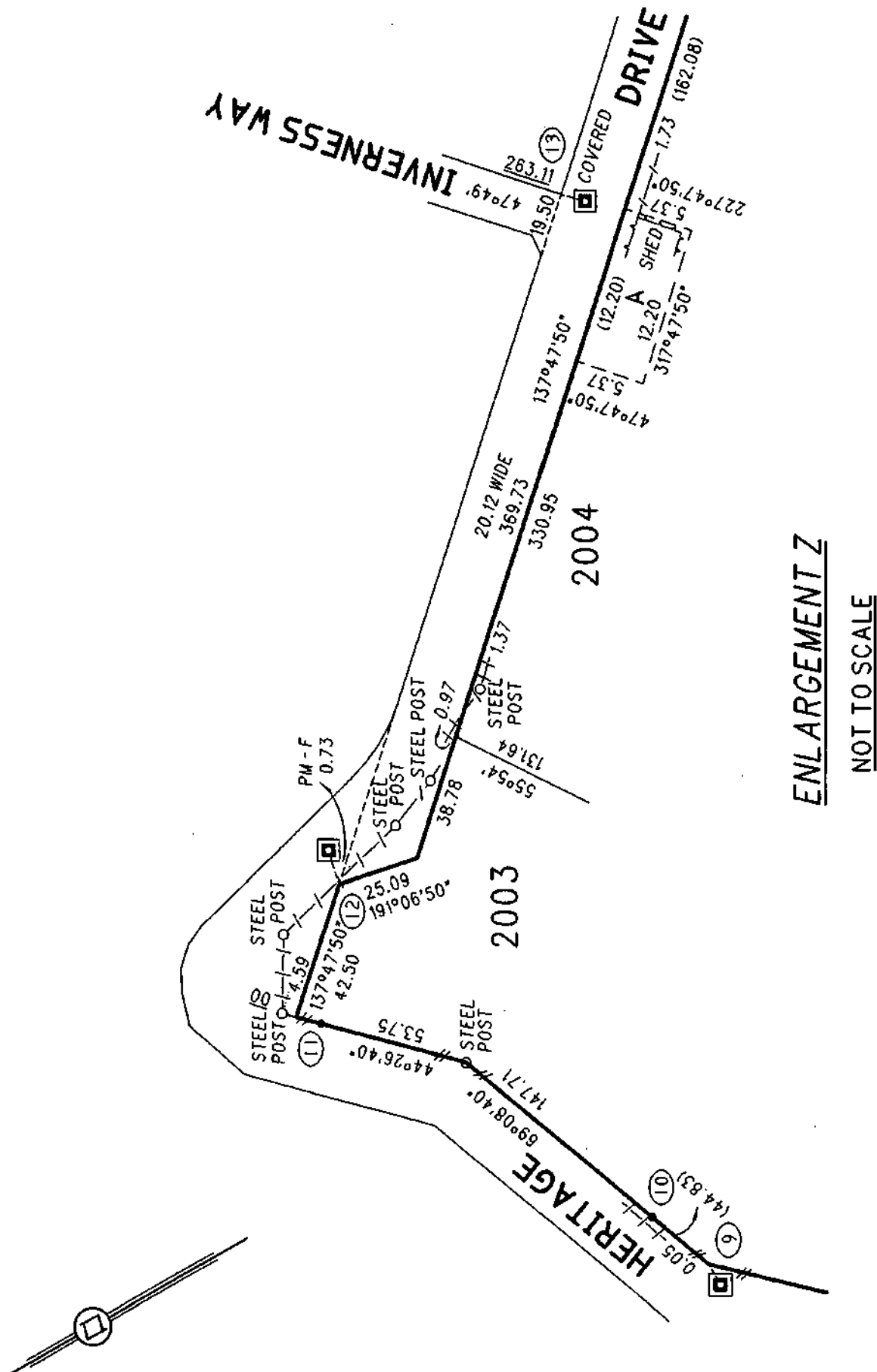




ENLARGEMENT W

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SCALE METRES





ENLARGEMENT Z

NOT TO SCALE

REAL PROPERTY ACT, 1985



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Certificate of Title - Volume 6059 Folio 237

Parent Title(s)	CT 5477/584, CT 5803/697, CT 5850/358, CT 6013/362				
Creating Dealing(s)	RTC 11362220				
Title Issued	04/06/2010	Edition	2	Edition Issued	20/05/2014

Estate Type

FEE SIMPLE

Registered Proprietor

COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)
OF 187 FULLARTON ROAD DULWICH SA 5065

Description of Land

ALLOTMENT 2005 DEPOSITED PLAN 82762
IN THE AREA NAMED WALLAROO
HUNDRED OF WALLAROO

Easements

NIL

Schedule of Dealings

Dealing Number	Description
12912095	MORTGAGE TO PEARLY SAM SHIEN LEE
12912096	MORTGAGE TO MONOPOLY FUNDS MANAGEMENT PTY. LTD. (ACN: 625 261 681)

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL

Registrar-General's Notes

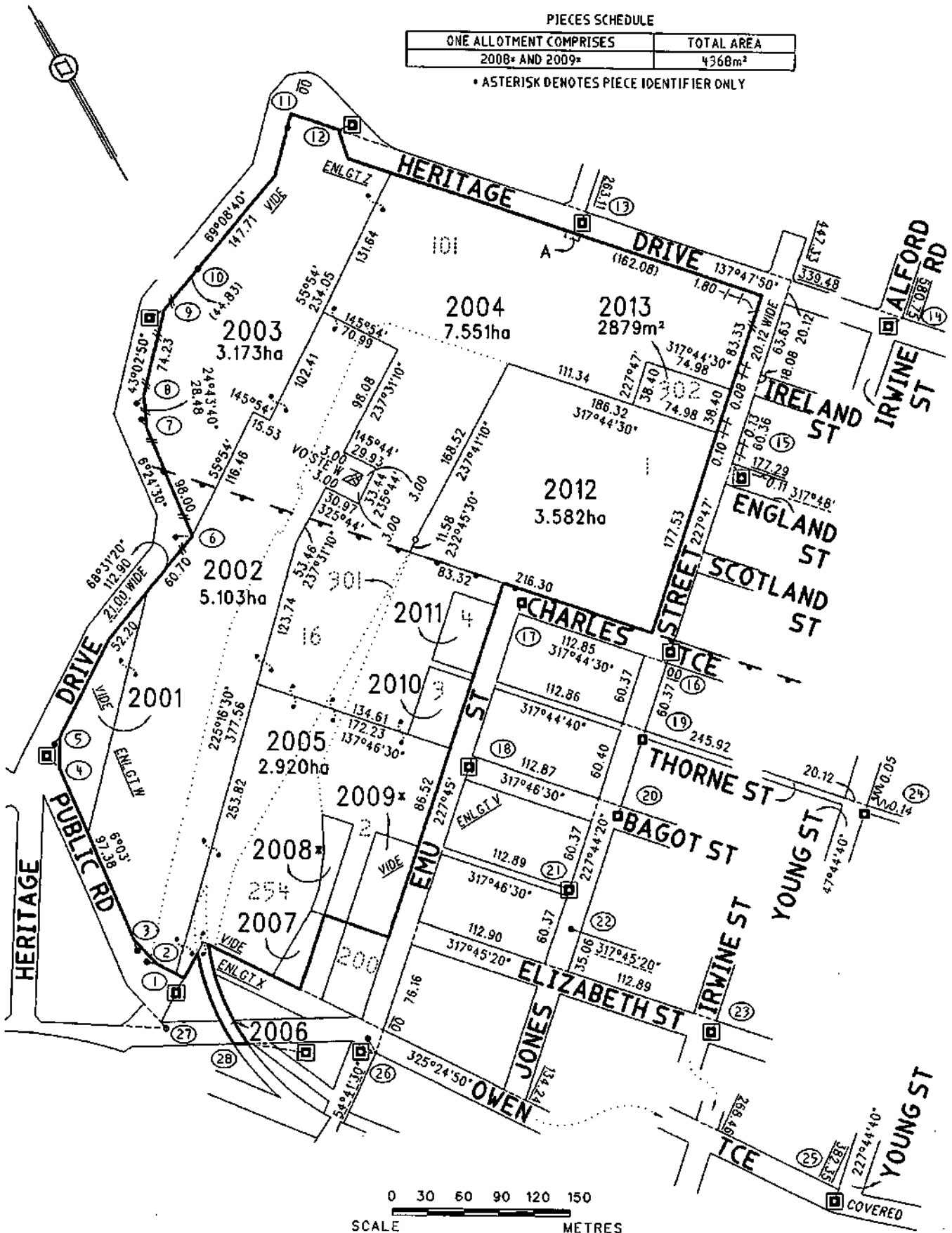
APPROVED D121859

Administrative Interests	NIL
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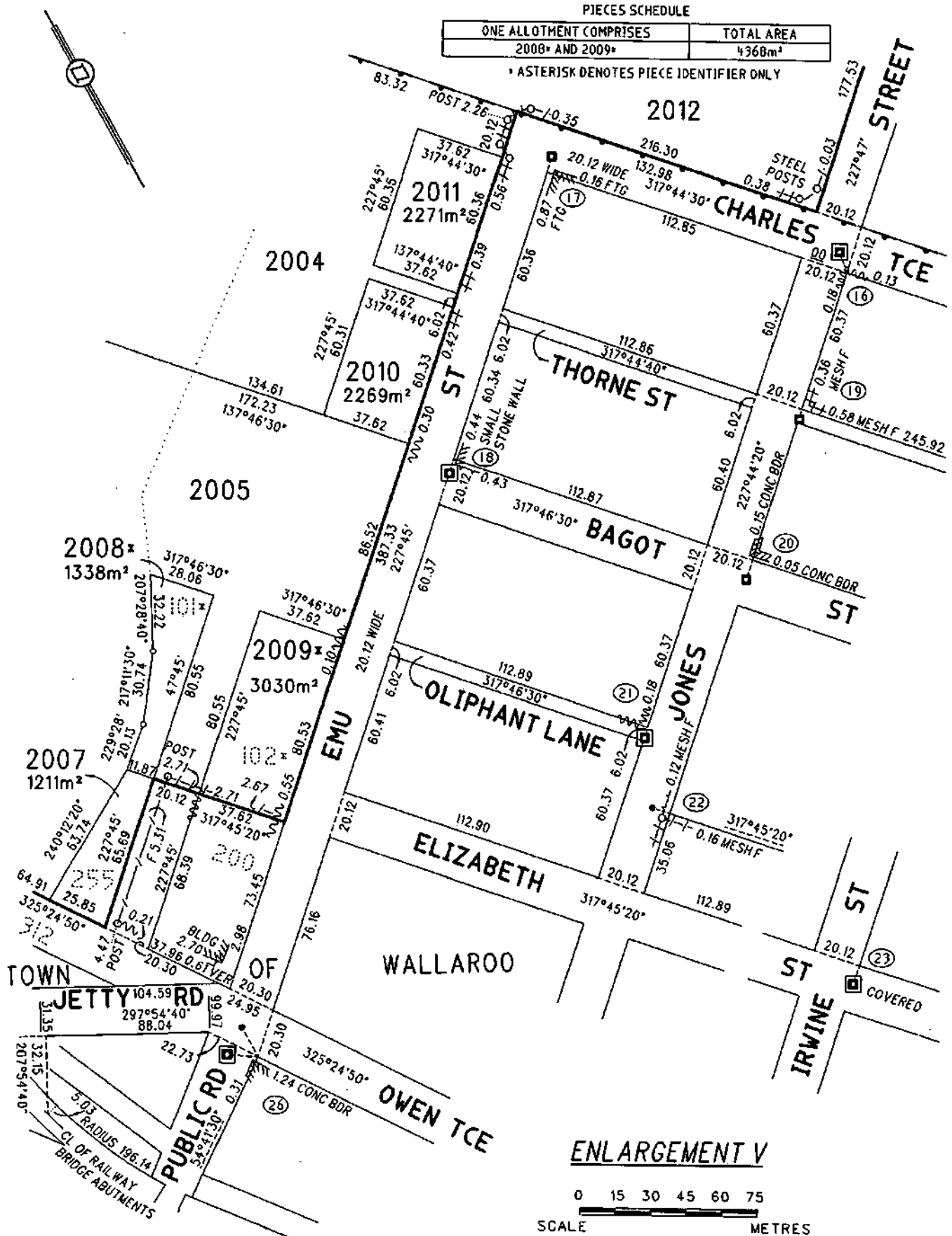
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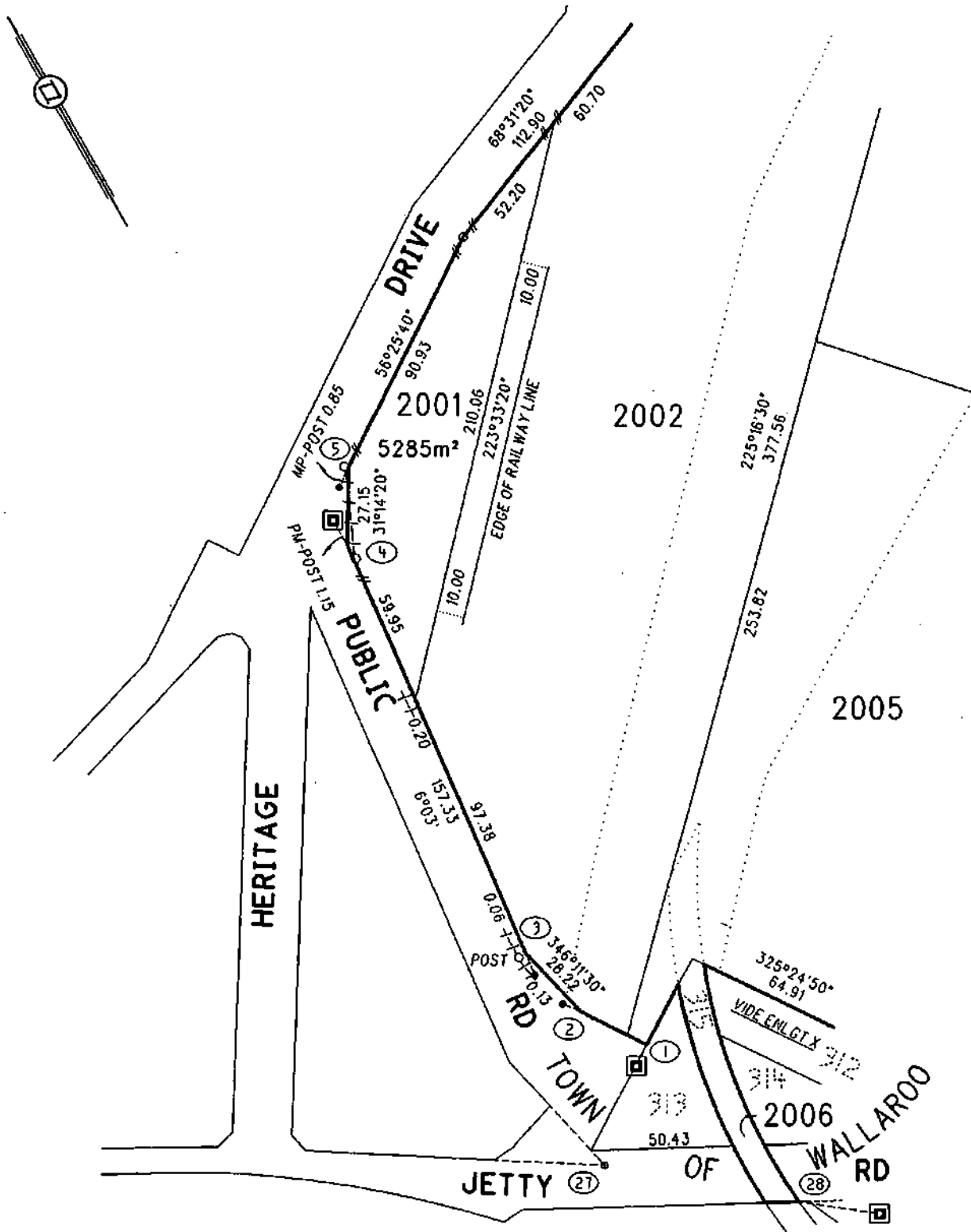
ONE ALLOTMENT COMPRISES	TOTAL AREA
2008* AND 2009*	4368m ²

* ASTERISK DENOTES PIECE IDENTIFIER ONLY



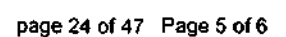
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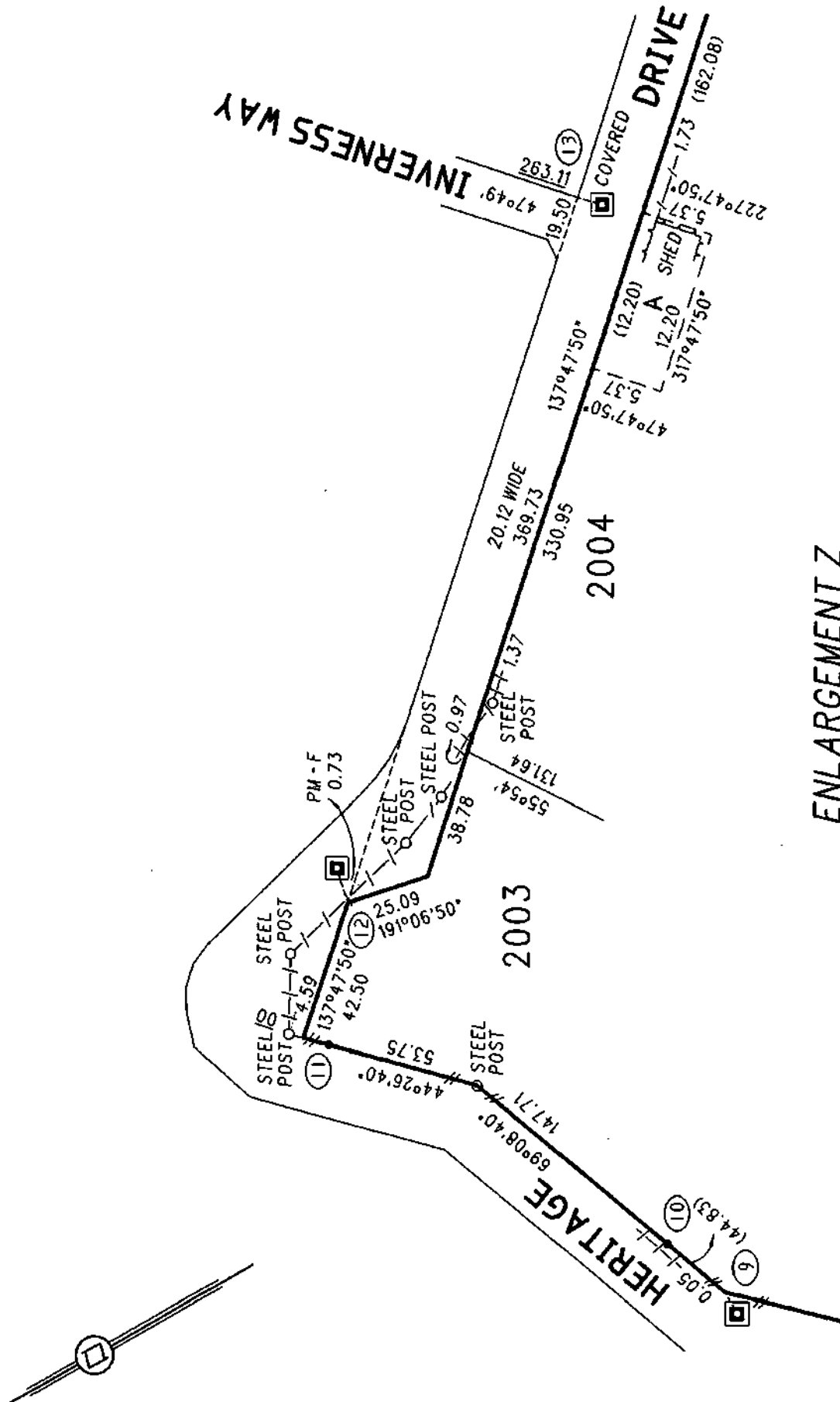




ENLARGEMENT W

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SCALE METRES





REAL PROPERTY ACT, 1986



South Australia

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Certificate of Title - Volume 6059 Folio 241

Parent Title(s)	CT 5803/697			
Creating Dealing(s)	RTC 11362220			
Title Issued	04/06/2010	Edition 2	Edition Issued	20/05/2014

Estate Type

FEE SIMPLE

Registered Proprietor

COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)
OF UNIT 801 61 HINDMARSH SQUARE ADELAIDE SA 5000

Description of Land

ALLOTMENT 2010 DEPOSITED PLAN 82762
IN THE AREA NAMED WALLAROO
HUNDRED OF WALLAROO

Easements

NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes

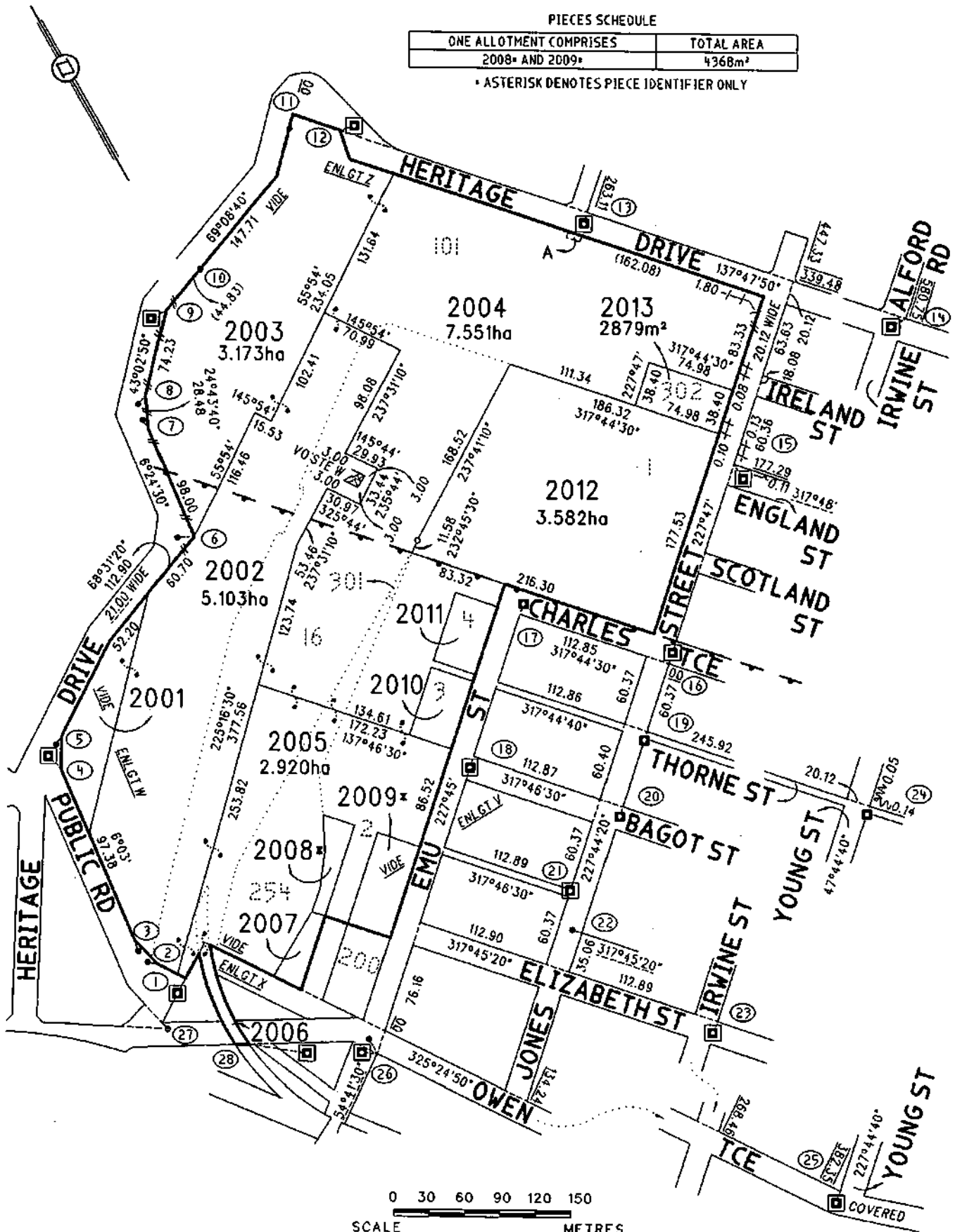
APPROVED D121859

Administrative Interests NIL

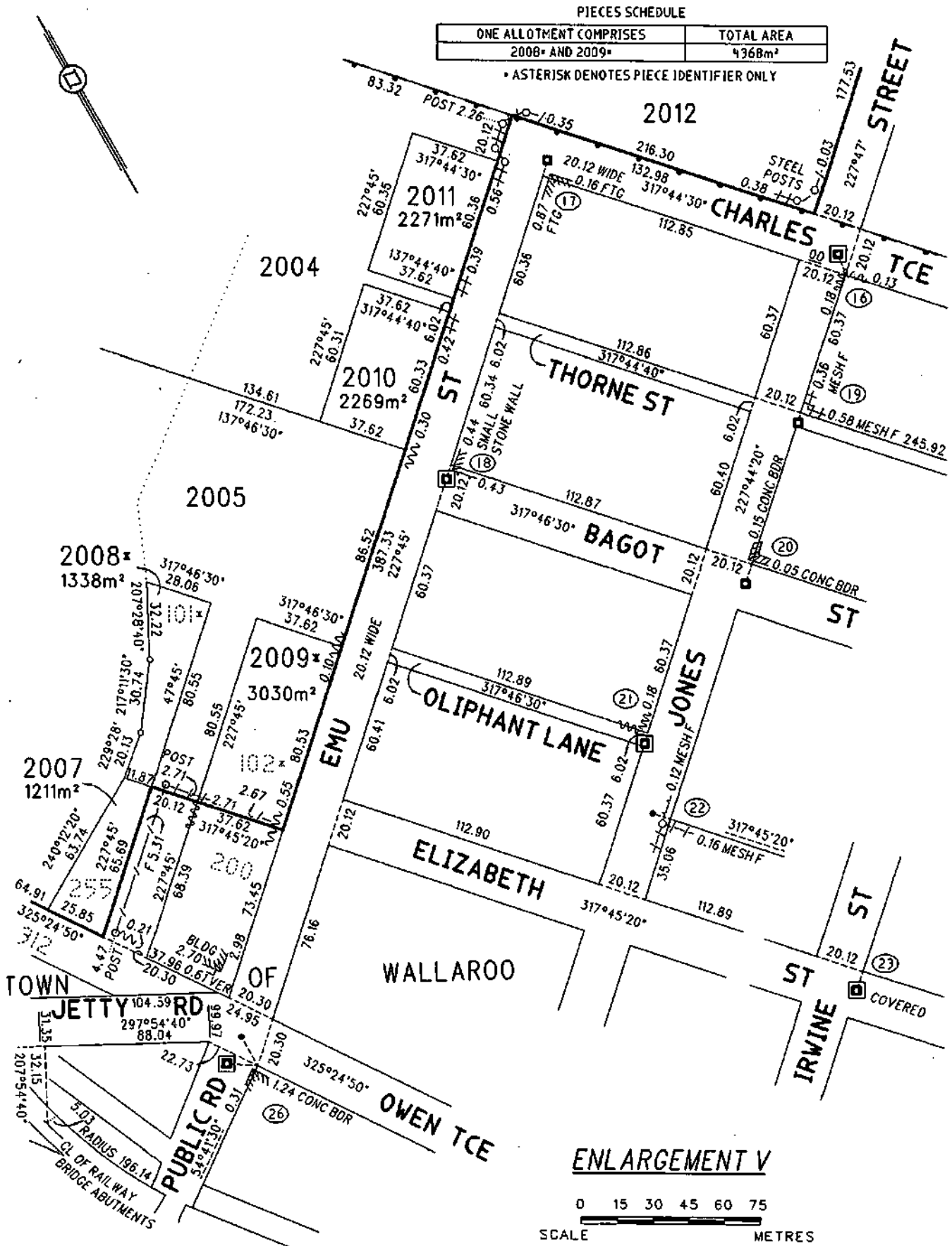
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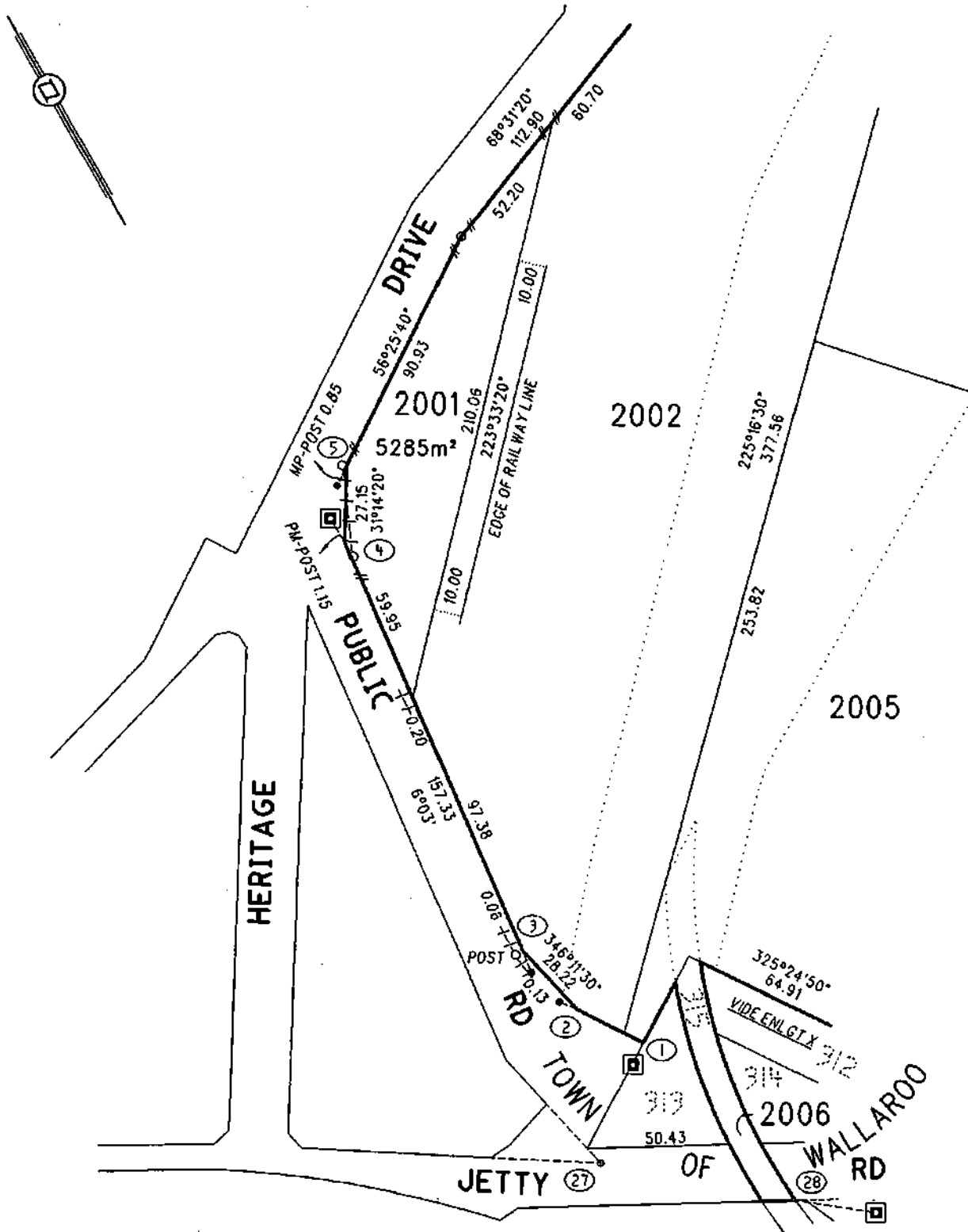
ONE ALLOTMENT COMPRISES	TOTAL AREA
2008* AND 2009*	4368m ²

* ASTERISK DENOTES PIECE IDENTIFIER ONLY



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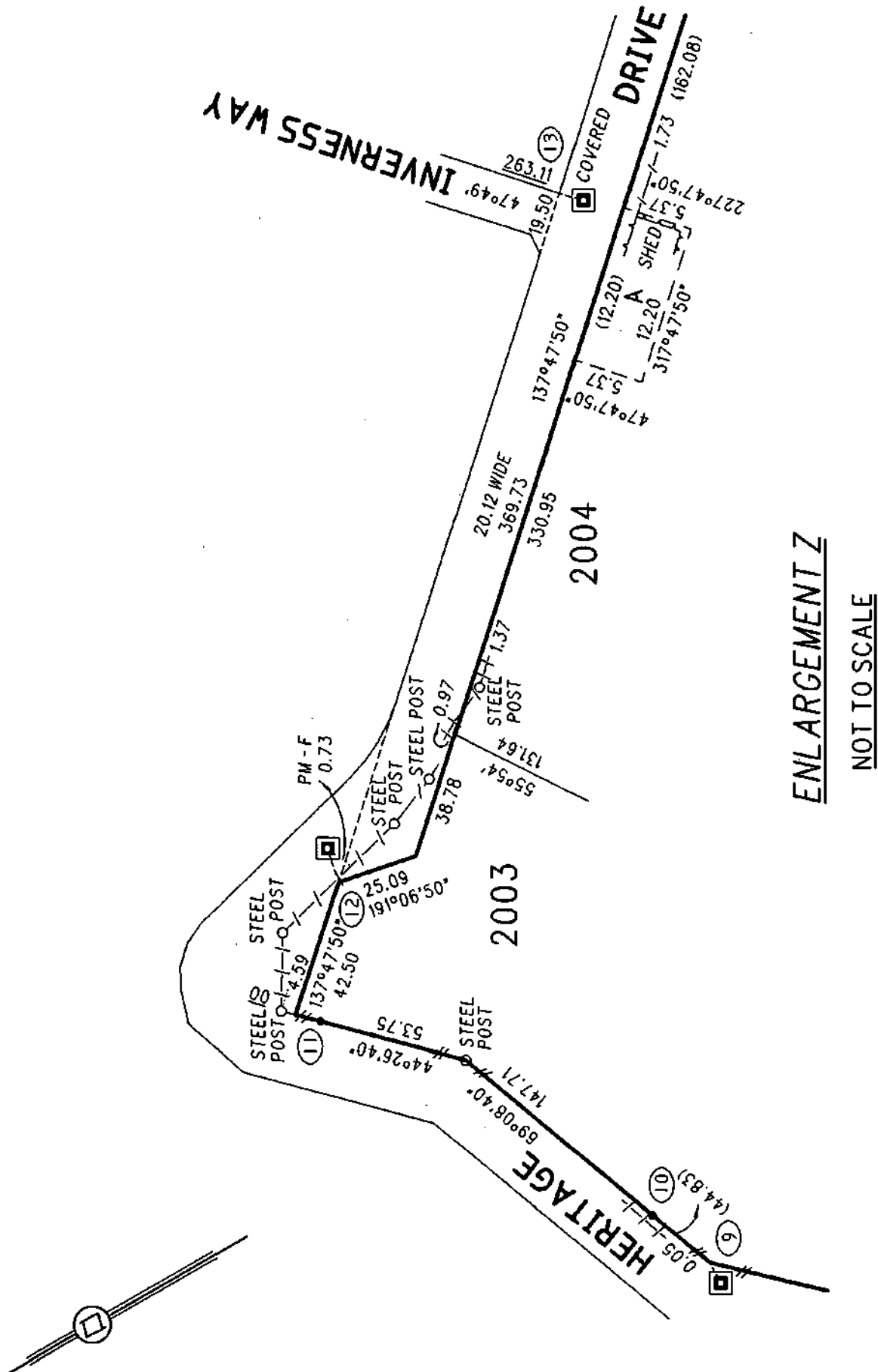




ENLARGEMENT W

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SCALE METRES





ENLARGEMENT Z

NOT TO SCALE

REAL PROPERTY ACT, 1986



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6059 Folio 242

Parent Title(s)	CT 5803/697			
Creating Dealing(s)	RTC 11362220			
Title Issued	04/06/2010	Edition 2	Edition Issued	20/05/2014

Estate Type

FEE SIMPLE

Registered Proprietor

COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)
OF UNIT 801 61 HINDMARSH SQUARE ADELAIDE SA 5000

Description of Land

ALLOTMENT 2011 DEPOSITED PLAN 82762
IN THE AREA NAMED WALLAROO
HUNDRED OF WALLAROO

Easements

NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes

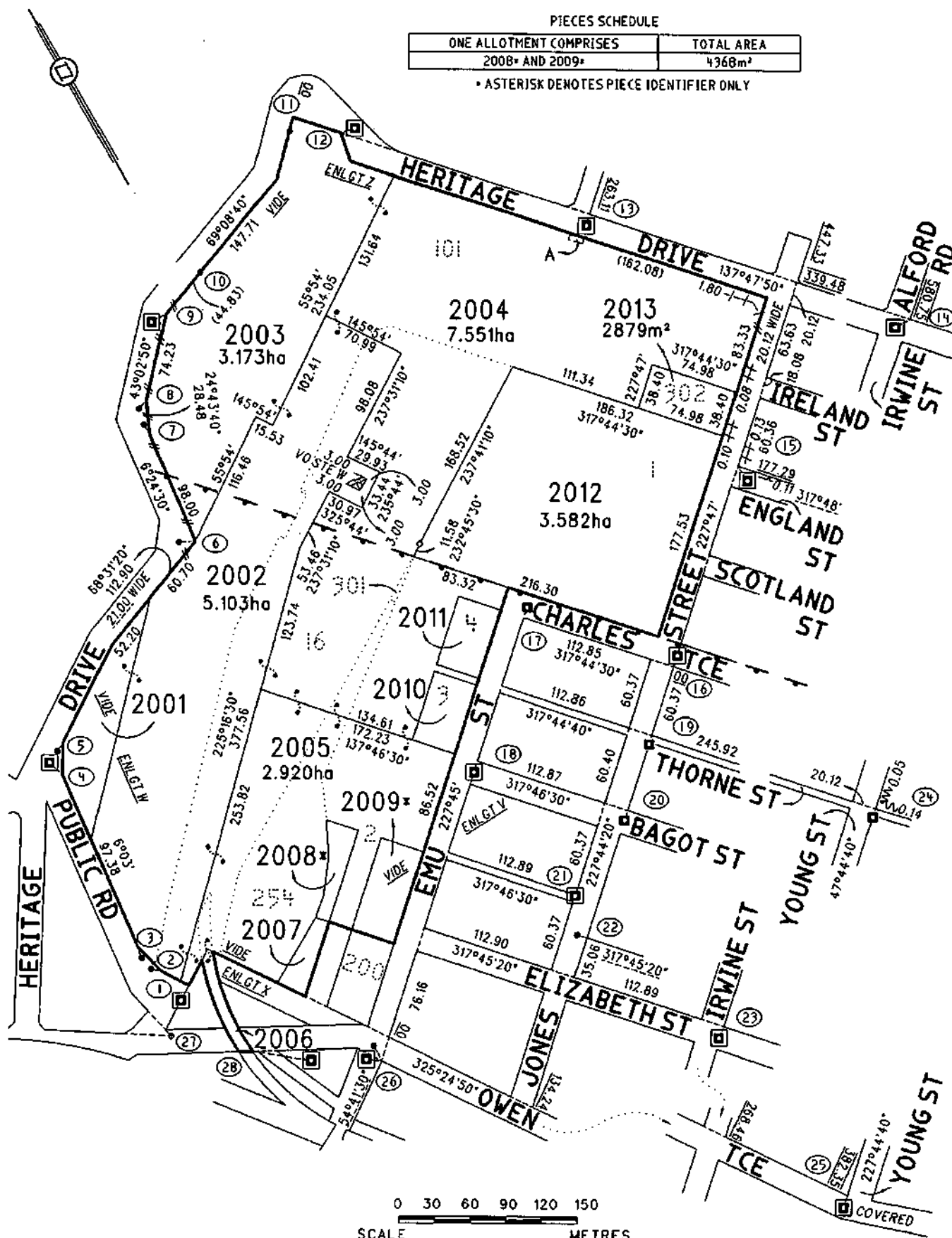
APPROVED D121859

Administrative Interests NIL

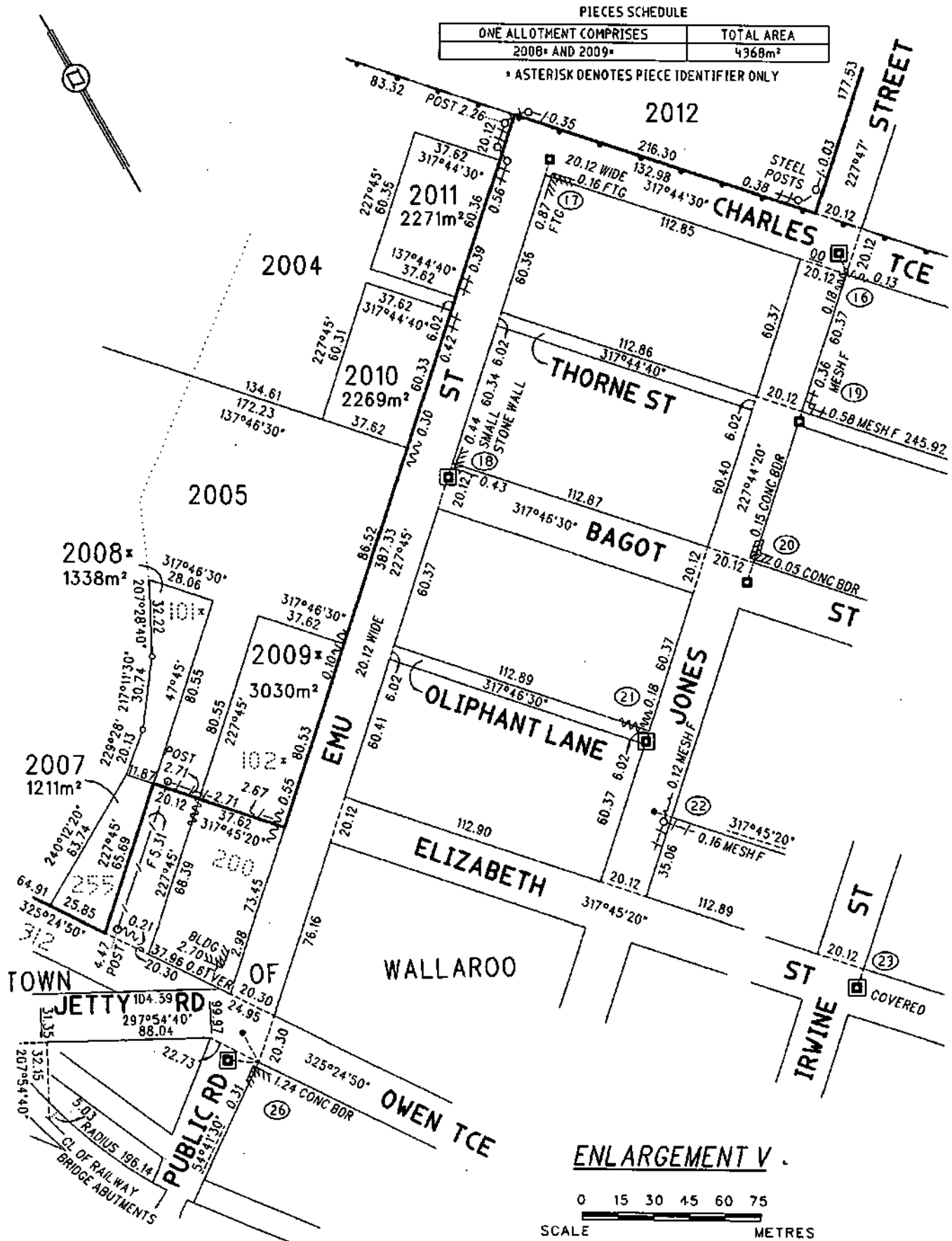
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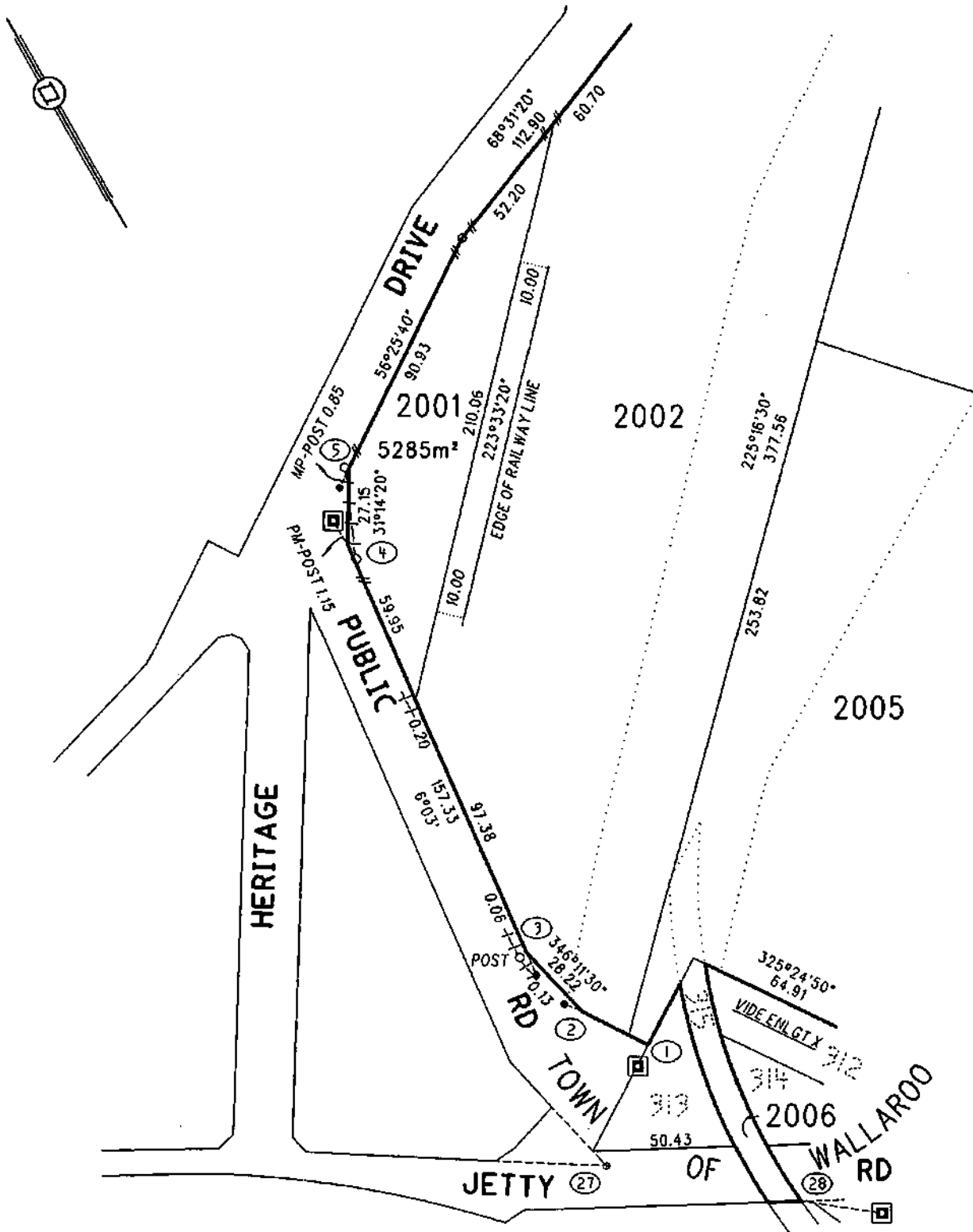
ONE ALLOTMENT COMPRISES	TOTAL AREA
2008* AND 2009*	4368m ²

* ASTERISK DENOTES PIECE IDENTIFIER ONLY

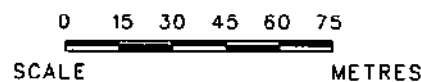


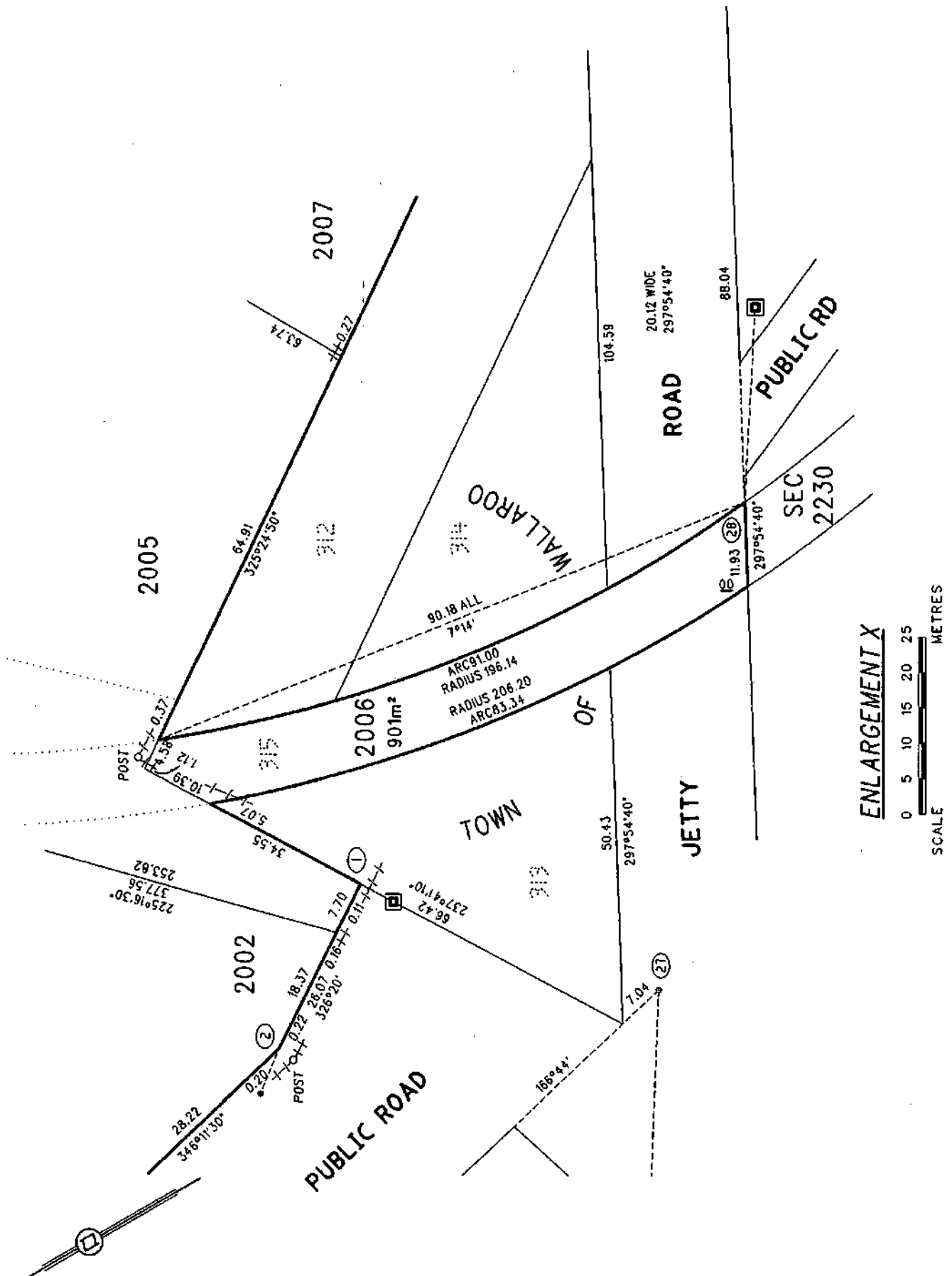
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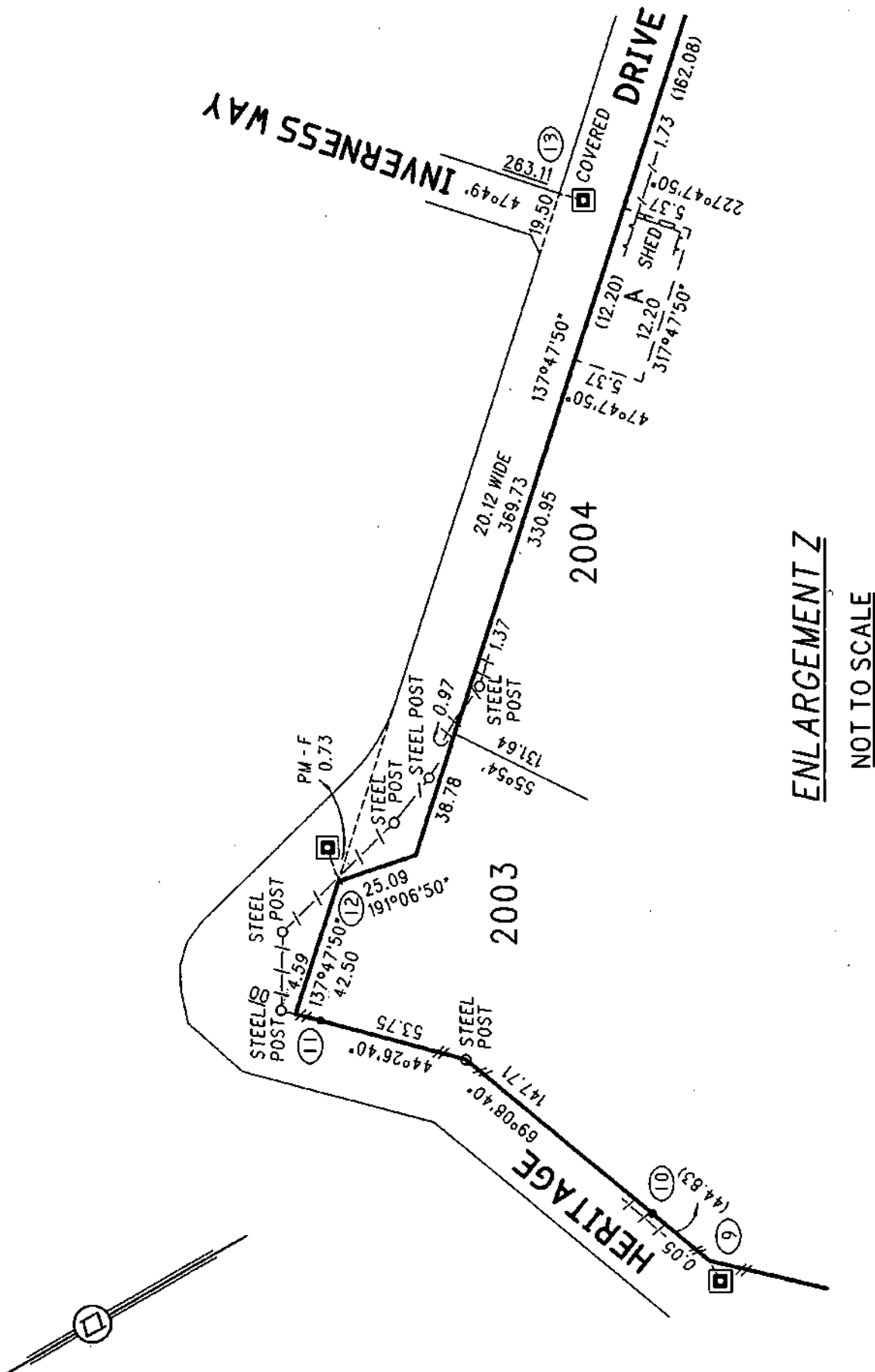




ENLARGEMENT W







REAL PROPERTY ACT, 1885



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6059 Folio 243

Parent Title(s)	CT 5803/697			
Creating Dealing(s)	RTC 11362220			
Title Issued	04/06/2010	Edition 2	Edition Issued	20/05/2014

Estate Type

FEE SIMPLE

Registered Proprietor

COPPER COAST INVESTMENTS PTY. LTD. (ACN: 166 860 724)
OF UNIT 801 61 HINDMARSH SQUARE ADELAIDE SA 5000

Description of Land

ALLOTMENT 2012 DEPOSITED PLAN 82762
IN THE AREA NAMED WALLAROO
HUNDRED OF WALLAROO

Easements

NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes

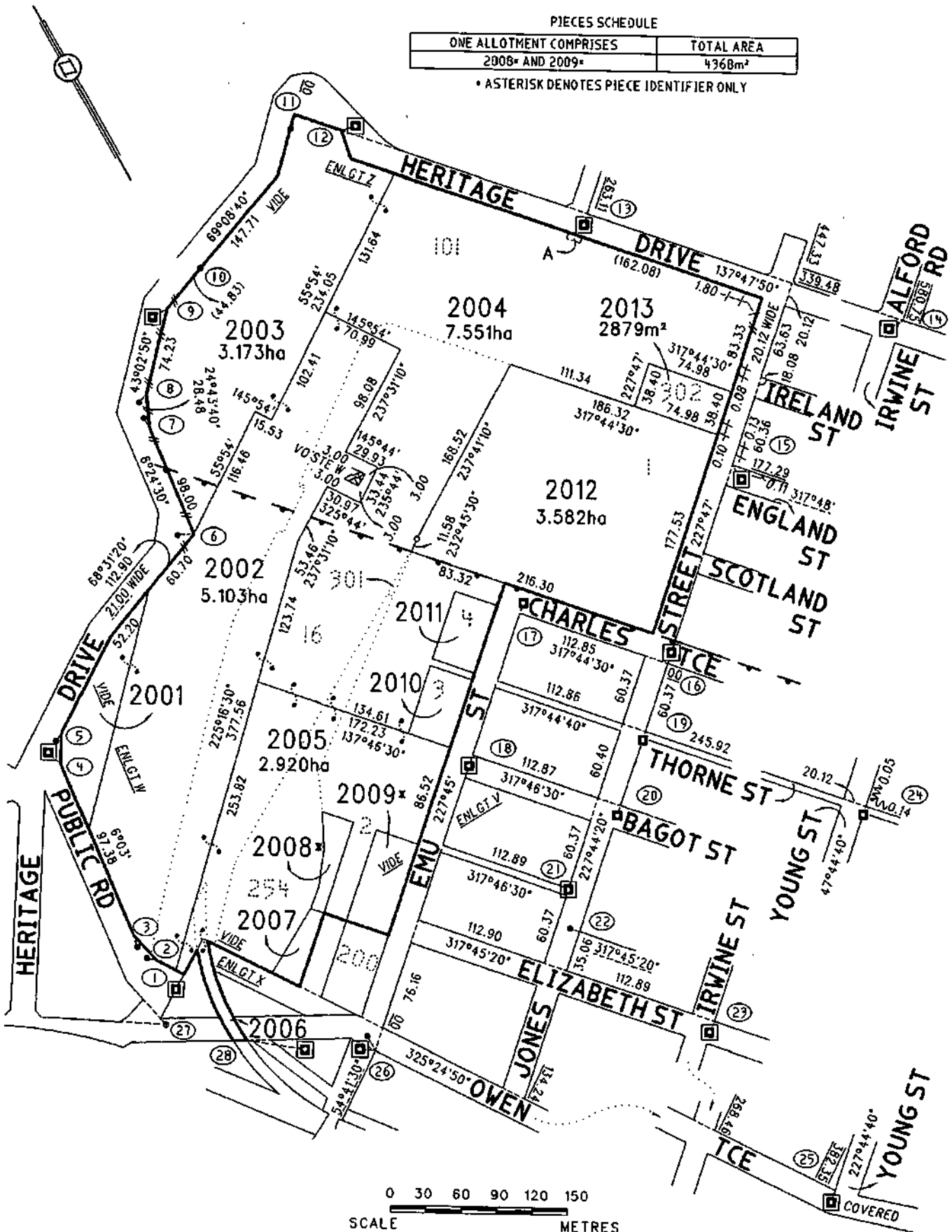
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Administrative Interests NIL

PIECES SCHEDULE

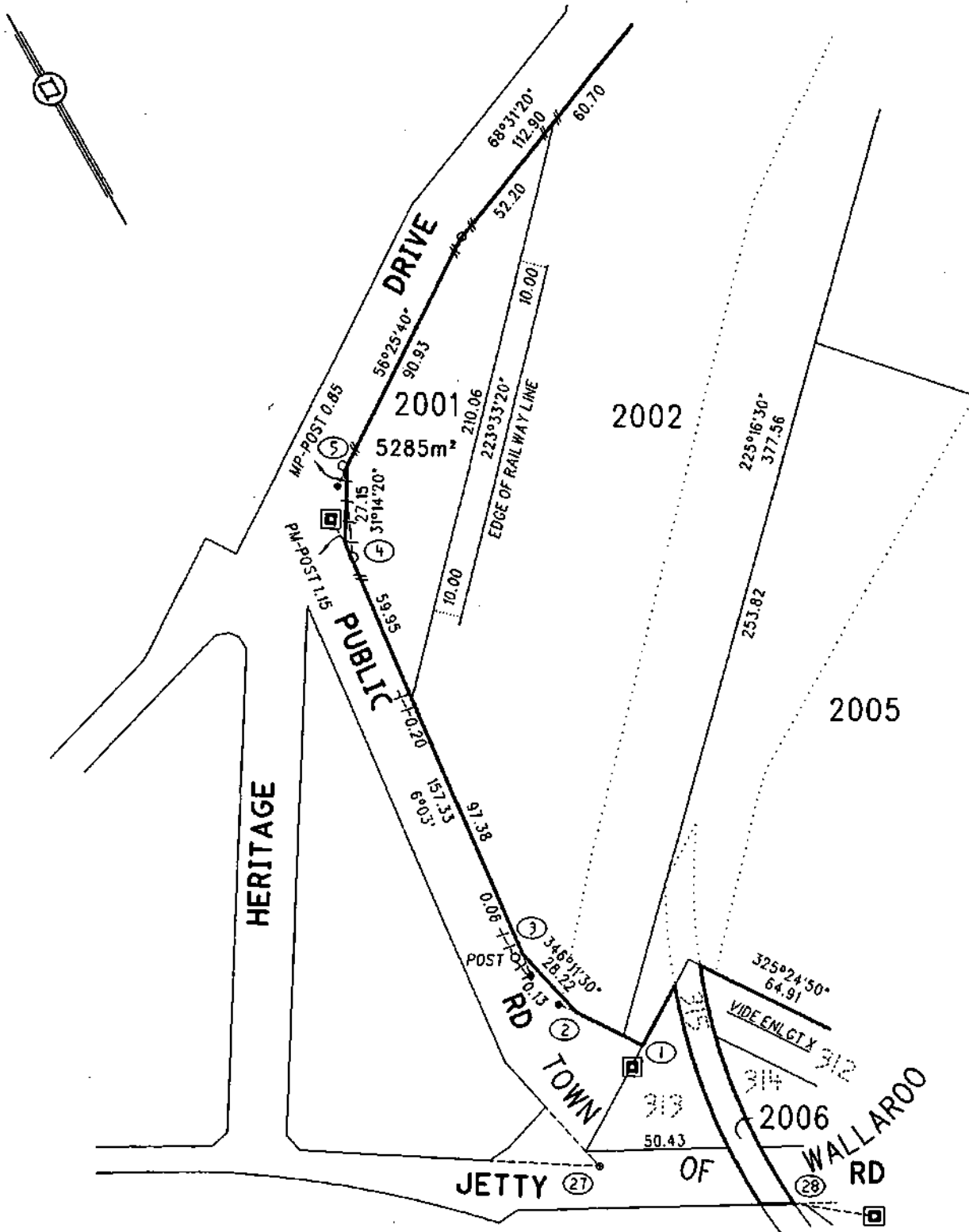
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2008* AND 2009*	4368m ²

* ASTERISK DENOTES PIECE IDENTIFIER ONLY



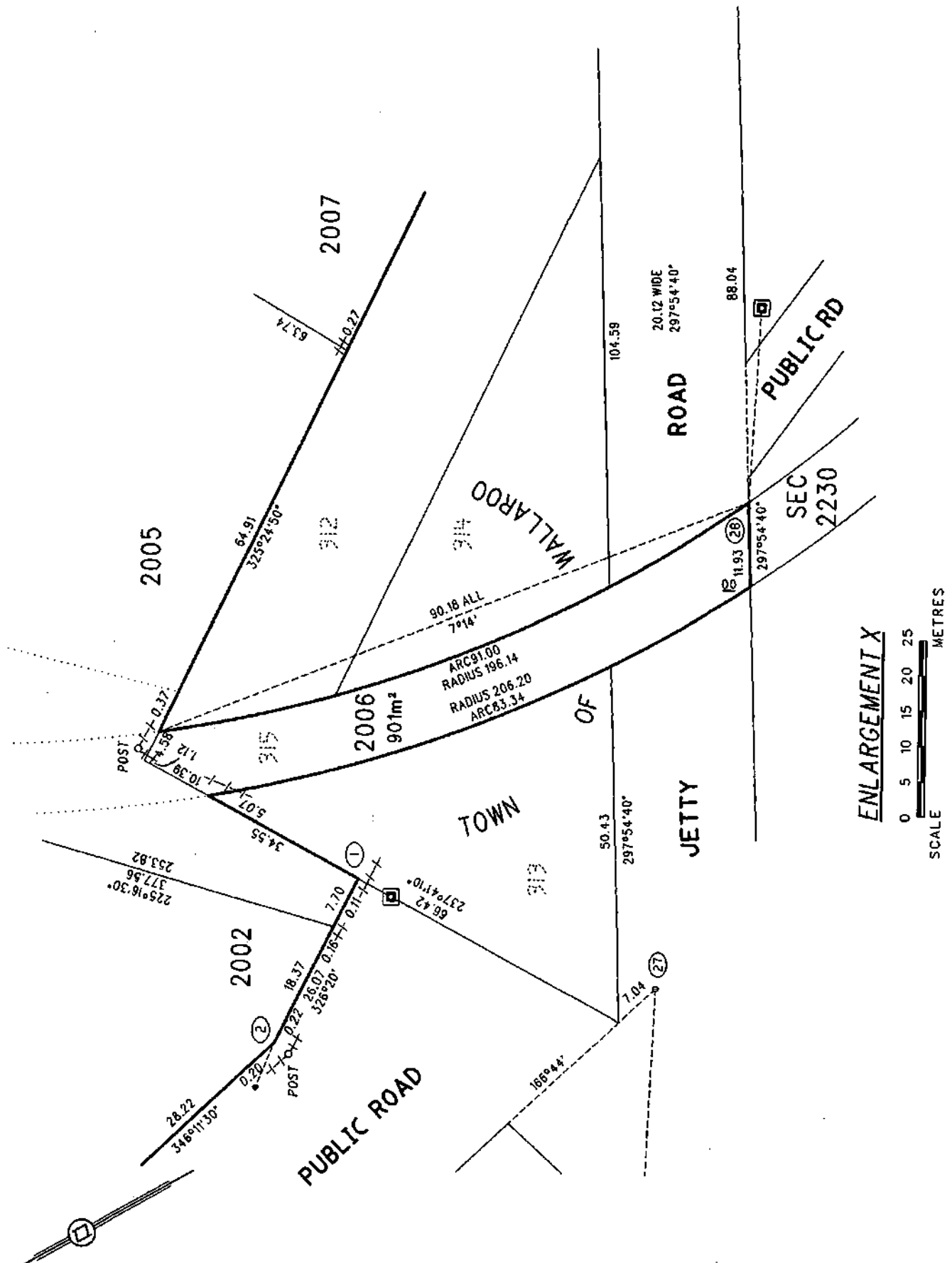
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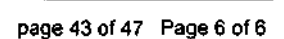
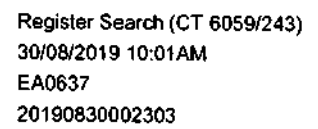




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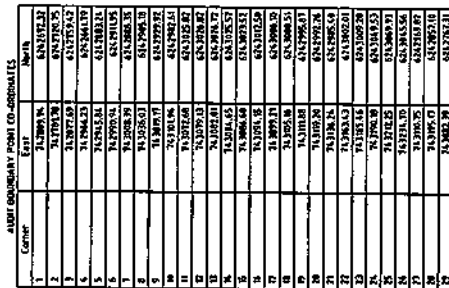
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SCALE METRES





Annexure C

Survey Plan

[illegible]

AUDIT AREA BOUNDARY PLAN

**COPPER COAST
INVESTMENTS PTY LTD
WALLAROO**

EXISTING BOUNDARIES

CURRENT AUDIT AREA RA2-1 AND RA2-3

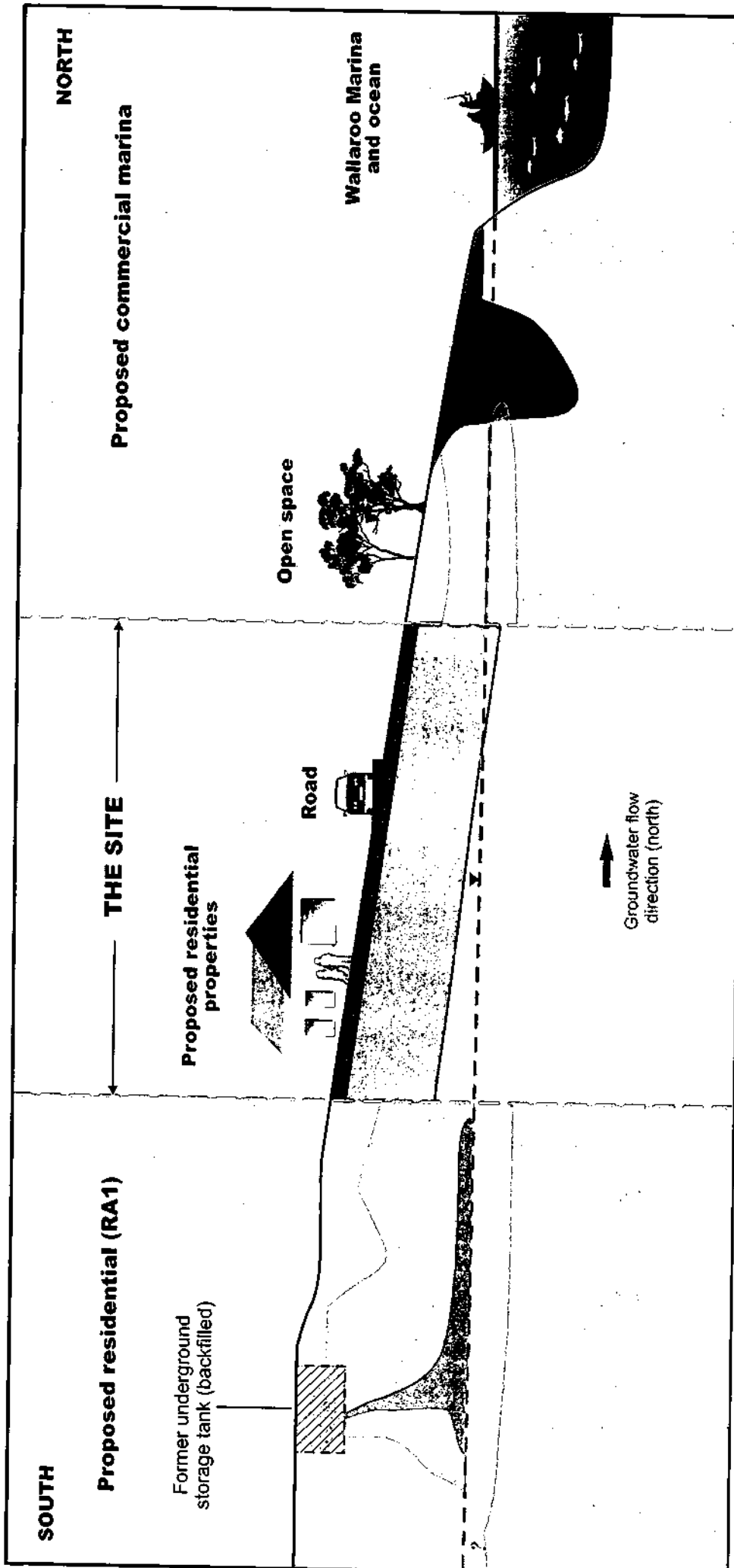
NOTES:
CO-ORDINATE DATUM: MSA 84, ZONE 53
DERIVED FROM: PSR 64/20/2667
CO-ORDINATES E: 783985.841
N: 6242652.676

— . — AUDIT BOUNDARY
(INCLUDES AREAS
RA2-3 AND RA2-1)

M	KADUNA 6 GRV-03 Shendi SA 5554 08 88271 2544 terrell.mosel@comcast mosel.com.au ACN 144 516 396	L E C G E N D	CLARE 08 8842 1278 ADELAIDE & MURRAY BRIDDER 1300 855 203	PJL/GWJ	27/06/19	REFERENCE: K1908T9.3
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Annexure D

Conceptual Site Model



LEGEND

- Soil cap 600mm thick (300mm beneath the road)
- Marker layer
- Slag, treated slag or soil with slag inclusions
- Natural soils
- Fill
- Sandy clay
- Clay
- Limestone
- Fractured rock
- Slag
- Inferred dissolved petroleum hydrocarbons
- Inferred dissolved phase extent (metals and nutrients)
- Groundwater level

CLIENT MONOPOLY GROUP		PROJECT WALLAROO SHORES DEVELOPMENT	
TITLE CONCEPTUAL SITE MODEL		STATUS A4	
DATE 13.08.15		SCALE NTS	
DRAWING CHECK		DRAWING No. EA0637page17 of 47 FIGURE 1	
DATE 13.08.15	SIGNATURE [Signature]		
DESIGNED [Signature]	CHECKED [Signature]		
DATE 13.08.15	DATE 13.08.15		

ANNEXURE 4



ABN 19 040 349 865
Emergency Services Funding Act 1998

CERTIFICATE OF EMERGENCY SERVICES LEVY PAYABLE

The Emergency Services Levy working for all South Australians

The details shown are current as at the date of issue.

PIR Reference No: 2613032

COMMERCIAL & LEGAL PTY LTD
278 FLINDERS ST
ADELAIDE SA 5000

DATE OF ISSUE

10/10/2024

ENQUIRIES:

Tel: (08) 8226 3750

Email: revsaesl@sa.gov.au

OWNERSHIP NUMBER

01974368

OWNERSHIP NAME

M & D KALLIOS

PROPERTY DESCRIPTION

55 LIBERATOR WAY / WALLAROO SA 5556

ASSESSMENT NUMBER

3010350323

TITLE REF.

(A "+" indicates multiple titles)

CT 6249/591

CAPITAL VALUE

\$270,000.00

AREA / FACTOR

R2
0.500

LAND USE / FACTOR

VA
0.300

LEVY DETAILS:

FINANCIAL YEAR

2024-2025

FIXED CHARGE

+ VARIABLE CHARGE

- REMISSION

- CONCESSION

+ ARREARS / - PAYMENTS

= AMOUNT PAYABLE

\$ 50.00
\$ 38.15
\$ 15.90
\$ 0.00
\$ -72.25
\$ 0.00

Please Note:

If a concession amount is shown, the validity of the concession should be checked prior to payment of any outstanding levy amount. The expiry date displayed on this Certificate is the last day an update of this Certificate will be issued free of charge. **It is not the due date for payment.**

EXPIRY DATE

08/01/2025



**Government of
South Australia**

See overleaf for further information

DETACH AND RETURN THE PAYMENT REMITTANCE ADVICE WITH YOUR PAYMENT



Emergency Services Funding Act 1998

CERTIFICATE OF EMERGENCY SERVICES LEVY PAYABLE

The Emergency Services Levy working for all South Australians

PAYMENT REMITTANCE ADVICE

No payment is required on this Certificate

Please Note:

Please check that the property details shown on this Certificate are correct for the land being sold.

The amount payable on this Certificate is accurate as at the date of issue.

This Certificate is only valid for the financial year shown.

If the change of ownership will occur in the following financial year, you must obtain another Certificate after 30 June.

Payment should be made as part of the settlement process.

The amount payable on this Certificate must be paid in full even if only a portion of the subject land is being sold. RevenueSA cannot apportion the ESL.

If the amount payable is not paid in full, the purchaser may become liable for all of the outstanding ESL as at the date of settlement.

The owner of the land as at 12:01am on 1 July in the financial year of this Certificate will remain liable for any additional ESL accrued before the date of this Certificate, even if the amount payable on this Certificate has been paid.

Provision of this Certificate does not relieve the land owner of their responsibility to pay their Notice of ESL Assessment by the due date.

If the owner of the subject land is receiving an ESL pensioner concession but was not living in the property as their principal place of residence as at 12:01am on 1 July of the current financial year, or is now deceased, you must contact RevenueSA prior to settlement.

For more information:

Visit: www.revenuesa.sa.gov.au
Email: revsupport@sa.gov.au
Phone: (08) 8226 3750

PAYMENT OF THIS CERTIFICATE CAN ONLY BE MADE**Online at:****OR****By Post to:****www.revenuesaonline.sa.gov.au****RevenueSA
Locked Bag 555
ADELAIDE SA 5001**

**RevenueSA**

DEPARTMENT OF TREASURY AND FINANCE

ABN 19 040 349 865
Land Tax Act 1936

CERTIFICATE OF LAND TAX PAYABLE

This form is a statement of land tax payable pursuant to Section 23 of the *Land Tax Act 1936*. The details shown are current as at the date of issue.

PIR Reference No: 2613032

DATE OF ISSUE

10/10/2024

COMMERCIAL & LEGAL PTY LTD
278 FLINDERS ST
ADELAIDE SA 5000

ENQUIRIES:

Tel: (08) 8226 3750

Email: landtax@sa.gov.au

OWNERSHIP NAME

M & D KALLIOS

FINANCIAL YEAR

2024-2025

PROPERTY DESCRIPTION

55 LIBERATOR WAY / WALLAROO SA 5556

ASSESSMENT NUMBER

3010350323

TITLE REF.

(A "+" indicates multiple titles)

CT 6249/591

TAXABLE SITE VALUE

\$270,000.00

AREA

0.0545 HA

DETAILS OF THE LAND TAX PAYABLE FOR THE ABOVE PARCEL OF LAND:

CURRENT TAX	\$	0.00	SINGLE HOLDING	\$	0.00
- DEDUCTIONS	\$	0.00			
+ ARREARS	\$	0.00			
- PAYMENTS	\$	0.00			
= <u>AMOUNT PAYABLE</u>	\$	0.00			

Please Note:

If the Current Tax details above indicate a Nil amount, the property may be subject to an Exemption. This exemption should be validated prior to settlement. In order to ensure indemnity for the purchaser of this land, full payment of the amount payable is required:

ON OR BEFORE **08/01/2025**

See overleaf for further information

**Government of
South Australia**

DETACH AND RETURN THE PAYMENT REMITTANCE ADVICE WITH YOUR PAYMENT

**RevenueSA**

DEPARTMENT OF TREASURY AND FINANCE

Land Tax Act 1936

CERTIFICATE OF LAND TAX PAYABLE

PAYMENT REMITTANCE ADVICE

No payment is required on this Certificate

Please Note:

Please check that the property details shown on this Certificate are correct for the land being sold.

This Certificate is only valid for the financial year shown.

If the change of ownership will occur in the following financial year, you must obtain another Certificate after 30 June.

Payment should be made as part of the settlement process.

The amount payable on this Certificate must be paid in full even if only a portion of the subject land is being sold. RevenueSA cannot apportion the land tax.

If the amount payable is not paid in full on or before the due date shown on this Certificate, the purchaser will not be released from liability of the whole amount of the land tax outstanding as at the date of settlement.

The owner of the land as at midnight on 30 June immediately before the financial year of this Certificate will remain liable for any additional land tax accrued before the date of this Certificate, even if the amount payable on this Certificate has been paid.

The amount payable on this Certificate is the land tax payable at the date of issue. However, land tax for a particular financial year may be reassessed at any time, changing the amount payable.

Should a reassessment occur after this Certificate has been paid in full, the purchaser will remain indemnified and will not be responsible for payment of the new land tax payable amount. The owner at the beginning of the relevant financial year will be responsible for payment of any additional land tax payable.

Should a reassessment occur after this Certificate has been issued but not paid in full, the purchaser will not be indemnified and may become responsible for payment of the new land tax payable amount.

Should a reassessment occur after this Certificate has been paid in full and the Certificate is subsequently updated, the purchaser will not be indemnified and may become responsible for payment of the new land tax payable amount.

Provision of this Certificate does not relieve the land owner of their responsibility to pay their Notice of Land Tax Assessment by the due date.

For more information:

Visit: www.revenuesa.sa.gov.au
Email: revsupport@sa.gov.au
Phone: (08) 8226 3750

PAYMENT OF THIS CERTIFICATE CAN ONLY BE MADE

Online at:

OR

By Post to:

www.revenuesaonline.sa.gov.au

RevenueSA
Locked Bag 555
ADELAIDE SA 5001

Account Number	L.T.O Reference	Date of issue	Agent No.	Receipt No.
30 10350 32 3	CT6249591	10/10/2024	7777	2613032

COMMERCIAL & LEGAL PTY LTD
278 FLINDERS ST
ADELAIDE SA 5000
convey@commercialandlegal.com.au

Section 7/Elec

Certificate of Water and Sewer Charges & Encumbrance Information

Property details:

Customer: M & D KALLIOS
Location: 55 LIBERATOR WAY WALLAROO LT48 D125833
Description: L Capital \$ 270 000
Value:
Rating: Residential

Periodic charges

Raised in current years to 30/9/2024

			\$
	Arrears as at: 30/6/2024	:	0.00
Water main available: 1/4/2021	Water rates	:	78.60
Sewer main available:	Sewer rates	:	0.00
	Water use	:	0.00
	SA Govt concession	:	0.00
	Recycled Water Use	:	0.00
	Service Rent	:	0.00
	Recycled Service Rent	:	0.00
	Other charges	:	0.00
	Goods and Services Tax	:	0.00
	Amount paid	:	78.60CR
	Balance outstanding	:	0.00

Degree of concession: 00.00%
Recovery action taken: FULLY PAID

Next quarterly charges: Water supply: 78.60 Sewer: 0.00 Bill: 13/11/2024

Please note: If you have also ordered a Special Meter Reading for this property and it comes back as estimated, please ensure you provide a photo of the meter including serial number to have the certificate reissued.

SA Water has no record of an Encumbrance on this property as at the date of issue of this certificate.

If your property was constructed before 1929, it's recommended you request a property interest report and internal 'as constructed' sanitary drainage drawing to understand any specific requirements relating to the existing arrangements.

As constructed sanitary drainage drawings can be found at <https://maps.sa.gov.au/drainageplans/>

South Australian Water Corporation

Name:
M & D KALLIOS

Water & Sewer Account
Acct. No.: 30 10350 32 3

Amount: _____

Address:
55 LIBERATOR WAY WALLAROO LT48
D125833

Payment Options

EFT

EFT Payment

Bank account name:	SA Water Collection Account
BSB number:	065000
Bank account number:	10622859
Payment reference:	3010350323



Bill code: 8888
Ref: 3010350323

Telephone and Internet Banking — BPAY®

Contact your bank or financial institution to make this payment from your cheque, savings, debit, credit card or transaction account. More information at bpay.com.au



Paying online

Pay online at www.sawater.com.au/paynow for a range of options. Have your account number and credit card details to hand.



Paying by phone

Call 1300 650 870 and pay by phone using your Visa/Mastercard 24/7.
SA Water account number: 3010350323