

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 5952 Folio 265

**Parent Title(s)** CT 5823/593

**Creating Dealing(s)** RTC 10306853

**Title Issued** 28/10/2005      **Edition** 4      **Edition Issued** 29/04/2022

## Estate Type

FEE SIMPLE

## Registered Proprietor

JEREMY JAY CUTHBERTSON  
BRENDA GAYE CUTHBERTSON  
OF 4 PARA STREET EDEN HILLS SA 5050  
AS JOINT TENANTS

## Description of Land

ALLOTMENT 141 DEPOSITED PLAN 68409  
IN THE AREA NAMED HALLETT COVE  
HUNDRED OF NOARLUNGA

## Easements

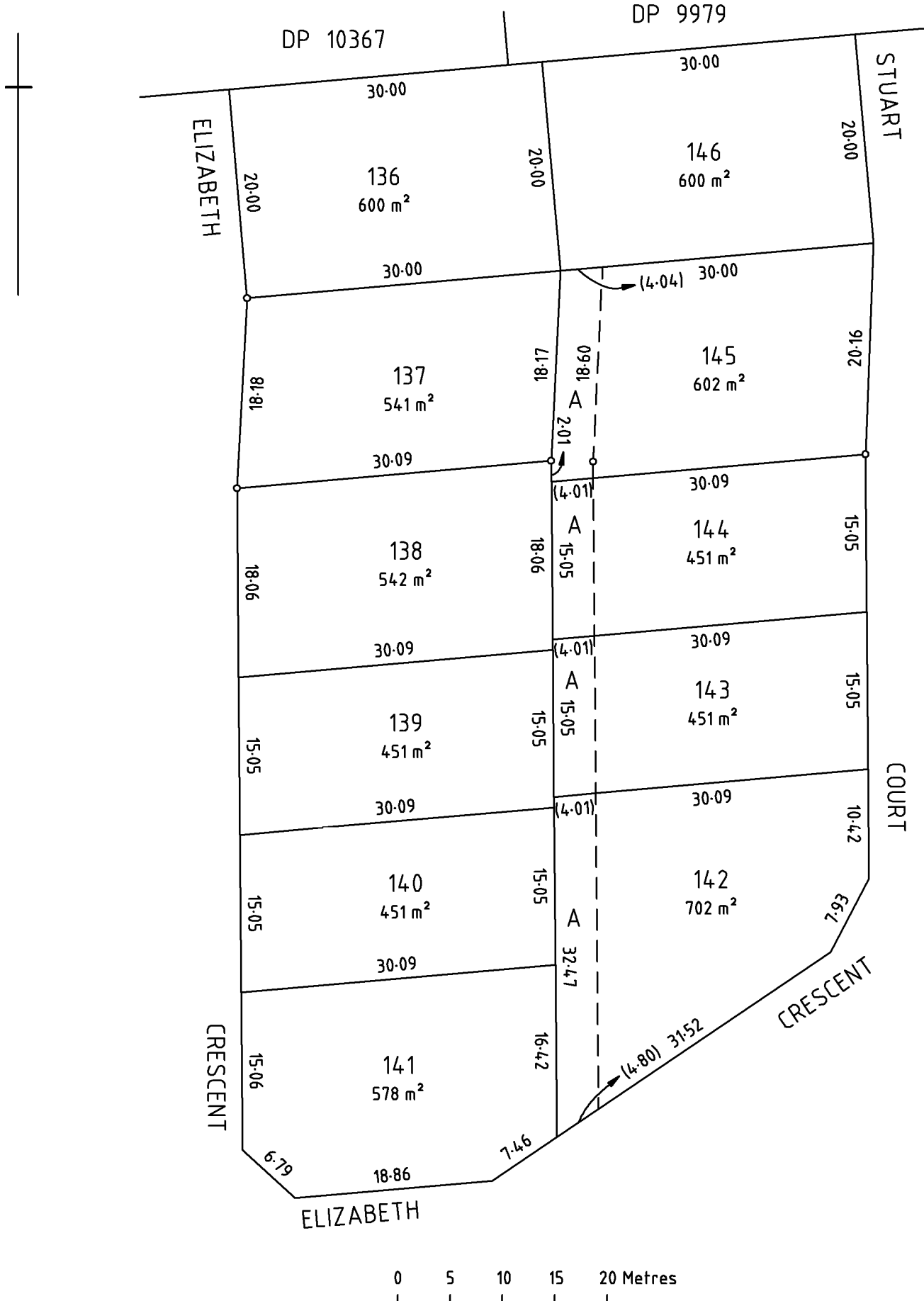
NIL

## Schedule of Dealings

Dealing Number	Description
8425749A	AGREEMENT UNDER DEVELOPMENT ACT, 1993 PURSUANT TO SECTION 57(2)
10323879	ENCUMBRANCE TO CRAVEN SECURITIES PTY. LTD. (SINGLE COPY ONLY)

## Notations

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



# Property Interest Report

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

Title Reference	CT 5952/265	Reference No. 2519427
Registered Proprietors	J J & B G*CUTHBERTSON	Prepared 14/11/2023 11:55
Address of Property	53 ELIZABETH CRESCENT, HALLETT COVE, SA 5158	
Local Govt. Authority	THE CORPORATION OF THE CITY OF MARION	
Local Govt. Address	PO BOX 21 OAKLANDS PARK SA 5046	

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](http://www.cbs.sa.gov.au)

Prescribed encumbrance	Particulars (Particulars in bold indicates further information will be provided)
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### 1. General

- |     |  |  |
|-----|--|--|
| 1.1 | Mortgage of land<br><br><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<br>(whether over the land or annexed to the land)<br><br>Note--"Easement" includes rights of way and party wall rights<br><br><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<br><br><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<br>(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.)<br><br><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<br><br>also<br><br>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 Trade and Investment 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 Trade and Investment 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 Trade and Investment 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 Trade and Investment 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 Trade and Investment 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 Trade and Investment 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 Trade and Investment has no record of any notice affecting this title

5.10	section 84 - Enforcement notice	State Planning Commission in the Department for Trade and Investment 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 Trade and Investment 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 Trade and Investment 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	<b>An Emergency Services Levy Certificate will be forwarded.</b> <b>If you do not receive the certificate within four (4) working days please contact the RevenueSA Customer Contact Centre on (08) 8226 3750.</b>  <b>Clients who have misplaced or not received their certificates and are RevenueSA Online users should log into RevenueSA Online and reprint their certificates</b> <b><a href="http://www.revenuesaonline.sa.gov.au">www.revenuesaonline.sa.gov.au</a></b>
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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) does not have any current Performance Agreements registered on this title
8.2	section 93 - Environment protection order that is registered in relation to the land	EPA (SA) does not have any current Environment Protection Orders registered on this title
8.3	section 93A - Environment protection order relating to cessation of activity that is registered in relation to the land	EPA (SA) does not have any current Orders registered on this title
8.4	section 99 - Clean-up order that is registered in relation to the land	EPA (SA) does not have any current Clean-up orders registered on this title
8.5	section 100 - Clean-up authorisation that is registered in relation to the land	EPA (SA) does not have any current Clean-up authorisations registered on this title
8.6	section 103H - Site contamination assessment order that is registered in relation to the land	EPA (SA) does not have any current Orders registered on this title
8.7	section 103J - Site remediation order that is registered in relation to the land	EPA (SA) does not have any current Orders registered on this title
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) does not have any current Orders registered on this title

8.9	section 103P - Notation of site contamination audit report in relation to the land	EPA (SA) does not have any current Orders registered on this title
8.10	section 103S - Notice of prohibition or restriction on taking water affected by site contamination in relation to the land	EPA (SA) does not have any current Orders registered on this title
<b>9.</b>	<b><i>Fences Act 1975</i></b>	
9.1	section 5 - Notice of intention to perform fencing work	Contact the vendor for these details
<b>10.</b>	<b><i>Fire and Emergency Services Act 2005</i></b>	
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
<b>11.</b>	<b><i>Food Act 2001</i></b>	
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
<b>12.</b>	<b><i>Ground Water (Qualco-Sunlands) Control Act 2000</i></b>	
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
<b>13.</b>	<b><i>Heritage Places Act 1993</i></b>	
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
<b>14.</b>	<b><i>Highways Act 1926</i></b>	
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
<b>15.</b>	<b><i>Housing Improvement Act 1940 (repealed)</i></b>	
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
<b>16.</b>	<b><i>Housing Improvement Act 2016</i></b>	

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 | <b>A Land Tax Certificate will be forwarded.</b><br><b>If you do not receive the certificate within four (4) working days please contact the RevenueSA Customer Contact Centre on (08) 8226 3750.</b><br><br><b>Clients who have misplaced or not received their certificates and are RevenueSA Online users should log into RevenueSA Online and reprint their certificates</b><br><b><a href="http://www.revenuesaonline.sa.gov.au">www.revenuesaonline.sa.gov.au</a></b> |
|------|---|---|

## **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 will respond with details relevant to this item**

## **25. *Native Vegetation Act 1991***

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. *Natural Resources Management Act 2004 (repealed)***

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. *Outback Communities (Administration and Management) Act 2009***

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**
- Lot 51 and 52 (86-88) Morphett Road - South Australian Jockey Club Incorporated (SAJC) are proposing to rezone approximately 1.5 hectares of land at 86-88 Morphett Rd Glengowrie, from the Recreation Zone to the Urban Neighbourhood Zone. For more information, refer to the 'Code Amendments' page on the PlanSA portal: [https://plan.sa.gov.au/have\\_your\\_say/](https://plan.sa.gov.au/have_your_say/) or phone 1800752664.
- Code Amendment**
- Flooding Hazards Mapping Update - seeks to update the extent of the Hazard (Flooding – Evidence Required) Overlay in the Planning and Design Code in 13 local government areas and several Outback Areas of the State, based on more recent flood hazard mapping. For more information, refer to the 'Code Amendments' page on the PlanSA portal: [https://plan.sa.gov.au/have\\_your\\_say/](https://plan.sa.gov.au/have_your_say/) or phone PlanSA on 1800752664.
- 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/](https://plan.sa.gov.au/have_your_say/) or phone PlanSA on 1800752664.
- Code Amendment**
- Southern Suburbs Residential Policy – Marion Council is seeking to rezone land across Darlington, Hallett Cove, Marino, O'Halloran Hill, Seaclyff Park, Seacombe Heights, Seaview Downs, Sheidow Park and Trott Park (the Affected Area), to provide a consistent policy approach to sloping land that facilitates opportunity for subdivision and redevelopment where appropriate. For more information, refer to the 'Code Amendments' page on the PlanSA portal: [https://plan.sa.gov.au/have\\_your\\_say/](https://plan.sa.gov.au/have_your_say/) or phone PlanSA on 1800752664.
- Code Amendment**
- Tunnel Protection Overlay (early commencement) - The Department for Infrastructure and Transport is introducing a Tunnel Protection Overlay that will apply to the River Torrens to Darlington Project (T2D) tunnels. The Overlay aims to ensure that future

development activity and construction work nearby does not impact the tunnels. For more information, refer to the 'Code Amendments' page on the PlanSA portal: [https://plan.sa.gov.au/have\\_your\\_say/](https://plan.sa.gov.au/have_your_say/) or phone PlanSA on 1800752664.

#### Code Amendment

Centre Zone Adjustment - Marion Council seeks to align the most appropriate zone and policy to each affected site and existing land use, to enable/support more efficient and effective future planning outcomes. For more information, refer to the 'Code Amendments' page on the PlanSA portal: [https://plan.sa.gov.au/have\\_your\\_say/](https://plan.sa.gov.au/have_your_say/) or phone PlanSA on 1800752664.

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>	State Planning Commission in the Department for Trade and Investment 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 Trade and Investment 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 Trade and Investment 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 Trade and Investment 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 Trade and Investment 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 Trade and Investment 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 Trade and Investment 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 Trade and Investment 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 Trade and Investment 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 *Public and Environmental Health (Waste Control) Regulations 2010 (or 1995)* (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 *Public and Environmental Health (Waste Control) Regulations 2010* (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 *South Australian Public Health (Wastewater) Regulations 2013* 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

**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**

also

The Office of the Technical Regulator in DEM has no record of any notice or order affecting this title

also

Lightsview Re-Water Supply Co Pty Ltd has no record of any notice or order affecting this title.

also

Robusto Investments Pty. Ltd. trading as Compass Springs has no current record of any notice or order affecting this title.

also

Alano Utilities Pty. Ltd. has no record of any notice or order affecting this title.

### **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<br>also<br>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<br>also<br>EPA (SA) has no record of any particulars relating to items 3, 4 or 5 affecting this title<br>also<br>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

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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

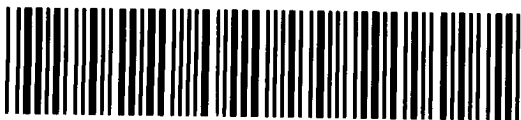
Under the provisions of the *Landscape South Australia Act 2019*, if you intend to utilise underground water on the land subject to this enquiry the following apply:

- 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](mailto:DEWwaterlicensing@sa.gov.au).



E 10323879



9:07 17-Oct-2005

Single Copy Only

4 of 4

Fees: \$101.00

LANDS TITLES REGISTRATION  
OFFICE  
SOUTH AUSTRALIA

## MEMORANDUM OF ENCUMBRANCE

FORM APPROVED BY THE REGISTRAR-GENERAL

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

Prefix
E
Series No.
3

**BELOW THIS LINE FOR AGENT USE ONLY**

CERTIFIED CORRECT FOR THE PURPOSES  
OF THE REAL PROPERTY ACT 1886

*[Signature]*  
Solicitor/Registered Conveyancer/Encumbrancee  
*J L PATTERSON*

AGENT CODE

Lodged by:

**CONVEYANCING MATTERS**  
**JACCHIBERENDS** *ERMU242*

Correction to:

**NORTH EAST CONVEYANCERS**  
**PO BOX 4120**  
**NORWOOD SOUTH SA 5067**

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

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

PLEASE ISSUE NEW CERTIFICATE(S) OF TITLE AS FOLLOWS

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

**DELIVERY INSTRUCTIONS** (Agent to complete)

PLEASE DELIVER THE FOLLOWING ITEM(S) TO THE  
UNDERMENTIONED AGENT(S)

ITEM(S)	AGENT CODE

R-G 250505

Revenue SA -- Stamp Duty  
ABN 19 040 349 865

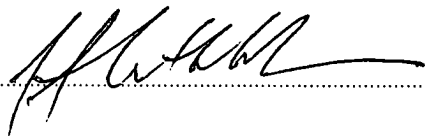
Doc Code	M
RevNetID	108785777
Consid/Val/Sec\$	0.10
SA Proportion \$	0.00
Stamp Duty \$	0.00
LTO Fees \$	0.00
Interest \$	0.00
Pen/Add Tax \$	0.00
Date	14/10/2005
Original with 2 Copies	
----- End of Receipt -----	

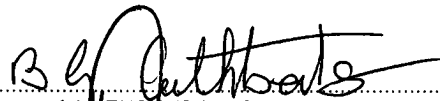
CORRECTION	PASSED <i>[Signature]</i>
REGISTERED	2 4 NOV 2005
<i>[Signature]</i> REGISTRAR-GENERAL pro	



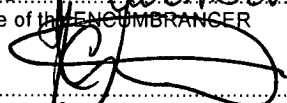
DATED 14<sup>th</sup> October 2005

EXECUTION





Signature of the ENCUMBRANCER



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

Print Full name of Witness (BLOCK LETTERS)

CHRISTOPHER SCOTT DAVID

3 ELURA AVE SHERIDAN PARK S158

Address of Witness

Business Hours Telephone Number X 0404 122 075

# MEMORANDUM OF ENCUMBRANCE

## CERTIFICATE(S) OF TITLE BEING ENCUMBERED

Allotment 141 in DP 68409 being portion of the land comprised in Certificate of Title Register Book Volume 5823 Folio 593

**NOW WHOLE OF THE LAND IN  
C.T.VOL 5952 FOL 265**

### ESTATE AND INTEREST

In fee simple

### ENCUMBRANCES

AG 8425749A

### ENCUMBRANCER (Full Name and Address)

JEREMY JAY CUTHBERTSON and BRENDA GAY CUTHBERTSON both of 4 Para Street Eden Hills SA 5050

### ENCUMBRANCEE (Full Name and Address and Mode of Holding)

CRAVEN SECURITIES PTY. LTD. A.C.N. 007 603 867 of 18 Stuart Road Dulwich SA 5065

### OPERATIVE CLAUSE

THE ENCUMBRANCER ENCUMBERS THE ESTATE AND INTEREST IN THE LAND ABOVE DESCRIBED FOR THE BENEFIT OF THE ENCUMBRANCEE SUBJECT TO THE ENCUMBRANCES AND OTHER INTERESTS AS SHOWN HEREON WITH AN ANNUITY OR RENT CHARGE OF

- |   |   |
|---|---|
| (a) Insert the amount of the annuity or rent charge   | (a) Ten (10) cents per annum if demanded  |
| (b) State the term of the annuity or rent charge.<br>If for life use the words "during his or her lifetime"               | (b) To be paid to the Encumbrancee for a term of ninety nine (99) years   |
| (c) State the times appointed for payment of the annuity or rent charge. Any special covenants may be inserted on page 2. | (c) AT THE TIMES AND IN THE MANNER FOLLOWING:<br>A yearly rent of TEN (10) CENTS payable on the 30 <sup>th</sup> day of June each year commencing on the 30 <sup>th</sup> of June next ensuing after the execution hereof for a term of NINETY NINE (99) YEARS to the intent that the Encumbrancee shall hold the said yearly rent charge and with the performance and observance of the covenants by the Encumbrancer contained or implied herein. |

IT IS COVENANTED BETWEEN THE ENCUMBRANCER AND ENCUMBRANCEE as follows:

As per covenants attached – see pages 3 & 4

Owners Benefit

- 1.1 For the benefit of each of the registered proprietors of the land comprised in all the Allotments forming portion of the land in Deposited Plan 68409 at the Lands Titles Registration Office at Adelaide (in this Memorandum of Encumbrance called "Hallett Cove Heights") AND
- 1.2 For the benefit of all of the successors in title of the registered proprietors of the land in "Hallett Cove Heights" AND
- 1.3 For the purpose of the common building scheme of development of "Hallett Cove Heights"

Owners Obligations - Common Building Scheme

2. The Encumbrancer will not without first obtaining the prior written consent of the Encumbrancee erect or permit to be erected:
  - 2.1 any dwelling house not made of brick or brick veneer unless otherwise approved in writing by the Encumbrancee
  - 2.2 any dwelling house with a roof pitch less than twenty-five degrees
  - 2.3 any dwelling house with a living area of not less than one hundred and twenty metres squared unless otherwise approved in writing by the Encumbrancee
  - 2.4 any dwelling house without at least two of the following items in the front elevation:
    - 2.4.1 Verandah
    - 2.4.2 Portico
    - 2.4.3 Bay Window
    - 2.4.4 Double Hip Roof
    - 2.4.5 such other feature as approved in writing by the Encumbrancee
  - 2.5. any dwelling house without a minimum of one undercover attached carport
3. The Encumbrancer will not erect or permit to be erected:
  - 3.1. any dwelling house, shed, garage, fence or any other structure containing any asbestos material whatsoever
  - 3.2. any shed, garage, outbuilding, fence unless of steel construction and such steel material is "Rivergum" coloured colourbond
  - 3.3. any transportable home or dwelling house
  - 3.4. more than one dwelling house upon the land
  - 3.5. any front fence with exemption for designated "Cottage Allotments"
  - 3.6. any solar heater other than a type which is architecturally integrated with the dwelling and must not be directly visible from any public street or thoroughfare
  - 3.7. any air conditioning unit that is not the same colour as the roof and must not be directly visible from any public street or thoroughfare
  - 3.8. any water tank of a colour not complimentary to that of the dwelling house and must not be directly visible from any public street or thoroughfare
  - 3.9. any retaining wall of second-hand material
  - 3.10. any retaining wall unless made of stone or moss rocks, rendered concrete, clay-fired bricks, hardwood or concrete sleepers or keystone bricks (or their equivalent)

unless otherwise approved in writing by the Encumbrancee.

4. The Encumbrancer will not erect or permit to be erected any structure or dwelling house of which the design, external colours, materials and / or appearance is incompatible with other dwellings in the area.
5. The Encumbrancer will not live in any temporary dwelling on the said land

Miscellaneous

6. Approval of plans and building schedules shall not be construed as approval by or on behalf of the City of Marion nor for any other person or body corporate having authority to grant development approval and nothing contained herein shall imply any partnership, joint venture or agency with any other person or body corporate on the part of the Encumbrancee.
7. The Encumbrancee may from time to time in its absolute discretion modify waive or release any of the covenants and other stipulations herein contained or implied.
8. It is hereby acknowledged and agreed 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 other provisions of the Encumbrance or of any other Encumbrance and the Encumbrancer will indemnify and keep indemnified the Encumbrancee and its respective servants and agents from and against all claims for any such loss or damage.
9. Any notice or demand to be given to the Encumbrancer hereunder may be given by posting or delivering the same in writing signed by any officer or agent for and on behalf of the Encumbrancee or the last known place of abode or business of the encumbrancer.
10. Any notice posted as aforesaid shall be deemed to have been received 48 hours after the time of posting.
12. AND IT IS HEREBY AGREED and declared between the encumbrancer and the Encumbrancee that the encumbrancer shall be released and discharged from the payment of the said rent charge and from the observance and performance of the several covenants conditions and restrictions hereinbefore contained forthwith upon the encumbrancer and successive assigns respectively ceasing to be registered as the proprietor of the said land to be the intent that the rent charge and covenants conditions and restrictions shall be binding upon the registered proprietor or proprietors of the said land for the time being AND subject as aforesaid the Encumbrancee by virtue of the provisions of the Real Property Act 1886.

In this Instrument:

- (i) Unless repugnant to the context words importing any particular gender shall include all other genders and words importing the singular number shall include the plural and vice versa:
- (ii) The expression "The Encumbrancer" includes the registered proprietor for the time being of the said land, and if there shall be more than one person responsible hereunder as the encumbrancer or as a successor in title to the encumbrancer, the liability of all such person shall be both joint and several
- (iii) Headings are used for convenience or reference only and shall not affect the interpretation or construction of this encumbrance
- (iv) Each word, phrase, sentence and clause or provision of the encumbrance is severable and if a court determines that a provision is unenforceable, illegal or void the court may sever that provision and such Encumbrance will not affect the other provisions of this Encumbrance. AND SUBJECT AS AFORESAID the Encumbrancee shall be entitled to all powers and remedies given to the Encumbrancee by the Real Property Act 1886 as amended from time to time.



ADMINISTRATION CENTRE:  
245 STURT ROAD  
STURT S.A. 5047

POSTAL ADDRESS  
P.O. BOX 21  
OAKLANDS PARK S.A. 5045

OFFICE HOURS:  
MONDAY TO FRIDAY  
8.30A.M. TO 5.00PM.  
TELEPHONE (08) 8375 6600  
FACSIMILE (08) 8375 6699  
EMAIL: council@marion.sa.gov.au  
www.marion.sa.gov.au

**DECISION NOTIFICATION FORM**  
**DEVELOPMENT ACT 1993**

**DEVELOPMENT APPLICATION**    **NUMBER:** 100/925/2005  
**DATED:** 12/01/2006  
**REGISTERED ON:** 16/01/2006

**TO:** Oakford Homes  
PO Box 219  
Glenside Sa 5065

**LOCATION OF PROPOSED DEVELOPMENT**

53 Elizabeth Crescent Hallett Cove 5158  
LOT: 141 DP: 68409 CT: 5952/265

**DESCRIPTION OF PROPOSED DEVELOPMENT**

Detached Dwelling Single Storey and Garage

*In respect of this proposed development you are informed that:*

NATURE OF DECISION	DECISION	DATE OF DECISION	NUMBER OF CONDITIONS
Provisional Development Plan Consent	Granted	10/11/2005	7
Provisional Building Rules Consent	Granted (by Private Certifier)	12/01/2006	1
<b>DEVELOPMENT APPROVAL</b>	Granted	17/01/2006	8

The building classification under the Building Code is Class 1A & 10A.

Conditions imposed on this consent and the reasons for imposing those conditions are set out in the attached sheet(s). Important information that may affect this consent can also be found under 'NOTES' and on the back of this page.



ADMINISTRATION CENTRE:  
245 STURT ROAD  
STURT S.A. 5047

POSTAL ADDRESS  
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OAKLANDS PARK S.A. 5046

OFFICE HOURS:  
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TELEPHONE (08) 8375 6600  
FACSIMILE (08) 8375 6699  
EMAIL: council@marion.sa.gov.au  
www.marion.sa.gov.au

**DEVELOPMENT APPLICATION NUMBER:** 100/925/2005  
**APPLICANT:** Oakford Homes  
**LOCATION:** 53 Elizabeth Crescent Hallett Cove 5158  
LOT: 141 DP: 68409 CT: 5952/265  
**DESCRIPTION OF DEVELOPMENT:** Detached Dwelling Single Storey and Garage  
**DECISION:** Development Approval Granted  
**DATE OF DECISION:** 17/01/2006

#### PROVISIONAL DEVELOPMENT PLAN CONSENT

GRANTED

##### Reasons For Decision:

Consent is granted as the proposed development is considered to accord sufficiently with the provisions of the Development Plan.

The following conditions have been imposed to reasonably ensure that the development will not impair the orderly and proper planning of the locality or detrimentally affect the amenity of the locality, having particular regard to the Objectives and Principles of Development Control applicable to such a use in the locality.

##### Conditions of Consent:

- (1) The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No.100/925/2005 except when varied by the following conditions of consent.
- (2) Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
- (3) All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
- (4) Measures to prevent silt and mud from vehicle tyres and machinery being transported onto the road shall be installed and maintained at all times during the construction phase of the development, to the reasonable satisfaction of the Council. (A suggested measure is to install a gravelled construction exit with wash down facilities).





ADMINISTRATION CENTRE  
245 STURT ROAD  
STURT S.A. 5047

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FACSIMILE (08) 8375 6699  
EMAIL [council@marion.sa.gov.au](mailto:council@marion.sa.gov.au)  
[www.marion.sa.gov.au](http://www.marion.sa.gov.au)

- (5) All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
- (6) The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- (7) Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

#### PROVISIONAL BUILDING RULES CONSENT

##### GRANTED

##### Conditions of Consent:

Please refer to the attached copy of your Private Certifier's Provisional Building Rules Consent for Conditions of Consent (if applicable).

##### NOTES:

##### General:

- (1) The applicant is reminded that Development Approval from the Council is required for any retaining wall over one metre in height, any masonry fence over one metre in height, any non-masonry fence (eg colorbond, wood paling, brush etc) over two metres in height, and any retaining wall with a fence on top with a total height over 2m in height (measured from the lower of the two adjacent ground levels).
- (2) Council encourages the installation and use of rainwater tanks to support domestic water needs.



ADMINISTRATION CENTRE:  
245 STURT ROAD  
STURT S.A. 5047

POSTAL ADDRESS  
PO BOX 21  
OAKLANDS PARK S.A. 5046

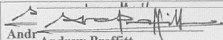
OFFICE HOURS:  
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TELEPHONE (08) 8375 6600  
FACSIMILE (08) 8375 6699  
EMAIL: council@marion.sa.gov.au  
www.marion.sa.gov.au

Appeal Rights:

- (1) If you are not satisfied with this decision, there may be a right of appeal to you. Applicants have the right to appeal against a refusal or the imposition of any conditions or requirements on any consent issued, unless the application was for a non-complying kind of development. An appeal by an applicant must be lodged within two (2) months of receiving notice of the decision. Where Category Three public notification was involved, persons who lodged written representations during the formal consultation period, have the right to appeal against any decision made on that application. An appeal by a third party must be lodged within fifteen (15) business days of the date of the decision. All appeals are lodged with the Environment, Resources and Development Court, Sir Samuel Way Building, Victoria Square, Adelaide, telephone: 8204 0300.

Approval Timeframes:

- (1) The proposed development must:
- be substantially commenced within twelve months from the date full Development Approval is granted; and
  - be completed within three years of full Development Approval being granted
- noting that the operative date of any consent or approval, is subject to any appeal where applicable being finally determined.

Signed:	 Andrew Proffitt Authorised Officer
Date:	17 / 1 / 06

Cc:

JEREMY CUTHBERTSON & BELINDA PEAKE  
7 ELURA AVENUE  
SHELDON PARK SA 5158

Reference No: PC27388

**DECISION NOTIFICATION FORM**

For Development Application : Dated : Development No: 100/25/2005  
Registered On :

To: OAKFORD HOMES  
PO BOX 219  
GLENSIDE 5065

**LOCATION OF PROPOSED DEVELOPMENT:**

House No: Lnt No: 141 Street: ELIZABETH CRESCENT Suburb: HALLETT COVE  
Section No: Hundred: Volume: Folio:

**NATURE OF PROPOSED DEVELOPMENT**

DWELLING AND GARAGE


In respect of this proposed development you are informed that:

NATURE OF CONSENT	CONSENT GRANTED	NUMBER OF CONDITIONS	CONSENT REFUSED
PROVISIONAL DEVELOPMENT PLAN CONSENT	----	----	----
PROVISIONAL BUILDING RULES CONSENT	12/1/06	1	----
LAND DIVISION (TORRENS / STRATA)	----	----	----
PUBLIC SPACE	N/A	----	----
OTHER	N/A	----	----
DEVELOPMENT APPROVAL	----	* See notes	----

If applicable, the details of the building classification and the approved number of occupants under the Building Code are attached.

If there were third party representations, any consent/approval or consent/approval with conditions does not operate until the periods specified in the Act have expired. Reasons for this decision, any conditions imposed and the reasons for imposing those conditions are set out on the attached sheet.

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Notification Form, you must not start any site works or building work or change the use of land until you have also received notification of a Development Approval.

Signed:  ( ) Development Assessment Commission or Delegate  
( ) Council Chief Executive Officer or Delegate  
(\*) Private Certifier (L11)  
(3) Sheets Attached

Date: 12 January, 2006

16 JAN 2006

RECEIVED

IAN DODD Director  
PETER HARMER Director  
VIC EARONE Appointee

20 Greenhill Road  
Wayville SA 5034  
Postal PO Box 109  
Goodwood SA 5034

Telephone 08 8273 0888  
Facsimile 08 8273 0800  
admin@katnichdodd.com.au  
www.katnichdodd.com.au



KATNICH DODD



PC27388

DEVELOPMENT ACT, 1993  
SECTION 42  
CONDITIONS OF PROVISIONAL BUILDING RULES CONSENT

BUILDING WORK:	DWELLING AND GARAGE
SITE ADDRESS:	LOT 141 ELIZABETH CRESCENT HALLET COVE
APPLICANT:	OAKFORD HOMES
OWNER:	J. CUTHBERTSON & G. PEAKE
CLASSIFICATION:	1a & 10a
DEVELOPMENT NO:	100/925/2005

**CONDITION(S)**

1. The roof trusses for the sheet roof shall be:
  - a proprietary product designed using independently certified software\*\* and manufactured by a licensed manufacturer to the provisions of AS1720.1 and AS1649, and
  - erected, installed and braced in accordance with AS4440 and the manufacturer's specification, and details of the truss designs shall be submitted to the satisfaction of the certifier prior to such work being commenced.

\*\*NOTE: The proprietary software and design aids shall be the subject of a certificate from an independent technical expert in accordance with Regulations 85 and 88 certifying that they comply with the provisions of Parts B1 and P2.1 of Volumes 1 & 2 of the Building Code of Australia. (If applicable) any trusses falling outside of the scope of the certified program shall be separately certified pursuant to Regulation 88.

BCA-P2.1

**Notes**

This consent is issued on the understanding that the stairs and balustrade will be manufactured and installed by "Top Stairs and Staff" to their design and in accordance with BCA 3.9.1 & 3.9.2 of the Building Code of Australia. If there is any change to this arrangement an amended consent will be required. Treads shall have a non-slip finish or a suitable non-skid strip near the edge of the nosings.

This consent is issued on the understanding that the proprietary type materials and products as specified either on the architectural plans or specification are to be selected and installed in accordance with the manufacturers recommendations and relevant standards.

The following energy efficiency construction requirements shall be complied with

- Reflective insulation and bulk insulation shall comply with BCA Part 3.12 and 3.12.1.1
- The glazing system shall have the performance characteristics (U-Value/SHGC) required by BCA Table 3.12.2.1 for single clear glass.
- The hot water supply system shall comply with Section 8 of AS/NZS 3500.4 or Clause 3.38 of AS/NZS 3500.5.

Set-off dimensions shall be from the allotment boundaries and not necessarily the fence lines.

The owner of the site is advised that a retaining wall will be required on the boundary to retain any cut or fill.

For building work prescribed in regulation 75, the building owner, must, at least 28 days before the building work is commenced cause to be served on the owner of the affected land or premises a notice of intention to perform the building work and the nature of that work, as required by Section 60.

The retaining wall less than 1000 mm high on the site boundary is pursuant to Schedule 3 deemed not to be development however under the provisions of Section 60 and Regulation 75 the associated excavation/ filling is deemed to be building work which affects the stability of the adjoining land and requires notice to be served on the adjoining owner.

Sleepers used in the construction of the retaining walls shall be:

- If timber, designed in accordance with AS 1720, of the correct durability class for timber in contact with the ground and resistant to termite attack, and
- If concrete, designed and detailed in accordance with AS 3600 Concrete Structure Code.

The person proposing to undertake building work on land (or who is in charge of such work) is warned of their obligation to give the Council notice at stages prescribed in Regulation 74.

A person must not occupy a Class 1a building under the Building Code (or an addition to a Class 1a building) that has been completed in accordance with the development authorisation insofar as it relates to the performance of building work unless it complies with the requirements prescribed in Regulation 83A.

Regulation 83AB requires a *Statement of Compliance* for Class 1a buildings to be provided upon completion to the relevant authority by the licensed building work contractor who has carried out the relevant work, or who was in charge of carrying out the relevant work, to which the statement relates (or if there is no such licensed building work contractor- a registered building work supervisor or private certifier) all in accordance with the attached pro-forma, which must also be signed by the owner of the relevant land, or by someone acting on his or her behalf.

All steelwork, including wall ties and lintels in the masonry and metal bracing and tie downs shall be protected against corrosion in accordance with AS1684 and AS3700 if the dwelling is within 10 kilometres of a surf coast (note AS3700 requires the use of stainless steel masonry wall ties, M4 mortar and lintels to durability class R4 where within 1km of a surf coast).

The location, design and capacity of the stormwater discharge at the property alignment should be approved by council prior to siteworks commencing. The drainage system should be completed by the finish of construction of the building. (Clause 5.5.3 of AS 2870)

The method of stormwater disposal must not result in the entry of water into any building or on to the land of any adjoining owner without their consent.

AS3660.1- 'Termite Management - New Building Work', sets out methods for minimising the risk to new buildings from damage to their structural members by subterranean termites by deterring concealed entry by termites from the soil to the building. A termite barrier system constructed in accordance with this standard can not prevent termite attack, as barriers may be bridged or breached. Where termites bridge barriers the evidence may be detected during inspections which need to be carried out at intervals not exceeding 12 months to reduce the risk of termite damage. A durable notice shall be permanently fixed to the building in a prominent location such as a meter box or the like indicating the method of protection; and the date of installation of the system; and where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and the need to maintain and inspect the system on a regular basis.

Building work adjacent to a property boundary and/or existing structure is proposed and this may compromise the effectiveness of the termite barrier. Documentation on the limitations of the termite barrier installed in this regard should be provided to the building owner.

The roof trusses shall be stored, erected, installed and braced in accordance with AS4440, the manufacturers specifications and good trade practice. Particular attention should be paid to the co-ordination of trades to ensure that chord and web restraints are provided in accordance with the truss design parameters and the top and bottom chords are braced in accordance with AS4440 and the manufacturers specifications

The design software used in the design of the trusses should be certified by an independent technical expert in accordance with Regulations 85 & 86 as complying with the provisions of Part 2.1 of the BCA.

It is recommended that regular inspection of the roof trusses, particularly at high load areas such as girdar trusses, are conducted by a suitably qualified person as per Workplace Services Hazard Alert, July 2002.

All timbers exposed to the weather or in contact with the ground shall be durability class 1 or 2 (AS1720) or shall be adequately treated with preservative (AS1604). All nails used for framing anchor and straps

shall be corrosion protected. Nails used in joints that are continuously damp or exposed to the weather shall be hot-dip galvanised, stainless steel or monel metal.

The assessment of the timber framing has been based on the understanding that the timber to be used for all structural elements has a minimum joint strength group of J4 or JD4.

The footings have not been designed to take into account the effect of existing trees or planted trees located within a distance less than their zone of influence from the building whether they are on or outside of the allotment. If clarification is required, refer to the footing construction report or seek advice from the engineer.

The footings have only been checked for compliance with the minimum allowable requirements prescribed in AS2870. The owner is advised to refer to the footing construction report or seek advice from the engineer in this matter.

The owners attention should be drawn to Appendix B of AS 2870 'Performance Requirements and Foundation Maintenance'

Particular care should be exercised to ensure that the plumbing and perimeter paving is installed in accordance with the requirements of AS 2870 and engineers details.

The articulation or control joints in the masonry walls shall be installed in accordance with the Site Investigation and Footing Construction Report.

Wet area details including floor grades, set-downs and water resistant surfaces shall comply with Minister's Specification SA F1-7-2004 & AS3740 Waterproofing of wet areas within residential buildings; including provision of drainage flanges.

All glazing shall be glazed in accordance with AS1288-1994, including safety glass for full height windows, glazed doors, side panels and windows located over or adjacent to a bath/shower.

This report does not imply compliance with the Electricity Act, 1996 as amended or the regulations there-under. It is the responsibility of the owner and the person erecting the building to ensure compliance with same.

**Katnich Dodd**  
Building Surveyors

**Peter Harmer**  
12 January, 2006

## DECISION NOTIFICATION FORM

### DEVELOPMENT ACT 1993

**TO:**



Pergolas Of Distinction  
22-26 Delray Avenue  
HOLDEN HILL SA 5088

**DEVELOPMENT APPLICATION**

**NUMBER:** 100/1875/2011

**DATED:** 10/10/2011

**REGISTERED ON:** 10/10/2011

#### LOCATION OF PROPOSED DEVELOPMENT

53 Elizabeth Crescent HALLETT COVE 5158  
Lot: 141 DP: 68409 CT: 5952/265

#### DESCRIPTION OF PROPOSED DEVELOPMENT

Dwelling Addition - Verandah

*In respect of this proposed development you are informed that:*

NATURE OF DECISION	DECISION	DATE OF DECISION	NUMBER OF CONDITIONS
Development Plan Consent	Granted	12/10/2011	4
Building Rules Consent	Granted (by Council)	26/10/2011	2
<b>DEVELOPMENT APPROVAL</b>	Granted	26/10/2011	6

The building classification under the Building Code is Class 10A.

Conditions imposed on this consent and the reasons for imposing those conditions are set out in the attached sheet(s). Important information that may affect this consent can also be found under 'NOTES' and on the back of this sheet.

**DEVELOPMENT APPLICATION NUMBER:** 100/1875/2011  
**APPLICANT:** Pergolas Of Distinction  
**LOCATION:** 53 Elizabeth Crescent HALLETT COVE 5158  
Lot: 141 DP: 68409 CT: 5952/265  
**DESCRIPTION OF DEVELOPMENT:** Dwelling Addition - Verandah  
**DECISION:** Development Approval Granted  
**DATE OF DECISION:** 26/10/2011

## DEVELOPMENT PLAN CONSENT

### GRANTED

#### Reasons For Decision:

Consent is granted as the proposed development is considered to accord sufficiently with the provisions of the Development Plan.

The following conditions have been imposed to reasonably ensure that the development will not impair the orderly and proper planning of the locality or detrimentally affect the amenity of the locality, having particular regard to the Objectives and Principles of Development Control applicable to such a use in the locality.

#### Conditions of Consent:

- (1) The development shall be constructed and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/1875/2011 except when varied by the following conditions of consent.
- (2) The structure shall not be enclosed on any side with any solid material, roller door, or the like at any time unless the further development approval of the Council is obtained.
- (3) The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- (4) Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.



## **BUILDING RULES CONSENT**

**GRANTED**

### Conditions of Consent:

- (1) The structure shall be constructed in accordance with the manufacturers certified design for the relevant wind speed, and shall be securely braced and tied to the footings.
- (2) All roof tie downs and fixings details shall be for a wind speed of 41m/s

### **NOTES:**

#### General:

nil

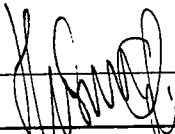
#### Appeal Rights:

- (1) If you are not satisfied with this decision, there may be a right of appeal to you. Applicants have the right to appeal against a refusal or the imposition of any conditions or requirements on any consent issued, unless the application was for a non-complying kind of development. An appeal by an applicant must be lodged within two (2) months of receiving notice of the decision. Where Category Three public notification was involved, persons who lodged written representations during the formal consultation period, have the right to appeal against any decision made on that application. An appeal by a third party must be lodged within fifteen (15) business days of the date of the decision. All appeals are lodged with the Environment, Resources and Development Court, Sir Samuel Way Building, Victoria Square, Adelaide, telephone: 8204 0300.

Approval Timeframes:

(1) The proposed development must:

- be substantially commenced within twelve months from the date full Development Approval is granted; and
- be completed within three years of full Development Approval being granted noting that the operative date of any consent or approval, is subject to any appeal where applicable being finally determined.

<b>Signed:</b>	 <b>How Seng Su</b> <b>Authorised Officer</b>
<b>Date:</b>	26 / 10 / 2011

Cc:

Jeremy Jay Cuthbertson  
53 Elizabeth Crescent  
HALLETT COVE SA 5158

Series No.	8425749
Prefix	AG



NOTES

1. Title **8425749A**



**LANDS TITLES REGISTRATION  
OFFICE  
SOUTH AUSTRALIA**

FORM APPROVED BY THE REGISTRAR-GENERAL

CERTIFIED CORRECT FOR THE PURPOSES  
OF THE REAL PROPERTY ACT 1986

*Stuart Main*  
Solicitor/Licensed Land Broker/Applicant  
**STUART MAIN**

**BELOW THIS LINE FOR OFFICE USE ONLY**

Date <b>14 JAN 1998</b>	Time <b>14:35</b>		
<b>FEES</b>			
R.G.O.	POSTAGE	ADVERT	NEW C.T.
<b>76.</b>			

*EF 76*

**9 MAR 1998**

*PU 840/751*  
*BC 6/2*

25	EXAMINATION	373
CORRECTION <b>28-2-98</b>		PASSED <i>[Signature]</i>

**BELOW THIS LINE FOR AGENT USE ONLY**

Lodged by: **JOHN TRELOAR** AGENT CODE

Correction to: **MAEY**

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

1. **4083/839 (5308/220)** ✓
2. **4083/839** ✓
3. ....
4. ....
5. ....

Assessor *[Signature]*

PLEASE ISSUE NEW CERTIFICATES OF TITLE AS FOLLOWS

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

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

ITEM CODE REF.	AGENT CODE
<b>3304/220</b>	<b>MAEY</b>
<b>4083/839</b>	

SPSA 003353

©

REGISTERED 12 MAR 1998  
...../...../19

*Deputy Registrar*

REGISTRAR-GENERAL

DATED 1<sup>st</sup> DECEMBER 1997

BETWEEN:

CITY OF MARION

of the one part

and

PERRY BARR PTY LTD  
(ACN 007 583 691) and  
WOODEND PARK PTY LTD  
(ACN 007 583 717)

of the other part

LAND MANAGEMENT AGREEMENT

BY

DEED

Stuart Main and Associates  
6th Floor, 111 Gawler Place  
Adelaide SA 5000  
Telephone: (08) 8410 4991  
Facsimile: (08) 8231 4239

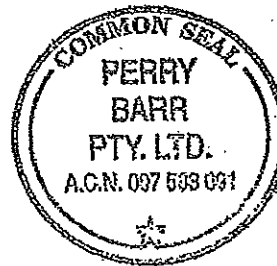
0603BAZS  
28/07/97  
smm/oo

9 of 9



THE COMMON SEAL of the said )  
PERRY BARR PTY LTD )  
was hereunto affixed )  
in the presence of: )

X JEW *[Signature]*  
.....  
*[Signature]*  
.....



THE COMMON SEAL of the said )  
WOODEND PARK PTY LTD )  
was hereunto affixed )  
in the presence of: )

X JEW *[Signature]*  
.....  
*[Signature]*  
.....



The Owners HEREBY CERTIFY pursuant to Section 57(4) of the Development Act 1993 that no other person has a legal interest in the subject land.

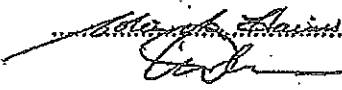
*[Signature]*  
.....  
for PERRY BARR PTY LTD

*[Signature]*  
.....  
for WOODEND PARK PTY LTD

- 3.10 The Owner hereby indemnifies the Council and agrees to keep it forever indemnified in respect of the whole of its costs and expenses of and incidental to the negotiation preparation stamping and registration of this Deed and the implementation including the enforcement of its terms.
- 3.11 The requirements of this Deed are at all times to be construed as additional to the requirements of the Development Act, 1993 and any other legislation affecting the subject land.
- 3.12 Each party shall do and execute all such acts documents and things as shall be necessary to ensure that this Deed is noted against the Certificates of Title for the Residential Superlots pursuant to the provisions of Section 57(5) of the Development Act 1993 in priority to any other registrable interest in the subject land save and except for the estate and interest of the Owner therein.
- 3.13 If the development approvals proposed to be granted by the Council with respect to the Proposal Plan or the residential lots cease to operate pursuant to Section 40(2) of the Act or are cancelled pursuant to Section 43 of the Act then in either event the Council shall upon the request of the Owner and at the cost of the Owner in all things execute and lodge with the Registrar-General an application to rescind this Deed.
- 3.14 The Council shall use its best endeavours to expeditiously prepare a Plan Amendment Report (or vary an existing Plan Amendment Report) to amend the provisions of the Council Development Plan relating to complying development within the Residential (Worthing Mine) Zone.
- 3.15 After authorisation of the Plan Amendment Report referred to in Clause 3.14 hereof the Council shall upon the request of the Owners and at the cost of the Owners in all things execute and lodge with the Registrar General an application to rescind this Deed.

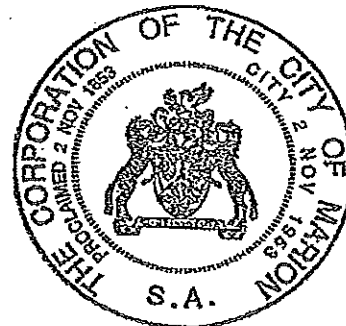
IN WITNESS whereof the parties hereto have executed this Deed.

THE COMMON SEAL of  
the CITY OF MARION  
was hereunto affixed  
in the presence of:

  
.....  
.....

Mayor

City Manager



06038AZS  
25/07/97  
smm/cc

7 of 9



- 3.2 The Council and any employee or agent of the Council authorised by the Council may at any reasonable time enter the Residential Superlots or residential lots for the purpose of:
- 3.2.1 inspecting the Residential Superlots or residential lots and any building or structure thereupon;
  - 3.2.2 exercising any other powers of the Council under this Deed or pursuant to law.
- 3.3 If the Owners are in breach of any provision of this Deed, the Council may, by notice in writing serviced on the Owners, specify the nature of the breach and require the Owners to remedy the breach within such time as may be nominated by the Council in the notice (being not less than twenty eight (28) days from the date of service of the notice) and if the Owners fail so to remedy the breach, the Council or its servants or agents may carry out the requirements of the notice and in doing so may enter and perform any necessary works upon the Residential Superlots or residential lots and recover any costs thereby incurred from the Owners.
- 3.4 If in a notice referred to in Clause 3.3 hereon the Council requires the removal of a building or structure from the Residential Superlots or residential lots the Council and its servants or agents are hereby authorised and empowered by the Owners to enter and remove the building or structure from the Residential Superlots or residential lots and to dispose of it in any manner determined by the Council provided that if the building or structure shall have any monetary value then the Council shall use its best endeavours to realise that monetary value and shall after the disposal account to the Owners and pay to them the realised value less all expenses incurred.
- 3.5 This Deed may not be varied except by a supplementary deed signed by the Council and the Owners.
- 3.6 The Council may waive compliance by the Owners with the whole or any part of the obligations on the Owners' part herein contained provided that no such waiver shall be effective unless expressed in writing and signed by the Council.
- 3.7 This Deed contains the whole agreement between the parties in respect of the matters referred to herein.
- 3.8 Notice shall for the purposes of this Deed be properly served on the Owners if it is:
- 3.8.1 posted to the Owners' last address known to the Council; or
  - 3.8.2 affixed in a prominent position on the relevant Residential Superlots or residential lots.
- 3.9 The Council may delegate any of its powers under this Deed to any person pursuant to Division V of Part III of the Local Government Act 1934 or pursuant to the Act.

dwellings for at least two hours between 9:00am and 3:00pm on 21 June.

2.2.8 Development should be designed so that as much stormwater as possible is retained on the development site through the application of an appropriate range of the following techniques:

- (a) the collection of roof run-off in rainwater tanks;
- (b) the use of rainwater for domestic purposes;
- (c) the direction of roof run-off onto garden areas; and
- (d) the design of paved areas so that stormwater is directed onto garden areas.

2.2.9 Each dwelling should have provision for car parking on the site of the dwelling at the rate of not less than 0.5 spaces per bedroom (or room that may be used as a bedroom) plus 0.5 spaces per dwelling. Where a second car park is provided in a tandem arrangement on a driveway, then the driveway gradient should be not more than 1-in-10.

2.2.10 The frontage of a dwelling, other than the driveway area should be landscaped to the reasonable satisfaction of the Council within 6 months of the occupation of the dwelling. Landscaping may comprise a combination of vegetation and paved surfaces, however paving should not constitute more than half of the area between the site frontage and the forward-most building alignment of a dwelling. Driveway width should not exceed 50 percent of the frontage of the site.

2.2.11 Development should seek to preserve and maintain existing mature vegetation, and in particular, vegetation which provides a screening effect between sites shall only be removed or cut back to facilitate the establishment of buildings that otherwise comply with the terms of this Deed..

### 3. Miscellaneous Provisions

3.1 The Owners shall not grant any lease or licence easement or other right of any nature whatsoever which may give any person the right to possession or control or entry upon the Residential Superlots or residential lots upon any terms whatsoever unless such grant shall be expressed in writing and shall contain as an essential term thereof a covenant by the grantee not to do or omit to do or suffer or permit any other person to do or omit to do any act matter or thing upon the Residential Superlots or residential lots which would constitute a breach of the provisions of this Deed if such act matter or thing were done or omitted to be done by the Owners.

by four metres should be provided immediately adjacent to that northern boundary.

A northern boundary is defined as any site boundary having a bearing of between 45 degrees and 135 degrees of true north and located at the northern extremity of the site.

2.2.3 Up to 15 metres of side walls of single-storey dwellings may be located on one side boundary of a site, provided that:

- (a) the side wall is not higher than 3.5 metres above natural ground level;
- (b) the gradient of the natural surface level of the site is less than 1-in-10 in any direction; and
- (c) the set-back to the other side boundary is a minimum of one metre.

2.2.4 Open-sided carports, verandahs and pergolas which require development approval may be located on one side boundary of a site, provided that the structure does not exceed three metres in height on the boundary.

2.2.5 Development should be designed to relate to the slope of the land, so that:

- (a) the amount of cutting and filling of the natural ground profile is minimised; and
- (b) the need for retaining walls is avoided, or the height of retaining walls is minimised.

2.2.6 Development should be designed to minimise energy use for heating, cooling and lighting through the application of an appropriate range of the following techniques:

- (a) use of windows to maximise absorption of heat from the sun in winter on north and east building surfaces;
- (b) use of deciduous trees, pergolas, verandahs and awnings to allow penetration of heat from the sun in winter yet provide shade in summer;
- (c) avoidance of large windows on south and west facing building surfaces, other than in buildings which can take advantage of views; and
- (d) avoidance of overshadowing of windows on the north and east faces of neighbouring buildings, and surfaces used for the collection of solar energy.

2.2.7 Development should be sited so that sunlight is available to the northern facade of the development and any adjacent existing

- (e) Words importing the singular number or plural number shall be deemed to include the plural number and the singular number respectively.
  - (f) Words importing any gender shall include every gender.
  - (g) Where two or more persons are bound hereunder to observe or perform any obligation or agreement whether express or implied then they shall be bound jointly and each of them severally.
  - (h) Any clause headings or marginal notes are for reference purposes only and shall not be resorted to in the interpretation of this Deed.
- 1.3 If any provision of this Deed shall be found by a court of competent jurisdiction to be invalid or unenforceable in law THEN and in such case the parties hereby request and direct such court to sever such provision from this Deed.
- 1.4 The law governing the interpretation and implementation of the provisions of this Deed shall be the law of South Australia.

## 2. The Owner's Obligations

- 2.1 This Deed is conditional upon the Registrar General depositing a plan of division in the Lands Titles Registration Office pursuant to Section 223 I e of the Real Property Act 1886 in essentially the same form as the Proposal Plan and the Council granting an effective development approval for the creation of the residential lots.
- 2.2 In respect of a residential lot, the Owners shall not undertake development of a kind described as complying in the Council Development Plan without the prior written consent of the Council unless such development meets the following criteria, where relevant:
- 2.2.1 To ensure a reasonable separation between dwellings and to minimise the potential for overshadowing of adjacent dwellings, the following boundary set-backs apply:
- (a) single-storey development, or single-storey components of a development, should be located no less than one metre from side (unless located on the boundary) and rear boundaries; and
  - (b) two-storey development, or two-storey components of a development, should be located no less than three metres from side and rear boundaries.
- 2.2.2 To allow maximum access to solar energy the minimum set-back of a dwelling from its northern boundary should be three metres, unless the building form does not permit a three metre set-back (as may be the case for semi-detached dwellings), in which case, a courtyard capable of containing a rectangle of six metres

- G. The parties wish to manage the quality and design of development on the residential lots, where such development is complying development pursuant to the Act, by introducing further conditions which must be satisfied by such development in addition to the conditions applicable to complying kinds of development.
- H. Pursuant to the provisions of Section 57(2) of the Act and generally the Owners have offered to enter into this Deed with the Council relating to the management preservation and conservation of the Residential Superlots.
- I. This is intended to be an interim measure until improved management of the residential lots can be effected by a Plan Amendment Report prepared by the Council pursuant to the Act to amend the provisions of the Council Development Plan relating to complying development within the Residential (Worthing Mine) Zone.
- J. No other persons have a legal interest in the Residential Superlots.

NOW THIS DEED WITNESSETH as follows:

1. Interpretation

- 1.1 The parties acknowledge that the matters hereinbefore recited are true and accurate and agree that they shall form part of the terms of this Deed.
- 1.2 In the interpretation of this Deed unless the context shall otherwise require or admit:
- (a) Words and phrases used in this Deed which are defined in the Act shall have the meanings ascribed to them by that Act.
  - (b) References to any statute or subordinate legislation shall include all statutes and subordinate legislation amending consolidating or replacing the statute or subordinate legislation referred to.
  - (c) The term "the Owners" where the Owners include a company includes its successors, assigns and transferees and where the Owners include a person, includes his heirs, executors, administrators and transferees and where the Owners consists of more than one person or company the term includes each and every one or more of such persons or companies jointly and each of them severally and their respective successors, assigns, heirs, executors, administrators and transferees of the companies or persons being registered or entitled to be registered as the proprietor of an estate in fee simple in the Residential Superlots subject however to such encumbrances, liens and interests as are registered and notified by memoranda endorsed on the Title thereof.
  - (d) The term "person" shall include a corporate body.

THIS DEED is made the 1<sup>st</sup> day of DECEMBER 1997.

**BETWEEN:** CITY OF MARION of 245 Sturt Road, Sturt SA 5047 in the State of South Australia (hereinafter with its successors and assigns called "the Council") on the one part.

**AND:** PERRY BARR PTY LTD (ACN 007 583 691) and WOODEND PARK PTY LTD (ACN 007 583 717) both of 68 Greenhill Road, Wayville SA 5034 in the said State (hereinafter with their executors administrators successors and assigns as the case may be called "the Owners") of the other part.

**WHEREAS:**

- A. PERRY BARR PTY LTD is the registered proprietor of an estate in fee simple in the whole of the land comprised in Certificate of Title Register Book:

VOLUME 1699 FOLIO 126  
VOLUME 4083 FOLIO 840  
VOLUME 4308 FOLIO 479  
VOLUME 4345 FOLIO 16  
VOLUME 5304 FOLIO 220

Stamp Duty Paid \$10.00  
Transfer Fee (Cap 1 of 1)  
12/12/97 15:24:11 17/997.1

- B. WOODEND PARK PTY LTD is the registered proprietor of an estate in fee simple in the whole of the land comprised in Certificate of Title Register Book:

VOLUME 4080 FOLIO 944  
VOLUME 4371 FOLIO 605  
VOLUME 4371 FOLIO 606  
VOLUME 4384 FOLIO 344

- C. The Owners have jointly applied to the Council for approval pursuant to the Development Act 1993 (hereinafter called "the Act") to divide the land referred to in Recitals A and B which land is contiguous and together constitutes a single development parcel (hereinafter called "the land").
- D. By development application numbered 100/D035/96 the Owners have sought approval to divide the land into 13 lots (hereinafter called "Superlots" 1 to 13 respectively) the boundaries of which are related to the relevant land use zone boundaries designated in the Council Development Plan. A reduced copy of the plan of division the subject of this application is annexed hereto (hereinafter called "the Proposal Plan").
- E. By a second development application numbered 100/D036/96 the Owners have sought approval to divide Superlots 1, 2, 4, 5 and 7 (hereinafter called "the Residential Superlots"), which correspond with the Residential (Worthing Mine) Zone, into a total of 1317 residential allotments (hereinafter called "the residential lots").
- F. The parties acknowledge that certain kinds of development within the Residential (Worthing Mine) Zone are listed as a complying kind of development pursuant to the provisions of the Council Development Plan.

0603BAZS  
28/07/97  
smm/cc

1 of 9

277 William Street  
Melbourne Vic 3000  
Tel: (03) 9627 1260

signed in my presence by

*Robert Scott Waters*  
*Legal Assistant*

or  
who is either personally known to  
me or has satisfied me as to his/  
her identity as attorney(s) for  
Westpac Banking Corporation

WESTPAC BANKING CORPORATION  
ARBN 007 457 141  
by its attorney(s)

Power of Attorney No.

*7737419A*

FULL NAME:

ADDRESS:

BUSINESS PHONE:

277 William Street  
Melbourne Vic 3000  
Tel: (03) 9627 1260

JONATHAN SCOTT WATERS  
LEGAL ASSISTANT

## APPLICATION TO NOTE LAND MANAGEMENT AGREEMENT

(Pursuant to Section 57(5) of the Development Act 1993)

To the Registrar General:

1. PERRY BARR PTY LTD (ACN 007 583 691) and WOODEND PARK PTY LTD (ACN 007 583 717) ("the Owners") both of 68 Greenhill Road, Wayville SA 5034 have entered into the attached Land Management Agreement dated the First day of December 1997 ("the Agreement") with CITY OF MARION of 245 Sturt Road, Sturt SA 5047 pursuant to Section 57(2) of the Development Act 1993 ("the Act").
2. The Agreement relates to the management preservation and conservation of portion of the land comprised in Certificate of Title Register Book:

VOLUME 1699 FOLIO 126:

VOLUME 4083 FOLIO 840

VOLUME 4308 FOLIO 479 ✓

VOLUME 5304 FOLIO 220 ✓

VOLUME 5428 FOLIO 797 (formerly  
Volume 4345 Folio 16)

VOLUME 4080 FOLIO 944

VOLUME 4384 FOLIO 344

VOLUME 5409 FOLIO 384 (formerly

Volume 4371 Folio 606)

VOLUME 5409 FOLIO 765 (formerly

Volume 4371 Folio 605)

being Lot 500 in DP 48858 (formerly Lot 1 in the Proposal Plan annexed to the Agreement)  
and Lots 2, 4, 5 and 7 in the Proposal Plan annexed to the Agreement  
("the land").

NOW THEREFORE the Owners apply pursuant to Section 57(5) of the Act to note the agreement against the relevant instruments of title of the land namely the certificates of title to issue for Lots 500, 501, 502, 504 and 505 in Deposited Plan 48858 and the certificates of title contained in VOLUME 4308 FOLIO 479 and VOLUME 5304 FOLIO 220 of the Register Book.

Dated the 1st day of December 1997.

NOW WHOLE OF THE LAND IS  
OT VOL. 5499 FOL 954

THE COMMON SEAL of the said  
PERRY BARR PTY LTD  
was hereunto affixed  
in the presence of:

*[Signature]*  
Director/Secretary  
*[Signature]*  
Director



THE COMMON SEAL of the said  
WOODEND PARK PTY LTD  
was hereunto affixed  
in the presence of:

*[Signature]*  
Director/Secretary  
*[Signature]*  
Director



855  
956  
958  
959





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: 2519427

DUNCAN SANDE & ASSOCIATES  
POST OFFICE BOX 3033  
NORWOOD SA 5067

## DATE OF ISSUE

14/11/2023

## ENQUIRIES:

Tel: (08) 8226 3750

Email: revsaesl@sa.gov.au

## OWNERSHIP NUMBER

13798920

## OWNERSHIP NAME

J J & B G CUTHBERTSON

## PROPERTY DESCRIPTION

53 ELIZABETH CRES / HALLETT COVE SA 5158 / LT 141 D68409

## ASSESSMENT NUMBER

1058629455

## TITLE REF.

(A "+" indicates multiple titles)

CT 5952/265

## CAPITAL VALUE

\$840,000.00

## AREA / FACTOR

R4  
1.000

## LAND USE / FACTOR

RE  
0.400

## LEVY DETAILS:

## FINANCIAL YEAR

2023-2024

## FIXED CHARGE

## + VARIABLE CHARGE

## - REMISSION

## - CONCESSION

## + ARREARS / - PAYMENTS

## = AMOUNT PAYABLE

\$ 50.00  
\$ 340.00  
\$ 269.80  
\$ 46.00  
\$ -74.20  
\$ 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

12/02/2024



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](http://www.revenuesa.sa.gov.au)  
Email: [revsupport@sa.gov.au](mailto: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](http://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: 2519427

**DATE OF ISSUE**

14/11/2023

DUNCAN SANDE & ASSOCIATES  
POST OFFICE BOX 3033  
NORWOOD SA 5067

**ENQUIRIES:**

Tel: (08) 8226 3750

Email: landtax@sa.gov.au

**OWNERSHIP NAME**

J J &amp; B G CUTHBERTSON

**FINANCIAL YEAR**

2023-2024

**PROPERTY DESCRIPTION**

53 ELIZABETH CRES / HALLETT COVE SA 5158 / LT 141 D68409

**ASSESSMENT NUMBER**

1058629455

**TITLE REF.**

(A "+" indicates multiple titles)

CT 5952/265

**TAXABLE SITE VALUE**

\$360,000.00

**AREA**

0.0578 HA

**DETAILS OF THE LAND TAX PAYABLE FOR THE ABOVE PARCEL OF LAND:**

<b>CURRENT TAX</b>	\$	0.00	<b>SINGLE HOLDING</b>	\$	0.00
<b>- DEDUCTIONS</b>	\$	0.00			
<b>+ ARREARS</b>	\$	0.00			
<b>- PAYMENTS</b>	\$	0.00			
<b>= <u>AMOUNT PAYABLE</u></b>	\$	<b>0.00</b>			

**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****12/02/2024****Government of  
South Australia**

See overleaf for further information

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](http://www.revenuesa.sa.gov.au)  
Email: [revsupport@sa.gov.au](mailto: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](http://www.revenuesaonline.sa.gov.au)**

RevenueSA  
Locked Bag 555  
ADELAIDE SA 5001

# LOCAL GOVERNMENT INQUIRY CERTIFICATE

Section 7 of Land and Business (Sale and Conveyancing) Regulations



Certificate No: **103189**

Date: **15/11/2023**

Receipt No:

Reference No:

Fax No: **8361 2660**

PO Box 21, Oaklands Park  
South Australia 5046

245 Sturt Road, Sturt  
South Australia 5047

T (08) 8375 6600

F (08) 8375 6699

E [council@marion.sa.gov.au](mailto:council@marion.sa.gov.au)

**Duncan Sande & Associates**  
**PO Box 3033**  
**NORWOOD SA 5067**

## CERTIFICATE

*Section 187 of the Local Government Act*

Assessment Number: **497834**

Valuer General No.: **1058629455**

Property Description: **Lot: 141 DP: 68409 CT: 5952/265**

Property Address: **53 Elizabeth Crescent HALLETT COVE 5158**

Owner: **J J & B G Cuthbertson**

*Additional Information:*

*I certify in terms of Section 187 of the Local Government Act the following rates and charges are outstanding as at the date of this certificate:*

Rates/Natural Resources Levy:	
<b>Rates for the current year</b> (includes Natural Resources Levy)	<b>Total</b> \$2,223.13
Overdue/Arrears	-\$19.05
Interest	\$0.00
Adjustments	-\$0.03
Legal Fees	\$0.00
Less Payments Received	-\$1,100.00
Less Capping Rebate (if applicable)	\$0.00
Less Council Rebate	\$0.00
<b>Debtor:</b> Monies outstanding (which are a charge on the land) in addition to Rates due	
<b>Total Outstanding</b>	<b>\$1,104.05</b>

**Please be advised:** The first instalment is due **1<sup>st</sup> September 2023** with four quarterly instalments falling due on 01/09/2023, 01/12/2023, 01/03/2024 and 03/06/2024. Fines will be added to any current amount not paid by the due date (at the rate prescribed in the Local Government Act 1999).

**Please phone the Rates Dept on 8375 6600 prior to settlement** to ascertain the exact balance of rates payable including fines if applicable.

**BPAY Details for Council Rates:**

**Billers Code:** **9613**

**Reference Number:** Assessment Number as above



Our Ref: MER F2012/00380  
Contact: Trish McGuire  
Telephone: 08 8429 2572

14 November 2023

Duncan Sande & Associates  
PO Box 3033  
NORWOOD SA 5067

Email: [office@duncansande.com.au](mailto:office@duncansande.com.au)

Dear Sir/Madam

**Property Interest Report – receipt number 2519427**

In response to your recent Property Interest Report request, I advise that a Private Mine (PM) was situated on the land title listed below:

Title Reference	Land Parcel	Tenement
CT5952/265	D68409 A141	PM 222

This private mine has been partially surrendered dated 8<sup>th</sup> August 2023 and no longer contains the land parcel listed above.

For your information, please find enclosed a map of the area.

If you have any further queries please contact me on the phone number above or email [trish.mcguire@sa.gov.au](mailto:trish.mcguire@sa.gov.au).

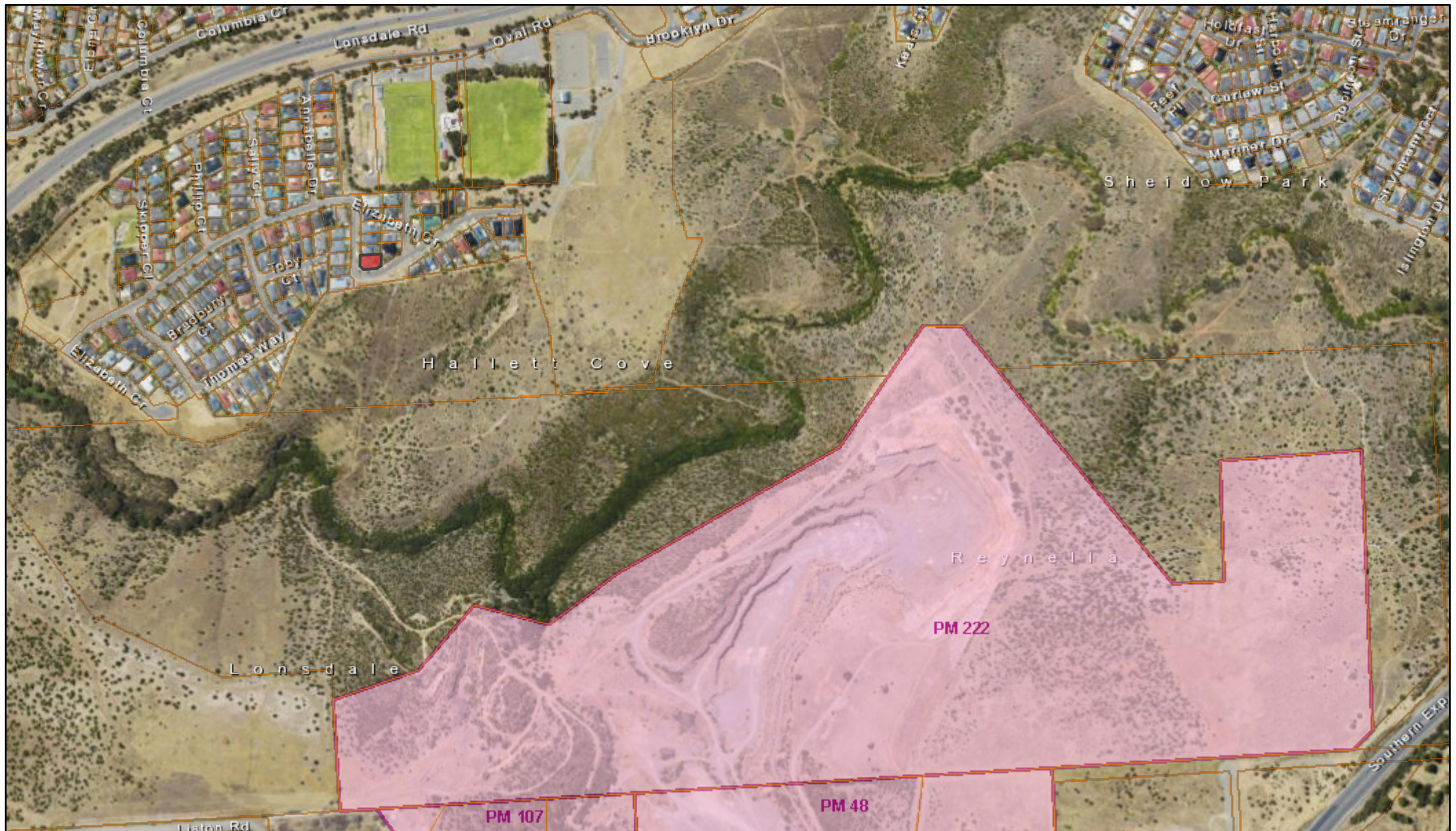
Yours sincerely

*Trish*

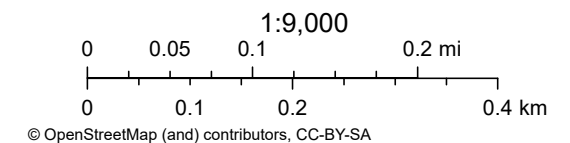
**Trish McGuire**  
**CUSTOMER SERVICES OFFICER**  
Enc



# SARIG Map - CT5952/265 D68409 A141



November 14, 2023



# CERTIFICATE

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



Duncan Sande & Associates  
PO Box 3033  
NORWOOD SA 5067

Assessment No: 497834  
Certificate of Title: Lot: 141 DP: 68409 CT: 5952/265  
Property Address: 53 Elizabeth Crescent HALLETT COVE 5158  
Owner: JJ & B G Cuthbertson

*Prescribed information statement in accordance with Section 7 of the Land and Business (Sale and Conveyancing) Act 1994:*

<i>Development Act 1993</i> (repealed)		
section 42– Condition (that continues to apply) of a development authorisation?		100/2011/1875 100/2005/925
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		See Attached
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
<i>Planning, Development and Infrastructure Act 2016</i>		
Part 5 – Planning and Design Code	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?	Click the link to check if a Code Amendment applies:  <a href="#">Code Amendment Map Viewer (geohub.sa.gov.au)</a>
	Title or other brief description of zone, subzone and overlay in which the land is situated (as shown in the Planning and Design Code)	See attached PlanSA Data Extract
	Is there a State heritage place on the land or is the land situated in a State heritage area?	
	Is the land designated as a local heritage place?	
	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?	
section 127—Condition (that continues to apply) of a development authorisation		
section 192 or 193—Land management agreement		
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 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
<b><i>Repealed Act conditions</i></b>	
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)	No
<b><i>Fire and Emergency Services Act 2005</i></b>	
section 105F (or section 56 or 83 (repealed)—Notice to take action to prevent outbreak or spread of fire	Nil
<b><i>Food Act 2001</i></b>	
section 44—Improvement notice	Nil
section 46—Prohibition order	Nil
<b><i>Housing Improvement Act 1940</i> (repealed)</b>	
section 23—Declaration that house is undesirable or unfit for human habitation	Nil
<b><i>Local Government Act 1934</i> (repealed)</b>	
Notice, order, declaration, charge, claim or demand given or made under the Act	Nil
<b><i>Local Government Act 1999</i></b>	
Notice, order, declaration, charge, claim or demand given or made under the Act	Nil
<b><i>Local Nuisance and Litter Control Act 2016</i></b>	
section 30—Nuisance or litter abatement notice	Nil
<b><i>Land Acquisition Act 1969</i></b>	
section 10—Notice of intention to acquire	Nil
<b><i>Public and Environmental Health Act 1987</i> (repealed)</b>	
Part 3—Notice	Nil
<i>Public and Environmental Health (Waste Control) Regulations 2010 (or 1995) (revoked) Part 2</i> —Condition (that continues to apply) of an approval	Nil
<i>Public and Environmental Health (Waste Control) Regulations 2010 (revoked) regulation 19</i> —Maintenance order (that has not been complied with)	Nil
<b><i>South Australian Public Health Act 2011</i></b>	
section 92—Notice	Nil
<i>South Australian Public Health (Wastewater) Regulations 2013</i> Part 4—Condition (that continues to apply) of an approval	Nil
<b>Particulars of building indemnity insurance</b>	See Attached

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 repealed Development Act 1993 or the Planning, Development and Infrastructure Act 2016)?

No

Description of the nature of the development(s) approved:

*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.*

---

The information herein is provided pursuant to the Council's obligations under Section 7 of the Land Business (Sales Conveyancing) Act 1994.

Only that information which is required to be provided has been given and that information should not be taken as a representation as to whether or not any other charges or encumbrances affect the subject land.

I, Kellie Parker, Administration Officer of the City of Marion certify that the information provided in these responses is correct.

Sign:



Date: 15/11/2023

## Data Extract for Section 7 search purposes

Valuation ID 1058629455

**Data Extract Date:** 15/11/2023

**Parcel ID:** D68409 A141

**Certificate Title:** CT5952/265

**Property Address:** 53 ELIZABETH CR HALLETT COVE SA 5158

**Zones**

Hills Neighbourhood (HN)

**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.

**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.

**Prescribed Wells Area**

The Prescribed Wells Area Overlay seeks to ensure sustainable water use in prescribed wells areas.

**Regulated and Significant Tree**

The Regulated and Significant Tree Overlay seeks to mitigate the loss of regulated trees through appropriate development and redevelopment.

**Stormwater Management**

The Stormwater Management Overlay seeks to ensure new development incorporates water sensitive urban design techniques to capture and re-use stormwater.

**Traffic Generating Development**

The Traffic Generating Development Overlay aims to ensure safe and efficient vehicle movement and access along urban transport routes and major urban transport routes.

**Urban Tree Canopy**

The Urban Tree Canopy Overlay seeks to preserve and enhance urban tree canopy through the planting of new trees and retention of existing mature trees where practicable.

### 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.*

No

### Land Management Agreement (LMA)

- 8425749

Account Number 10 58629 45 5	L.T.O Reference CT5952265	Date of issue 15/11/2023	Agent No. 198	Receipt No. 2519427
---------------------------------	------------------------------	-----------------------------	------------------	------------------------

DUNCAN SANDE & ASSOC  
PO BOX 3033  
NORWOOD SA 5067  
office@duncansande.com.au

Section 7/Elec

## Certificate of Water and Sewer Charges & Encumbrance Information

### Property details:

Customer: JJ & BG CUTHBERTSON  
Location: 53 ELIZABETH CRES HALLETT COVE LT 141 D68409  
Description: 9H DG Capital Value: \$ 840 000  
Rating: Residential

### Periodic charges

Raised in current years to 30/9/2023

				\$
		Arrears as at: 30/6/2023	:	0.00
Water main available:	25/5/2005	Water rates	:	74.20
Sewer main available:	10/8/2006	Sewer rates	:	128.94
		Water use	:	44.87
		SA Govt concession	:	89.93CR
		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	:	158.08CR
		Balance outstanding	:	0.00

Degree of concession: 100.00% Date granted: 23/9/202  
1

Recovery action taken: FULLY PAID

Next quarterly charges: Water supply: 74.20 Sewer: 128.94 Bill: 15/11/2023

This Account is billed four times yearly for water use charges.

The last Water Use Year ended on 19/04/2023.

MAINS WATER USE CHARGE of \$91.65 should be added to the Balance Outstanding above.

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.

## South Australian Water Corporation

Name:  
JJ & BG CUTHBERTSON

Water & Sewer Account  
Acct. No.: 10 58629 45 5

Amount: \_\_\_\_\_

Address:  
53 ELIZABETH CRES HALLETT COVE LT  
141 D68409

---

### Payment Options

**EFT**

EFT Payment

Bank account name:	SA Water Collection Account
BSB number:	065000
Bank account number:	10622859
Payment reference:	1058629455



Bill code: 8888  
Ref: 1058629455

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](http://bpay.com.au)



Paying online

Pay online at [www.sawater.com.au/paynow](http://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: 1058629455



**Government of  
South Australia**

**South Australian Water Corporation**  
250 Victoria Square/Tarntanyangga  
Adelaide SA 5000  
GPO Box 1751 Adelaide SA 5001

1300 SA WATER  
(1300 729 283)  
ABN 69 336 525 019  
[sawater.com.au](http://sawater.com.au)

Home Warranty

# certificate

of insurance

Nevarc Constructions Pty Ltd  
P O Box 219  
GLENSIDE SA 5065

A policy of insurance which complies with Division III of Part V of the Building Work Contract Act 1995 (S.A.), has been issued by: Vero Insurance Limited  
ABN 48 005 297 807

To Be Carried Out By: Nevarc Constructions Pty Ltd  
ABN: 64 007 789 013  
Builder Licence Number: GOO8890  
In Favour Of: Jeremy Cuthbertson & Brenda Peake

Contract Date: 22/02/2005

In Respect Of: Single Dwelling

At: Lot No: 141 Unit No:  
Elizabeth Cres  
HALLETT COVE SA 5158

The Certificate of Insurance is for Cover:  
Statutory Cover

This certificate is issued subject to any cheque tendered in payment in connection with this insurance being honoured upon first presentation.

HIA INSURANCE SERVICES P/L  
ABN 84 076 460 967  
An associated company of  
Aon Risk Services Australia Ltd  
GPO Box 514, Adelaide SA 5001  
Ph: (08) 8340 7500  
Fax: (08) 8340 7599  
CLAIMS ENQUIRY LINE  
1800 554 255

Certificate No: 145404  
Local Authority Copy  
Issue Date 18/05/2005

Aon Risk Services Australia Ltd  
ABN 17 000 434 720 act as Broker  
for the Builder. A Tax Invoice has  
been issued by  
HIA Insurance Services Pty Ltd  
ABN 84 076 460 967,  
as authorised representative of  
Aon Risk Services.

RECEIVED  
12 DEC 2005

BY: .....

House No: .....

10 JAN 2005

Insurer:

Vero Insurance Limited  
ABN 48 005 297 807

AON

HIA INSURANCE SERVICES  
for more  
info visit our  
website

vero  
Insurance