

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 6014 Folio 959

Parent Title(s) CT 6001/681
Creating Dealing(s) RTC 11003472
Title Issued 07/08/2008 Edition 6 Edition Issued 21/09/2015

Estate Type

FEE SIMPLE

Registered Proprietor

KEITH NOEL ROGERS
CAROL ROGERS
OF PO BOX 723 WILLUNGA SA 5172
AS JOINT TENANTS

Description of Land

ALLOTMENT 533 DEPOSITED PLAN 78266
IN THE AREA NAMED ALDINGA BEACH
HUNDRED OF WILLUNGA

Easements

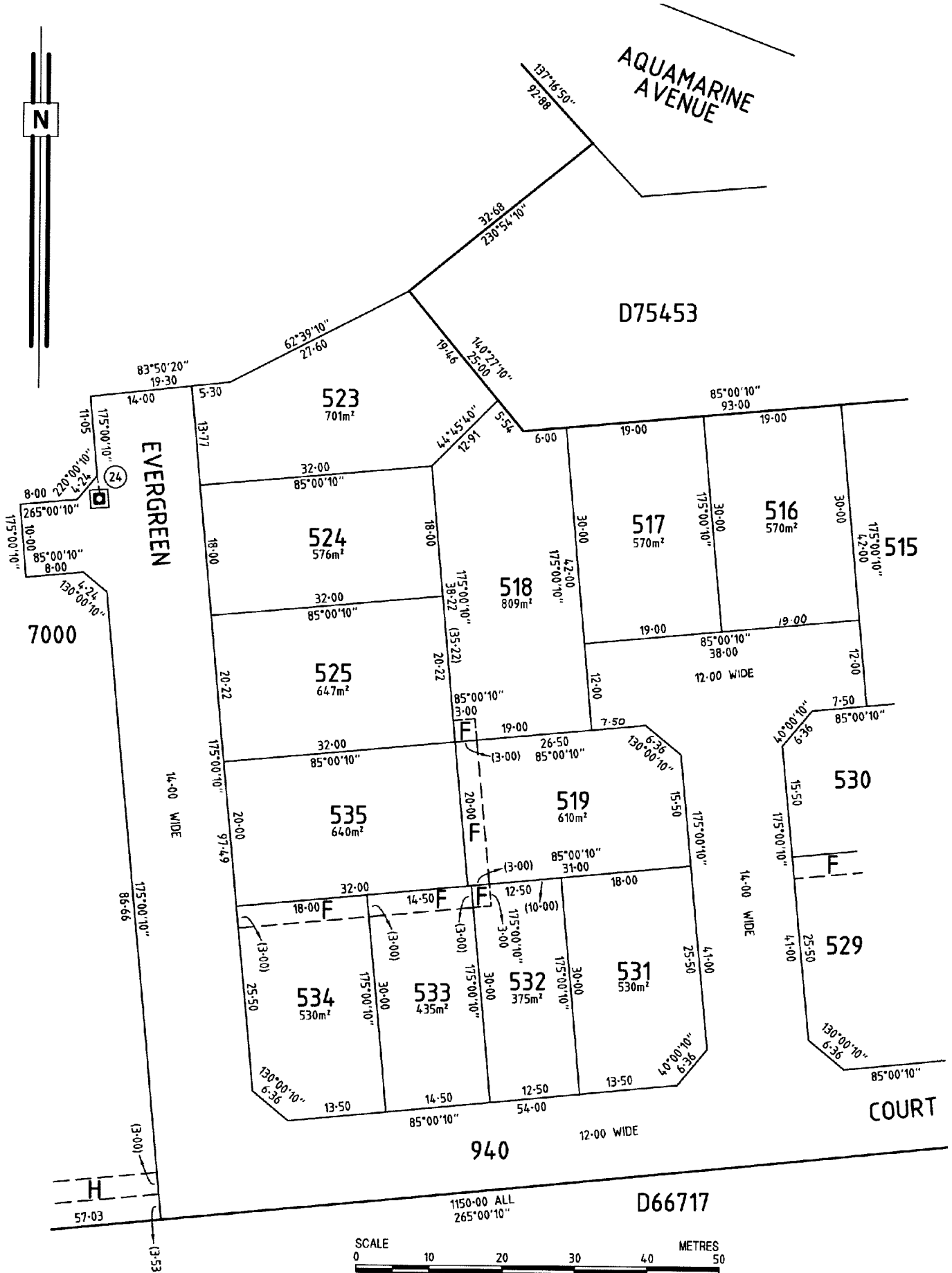
SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED F FOR DRAINAGE PURPOSES TO THE COUNCIL FOR THE AREA (223LG RPA)

Schedule of Dealings

Dealing Number	Description
10235663	AGREEMENT UNDER DEVELOPMENT ACT, 1993 PURSUANT TO SECTION 57(2)
11055932	ENCUMBRANCE TO SOUTHWOOD DEVELOPMENTS PTY. LTD. (SINGLE COPY ONLY)

Notations

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



SURVEY INFORMATION IS DERIVED FROM DEPOSITED PLAN 78266



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: 2586520

FENTONS FORMS PTY LTD
POST OFFICE BOX 298
CHRISTIES BEACH SA 5165

DATE OF ISSUE

12/07/2024

ENQUIRIES:

Tel: (08) 8226 3750

Email: revsaesl@sa.gov.au

OWNERSHIP NUMBER

03321520

OWNERSHIP NAME

K N & C ROGERS

PROPERTY DESCRIPTION

34 EVERGREEN CT / ALDINGA BEACH SA 5173 / LT 533 D78266

ASSESSMENT NUMBER

1317147953

TITLE REF.

(A "+" indicates multiple titles)

CT 6014/959

CAPITAL VALUE

\$800,000.00

AREA / FACTOR

R4
1.000

LAND USE / FACTOR

RE
0.400

LEVY DETAILS:

FINANCIAL YEAR

2024-2025

FIXED CHARGE

+ VARIABLE CHARGE

- REMISSION

- CONCESSION

+ ARREARS / - PAYMENTS

= AMOUNT PAYABLE

\$ 50.00
\$ 301.40
\$ 238.70
\$ 46.00
\$ 0.00
\$ 66.70

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

10/10/2024



**Government of
South Australia**

See overleaf for further information

DETACH AND RETURN THE PAYMENT REMITTANCE ADVICE WITH YOUR PAYMENT



CERTIFICATE OF EMERGENCY SERVICES LEVY PAYABLE

PAYMENT REMITTANCE ADVICE

OWNERSHIP NUMBER

03321520

OWNERSHIP NAME

K N & C ROGERS

ASSESSMENT NUMBER

1317147953

AMOUNT PAYABLE

\$66.70

AGENT NUMBER

100025231

AGENT NAME

FENTONS FORMS PTY LTD

EXPIRY DATE

10/10/2024

+80013068090022> +001571+ <0550049225> <0000006670> +444+

**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: 2586520

DATE OF ISSUE

12/07/2024

FENTONS FORMS PTY LTD
POST OFFICE BOX 298
CHRISTIES BEACH SA 5165

ENQUIRIES:

Tel: (08) 8226 3750

Email: landtax@sa.gov.au

OWNERSHIP NAME

K N & C ROGERS

FINANCIAL YEAR

2024-2025

PROPERTY DESCRIPTION

34 EVERGREEN CT / ALDINGA BEACH SA 5173 / LT 533 D78266

ASSESSMENT NUMBER

1317147953

TITLE REF.

(A "+" indicates multiple titles)

CT 6014/959

TAXABLE SITE VALUE

\$250,000.00

AREA

0.0435 HA

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

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

Please Note:

If the Current Tax details above indicate a Nil amount, the property may be subject to an Exemption. This exemption should be validated prior to settlement. In order to ensure indemnity for the purchaser of this land, full payment of the amount payable is required:

ON OR BEFORE 10/10/2024

See overleaf for further information

**Government of
South Australia**

DETACH AND RETURN THE PAYMENT REMITTANCE ADVICE WITH YOUR PAYMENT

**RevenueSA**

DEPARTMENT OF TREASURY AND FINANCE

Land Tax Act 1936

CERTIFICATE OF LAND TAX PAYABLE**PAYMENT REMITTANCE ADVICE****No payment is required on this Certificate**

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:
MR KN & MRS C ROGERS

Water & Sewer Account
Acct. No.: 13 17147 95 3

Amount: _____

Address:
34 EVERGREEN CT ALDINGA BEACH LT
533 D78266

Payment Options

EFT

EFT Payment

Bank account name:	SA Water Collection Account
BSB number:	065000
Bank account number:	10622859
Payment reference:	1317147953



Bill code: 8888
Ref: 1317147953

Telephone and Internet Banking — BPAY®

Contact your bank or financial institution to make this payment from your cheque, savings, debit, credit card or transaction account. More information at bpay.com.au



Paying online

Pay online at www.sawater.com.au/paynow for a range of options. Have your account number and credit card details to hand.



Paying by phone

Call 1300 650 870 and pay by phone using your Visa/Mastercard 24/7.

SA Water account number: 1317147953



**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

Property Interest Report

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

Title Reference	CT 6014/959	Reference No. 2586520
Registered Proprietors	K N & C*ROGERS	Prepared 12/07/2024 11:51
Address of Property	34 EVERGREEN COURT, ALDINGA BEACH, SA 5173	
Local Govt. Authority	CITY OF ONKAPARINGA	
Local Govt. Address	PO BOX 1 NOARLUNGA CENTRE SA 5168	

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

Table of Particulars

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

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

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

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

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

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

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

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

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

also

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

2. Aboriginal Heritage Act 1988

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

an area surrounding a site

2.3 Part 3 Division 6 - Aboriginal heritage agreement

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

also

Refer to the Certificate of Title

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

3.1 section 8 - Human remains interred on land

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

also

contact the vendor for these details

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

4.1 section 5 - Notice requiring payment

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

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

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

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

8.1	section 59 - Environment performance agreement that is registered in relation to the land	EPA (SA) 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
9.	<i>Fences Act 1975</i>	
9.1	section 5 - Notice of intention to perform fencing work	Contact the vendor for these details
10.	<i>Fire and Emergency Services Act 2005</i>	
10.1	section 105F - (or section 56 or 83 (repealed)) - Notice to take action to prevent outbreak or spread of fire	Contact the Local Government Authority for other details that might apply Where the land is outside a council area, contact the vendor
11.	<i>Food Act 2001</i>	
11.1	section 44 - Improvement notice	Public Health in DHW has no record of any notice or direction affecting this title also Contact the Local Government Authority for other details that might apply
11.2	section 46 - Prohibition order	Public Health in DHW has no record of any notice or direction affecting this title also Contact the Local Government Authority for other details that might apply
12.	<i>Ground Water (Qualco-Sunlands) Control Act 2000</i>	
12.1	Part 6 - risk management allocation	Qualco Sunlands Ground Water Control Trust has no record of any allocation affecting this title
12.2	section 56 - Notice to pay share of Trust costs, or for unauthorised use of water, in respect of irrigated property	DEW Water Licensing has no record of any notice affecting this title
13.	<i>Heritage Places Act 1993</i>	
13.1	section 14(2)(b) - Registration of an object of heritage significance	Heritage Branch in DEW has no record of any registration affecting this title
13.2	section 17 or 18 - Provisional registration or registration	Heritage Branch in DEW has no record of any registration affecting this title
13.3	section 30 - Stop order	Heritage Branch in DEW has no record of any stop order affecting this title
13.4	Part 6 - Heritage agreement	Heritage Branch in DEW has no record of any agreement affecting this title also Refer to the Certificate of Title
13.5	section 38 - "No development" order	Heritage Branch in DEW has no record of any "No development" order affecting this title
14.	<i>Highways Act 1926</i>	
14.1	Part 2A - Establishment of control of access from any road abutting the land	Transport Assessment Section within DIT has no record of any registration affecting this title
15.	<i>Housing Improvement Act 1940 (repealed)</i>	
15.1	section 23 - Declaration that house is undesirable or unfit for human habitation	Contact the Local Government Authority for other details that might apply
15.2	Part 7 (rent control for substandard houses) - notice or declaration	Housing Safety Authority has no record of any notice or declaration affecting this title
16.	<i>Housing Improvement Act 2016</i>	

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

17. *Land Acquisition Act 1969*

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

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

Act

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

19. *Land Tax Act 1936*

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

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

20. *Local Government Act 1934 (repealed)*

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|------|---|---|
| 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*

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|------|--|---|
| 22.1 | section 30 - Nuisance or litter abatement notice | Contact the Local Government Authority for other details that might apply |
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23. *Metropolitan Adelaide Road Widening Plan Act 1972*

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

24. *Mining Act 1971*

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

24.9	Proclamation with respect to a private mine	Mineral Tenements in the Department of Energy and Mining has no record of any proclamation affecting this title
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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
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28. ***Phylloxera and Grape Industry Act 1995***

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

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

- 29.1 Part 5 - Planning and Design Code
[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]
- Contact the Local Government Authority for the title or other brief description of the zone or subzone in which the land is situated.
- also
- Heritage Branch in DEW has no record of a State Heritage Area created prior to 15 January 1994 under the former South Australian Heritage Act 1978 affecting this title
- also
- For details of this item, including State Heritage Areas which have been authorised or put under interim effect since 15 January 1994, contact the Local Government Authority
- also
- Contact the Local Government Authority for other details that might apply to a place of local heritage value
- also
- For details of declared significant trees affecting this title, contact the Local Government Authority
- also
- Code Amendment**
- Residential Driveway Crossovers –draft design standard aiming to improve public safety and enhance streetscapes across SA. Minor changes to the Planning and Design Code have also been drafted to complement the design standard and support its delivery and are open for consultation as part of this process. For more information, refer to the 'Code Amendments' page on the PlanSA portal: https://plan.sa.gov.au/have_your_say/ or phone PlanSA on 1800752664.**
- Code Amendment**
- Statewide Bushfire Hazards Overlay - aims to review the current policy framework (spatial layers and policy content) of the six Hazard (Bushfire Risk) Overlays as well as explore other planning instruments and mechanisms to assist in mitigating bushfire hazard impacts. Please note that this Code Amendment only applies to a portion of some council areas. To understand if your property is affected, please check the bushfire hazard map at <https://plus.geodata.sa.gov.au/bushfire/index.html>. For more information, please visit https://plan.sa.gov.au/have_your_say/ or contact PlanSA via email (PlanSA@sa.gov.au) or telephone (1800 752 664).**
- Code Amendment**
- Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment - The Chief Executive of the Department for Trade and Investment has initiated the Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment to review the definitions for 'ancillary accommodation' and 'student accommodation'. For more information and to view the DPA online, visit the amendment webpage on the SA Planning Portal https://plan.sa.gov.au/have_your_say/general_consultations or phone PlanSA on 1800752664.**
- 29.2 section 127 - Condition (that continues to apply) of a development authorisation
[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]
- State Planning Commission in the Department for 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
- Contact the vendor for these details

notice may require access

- | | | |
|-------|--|--|
| 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	<i>Public and Environmental Health (Waste Control) Regulations 2010 (or 1995)</i> (revoked) Part 2 - Condition (that continues to apply) of an approval	Public Health in DHW has no record of any condition affecting this title also Contact the Local Government Authority for other details that might apply
31.3	<i>Public and Environmental Health (Waste Control) Regulations 2010</i> (revoked) regulation 19 - Maintenance order (that has not been complied with)	Public Health in DHW has no record of any order affecting this title also Contact the Local Government Authority for other details that might apply
32.	<i>South Australian Public Health Act 2011</i>	
32.1	section 66 - Direction or requirement to avert spread of disease	Public Health in DHW has no record of any direction or requirement affecting this title
32.2	section 92 - Notice	Public Health in DHW has no record of any notice affecting this title also Contact the Local Government Authority for other details that might apply
32.3	<i>South Australian Public Health (Wastewater) Regulations 2013</i> Part 4 - Condition (that continues to apply) of an approval	Public Health in DHW has no record of any condition affecting this title also Contact the Local Government Authority for other details that might apply
33.	<i>Upper South East Dryland Salinity and Flood Management Act 2002 (expired)</i>	
33.1	section 23 - Notice of contribution payable	DEW has no record of any notice affecting this title
34.	<i>Water Industry Act 2012</i>	
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.	<i>Water Resources Act 1997 (repealed)</i>	
35.1	section 18 - Condition (that remains in force) of a permit	DEW has no record of any condition affecting this title
35.2	section 125 (or a corresponding previous enactment) - Notice to pay levy	DEW has no record of any notice affecting this title
36.	Other charges	

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

Other Particulars

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

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

Additional Information

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

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

Notices

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

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

Building restrictions

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

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

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

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

Statutory easements

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

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

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

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

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

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

Land Tax Act 1936 and Regulations thereunder

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

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

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

Information should be obtained from:

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

Landscape South Australia 2019

Water Resources Management - Taking of underground water

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

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

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

Certificate of Title

Title Reference CT 6014/959
Status CURRENT
Easement YES
Owner Number 03321520
Address for Notices POST OFFICE BOX 723, WILLUNGA, SA 5172
Area 435m² (CALCULATED)

Estate Type

Fee Simple

Registered Proprietor

KEITH NOEL ROGERS
CAROL ROGERS
OF PO BOX 723 WILLUNGA SA 5172
AS JOINT TENANTS

Description of Land

ALLOTMENT 533 DEPOSITED PLAN 78266
IN THE AREA NAMED ALDINGA BEACH
HUNDRED OF WILLUNGA

Last Sale Details

Dealing Reference TRANSFER (T) 12388125
Dealing Date 27/08/2015
Sale Price \$439,000
Sale Type FULL VALUE / CONSIDERATION AND WHOLE OF LAND

Constraints

Encumbrances

Dealing Type	Dealing Number	Beneficiary
AGREEMENT	10235663	CITY OF ONKAPARINGA
ENCUMBRANCE	11055932	SOUTHWOOD DEVELOPMENTS PTY. LTD.

Stoppers

NIL

Valuation Numbers

Valuation Number	Status	Property Location Address
1317147953	CURRENT	34 EVERGREEN COURT, ALDINGA BEACH, SA 5173

Notations

Dealings Affecting Title

NIL

Notations on Plan

NIL

Registrar-General's Notes

NIL

Administrative Interests

NIL

Valuation Record

Valuation Number	1317147953
Type	Site & Capital Value
Date of Valuation	01/01/2024
Status	CURRENT
Operative From	01/07/2009
Property Location	34 EVERGREEN COURT, ALDINGA BEACH, SA 5173
Local Government	ONKAPARINGA
Owner Names	KEITH NOEL ROGERS CAROL ROGERS
Owner Number	03321520
Address for Notices	POST OFFICE BOX 723, WILLUNGA, SA 5172
Zone / Subzone	GN - General Neighbourhood
Water Available	Yes
Sewer Available	Yes
Land Use	1100 - House
Description	7HDCPV
Local Government Description	Residential

Parcels

Plan/Parcel	Title Reference(s)
D78266 ALLOTMENT 533	CT 6014/959

Values

Financial Year	Site Value	Capital Value	Notional Site Value	Notional Capital Value	Notional Type
Current	\$250,000	\$800,000			
Previous	\$192,000	\$740,000			

Building Details

Valuation Number	1317147953
Building Style	Conventional
Year Built	2010
Building Condition	Very Good
Wall Construction	Brick
Roof Construction	Tiled (Terra Cotta or Cement)
Equivalent Main Area	258 sqm
Number of Main Rooms	7

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

Certificate of Title

Title Reference: CT 6014/959
Status: CURRENT
Parent Title(s): CT 6001/681
Dealing(s) Creating Title: RTC 11003472
Title Issued: 07/08/2008
Edition: 6

Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
01/09/2015	21/09/2015	12388125	TRANSFER	REGISTERED	KEITH NOEL ROGERS, CAROL ROGERS
01/09/2015	21/09/2015	12388124	DISCHARGE OF MORTGAGE	REGISTERED	12290685
10/03/2015	19/03/2015	12290685	MORTGAGE	REGISTERED	AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.
10/03/2015	19/03/2015	12290684	DISCHARGE OF MORTGAGE	REGISTERED	11684361
05/12/2011	20/12/2011	11684361	MORTGAGE	REGISTERED	WESTPAC BANKING CORPORATION
05/12/2011	20/12/2011	11684360	DISCHARGE OF MORTGAGE	REGISTERED	11125608
24/02/2009	06/03/2009	11125608	MORTGAGE	REGISTERED	BENDIGO & ADELAIDE BANK LTD. (ACN: 068 049 178)
23/10/2008	03/11/2008	11055932	ENCUMBRANCE	REGISTERED	SOUTHWOOD DEVELOPMENTS PTY. LTD.
23/10/2008	03/11/2008	11055931	TRANSFER	REGISTERED	GREGORY ROBERT MCCRACKAN, KIRSTY LEE MCCRACKAN
31/05/2005	08/06/2005	10235663	AGREEMENT	REGISTERED	CITY OF ONKAPARINGA

Certificate of Title

Title Reference: CT 6014/959
Status: CURRENT
Edition: 6

Dealings

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

Priority Notices

NIL

Registrar-General's Notes

No Registrar-General's Notes exist for this title

Telephone (08) 8384 0666

Certificate No: S71701/2024

Property Information And Particulars

In response to an enquiry pursuant to Section 7 of the

The Land & Business (Sale & Conveyancing) Act, 1994

TO: Fentons Forms
PO Box 298
CHRISTIES BEACH SA 5165

DETAILS OF PROPERTY REFERRED TO:

ASSESSMENT NO	:	103427
VALUER GENERAL NO	:	1317147953
VALUATION	:	\$800,000.00
OWNER	:	Mr Keith Noel Rogers & Mrs Carol Rogers
PROPERTY ADDRESS	:	34 Evergreen Court ALDINGA BEACH SA 5173
VOLUME/FOLIO	:	CT-6014/959
LOT/PLAN NUMBER	:	Allotment 533 DP 78266
WARD	:	01 South Coast Ward

Listed hereafter are the *MORTGAGES, CHARGES AND PRESCRIBED ENCUMBRANCES* in alphabetical order of *SCHEDULE 2*, Division 1 to which Council must respond according to *TABLE 1* of the *REGULATIONS UNDER THE LAND AND BUSINESS (SALE AND CONVEYANCING) ACT 1994*.

In addition, Building Indemnity Insurance details are given, if applicable, pursuant to *SCHEDULE 2*, Division 2 to which Council must respond according to *TABLE 2* of the *REGULATIONS UNDER THE LAND AND BUSINESS (SALE AND CONVEYANCING) ACT 1994*.

The information provided indicates whether any prescribed encumbrances exist on the land, which has been placed/imposed by, or is for the benefit of Council.

All of the prescribed encumbrances listed herein are answered solely in respect to a statutory function or registered interest of the Council, and do not infer any response to an enquiry on behalf of other persons or authorities.

Where a prescribed encumbrance requires a dual response, as described by *TABLE 1*, of *SCHEDULE 2*, of the *REGULATIONS UNDER THE LAND AND BUSINESS (SALE AND CONVEYANCING) ACT, 1994*, the enquirer should also refer a like enquiry to the Department for Transport Energy and Infrastructure.

Pursuant to the provisions of the *REGULATIONS UNDER THE LAND AND BUSINESS (SALES AND CONVEYANCING) ACT, 1994*, Council hereby provides the following information in response to your enquiries:

INFORMATION NOTE

CHANGES TO PLANNING POLICY AFFECTING LAND IN COUNCIL'S AREA

The information provided in this note is additional to, and not in substitution of, any information provided in response to your request for statutory search information. The response to your request, provided with this note, does not reference changes to planning policy affecting all South Australian Councils.

Development Act 1993 (repealed)

Section 42

Condition (that continues to apply) of a development authorisation

YES

Application Number	145/984/2009
Description	Two storey detached dwelling with associated garage, porch and balcony to the front of the dwelling.
Decision	Approved
Decision Date	12 May 2009

Development Plan Consent Conditions

1. All development shall be completed in accordance with the plan(s) and documents submitted with and forming part of the development application except where varied by the following condition(s).
2. The front setback area (between the front property boundary and front of the house) shall be planted with suitable trees, shrubs, lawn and/or ground cover. Such landscaping shall be completed within 6 months of the occupation of the dwelling and maintained in good condition at all times.
3. All stormwater drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or in the opinion of Council detrimentally affect structures on this site or any adjoining land.
4. The dwelling shall not be occupied until all necessary infrastructure has been provided to the site of the dwelling, including but not limited to a formed and sealed road and watertable, water supply and sewerage services, drainage/stormwater disposal and electricity services.
5. That effective measures be implemented during the construction of the development and on-going use of the land in accordance with this consent to:
 - prevent silt run-off from the land to adjoining properties, roads and drains
 - control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land
 - ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site
 - ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure
 - ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land.

Building Rules Consent Conditions

1. Stormwater shall be diverted away from the building and shall not pond against or near the footings and shall not be discharged onto adjoining land. Where drainage is directed to the street water table, this shall be by way of a Council approved storm water drainage system.
2. The rainwater tank shall be installed in accordance with the requirements of SA2 of the Building Code of Australia, or, clause D.11 of the SA Housing Code. In addition, the dwelling shall not be occupied until all connections required for the supply of water and the installation of the rainwater tank have been made.
3. Bedroom 2, Bedroom 3 and Bedroom 4 floor areas / ventilation % are less than 7.5% in each case. The opening sashes either need to be increased or ceiling fans installed in these areas.
4. Please supply a copy of the compaction results for the fill on the site prior to construction.

Application Number	145/3645/2011
Description	Verandah
Decision	Approved
Decision Date	04 January 2012

Building Rules Consent Conditions

1. Stormwater shall be diverted away from the building and shall not pond against or near the footings and shall not be discharged onto adjoining land. Where drainage is directed to the street water table, this shall be by way of a Council approved storm water drainage system.

Planning Act 1982 (repealed)

Condition (that continues to apply) of a development authorisation NO

Building Act 1971 (repealed)

Condition (that continues to apply) of a development authorisation NO

Planning and Development Act 1966 (repealed)

Condition (that continues to apply) of a development authorisation NO

Planning, Development and Infrastructure Act 2016

Part 5 – Planning and Design Code

Zones

General Neighbourhood (GN)

Subzones

NO

Zoning overlays

Overlays

Airport Building Heights (Aircraft Landing Area)

The Airport Building Heights (Aircraft Landing Area) Overlay seeks to ensure building height does not pose a hazard to the operation and safety requirements of aircraft landing areas.

Affordable Housing

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

Building Near Airfields

The Building Near Airfields Overlay seeks to ensure development does not pose a hazard to the operational and safety requirements of commercial and military airfields.

Hazards (Bushfire - Urban Interface) (Urban Interface)

The Hazards (Bushfire - Urban Interface) Overlay seeks to ensure urban neighbourhoods adjoining bushfire risk areas allow access through to bushfire risk areas, are designed to protect life and property from the threat of bushfire and facilitate evacuation to areas safe from bushfire danger.

Hazards (Flooding - Evidence Required)

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

Native Vegetation

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

Prescribed Water Resources Area

The Prescribed Water Resources Area Overlay seeks to ensure the sustainable use of water in prescribed water resource areas.

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.

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 designated State Heritage Place/Area? NO

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 to be a significant tree or trees on the land?

Council does not have trees listed in Part 10 - Significant Trees of the Planning and Design Code. However, there may be regulated or significant tree(s) on the site as defined by the Planning and Code that would require approval for maintenance pruning or removal.

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/>

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?

The Property Interest Report available through [Land Services SA](#) provides information necessary for Conveyancers to complete the Vendor's Statement.

Note - For further information about the Planning and Design Code visit <https://code.plan.sa.gov.au>

Section 127

Condition (that continues to apply) of a development authorisation NO

Part 2—Items to be included if land affected

Development Act 1993 (repealed)

Section 50(1)

Requirement to vest land in council to be held as open space NO

Section 50(2)

Agreement to vest land in council to be held as open space NO

Section 55

Order to remove or perform work NO

Section 56

Notice to complete development NO

Section 57

Land management agreement

YES

A Land Management Agreement exists on this property. Please contact the Lands Titles Office (Land Services Group in the state government) for a copy.

10235663 AGREEMENT UNDER DEVELOPMENT ACT, 1993 PURSUANT TO SECTION 57(2)

Section 69

Emergency order

NO

Section 71 (only)

Fire safety notice

NO

Section 84

Enforcement notice

NO

Section 85(6), 85(10) or 106

Enforcement Order

NO

Part 11 Division 2

Proceedings

NO

Fire and Emergency Services Act 2005

Section 105F (or section 56 or 83 (repealed))

Notice

NO

Section 56 (repealed)

Notice issued

NO

Food Act 2001

Section 44

Improvement notice issued against the land

NO

Section 46

Prohibition order

NO

Housing Improvement Act 1940 (repealed)

Section 23

Declaration that house is undesirable or unfit for human habitation

NO

Land Acquisition Act 1969

Section 10

Notice of intention to acquire

NO

Local Government Act 1934 (repealed)

Notice, order, declaration, charge, claim or demand given or made under the Act NO

Local Government Act 1999

Notice, order, declaration, charge, claim or demand given or made under the Act NO

Refer to separate attachment for Rates and Charges

Local Nuisance and Litter Control Act 2016

Section 30

Nuisance or litter abatement notice issued against the land NO

Planning, Development and Infrastructure Act 2016

Section 139

Notice of proposed work and notice may require access NO

Section 140

Notice requesting access NO

Section 141

Order to remove or perform work NO

Section 142

Notice to complete development NO

Section 155

Emergency order NO

Section 157

Fire safety notice NO

Section 192 or 193

Land Management Agreements NO

Section 198(1)

Requirement to vest land in a council or the Crown to be held as open space NO

Section 198(2)

Agreement to vest land in a council or the Crown to be held as open space NO

Part 16 - Division 1

Proceedings NO

Section 213

Enforcement notice NO

Section 214(6), 214(10) or 222

Enforcement order NO

Public and Environmental Health Act 1987 (repealed)

Part 3

Notice

NO

Public and Environmental Health (Waste Control) Regulations 2010 (or 1995) revoked

Part 2 – Condition (that continues to apply) of an approval

NO

Public and Environmental Health (Waste Control) Regulations 2010 revoked

Regulation 19 - Maintenance order (that has not been complied with)

NO

South Australian Public Health Act 2011

Section 92

Notice

NO

South Australian Public Health (Wastewater) Regulations 2013

Part 4 – Condition (that continues to apply) of an approval

NO

Particulars of building indemnity insurance

NO

Details of Building Indemnity Insurance still in existence for building work on the land

Particulars relating to environment protection

Further information held by council

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

NO

(a) commercial or industrial activity at the land; or

(b) a change in the use of the land or part of the land (within the meaning of the *Development Act 1993*) or the *Planning, Development and Infrastructure Act 2016*?

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 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.

General

Easement

YES

Does a drainage easement exist? – Refer to Certificate of Title of subdivision plans (ie Deposited Plans, Community Plans, File Plans etc) for details of easements in the interests of other State Departments or Agencies).

Easements over private land may show on a certificate of title and indicate that council or another authority have some form of infrastructure within them, such as stormwater drainage pipes or other services. Refer to [Encroachment over council easements](#) on our website for further information.

Are you aware of any encroachment on the easement? YES

Important information to the owner about Council's rights when there is an approved or unapproved encroachment in, on or above a drainage easement:

Deck and Verandah

Council requires free, unrestricted and unobstructed access to the drainage easement for construction, maintenance and operational purposes;

Council will endeavour to provide one months' notice for any planned work that requires access to the easement.

In an emergency Council will require immediate access to the easement;

Approved encroachments do not diminish Council's rights to the easement and may be removed (if required) at the owners cost;

Reinstatement of an approved encroachment at the owners cost may be approved or may require modification;

Unapproved encroachments or property improvements in, on or above the easement that do not meet relevant building and engineering standards may be removed at the owners cost and may not be approved to be reinstated.

If you have any further queries, please contact the Permit Officers on 8384 0666.

Lease, agreement for lease, tenancy agreement or licence

(The information does not include the information about sublease or subtenancy.

NO

The purchaser may seek that information from the lessee or tenant or sublessee or subtenant.)

Caveat

NO

Other

Charge for any kind affecting the land (not included in another item)

NO

PLEASE NOTE:

The information provided is as required by The Land and Business (Sale and Conveyancing) Act 1994. The information should not be taken as a representation as to whether or not any other charges or encumbrances affect the subject land.

This statement is made the 12 July 2024



Cherie Bonham

Team Leader for Development Support

AUTHORISED OFFICER

LOCAL GOVERNMENT RATES SEARCH

TO: Fentons Forms
PO Box 298
CHRISTIES BEACH SA 5165

12 July 2024

DETAILS OF PROPERTY REFERRED TO:

ASSESSMENT NO	:	103427 2
VALUER GENERAL NO	:	1317147953
VALUATION	:	\$800,000.00
OWNER	:	Mr Keith Noel Rogers & Mrs Carol Rogers
PROPERTY ADDRESS	:	34 Evergreen Court ALDINGA BEACH SA 5173
VOLUME/FOLIO	:	CT-6014/959
LOT/PLAN NUMBER	:	Allotment 533 DP 78266
WARD	:	01 South Coast Ward

As the rates for 2024/2025 have not been updated on our system, below is a manual estimate of the 2024/2025 financial year rates.

Pursuant to Section 187 of the Local Government Act 1999, I certify that the following amounts are due and payable in respect of, and are a charge against the above property.

Rates and Fines in Arrears (not paid 30 Jun 2024) and/or Block Clearing Charges	\$0.00
Postponed Amount in Arrears (if applicable) monthly interest of 0.59583% applies	\$0.00
Interest on Arrears charged in current financial year monthly interest of 0.7625% applies	\$0.00

Rates for the current 2024-2025 Financial Year applicable from 01 July 2024:

Amount payable by 1st September 2024	\$582.33
PLUS Current postponed amount (if applicable)	\$0.00

Total Rates Levied 2024-2025	\$2,328.33
-------------------------------------	-------------------

PLEASE NOTE: If the quarterly payments are not received by the due date, a 2% fine will be added to that amount with interest added on the first working day of each month following, until the total amount overdue is paid

Less Council Rebate	\$0.00
Less Council Capping Rebate	\$0.00
Less Council CWMS Rebate	\$0.00
Fines and interest for the current financial year (2% fine when rates first become overdue and 0.7625% interest applied per month thereafter)	\$0.00
Postponed Interest (0.59583% per month on total of postponed rates and interest)	\$0.00
Less paid current financial year	\$0.00
Overpayment	\$0.00
Legal Fees and / or Bank Charges (current)	\$0.00
Legal Fees and / or Bank Charges (arrears)	\$0.00
Refunds, Rates Remitted or Small Balance Adjustments	\$0.00
Balance - rates and other monies due and payable	\$2,328.33
Property Related Debts	\$0.00

For your information:**Section 187 certificate update request free of charge (One Update):**

Penalties and interest, property charges, payments or dishonoured payments can impact account balances daily.

To assist with financial adjustments as close as practicable to the date of settlement, your Section 187 certificate will now be valid for 90 days. Within this period Council will offer one update request without charge. This update is to be obtained via the online portal.

It is important to note all searches advise when fines/interest will be applied. When receiving your update search, should it be evident that further penalties will be applied prior to settlement, you will need to still consider these additional amounts as part of your settlement statement calculations.

Please Note: The above 90 day extension is applicable only to Section 187 certificates. Section 7 certificates still remain valid for a 30 day period only.

BPAY biller code added to searches to enable electronic settlement of funds

Our BPAY biller code is now detailed on each search, enabling settlement funds to be disbursed to Council electronically. Please note that this is Council's preferred method payment and we request that you cease the use of cheques to affect settlement.

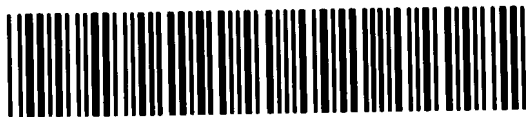
How to advise Council of change of ownership?

To also assist with the reduction of duplication of information being received from various agencies i.e. conveyancers and the Lands Titles Office, we are advocating that the Purchaser's Conveyancer to advise the change of ownership by following the below:

- If you are using e-conveyancing to affect a sale, please only issue advice to Council if the mail service address is different to what was lodged via the transfer at the LTO. Council's new practice is to update ownership details including the mailing address in accordance with the advice provided by the Valuer General. Council has amended this change to align with SA Water practices and to provide an improved customer experience overall.

If lodging in person at Lands Title Office – Please send the change of ownership advice to Council via mail@onkaparinga.sa.gov.au. Electronic settlement of funds is still preferred.

E 11055932



11:43 23-Oct-2008

Single Copy Only

2 of 2

Fees: \$112.00

Series No.

2

LANDS TITLES REGISTRATION
OFFICE
SOUTH AUSTRALIA

MEMORANDUM OF ENCUMBRANCE

FORM APPROVED BY THE REGISTRAR-GENERAL

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

BELOW THIS LINE FOR AGENT USE ONLY

CERTIFIED CORRECT FOR THE PURPOSES
OF THE REAL PROPERTY ACT 1886

Registered Conveyancer
Margi Phillips File Ref: B25104

Lodged by:

Fentons Conveyancing

AGENT CODE

B576

Correction to: Optima Conveyancing

OPTA62

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

CORRECTION	PASSED
REGISTERED	0/3 NOV 2008
<i>[Signature]</i> Pro	REGISTRAR-GENERAL SOUTH AUSTRALIA

DATED 23/10/08

EXECUTION


Signature of ENCUMBRANCER - Gregory Robert McCrackan


Signature of ENCUMBRANCER - Kirsty Lee McCrackan


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.*

Samara Jane Conway
Print Full Name of Witness

21 Sunday Blvd
Aldinga Beach SA 5173
Address of Witness

Business Hours Telephone Number 0432055524

MEMORANDUM OF ENCUMBRANCE**CERTIFICATE(S) OF TITLE BEING ENCUMBERED**

The whole of the land comprised in Certificate of Title Register Book

Volume 6014 Folio 959

ESTATE AND INTEREST

An estate in fee simple

ENCUMBRANCES

AG10235663

ENCUMBRANCER (Full Name and Address)

GREGORY ROBERT MCCRACKAN and KIRSTY LEE MCCRACKAN
both of PO Box 162 Aldinga Beach SA 5173

ENCUMBRANCEE (Full Name, Address and Mode of Holding)

SOUTHWOOD DEVELOPMENTS PTY LTD (ACN 108 883 674)
of 29 Dequetteville Terrace Kent Town SA 5067

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 CENTS \$0.10 (if demanded)

(b) State the term of the annuity or rent charge. If for life use the words "during his or her lifetime"

(b) TO BE PAID TO THE ENCUMBRANCEE as a yearly rent charge for a term of 999 years commencing on the date of this Encumbrance

(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 on the first day of January in each year commencing on the 1st day of January following the date of this Encumbrance AND with the performance and observance of the following covenants

IT IS COVENANTED BETWEEN THE ENCUMBRANCER AND ENCUMBRANCEE as follows:

The purpose of this encumbrance

1. The encumbrancer on page 1 ("you", "your") grants this encumbrance –
 - 1.1. for the benefit of the encumbrancee on page 1 ("we", "our", "us")
 - 1.2. for the benefit of each present and future owner of the land
 - 1.3. to charge the land on page 1 ("the land") with the payment of the annuity on page 1 ("the rent charge")
 - 1.4. for the purpose of a common building scheme for the development zone ("development zone")
 - 1.5. with the intent that its covenants run with the land and be binding also on anyone who becomes the owner of the land after you.

Interpreting this encumbrance

2. In this encumbrance, unless the contrary intention appears –
 - 2.1. "the land" means all the land and any rights and easements described above
 - 2.2. "development zone" means all of the land delineated in DP numbered 78266
 - 2.3. "development" means work of any kind, including but not limited to –
 - A. "building works" as defined in the Building Works Contractors Act
 - B. the construction or alteration of any permanent or temporary structure
 - C. earthworks or landscaping of any kind
 - D. repairs, painting or improvements of any kind
 - 2.4. reference to giving access to us includes giving access to our employees agents and contractors
 - 2.5. reference to a party includes the party's successors and transferees (and also the party's personal representatives if the party is a natural person)
 - 2.6. reference to any statute includes statutes which change or replace it, and
 - 2.7. any word indicating the singular includes the plural and vice versa.
3. If there are more than one of you then –
 - 3.1. we only have to give notices to one of you and
 - 3.2. all your obligations in this encumbrance are joint and several.

Restrictions on the use and development of the land

4. You must use the land only for private residential purposes.
5. You must obey any development guidelines we issue from time to time relating to carrying out any development on the land.

Rules governing the use of the land

6. You must obey the following rules in using or owning the land
 - 6.1. You must not subdivide the land or create any additional allotment from the land
 - 6.2. Transportable buildings are not permitted on the land
 - 6.3. You must not use any caravan, tent or other shelter on the land as a place of residence
 - 6.4. You must not make any claim against us for the cost of (or for contribution to the cost of) erecting a fence between the land and any land of ours. You indemnify us against such claim.
 - 6.5. You must site your dwelling, driveway and crossover in accordance with the Building Envelope Plan as issued by the Developer from time to time.
7. The provisions of the Law of Property Act and the Real Property Act relating to encumbrances apply to this encumbrance.
8. The provisions referred to in the above Clause 7 include, amongst other rights and obligations –
 - 8.1. an obligation on you to keep all improvements on the land in good repair
 - 8.2. a right of ours to enter upon the land, upon giving the occupier of the dwelling house reasonable notice of our intention to do so, to inspect the state of repair of such improvements
 - 8.3. an obligation on you to pay the rent charge at the time and in the manner set out in this encumbrance
 - 8.4. the right of a subsequent mortgagee or encumbrancee to redeem this encumbrance
 - 8.5. a power of ours, if you default in payment of the rent charge or in observing your obligations expressed or implied in this encumbrance, to enter and take possession of the land or bring an action for recovery of the land, or to distrain the goods of the tenant or occupier of the land
 - 8.6. a right of ours to sell the land if you default in payment of the rent charge or in observing your obligations expressed or implied in this encumbrance.

Dwelling

9. During the continuance of this Encumbrance, you SHALL NOT:
 - 9.1. erect or cause to be erected any building or structure other than one main dwelling house together with the usual domestic outbuildings ancillary to the use of such dwelling house.
 - 9.2. erect or cause to be erected, a roof on the said dwelling house with a pitch of less than twenty two and a half (22.5) degrees unless otherwise approved by us
 - 9.3. unless approved by us, erect or cause or permit to be erected any residential dwelling house, unless the minimum living area (excluding carports, garages, verandahs, porticos, pergolas, balconies and outbuildings) shall be:
 - 9.3.1 in the case of allotments 550 m² or over, not less than 130 square metres,
 - 9.3.2 in the case of allotments less than 549m², not less than 90 square metres
 - 9.4. place any advertising or business signage on the land or in the front window or on the walls of any residential dwelling house except real estate signage associated with the sale of an established dwelling house on the land

- 9.5. erect or cause to be erected any dwelling house other than a dwelling house of permanent structure and of at least sixty per cent (60%) masonry construction or such other materials as shall be approved by us, the exterior of the dwelling house being constructed of new, non-reflective materials and the interior of the dwelling house being constructed of new materials. Neither the interior nor the exterior of the dwelling house are to be constructed of materials such as asbestos cement, fibreglass, plastic or rubber or any material of a like nature. In this clause, the term "permanent structure" shall mean a dwelling house which is permanently affixed to the land and shall not include a dwelling house of which any part is of a portable or transportable nature
- 9.6. use used or second-hand materials in the construction of the dwelling house or the domestic outbuildings
- 9.7. use the land other than solely for residential purposes unless you shall obtain our prior written consent and also the prior written consent of the relevant council
- 9.8. erect or permit to be erected any structure or structures which are ancillary to the use of the dwelling house as outbuildings or any improvements unless such ancillary structure shall be made of new, non-reflective, non-bright coloured materials
- 9.9. delay or permit to be delayed the completion of the construction of the dwelling house after construction of the same has commenced
- 9.10. erect any dwelling house, domestic outbuilding, garage or shed that is not connected to a stormwater disposal system (including a rain water tank) which is approved by us.

Carport/Sheds

- 9.11. erect or cause to be erected unless otherwise approved by us on the land any dwelling house which does not provide accommodation for at least one vehicle either in the form of one carport under the main roof or the dwelling house or other suitable free standing vehicle accommodation having a roof line similar in style and of the same roofing materials as that of the dwelling house
- 9.12. erect or cause to be erected any shed, garden shed or outbuilding which shall be other than a maximum height of 2.4 m with a ridge height of 3.0m
- 9.13. erect or cause to be erected any shed or outbuilding closer than 1.0 m from any boundary
- 9.14. erect or cause to be erected any shed or outbuilding closer than 10 m of any road or reserve without an elevation made of similar non-reflective material to the dwelling and will use either roller or lift type doors
- 9.15. erect or cause to be erected any shed or outbuilding except that the same shall be constructed with "Wilderness" coloured material and be of powder coated cladding. The said buildings shall not be painted
- 9.16. erect or cause to be erected any shed or outbuilding greater in area than 10 m² without first obtaining prior written approval from both the relevant council and us

Fencing

- 9.17. erect or cause to be erected any fence forward of the building alignment or on the front alignment of the land (unless the land is a corner allotment and has two front alignments in which case you may erect a fence along one of the front alignments for the purpose of enclosing a ground at the rear of the land provided that such fence does not extend within 8m of the front alignment provided that with our prior written consent, you may erect a decorative fence of not more than 0.9 m in height (made of new, non-reflective materials) at such place or places and of such design as we may from time to time determine
- 9.18. erect or cause to be erected any fence on the land to be less than 1800 mm in height and all fencing shall be good neighbour modular style and shall be the colour "Wilderness" on both sides.

Commencement of construction of a dwelling

10. If the land form any of Allotments numbered 1-6, 72, 78-106, 129-132, 145-163, 179-182, 221-229, 231-237, 268-271, 278, 298-309 and 358-375 inclusive in the Development Zone, then you must substantially commence construction of a dwelling house on the land within twelve (12) months of the date of this Encumbrance unless we have, by written notice, allowed an extension of time in which to substantially commence construction of a dwelling house.
11. If you do not substantially commence construction of a dwelling house within the time allowed for in clause 10 above, then you must sell the land and clauses 16, 17 and 18 of this Encumbrance will apply.
12. In this clause, "substantially commence" means the pouring of a concrete footing or foundation for the construction of a dwelling house on the land.

Siting of Dwellings

13. If the land forms any of Allotments numbered 72, 78-106, 179-182, 221-229, 231-237, 268 -271, 278, 298 -309 and 358-375 inclusive in the Development Zone, then you must site any dwelling house to be constructed on the land in accordance with the building envelope plan provided to you by us or our selling agent.
14. We will ensure that any building envelope plan, if required will be provided to you prior to the commencement of this encumbrance.

Landscaping

15. If the land form any of Allotments numbered 1-6, 72, 78-106, 129-132, 145-163, 179-182, 221-229, 231-237, 268-271, 278, 298-309 and 358-375 inclusive in the Development Zone, then you shall within three (3) months, or if the land forms part of the balance of the Allotments in the Development Zone, then you shall within six (6) months of the completion of a dwelling house on the land, landscape the area between the front alignment of the dwelling house and the kerb alignment or pedestrian walkway fronting or bounding the land, and in the case of a corner allotment shall also landscape the area between the side alignment of the dwelling house and the kerb alignment or pedestrian walkway. You shall at all times thereafter maintain, keep tidy and care for the said landscaping.

Parking of Vehicles

16. You must not cause or allow;
 - 16.1 parking of motor vehicles on other than the driveway on the land
 - 16.2 the storage of boats, caravans and/or trailers forward of the front alignment of the dwelling house
 - 16.3 commercial vehicles to be parked or left unattended on the land or otherwise than in a position where the same are not visible from the road frontage to the land. For the purposes of this clause, "commercial vehicles" includes any vehicle between 1 and 3 tonne tare in weight intended or designed to carry goods, equipment or passengers in commercial quantities
 - 16.4 any vehicle greater than 3 tonne tare weight to be parked or left unattended on the land.

Power of sale of the land

17. Notwithstanding s.136 of the Real Property Act, you agree that we may, if we exercise our power of sale, require the purchaser of the land to accept the sale of the land subject to an encumbrance in the same terms as this encumbrance.

Your obligations on transferring the land

18. You must not sell or transfer the land except subject to this encumbrance.
19. If we require it, you must cause the prospective purchaser to execute in our favour an encumbrance substantially in the same form as this encumbrance. You must also cause that encumbrance to be registered immediately after the transfer of the land to the purchaser, and before any other interest in the land is created.
20. If you cease to be a registered proprietor of the land, you must tell us the name and address of any new proprietor. Once you do so, you will no longer be liable to pay us the rent charge. The covenants in this encumbrance only bind the registered proprietor of the land for the time being.

Waiver and assignment

21. We may, in our absolute discretion, waive compliance with any development guidelines, or with any of the requirements of this encumbrance.
22. We may modify waive or release any of the covenants in this encumbrance. A party's action, or lack of it, on any disobedience of this encumbrance by the other does not:
 - 22.1 affect the party's rights if the other repeats or continues the disobedience; or
 - 22.2 disobeys this encumbrance in another way.
23. No waiver is effective unless in writing signed by our authorised officer.

Assignment by us

24. We may transfer or assign our rights under this encumbrance.

Severance of invalid clauses

25. If any clause of this encumbrance is void or unenforceable then it must be read down so that it is not void or unenforceable.
26. If it cannot be read down, it must be severed (that is, treated as if cut out).
27. The rest if this encumbrance is not affected if any clauses are read down or severed.

Payment of costs

28. The costs incidental to the preparation of this encumbrance, and the stamp duty and registration fee on it, must be paid by you.

You must also pay us any costs we incur as a result of any breach of this encumbrance by you or your employees, agents contractors or invitees.

How notices may be given

29 All notices (including approvals or demands)

29.1 must be in writing

29.2 must be given to the other party

29.3 can be given in person

29.4 can be left at the other party's address on page 1, or at the other party's last known address

29.5 can be sent there by post, but they must be correctly addressed and posted

29.6 can be given to you by being left at, or sent by post to, the land

29.7 are, if posted, treated as given the next business day after posting

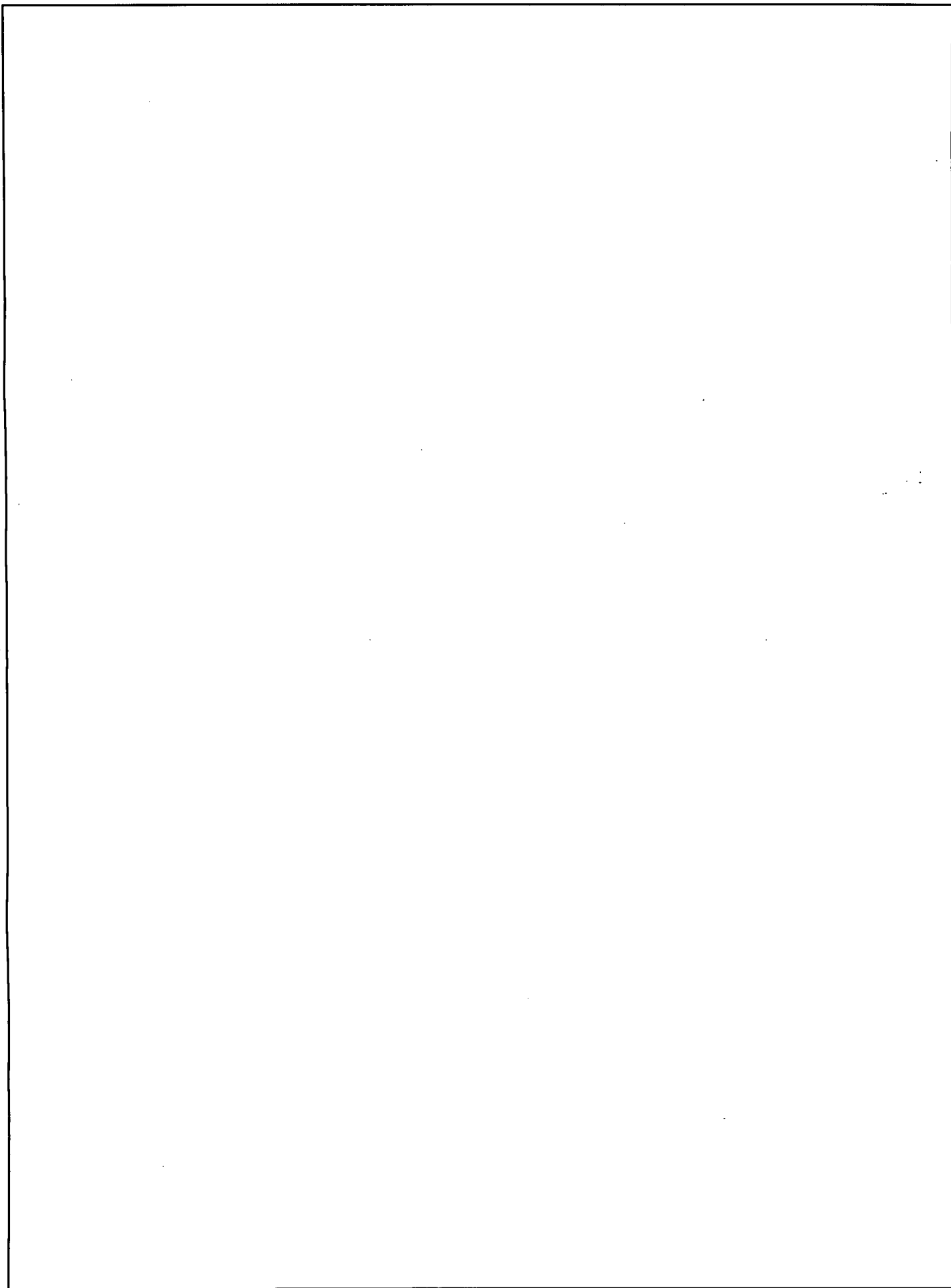
29.8 may, if the party has a facsimile number, be sent by facsimile transmission to that facsimile number. In that case, the notice is treated as having been given when the sender's facsimile machine confirms that the transmission has been successfully completed

29.9 may be signed by a party, or any person that party authorises to sign it.

Sunset Clause

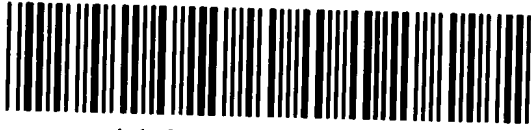
30. Our rights and obligations will cease one (1) year after we cease to be the registered proprietor of any allotment created in the Development Zone.

31. For the avoidance of doubt it is expressly stated that the rights and obligations of the owners of any land in the Development Zone arising under the building scheme created by this encumbrance will continue despite the provisions of clause 30.



LANDS TITLES REGISTRATION
OFFICE
SOUTH AUSTRALIA

Orig. AG 10235663



14:09 31-May-2005

1 of 1

Fees: \$0.00

FORM APPROVED BY THE REGISTRAR-GENERAL

BELOW THIS LINE FOR AGENT USE ONLY

CERTIFIED CORRECT FOR THE PURPOSES
OF THE REAL PROPERTY ACT 1886

G. Manos
Solicitor/Registered Conveyancer/Applicant

Lodged by:

Correction to:

MANOS &
ASSOCIATES

AGENT CODE

MAP7P

MANOS & ASSOCIATES

BELOW THIS LINE FOR OFFICE USE ONLY

Date	Time:	
FEES		
R.G.O.	POSTAGE	NEW C.T.

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

1. CT 5698/122
2. " 5698/123
3. " 5824/270
4. " 5824/271
5. " 5882/633

Assessor

PLEASE ISSUE NEW CERTIFICATE(S) OF TITLE AS FOLLOWS

1.
2.
3.

Lands Titl 12:33 03/06/05 192101
REGISTRATION FEE \$98.00
Lands Titl 12:33 03/06/05 192101
POST \$6.60

CORRECTION

PASSED

REGISTERED

- 8 JUN 2005

L. F. Nagy
pro



REGISTRAR-GENERAL

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

ITEM(S)	AGENT CODE
CT's (All)	MAP7P

Insert type of document

here

Application to Note Land Management Agreement

TO: THE REGISTRAR GENERAL

CITY OF ONKAPARINGA of 1 Ramsey Place Noarlunga Centre SA 5168 pursuant to the provisions of Section 57(8) of the Development Act 1993 HEREBY APPLIES FOR THE REGISTRATION of the attached Land Management Agreement pursuant to the provisions of Section 57 of the said Act which Land Management Agreement is dated the 27 day of May 2005 and made between the CITY OF ONKAPARINGA of the first part and ABMC HOLDINGS PTY LTD ACN 106 564 729 of 29 Dequetteville Tce Kent Town SA 5067 and KLINKEM PTY LTD ACN 083 654 684 of 12 Waikiki Ct West Lakes SA 5021 collectively of the second part and which Agreement binds the land comprised in the Certificates of Title Volume 5698 Folio 122 and 123, Certificate of Title Volume ~~5630~~ Folio ~~153~~ and Certificate of Title Volume ~~5849~~ Folio ~~772~~ *5882 633 94* *5824 Folios 270+271 94*

The Agreement relates to the development of the land for the purposes of Section 57 of the said Act.

The Common Seal of the
CITY OF ONKAPARINGA
was hereto affixed in the presence of :

)
)
)

[Signature]
..... Mayor

[Signature]
..... Chief Executive Officer



EXECUTED by **ABMC**
PTY LTD ACN 106 564 729
in accordance with the Corporations Law

)
)
)

[Signature]
..... Director

[Signature]
..... Director/Secretary

EXECUTED by **KLINKEM**
PTY LTD ACN 083 654 684
in accordance with the Corporations Law

)
)
)

Gail Rowe
..... Director

[Signature]
..... Director/Secretary

THIS LAND MANAGEMENT AGREEMENT is made on the 27 day of May 2005

BETWEEN:

ABMC HOLDINGS PTY LTD ACN 106 564 729
of 29 Dequetteville Tce Kent Town SA 5067,

- and -

COMMISSIONER OF STATE TAXATION

KLINKEM PTY LTD ACN 083 654 684
of 12 Waikiki Ct West Lakes SA 5021

S.A. STAMP DUTY PAID \$10.00
ORIGINAL with 0 copies
case may be referred to as 5016.1
DEED

(both hereinafter with their successors, administrators and assigns as the case may be referred to as 5016.1
(collectively the Owner)

AND

CITY OF ONKAPARINGA
of 1 Ramsey Place Noarlunga Centre SA 5168
(the Council)

RECITALS

- A. The Owner made application to the City of Onkaparinga (the Council) under the Development Act 1993 (the Act) to divide certain land situate at Aldinga Beach Road Aldinga Beach together with the construction of associated roads and the establishment of various reserves being DA 145/D653/2003 (the application).
- B. The Council is the planning authority pursuant to the Development Act in respect of the application.
- C. As part of the application the Owner indicated that it was prepared to enter into a Land Management Agreement with the Council regarding certain matters and features of the application.
- D. By Decision Notification Form dated 15 June 2004 the Council issued Provisional Development Plan Consent and Land Division Consent subject to a total of 47 Conditions to divide the land contained in Certificates of Title Volume 5698 Folio 122 and 123, Certificate of Title Volume 5630 Folio 153 and Certificate of Title Volume 5849 Folio 772 by creating 516 additional allotments (4 lots into 521 lots) (the Consent).
- E. By Development Application DA 145/1012/05 application was made to vary the consent and by Decision Notification Form dated 4 May 2005 the Council granted consent to the variation application and thus varied the Consent.
- F. Condition 1 of the Land Division Consent contemplated a Land Management Agreement being entered between the Owner and the Council.

- G. The parties have agreed to enter into this Agreement to deal with the
1. height of future dwellings to be established on Lots 1 – 6 (inclusive), 87, 88, 129 – 132 (inclusive), 145, 146, and 155 – 163 (inclusive) on the attached plan, and
 2. Stormwater harvesting techniques being established in respect of each of the allotments in accordance with details submitted to the Council, and
 3. treatment and disposal of stormwater associated with the land.
- H. The parties further agree that the terms and conditions that follow are in addition to any conditions imposed by the Council in respect of the Consent.

OPERATIVE PART

The Council and the Owner agree as follows:

1. INTERPRETATION

1.1. Definitions

In this document unless the context otherwise requires:

"the Owner" means the person(s) and/or company(ies) from time to time being registered or entitled to be registered as the proprietor(s) of an estate in fee simple in that portion of the land identified in the plan attached hereto being the land in Certificates of Title Volume 5698 Folio 122 and 123 being Lots 1 & 2 Aldinga Beach Rd Aldinga Beach, Certificate of Title Volume 5630 Folio 153 being Lots 2 & 3 DP 55568 and Certificate of Title Volume 5849 Folio 772 being Lot 301 at/near Aldinga Beach Road Aldinga Beach.

"the Council" means the of the City of Onkaparinga and its successors.

"Application" or "Land Division application" means DA 145/D653/2003 and DA 145/1012/05 as the case may be or the context permits or suits

1.2. Construction

In this document, unless the context otherwise requires:

- (a) words importing the singular include the plural and vice versa;
- (b) an obligation of two or more parties shall bind them jointly and severally;
- (c) if a word or phrase is defined cognate words and phrases have corresponding definitions; and
- (d) a reference to:
 - (i) a person includes a corporation and a body politic;
 - (ii) a statute, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them made by any legislative authority;
 - (iii) any thing (including, without limitation, any amount) is a reference to the whole or any part of it and a reference to a group of things or persons is a reference to any

- one or more of them; and
- (iv) a right includes a remedy, authority or power.

- (e) any reference to a numbered allotment/lot is a reference to that allotment/lot on the attached plan which numbers may not represent the correct allotment/lot number assigned to those allotments in the Lands Title Office.

1.3. Headings

Headings shall be ignored in construing this document.

2. **LAND and DWELLINGS HAVING A FRONTAGE TO ALDINGA BEACH ROAD**

The Owner agrees that in respect of any of the proposed allotments having a frontage to Aldinga Beach Road identified on the attached plan as allotments 1 – 6 (inclusive), 87, 88, 129 – 132 (inclusive), 145, 146, and 155 – 163 (inclusive) any dwelling constructed thereon shall not be more than 1 storey and shall not in any event be more than 5.5 metres high above natural ground level measured to the highest point of the dwelling including the highest point of the roof (excluding any chimney or like structure).

3. **STORMWATER HARVESTING TECHNIQUES**

The Owner and the Council agree that it is desirable to conserve water and to use water in an appropriate and environmentally friendly and economic manner. The Owner submitted to the Council a particular technique for the harvesting of stormwater within the proposed allotments to be created as part of the application. Accordingly it has been agreed that the Owner shall establish water harvesting techniques in association with each of the allotments in the form as appears in the attached document prepared by Structural Civil Australia or some other similar water harvesting techniques as may be approved by the Council. Such technique will enable stormwater to be collected on each of the residential allotments and to then be used to provide water for any toilets to be established within any dwellings and also for the water to be used for watering any gardens/open space areas of any dwellings to be established on the allotments.

4. **ALTERNATIVE STORMWATER TECHNIQUES**

The original application as submitted to the Council involved a stormwater disposal system using specially designed and constructed swales within road reserves which would then drain into proposed lot (reserve) 800 where a specially designed stormwater disposal system known as a slow release infiltration system was to be constructed. This would have enabled stormwater to be collected and held underground in a tank with the water then slowly released and returned to the aquifer through infiltration.

Subsequently nearby land owned by SA Water being the land in Certificate of Title Volume 5418 Folio 508 has become available which can be used for the treatment and disposal of stormwater from the land (and other nearby land). Council expects that care and control in respect of that land will vest in the Council in the immediate future (the Council wetland land).

Council has agreed with the Owner that the Council wetland land can be used for the treatment and disposal of stormwater associated with the land on the basis that the Owner will make a financial contribution to establish a wetland etc on the Council wetland land. However such works on the Council wetland land are unlikely to take place prior to development of (all of) the

allotments proposed to be created as part of the Consent.

The Owner proposes to develop the land in 10 stages. Council has received engineering advice regarding stormwater discharge associated with the land if it is fully developed for residential purposes in accordance with the Consent. The engineering advice is that stormwater associated with the development of Stages 1- 8 inclusive as marked on the plan can be treated and disposed of on the land without the need to utilise the wetland on the Council wetland land nor any swales or infiltration system.

The Owner and the Council have agreed that the Owner can proceed to develop stages 1 – 8 inclusive without the infiltration system and the swales as long as it implements appropriate stormwater disposal techniques on the land as per the advice in a letter from Connell Wagner dated 14 March 2005 received by the Council (which generally involves the use of the area of lot (reserve) 800 and the area of stages 9 & 10).

The parties have further agreed that if the wetland on the Council wetland land has not been established or for whatever reason stormwater associated with the land can not be disposed of into/onto the Council wetland land at the time when the Owner wishes to proceed with the creation of the allotments in stages 9 & 10, the Owner must establish an appropriate infiltration system generally as approved in association with Development Application 145/D653/2003 (or as may be required by Council to be varied to account for changed stormwater inputs) in and under lot (reserve) 800 to treat with and dispose of all of the stormwater associated with **all** of the land, at no cost to the Council.

5. ADDITIONAL REQUIREMENTS

The requirements of this Agreement are at all times to be construed as additional to the requirements of the Act and any other legislation affecting development of the land and in particular are in addition to the conditions attached to the Consent and in respect of any future Development Application to establish dwellings or other development on the allotments.

6. OPERATION OF THIS DEED

The parties expressly agree and declare that the provisions of this Deed will not be binding or impose any obligation upon them unless or until the date the Registrar-General deposits the plan of division in the Land Titles Registration Office pursuant to the provisions of the Real Property Act.

7. RESCISSION

In the event that:

- 7.1 any development authorisation obtained for the application lapses or expires by virtue of the provisions of the Act without being implemented by the Owner; or
- 7.2 the Registrar-General does not deposit the plan of division in the Lands Titles Registration Office or any minor variation thereof

the Council agrees to rescind this Deed at the request of the Owner and the reasonable costs of and incidental to the preparation, stamping and registration of the Deed of Rescission shall be borne by the Owner.

8. RIGHT OF INSPECTION

8. RIGHT OF INSPECTION

The Council and any employee or agent of the Council authorised by the Council may for the purposes of this Agreement at any reasonable time enter into and upon the land for the purpose of:-

- 8.1. inspecting the land and any building on the land
- 8.2. exercising any other powers of the Council under this Agreement.

9. NOTICE TO REMEDY

If the Owner is in breach of this Agreement the Council must by notice in writing served on the Owner require the Owner to remedy the breach (including the reinstatement of the land) within such time nominated by the Council in the notice (being not less than 10 business days of the date of the service of the notice) and if the Owner fails to remedy the breach, the Council or its servants or agents may carry out the requirements of the notice and in so doing perform any necessary works upon the land and recover any costs thereby incurred from the Owner as a debt due and owing to the Council.

10. RIGHT TO REMOVE

If in a notice referred to in the preceding paragraph the Council requires removal of anything from the land which may include but shall not be limited to a building or material of any kind the Council and its servants or agents are hereby authorised and empowered by the Owner to remove the said thing or things from the land (provided that the said thing or things have not previously been approved by the Council) and dispose of it or them in any manner determined by the Council PROVIDED THAT if the said thing or things 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 Owner and pay to it the realised value less all expenses reasonably incurred by the Council in such removal and disposal.

11. DELEGATION

The Council may delegate any of the Council's powers under this Agreement to any person.

12. GIVING OF NOTICE

A notice shall for the purpose of this Agreement be properly served on the Owner if it is:-

- 12.1 posted to the Owner's last address known to the Council in which event it will be deemed to have been received on the day after posting,
- 12.2 affixed to a prominent position on the land.

13. REGISTRATION AND COSTS

- 13.1 The Council requests that this Agreement be registered on the land comprised in Certificates of Titles Volume 5698 Folio 122 and 123, Certificate of Title Volume 5630 Folio 153 and Certificate of Title Volume 5849 Folio 772
- 13.2 The parties acknowledge that the Owner has agreed to bear the costs of such registration and associated costs including the costs of preparation of this Agreement.
- 13.3 Each party hereto shall do all things necessary to ensure that this Agreement is registered and a memorial thereof is entered on the said Certificate of Title pursuant to the provisions of Section 57 of the Act.

14. ENTIRE AGREEMENT VARIATION and WAIVER

- 14.1 This Agreement contains the whole of the agreement between the Owner and the Council in respect of the subject matter hereof namely the form and height of any dwellings to be established on the said allotments and the treatment and disposal of stormwater both within the proposed allotments and within or off the land generally. Any variation to the Agreement shall be in writing and attested to by the parties in writing.
- 14.2 The Council and the Owner acknowledge that the Recitals are true and accurate and agree that they form part of this Agreement.
- 14.3 This Deed may not be varied except by a supplementary Deed signed by the Council and the Owner.
- 14.4 The Council may waive compliance by the Owner with the whole or any part of the obligations of the Owner herein contained provided that no such waiver shall be effective unless expressed in writing and signed by the Council.

15. SEVERANCE

- 15.1 If a provision of this Agreement is void or voidable or unenforceable but would not be void or voidable or unenforceable if it were read down and is capable of being read down it shall be read down accordingly.
- 15.2 If not withstanding sub-clause 1 hereof, a provision of this Agreement is still void or voidable or unenforceable:-
- (i) if the provision would not be void or voidable or unenforceable as aforesaid if a word or words were omitted therefrom, that word or those words (as the case may be) are hereby severed;
 - (ii) if necessary, the whole provision is hereby severed; and

the remainder of this Agreement has full force and effect.

EXECUTED unconditionally by the parties as an Agreement pursuant to the provisions of

Section 57 of the Development Act 1993.

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

)
)
)



[Signature]
.....

Mayor

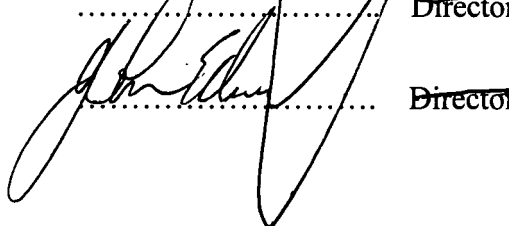
[Signature]
.....

Chief Executive Officer

EXECUTED by **ABMC**
PTY LTD ACN 106 564 729
in accordance with the Corporations Law

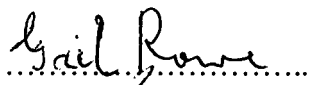
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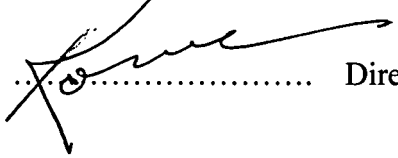

..... Director


..... Director/Secretary

EXECUTED by **KLINKEM**
PTY LTD ACN 083 654 684
in accordance with the Corporations Law

)
)
)


..... Director


..... Director/Secretary

CITY OF ONKAPARINGA
DEV NO. 145/0053/03

PORTION OF ALLOTMENTS 800 AND 801 MARKED A
IS SUBJECT TO A SERVICE EASEMENT FOR
DRAINAGE PURPOSES (SEE DRAWING)

CENTRELINE INTERVAL 24 METRES

NUMBER OF ALLOTMENTS

TOTAL AREA, 1158.14 SQ. METRES
AREA OF RESERVE 800 - 142.14 SQ. METRES
AREA OF RESERVE 801 - 142.14 SQ. METRES
AREA OF RESERVE 802 - 142.14 SQ. METRES
AREA OF RESERVE 803 - 142.14 SQ. METRES
TOTAL AREA OF RESERVES - 568.56 SQ. METRES (48.74%)
TOTAL AREA OF BUFFER RESERVE - 182.14 SQ. METRES (15.71%)
TOTAL AREA OF BUFFER RESERVE - 182.14 SQ. METRES (15.71%)

SUBDIVISION IS TO BE UNDERTAKEN IN 18 STAGES OF 55 ALLOTMENTS



LEGEND

SYMBOL	DESCRIPTION
(Symbol)	ALLOTMENT
(Symbol)	ROAD
(Symbol)	RESERVE
(Symbol)	BOUNDARY
(Symbol)	WATER

PROPOSED PLAN OF DIVISION ALLOTMENTS 1 & 2 IN DP 15582 AND ALLOTMENT 30 IN DP 4445 OF PT SECS 428 & 427 HUNDRED OF VALANGA IN THE AREA KNOWN AS ALDINGA BEACH		DATE 10/07/2014 SCALE 1:1000
BNA BLLEE NEALE & ASSOCIATES P/L 17/179 New South Wales Highway, Suite 101, North Sydney, NSW 1585		DATE 10/07/2014 SCALE 1:1000
DATE 10/07/2014 SCALE 1:1000	DATE 10/07/2014 SCALE 1:1000	DATE 10/07/2014 SCALE 1:1000

14 March 2005

Mr Stephen Fines-Phillips
Design Team Leader
City of Onkaparinga
PO Box 1
NOARLUNGA CENTRE SA 5168

Dear Stephen

**BAYSWOOD ESTATE ALDINGA – DEVELOPMENT NO 145/0653/03
REVISED STORMWATER STRATEGY**

Following our meeting on 3 March 2005, we have investigated the stormwater strategy to re-engineer Stages 3 to 8 of the project. We understand that a fail safe stormwater strategy needs to be in place in the event the implementation of the wetland in Moss land is delayed.

The following sets out the stormwater strategy:

- The dirty stormwater from the roadways in Stages 3 to 8 will be filtered using proprietary gross pollutant trap (GPT). The GPT will be located in the central reserve near the southern boundary. This will ensure gross pollutants from the development are filtered prior to discharge into the wetland.
- If the Moss wetland is not in place prior to commencement of Stage 9, a temporary detention basin will be required to attenuate discharge from the developed area. The temporary detention basin will be located in the southern portion of the central reserve. Temporary earth bunding will be used to form the detention basin.
- The allotment stormwater harvesting and reuse requirements eg with provision of rainwater tank, soakage trenches and containment of stormwater runoff to pre-development levels etc, for Stages 3 to 8 will remain unchanged as per the original Council Development Conditions of Approval.
- Stages 9 to 10 – The final draft Land Management Agreement proposal for the allotment as set out in the original Council Development Conditions will remain unchanged.

The proposed stormwater strategy is depicted on the attached sketch plan.

We trust the above meets your requirements for approval. Please contact the undersigned if you have any queries.

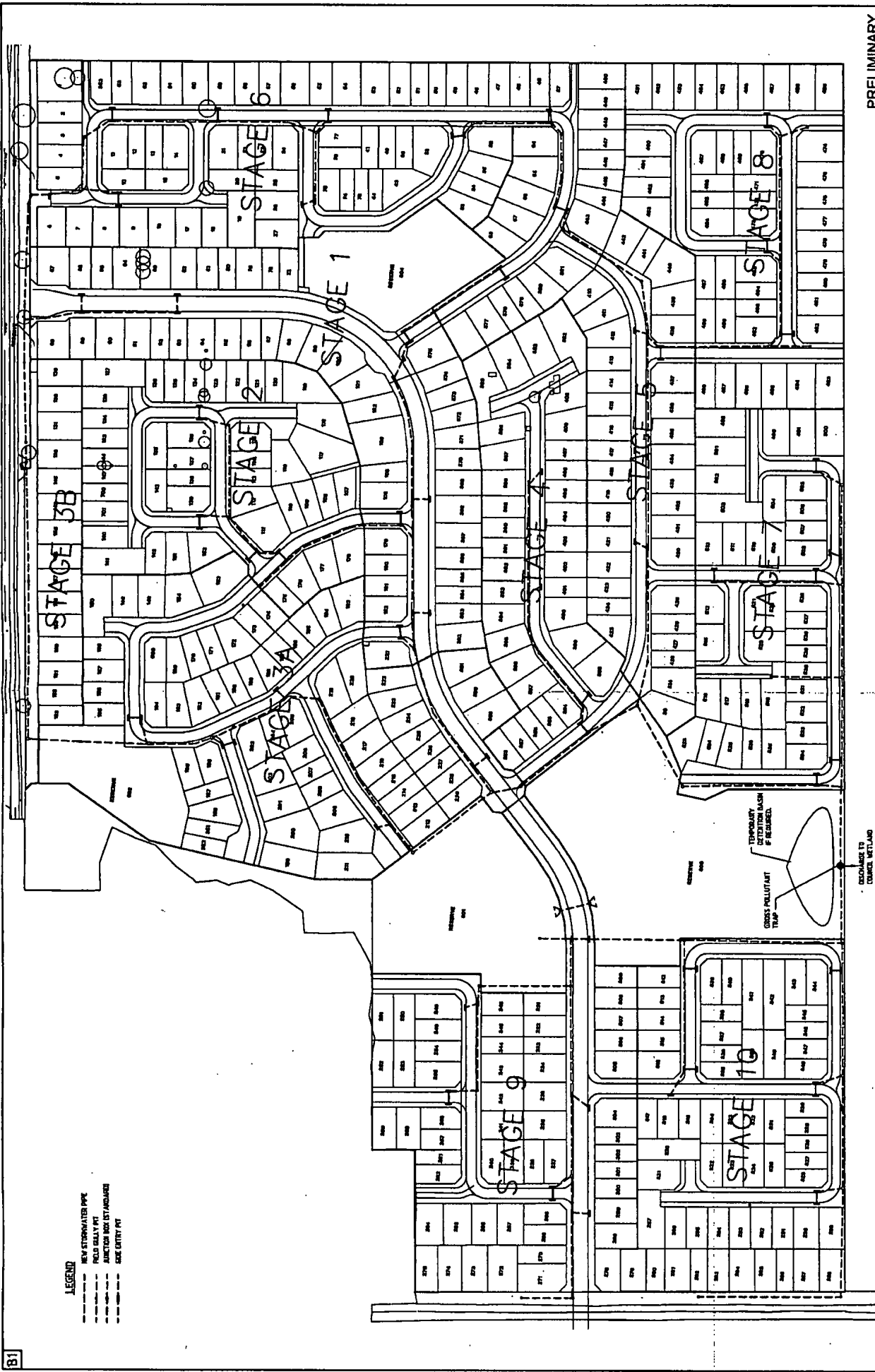
Yours faithfully



Boon Chua
Project Engineer

Encl

cc: Simon Cross – Gemtree Property Pty Ltd
Scott Searle – City of Onkaparinga



LEGEND

- NEW STORMWATER PIPE
- 1500MM GULLY PIT
- JUNCTION BOX
- SIZE ENTRY PIT

PRELIMINARY

CONCEPT STORMWATER DRAINAGE PLAN		Project No: G084.00 Scale: 1:500 Drawing No: C0301_02
SOUTHWOOD DEVELOPMENTS PTY. LTD.		Client: BAYSWOOD ESTATE
Conneff Wagner Engineers & Architects 100 Southwood Drive, Southwood, NSW 2113 Phone: (02) 9330 1000 Fax: (02) 9330 1001 Email: info@conneffwagner.com.au		Project No: G084.00 Scale: 1:500 Drawing No: C0301_02
Rev Date By For	Rev Date By For	Rev Date By For