

## LOCAL GOVERNMENT INQUIRY

(Certificate of Liabilities pursuant to Section 187/3/e of the Local Government Act 1999)

SMART FORM ONE  
2/162 FLINDERS STREET  
ADELAIDE SA 5000

### The Land

Property Address:	6A THREE GULLIES ROAD, ENCOUNTER BAY SA 5211		
Assessment Number:	A7893	Plan Number:	D41767
Valuer General Number	4508240097	Section Number:	
Owner (s):	CJ MESECKE AM RYAN		
Lot Number:	502		
C/T Number:	5257/499		

Arrears of previous financial year rates and fines	\$0.00
Rates for 2024/25 Financial Year (incl. Regional Landscape Levy)	\$1529.25
<b>ADD:</b> Fines and Interest for Late Payment	\$0.00
<b>ADD:</b> Legal Fees	\$0.00
<b>ADD:</b> Sundry Debtors B1195	\$0.00
<b>LESS:</b> Rebates*	\$0.00
<b>LESS:</b> Receipts	\$382.35
<b>TOTAL OUTSTANDING AT DATE OF CERTIFICATION</b>	<b><u>\$1146.90</u></b>

\*Rebates - Any change in ownership and/ or land use may affect the ongoing eligibility and receipt of a Council Rate Rebate, please confirm with our office prior to settlement if any adjustment will be made.

#### Notes for Settlement

- **Complementary Update** - Where a new Certificate of Liabilities is required, a complimentary certificate will be provided within 60 days of a paid search.
- **Fines & Interest** - If rates are not paid on or before their due date, a fine of 2% is payable with further interest of 0.76% is payable on any arrears on the 15<sup>th</sup> day of each month thereafter. If an extension is required on current rates for settlement., please email [localgov@victor.sa.gov.au](mailto:localgov@victor.sa.gov.au)
- **Settlement Advice** - We require a settlement advice with purchaser's names and postal address.
- **Direct Debits** - Direct debits are not automatically cancelled, and payments will continue until either the owner contacts council with 2 weeks' notice, or the change of ownership report is received from Lands Service SA.
- **BPAY and Balance** - To obtain an updated balance or Bpay details please contact us within 48 hours of settlement. No additional cost will be charged as a Certificate of Liabilities will not be issued. If the incorrect payment is received on settlement, the payment will be rejected.

Certified by: Mia Pickett, Acting Senior Revenue Officer

Date: 4 October 2024

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016****29.1 Part 5 – Planning and Design Code:**

Title or other brief description of zone, subzone and overlay in which the land is situated (as shown in the Planning and Design Code):

**REFER TO ATTACHED PLAN SA DATA EXTRACT FOR SECTION 7 SEARCH PURPOSES**

Is there a State heritage place on the land or is the land situated in a State heritage area? **NO**

Is the land designated as a local heritage place? **NO**

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? **NO**

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? **YES**

For further information about the code visit [https://plan.sa.gov.au/have\\_your\\_say/code\\_amendments](https://plan.sa.gov.au/have_your_say/code_amendments).

**29.5 Section 141 – Order to remove or perform work** **NO**

**29.6 Section 142 – Notice to complete development** **NO**

**29.7 Section 155 – Emergency order** **NO**

**29.8 Section 157 – Fire safety notice** **NO**

**29.9 Section 192 or 193 – Land management agreement** **NO**

**29.10 Section 198(1) – Requirement to vest land in a council or the Crown to be held as open space** **NO**

**29.11 Section 198(2) – Agreement to vest land in a council or the Crown to be held as open space** **NO**

**29.12 Part 16 Division 1 – Proceedings (*Disputes and Appeals*)** **NO**

**29.13 Section 213 – Enforcement notice** **NO**

**29.14 Section 214(6), 214(10) or 222 – Enforcement order** **NO**

**29.2 Section 127 – Condition (that continues to apply) of a development authorisation** **YES**

**If response is YES, refer to the attached Plan SA Data Extract for Section 7 Purposes**

**DEVELOPMENT ACT 1993 (REPEALED)**

**5.1 Section 42 – Condition (that continues to apply) of a development authorisation** **NIL**

**Note:** Council have attached all available Conditions on record for your information

**REPEALED ACT CONDITIONS**

**6.1 Condition (that continues to apply) of an approval or authorisation granted under the Building Act 1971 (repealed), the City of Adelaide Development Control Act 1976 (repealed), the Planning Act 1982 (repealed) or the Planning & Development Act 1966 (repealed)** **NIL**

**Note:** Council have attached all available Conditions on record for your information

**DEVELOPMENT ACT 1993 (REPEALED) (CONTINUED)**

**5.2 Section 50(1) – Requirement to vest land in a council or the Crown to be held as open space** **NIL**

**5.3 Section 50(2) – Agreement to vest land in a council or the Crown to be held as open space** **NIL**

**5.4 Section 55 – Order to remove or perform work** **NIL**

**5.5 Section 56 – Notice to complete development** **NIL**

**5.6 Section 57 – Land Management Agreement** **NO**

**5.8 Section 69 – Emergency Order** **NIL**

**5.9 Section 71 – Fire Safety notice** **NIL**

**5.10 Section 84 – Enforcement notice** **NIL**

**5.11 Section 85(6), 85(10) or 106 – Enforcement order** **NIL**

**5.12 Part 11 Division 2 – Proceedings (*Disputes and Appeals*)** **NIL**

**FIRE & EMERGENCY SERVICES ACT 2005**

- 10.1 Section 105F (or Section 56 or 83 repealed) – Notice to take action to prevent outbreak or spread of fire. **NIL**  
*Further information can be obtained from Council Fire Prevention Officer 8551 0546*

**FOOD ACT 2001**

- 11.1 Section 44 – Improvement notice **NIL**  
 11.2 Section 46 – Prohibition order **NIL**

**HOUSING IMPROVEMENT ACT 1940 (REPEALED)**

- 15.1 Section 23 – Declaration that house is undesirable or unfit for human habitation **NIL**  
 15.2 Part 7 (rent control for substandard houses) – Notice or declaration **NIL**

**LAND ACQUISITION ACT 1969**

- 17.1 Section 10 – Notice of intention to acquire **NIL**

**LOCAL GOVERNMENT ACT 1934 (REPEALED)**

- 20.1 Notice, order, declaration, charge, claim or demand given or made under the Act **NIL**

**LOCAL GOVERNMENT ACT 1999**

- 21.1 Notice, order, declaration, charge, claim or demand given or made under the Act **NIL**

**LOCAL NUISANCE AND LITTER CONTROL ACT 2016**

- 22.1 Section 30 – Nuisance or litter abatement notice **NIL**

**PUBLIC & ENVIRONMENT HEALTH ACT 1987 (REPEALED)**

- 31.1 Part 3 – Notice **NIL**  
 31.2 Public and Environmental Health (Waste Control) Regulations 2010 (or 1995) (revoked)  
 Part 2 – Condition (that continues to apply) of an approval **NIL**  
 31.3 Public & Environment Health (Waste Control) Regulations 2010 (revoked)  
 Regulation 19 – Maintenance order *(that has not been complied with)* **NIL**

**SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011**

- 32.2 Section 92 – Notice **NIL**  
 32.3 South Australian Public Health (Wastewater) Regulations 2013 Part 4 – Condition (that continues to apply) of an approval **NIL**

**OTHER CHARGES**

- 36.1 Charge of any kind affecting the land (not included in another item) **NIL**

**OTHER PARTICULARS****PARTICULARS RELATING TO ENVIRONMENT PROTECTION**

- 6 Does Council hold details of any development approvals relating to -  
 (a) commercial or industrial activity at the land; or **NIL**  
 (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) **NIL**

**Note:** 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 & 103H of the Environment Protection Act 1993) and that assessments or remediation of the land may be required at some future time.

It should also 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 on the land

**PARTICULARS OF BUILDING INDEMNITY INSURANCE**

Building indemnity insurance is required:

**Attached****YES****Note –***Building Indemnity Insurance is not required for –*

- (a) *domestic building work for which approval under the Planning, Development and Infrastructure Act 2016, the repealed Development Act or the repealed Building Act 1971 is or was not required; or*
- (b) *minor domestic building work (see section 3 of the Building Work Contractors Act 1995); or*
- (c) *domestic building work commenced before 1 May 1987; or*
- (d) *building work in respect of which an exemption from the application of Division 3 of Part 5 of the Building Work Contractors Act 1995 applies under the Building Work Contractors Regulations 2011; or*
- (e) *building work in respect of which an exemption from the application of division 3 of Part 5 of the Building Work Contractors Act 1995 has been granted by the Minister under section 45 of that Act.*

If particulars of insurance are not given, has an exemption been granted under section 45 of the Building Work Contractors Act 1995 from the requirement to hold an insurance policy in accordance with Division 3 of Part 5 of that Act?

**NO****ENCUMBRANCE AND PERMIT REQUIREMENTS:**

**AN ENCUMBRANCE TO THE CITY OF VICTOR HARBOR IS REQUIRED TO BE LIFTED AND REPLACED FOR THIS TITLE. PLEASE REFER TO THE ATTACHED INFORMATION SHEET.**

*The information provided 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.*

**The Data Extract for Section 7 search purposes attached to this search is provided to you as generated by the Plan SA Data Service and supplied unedited. Council is not responsible for inaccuracies in the attached report and any enquiries regarding its content should be directed to the Plan SA help desk on 1800 752 664 or [plansa@sa.gov.au](mailto:plansa@sa.gov.au).**

**Responses in this search document may differ to the information provided in the Plan SA attachment.**

**Certified by:****Amelia Timpano, Community and Development - Administration Support Officer****Date: 4 October 2024**

## SWIMMING POOL AND SPA LEGISLATION

If you are selling your property with a swimming pool or spa pool, you are responsible for making sure that current safety requirements for swimming pool safety are met. This may mean you have to upgrade fencing or barriers. Swimming pool and spa pool safety regulations apply from 1 October 2008. All homes with pools and spa pools must now have up-to-date child-safety barriers in place **before** the property can be sold.

It is the responsibility of the pool owner to make sure that current pool safety requirements are met **prior** to settlement date, when selling a property with a swimming pool and/or spa. Specific pool safety requirements are set by Australian Standard AS1926.1 adopted by the State Government.

Under the Standard, all swimming pools and spa pools must have a continuous safety barrier that is maintained by the pool owner and which restricts access by young children to the pool and the immediate pool surrounds. The requirements are determined via the date when the pool or spa pool was built.

### Pools built before 1 July 1993

If the property where a swimming pool or spa pool is located is not for sale, the pool can continue to comply with the old *Swimming Pools Safety Act 1972*. The Act requires a swimming pool or spa pool owner to ensure that the pool is enclosed by a fence, wall or building to restrict access by young children.

If the property is sold after 1 October 2008, the child-safety barriers must comply with Ministerial Building Standard MBS 004 before settlement. This means that barriers must be installed to separate the pool area from the house where ever possible.

The Ministerial Building Standard MBS 004 took effect on 5 September 2019 by notice in the Government Gazette. Section 156 of the Planning Development and Infrastructure Act 2016, together with the Planning, Development and Infrastructure (Swimming Pool Safety) Regulations 2019 replace section 71AA of the Development Act 1993 from 1 July 2019 onwards.

### Pools built on or after 1 July 1993

Swimming pools or spa pools built on or after 1 July 1993 must comply with the rules that were current when the application for construction was submitted. This includes the provisions of the *Planning, Development and Infrastructure Act 2016*, *Development Act 1993*, AS1926.1 and the Building Code of Australia to restrict access to the pool from the house, garage, street and any adjoining properties.

The Planning, Development and Infrastructure (Swimming Pool Safety) Regulations 2019 does not allow temporary safety barriers to be permanent safety barriers.

*Please note that Council **does not** provide a swimming pool safety barrier inspection service.*

## SMOKE ALARMS

All South Australian dwellings (Class 1 and 2 buildings) must be fitted with a working smoke alarm (or smoke alarms) regardless of when the dwelling was constructed. Home owners and residential landlords are responsible for ensuring working smoke alarms are installed in the property in accordance with the Building Code of Australia. Smoke alarms provide occupants with a reasonable warning on the detection of smoke so that they can evacuate in the event of a fire.

Regulation 95 of the *Planning, Development and Infrastructure Regulations 2017* requires a smoke alarm (or smoke alarms) be fitted within six (6) months from the day on which the title is transferred and be either:

- a smoke alarm or smoke alarms powered through a mains source of electricity, or
- a smoke alarm or smoke alarms powered 10-year life non-replaceable, non-removable, permanently connected battery.

Dwellings built on or after 1 January 1995 require mains powered smoke alarms. It may be necessary to install more than one smoke alarm to a dwelling to provide sufficient warning depending on the size and layout. Fines of up to \$750 apply if smoke alarms are not installed within six (6) months from the day on which the title is transferred.

## DOGS & CATS

Legislation in South Australia requires all dogs and cats of 3 months of age or over to be registered and microchipped. Registration is processed through the Dog and Cat Management Board.

Please visit [www.dogsandcatsonline.com.au](http://www.dogsandcatsonline.com.au) to register.