



Certificate of Title - Volume 6119 Folio 242

Parent Title(s) CT 5917/94

Creating Dealing(s) DDA 12002605

Title Issued 19/09/2013 Edition 1 Edition Issued 19/09/2013

Estate Type

FEE SIMPLE

Registered Proprietor

KEVIN ROY SMITH
JACKIE ANNE SMITH
OF LOT 3 GEORGE FRANCIS DRIVE MOUNT COMPASS SA 5210
AS JOINT TENANTS

Description of Land

ALLOTMENT 3 DEPOSITED PLAN 64338
IN THE AREA NAMED MOUNT COMPASS
HUNDRED OF NANGKITA

Easements

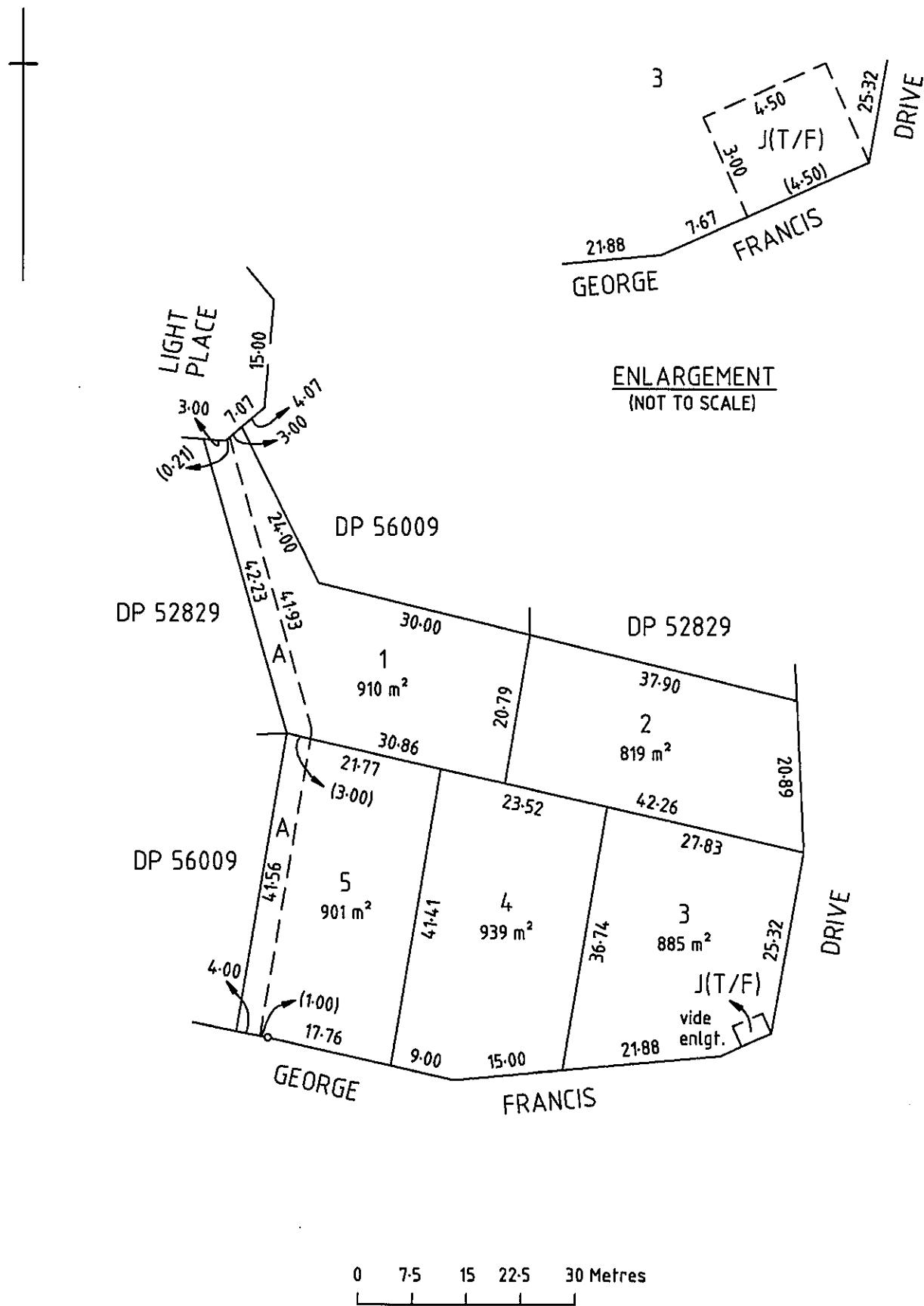
SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED J(T/F) FOR ELECTRICITY SUPPLY PURPOSES
TO DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000) (223LG RPA)

Schedule of Dealings

Dealing Number	Description
10425404	ENCUMBRANCE TO A.G.BENNETTS NOMINEES PTY. LTD. (SINGLE COPY ONLY)
10879417	MORTGAGE TO MEMBERS EQUITY BANK PTY. LTD.

Notations

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



Property Interest Report

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

Title Reference	CT 6119/242	Reference No. 2465347
Registered Proprietors	K R & J A*SMITH	Prepared 15/05/2023 14:59
Address of Property	3 GEORGE FRANCIS DRIVE, MOUNT COMPASS, SA 5210	
Local Govt. Authority	ALEXANDRINA COUNCIL	
Local Govt. Address	PO BOX 21 GOOLWA SA 5214	

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

Particulars (Particulars in bold indicates further information will be provided)

1. General

1.1	Mortgage of land	Refer to the Certificate of Title
	<p><i>[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i></p>	
1.2	Easement (whether over the land or annexed to the land)	Refer to the Certificate of Title
	<p>Note--"Easement" includes rights of way and party wall rights</p> <p><i>[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i></p>	
1.3	Restrictive covenant	Refer to the Certificate of Title for details of any restrictive covenants as an encumbrance
	<p><i>[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i></p>	
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.)	Refer to the Certificate of Title also Contact the vendor for these details
	<p><i>[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i></p>	
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 object	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
	<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
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)	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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[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]

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. Fences Act 1975		
9.1	section 5 - Notice of intention to perform fencing work	Contact the vendor for these details
10. Fire and 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	Contact the Local Government Authority for other details that might apply Where the land is outside a council area, contact the vendor
11. Food Act 2001		
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. Ground Water (Qualco-Sunlands) Control Act 2000		
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. Heritage Places Act 1993		
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. Highways Act 1926		
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. Housing Improvement Act 1940 (repealed)		
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. Housing Improvement Act 2016		

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. <i>Land Acquisition Act 1969</i>		
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
18. <i>Landscape South Australia Act 2019</i>		
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.	<i>Land Tax Act 1936</i>	
19.1	Notice, order or demand for payment of land tax	<p>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.</p> <p>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</p>
20.	<i>Local Government Act 1934 (repealed)</i>	
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.	<i>Local Government Act 1999</i>	
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.	<i>Local Nuisance and Litter Control Act 2016</i>	
22.1	section 30 - Nuisance or litter abatement notice	Contact the Local Government Authority for other details that might apply
23.	<i>Metropolitan Adelaide Road Widening Plan Act 1972</i>	
23.1	section 6 - Restriction on building work	Transport Assessment Section within DIT has no record of any restriction affecting this title
24.	<i>Mining Act 1971</i>	
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

Miscellaneous Technical Enhancement - proposes a series of technical amendments which aim to enhance the general performance & operation of the Planning & Design Code (the Code). It is primarily focused on addressing technical & operational elements within the Code, as opposed to changing policy intent or outcomes. For more information, refer to the 'Code Amendments' page on PlanSA portal: https://plan.sa.gov.au/have_your_say/ or phone 1800752664.

Code Amendment

Lot 5 Hampden Way, Strathalbyn – proposes to rezone land at Lot 5 Hampden Way, Strathalbyn (the Affected Area) to a zone that supports local activity centre development. For more information, refer to the 'Code Amendments' page on the PlanSA portal: https://plan.sa.gov.au/have_your_say/ or phone 1800752664.

Code Amendment

Middleton - proposes to rezone land located at the western end of the Middleton township to enable the creation of low-density residential allotments plus a large public reserve. For more information, refer to the 'Code Amendments' page on the PlanSA portal: https://plan.sa.gov.au/have_your_say/ or phone 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 notice may require access

Contact the vendor for these details

29.4 section 140 - Notice requesting access

Contact the vendor for these details

29.5 section 141 - Order to remove or perform work

State Planning Commission in the Department for Trade and Investment has no record of any order or notice affecting this title

also

		Contact the Local Government Authority for other details that might apply
29.6	section 142 - Notice to complete development	State Planning Commission in the Department for Trade and Investment has no record of any order or notice affecting this title also Contact the Local Government Authority for other details that might apply
29.7	section 155 - Emergency order	State Planning Commission in the Department for Trade and Investment has no record of any order or notice affecting this title also Contact the Local Government Authority for other details that might apply
29.8	section 157 - Fire safety notice	Building Fire Safety Committee in the Department for Trade and Investment has no record of any order or notice affecting this title also Contact the Local Government Authority for other details that might apply
29.9	section 192 or 193 - Land management agreement	Refer to the Certificate of Title
29.10	section 198(1) - Requirement to vest land in a council or the Crown to be held as open space	State Planning Commission in the Department for Trade and Investment has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
29.11	section 198(2) - Agreement to vest land in a council or the Crown to be held as open space	State Planning Commission in the Department for Trade and Investment has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
29.12	Part 16 Division 1 - Proceedings	Contact the Local Government Authority for details relevant to this item also Contact the vendor for other details that might apply
29.13	section 213 - Enforcement notice	State Planning Commission in the Department for Trade and Investment has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
29.14	section 214(6), 214(10) or 222 - Enforcement order	Contact the Local Government Authority for details relevant to this item also State Planning Commission in the Department for Trade and Investment has no record of any conditions that continue to apply, affecting this title

30. Plant Health Act 2009

30.1	section 8 or 9 - Notice or order concerning pests	Plant Health in PIRSA has no record of any notice or order affecting this title
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31. Public and Environmental Health Act 1987 (repealed)

31.1	Part 3 - Notice	Public Health in DHW has no record of any notice or direction affecting this title also Contact the Local Government Authority for other details that might apply
31.2	Public and Environmental Health (Waste	Public Health in DHW has no record of any condition affecting this title

	<i>Control) Regulations 2010 (or 1995)</i> (revoked) Part 2 - Condition (that continues to apply) of an approval	also Contact the Local Government Authority for other details that might apply
31.3	<i>Public and Environmental Health (Waste Control) Regulations 2010 (revoked)</i> 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 Part 4 - Condition (that continues to apply) of an approval</i>	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 will respond with details relevant to this item.
		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. <i>Other charges</i>	
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 *Livestock Act, 1997* 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 (*Dog Fence Act 1946*) The Dog Fence Board has no current interest in Dog Fence rates relating to this title.
9. Pastoral Board (*Pastoral Land Management and Conservation Act 1989*) The Pastoral Board has no current interest in this title
10. Heritage Branch DEW (*Heritage Places Act 1993*) 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.

E 10425404



241

12:29 24-Mar-2006

Single Copy Only

3 of 3

Fees: \$101.00

Prefix	
E	
Series No.	
3.	

SINGLE COPY

BELOW THIS LINE FOR AGENT USE ONLY

CERTIFIED CORRECT FOR THE PURPOSES
OF THE REAL PROPERTY ACT 1886

Solicitor/Registered Conveyancer/Applicant
AUDRA HOMA

AGENT CODE

Lodged by:

Correction to:

EVANS & MURRAY

EMLB

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

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

COMMISSIONER OF STATE TAXATION

S.A. STAMP DUTY PAID \$10.00
ORIGINAL STAMPED (Copy 1 of 1)
23/03/2006 11:12:33 00774383,1
Security (\$6000.00)
MORTGAGE

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

Printed by Peter D. Murray, Conveyancer on 10 Mar 2006

LANDS TITLES REGISTRATION
OFFICE
SOUTH AUSTRALIA

MEMORANDUM OF ENCUMBRANCE

FORM APPROVED BY THE REGISTRAR-GENERAL

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

2419

CORRECTION 13-4-2006	PASSED KS
REGISTERED 24 APR 2006	
	REGISTRAR-GENERAL

DATED 23/3/2006.

EXECUTION

Kevin Smith

Signature of KEVIN ROY SMITH

J. Smith

Signature of JACKIE ANNE SMITH

D. Bartlett

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.*

DONALD BARTLETT

Print Full Name of Witness

68 RIVERVIEW DRIVE PT. NEARLUNGAD S.A 5167

Address of Witness

Business Hours Telephone

No....83824514.....

*NB: A penalty of up to \$2000 or 6 months imprisonment applies for improper witnessing

MEMORANDUM OF ENCUMBRANCE

CERTIFICATE(S) OF TITLE BEING ENCUMBERED
 THE WHOLE OF THE LAND COMPRISED IN CERTIFICATE OF TITLE REGISTER BOOK
 VOLUME 5917 FOLIO 94

ESTATE AND INTEREST IN FEE SIMPLE	ENCUMBRANCES NIL
--------------------------------------	---------------------

ENCUMBRANCER (Full Name and Address)

KEVIN ROY SMITH AND JACKIE ANNE SMITH OF 7 FERRIS COURT MCLAREN VALE SA 5127

ALLOTMENT 3 GEORGE FRANCIS DRIVE
 MOUNT COMPASS ASSESSED PURSUANT TO S79 (5)
 OF THE STAMP DUTIES ACT 1923
 SA 5210 DATE 23/3/2006
 FOR COMMISSIONER OF STATE TAXATION

ENCUMBRANCEE (Full Name, Address and Mode of Holding)

A G BENNETTS NOMINEES PTY LTD ACN 007 884 344 OF
 UNIT 4, 3 CASHEL STREET PASADENA SA 5042

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) SEE ITEM D AND CLAUSE 11

(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
 SEE ITEM C

(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
 SEE ITEM D AND CLAUSES 11, 12 AND 13

IT IS COVENANTED BETWEEN THE ENCUMBRANCER AND ENCUMBRANCEE as follows:
AS SET OUT IN THE FOLLOWING PAGES

RECITALS

- A. The Encumbrancer is the registered proprietor of the land defined in Clause 1.1.7 hereof (hereinafter called "the land").
- B. The Encumbrancee is the owner of certain land within the Development Area defined in Clause 1.1.2 hereof which is delineated as the Fleurieu Golf Course on the Plan attached hereto and marked "B".
- C. The Encumbrancer is desirous of securing in perpetuity to and for the benefit of the Encumbrancee the payment of the sum of money and the performance and observance of the covenants on the part of the Encumbrancer hereinafter contained for the purpose of enhancing the amenity of the Development Area.
- D. The Encumbrancer encumbers the estate and interest of the land subject to the encumbrances and other interests shown thereon with the payment (if demanded) of the yearly rent charge of ten (10) cents payable on the 30th day of June each year commencing on the 30th day of June next ensuring after the execution of the Memorandum of Encumbrance.

AND the Encumbrancer for itself and its successors in title hereby covenants with the Encumbrancee and each and every registered proprietor for the time being of each and every one and every part of the allotments into which the land in the Development Area is comprised or hereinafter may be divided and all successive owners assignees executors administrators and transferees thereof as part of the common building scheme of development for the Development area.

DEFINITIONS

- 1. 1.1 In this Encumbrance, unless the contrary intention appears: -

- 1.1.1 "develop" includes the construction, erection, placement or installation, demolition, conversion, alteration, variation or any other change in the manner whatsoever of any building, structure, improvement, fence, wall or other external fixture or fitting (including, but without limiting the generality thereof, any rainwater tank, solar water heating unit, air conditioning unit, sing, tank, clothes line, letter box, pole, television antenna, radio aerial, garden ornament, flood light, spotlight or any light illuminating any pool, tennis court, or other area) the painting or staining of the exterior of any building, structure, fence, wall or other external fixture or fitting, the excavation, grading or levelling of and the removal of rock, stone, sand and soil, any other site works and landscaping and the expression "development" has a corresponding meaning;
- 1.1.2 "Development Area" means the whole of the land previously comprised in Certificate of Title Register Book Volume 4170 Folio 753 and Volume 5063 Folio 614 and which is delineated as Fleurieu Golf Course and Bizana Rural Living on the plan annexed hereto and marked "B";
- 1.1.3 "Development Guidelines" means the guidelines annexed hereto and marked "A";
- 1.1.4 "Encumbrancer" means the person whose name and address appears in the panel marked "Encumbrancer" (which expression includes his, her, its or their respective executors administrators successors and assigns);
- 1.1.5 "Encumbrancee" means the person whose name and address appears in the panel marked "Encumbrancee" (which expression includes his, her, its or their respective successors and assigns);
- 1.1.6 "landscaping" includes the provision and arrangement on the land of trees, shrubs, ground covers, grassed areas, other natural elements, paving and site works which are appropriate to the condition and the use of the land so as to enhance or complement the character of the locality and any quality or condition of the locality that is conducive to its amenity;
- 1.1.7 "the land" means the land described in the panel entitled "Certificate(s) of Title Being Encumbered";

- 1.1.8 "the Golf Course" means the portion of the land delineated as Fleurieu Golf Course on the plan annexed hereto and marked "B";
- 1.1.9 "to undertake" means to commence or proceed with such an act or to cause suffer or permit such an act to be commenced or proceeded with;
- 1.1.10 "plans" includes the following, namely, a site layout showing proposed development uses (including proposed access drive and on-site parking provision), details of the proposed stormwater drainage system, elevations and other details of buildings, structures, fences, walls, other external fixtures and fittings and site works necessary to indicate the architectural theme thereof and a schedule of construction materials and colours and the foregoing shall, where appropriate, be of a standard suitable for presentation to a council for approval under the Development Act, 1993 and/or the Building Act, 1970 or any Act in substitution for those Acts;
- 1.1.11 where the Encumbrancer comprises two or more persons, the covenants herein contained on the part of the Encumbrancer shall bind such persons jointly and each of such persons severally;
- 1.1.12 words importing the singular number or plural number shall include the plural number and the singular number respectively;
- 1.1.13 words importing the masculine gender only shall include the feminine and neuter genders and vice versa;
- 1.1.14 "person" shall include a body corporate;
- 1.1.15 a reference herein to any statute shall include all statutes amending consolidating or replacing such statute and to all regulations and by-laws thereunder;
- 1.1.16 a reference to a person herein shall, where such person is a natural person, include such person's executors administrators and assigns and, where such person is a body corporate, include the successors and permitted assigns of such a person.

NO DEVELOPMENT WITHOUT CONSENT

- 1.2 During the continuance of this encumbrance the Encumbrancer shall not undertake any development on the land: -
 - 1.2.1 unless the development conforms so far as is possible with the Development Guidelines; and
 - 1.2.2 the written approval of the Encumbrancee is first had and obtained which approval shall not be unreasonably refused however refusal by the Encumbrancee shall not be unreasonable if an architect being a member of the Royal Australian Institute of Architects or a corporate member of the Royal Australian Planning Institute Inc or a member of the Australian Institute of Landscape Architects Inc (as appropriate) retained by the Encumbrancee has certified that the development, or any part does not conform with the provisions of this encumbrance or is undesirable by reason of the effect that the proposed development would have upon the appearance, health or amenity of the neighbourhood or any part thereof.
- 1.3 The Encumbrancer shall not seek or otherwise apply for the written approval of the Encumbrancee to undertake any development unless the Encumbrancer shall have provided to the Encumbrancee: -
 - 1.3.1 a written application setting out the scope of the proposed development;
 - 1.3.2 plans (in duplicate) of the proposed development.
- 1.4 Upon receipt of the written application and the duplicate plans the Encumbrancee shall with all reasonable expedition consider or cause to be considered the plans and may either: -
 - 1.4.1 give written approval of the proposed development; or

- 1.4.2 give conditional approval of the proposed development and specify the conditions with which the Encumbrancer must comply; or
- 1.4.3 refuse the proposed development.

If the Encumbrancee grants approval or conditional approval the approval shall specify a period being not less than one (1) year during which time the approval shall be effective.

- 1.5 Notwithstanding anything to the contrary herein contained, the Encumbrancee shall not be required to approve any application by the Encumbrancer unless and until: -

- 1.5.1 the Encumbrancer has obtained all and every approval, consent, permission or other authority required by any law (including the Planning Act, 1982) by-law, rule, authority, code, regulation or other similar or dissimilar enactment for the time being in force and relating to the proposed development;
- 1.5.2 the Encumbrancer has provided to the Encumbrancee evidence of all necessary consents.

NO SUBDIVISION WITHOUT CONSENT

- 2 During the continuance of this encumbrance, the Encumbrancer shall not divide, subdivide or re-subdivide the land without the prior written approval of the Encumbrancee first had and obtained.

ENCUMBRANCER'S COVENANTS

- 3 The Encumbrancer hereby covenants and agrees that: -

- 3.1 The land and the improvements for the time being situate thereof shall not be used for any purpose other than private residential purposes and purposes incidental thereto.
- 3.2 Any dwelling constructed on the land shall not exceed six metres in height from the mean ground level of the house footprint.
- 3.3 The Encumbrancer shall not place or cause to be placed on the land any structure commonly known as a "transportable house" or "transportable home" or any like structure.
- 3.4 The Encumbrancer shall not suffer or permit any caravan, tent or other shelter to be used as a place of residence on the land and the sole place of residence shall be the dwelling which is constructed thereon.
- 3.5 Until completion of the construction of a dwelling on the land, the Encumbrancer shall regularly cut down all weeds growing on and otherwise keep and maintain the land free from all rubbish and in good neat clean and tidy order and condition and from and after completion of the construction of such dwelling, the Encumbrancer shall maintain and keep in good neat clean and tidy order and condition (including regular watering of all trees shrubs lawns and other vegetation and regular mowing of lawns) the land.
- 3.6 The Encumbrancer shall not kill, destroy or remove any vegetation of a height of two (2) metre or more without the prior written consent of the Encumbrancee first had and obtained which consent shall not be unreasonably withheld PROVIDED THAT such approval shall not be required if such killing, destruction, removal or severance is required to comply with any such obligation imposed under any statute.
- 3.7 The Encumbrancer shall not seek any financial contribution from the Encumbrancee for the erection, replacement, repair or maintenance work or in relation to any fence on the land.
- 3.8 The Encumbrancer shall not at any time plant cultivate or grow or cause permit or allow to be planted cultivated or grown on the land grass known as kikuya and in the event that it becomes known by the Encumbrancer that such grass is growing on the land the Encumbrancer shall forthwith take all reasonable steps to remove same.

- 3.9 3.9.1 The Encumbrancer shall not discharge or permit to be discharged any solid, liquid or gaseous material which is likely to mix with and degrade the stormwater discharged from the land or any other allotment within the Development Area.
- 3.9.2 Material that enters the stormwater shall be taken to have degraded the stormwater if the use or enjoyment of the water by a person who is entitled to use or enjoy it is detrimentally effected by the presence of the material or the presence of the material in the water is likely to have a detrimental effect upon any animal, plant or other organism.
- 3.9.3 Material that enters the stormwater shall be taken to have degraded the water if the quality of the water is detrimentally effected as the material disperses through it or over it notwithstanding that as a result of the dispersion the detrimental effect may be reduced to a negligible level.

AND IT IS INTENDED AND AGREED BY ENCUMBRANCER AND ENCUMBRANCEE that the burden of these covenants set forth in these clauses 1 to 3 (both inclusive) shall run with and bind the land and every part thereof and to the intent that the benefit thereof shall be annexed to and devolve with each and every part of the land comprised in the Development Area.

TRANSFER SUBJECT TO ENCUMBRANCE

- 4 The Encumbrancer shall not sell or agree to sell or transfer the estate or interest of the Encumbrancer in the land or any portion thereof without obtaining from the purchaser or transferee of the land or portion thereof the subject of the sale or transfer a binding agreement to execute and lodge for registration under the provisions of the Real Property Act 1886 as the first document immediately after the registration of the Memorandum of Transfer in respect of the land or portion thereof the subject of the sale or transfer a Memorandum of Encumbrance in favour of the Encumbrancee or its nominee containing the same or substantially similar covenants and other stipulations as are herein contained with the substitution of: -
 - 4.1 the name address and description of the purchaser or transferee of the land or such portion thereof subject to the sale or transfer as Encumbrancer;
 - 4.2 a description of the land or such portion thereof subject to the sale or transfer in a form required for registration;
 - 4.3 such further or other consequential amendments as may be required for registration;

and the Encumbrancer shall ensure that such Memorandum of Encumbrance is lodged for registration and is registered as soon as practicable.

RELEASE OF ENCUMBRANCE

- 5 Upon the Encumbrancer both ceasing to be registered as the proprietor of the whole of the land and causing clause 4 hereof to be complied with in respect of the land, or, upon the Encumbrancer ceasing to be registered as the proprietor of any portion of the land and causing clause 4 hereof to be complied with in respect of that portion, the Encumbrancer shall be released and discharged from the obligation to observe and perform the provisions contained in clauses 1 to 3 (both inclusive) hereof insofar as the provisions of such clauses relate to or affect the whole of the land or any portion thereof (as the case may be) PROVIDED HOWEVER that the Encumbrancer shall remain liable to use its best endeavours from time to time at the request and cost in all things of the Encumbrancee to secure compliance with the provisions contained in clauses 1 to 4 (both inclusive) hereof by all the Encumbrancer's assigns and successors in title hereafter acquiring an estate or interest in the whole of the land or any portion thereof.

ENCUMBRANCEE MAY MODIFY COVENANTS

- 6 The Encumbrancer acknowledges for itself and its assigns and successors in title that the covenants contained herein are entered into and undertaken for the purpose of the common building scheme of development for the whole of the land comprised in the Development Area **PROVIDED THAT** notwithstanding anything to the contrary contained herein or elsewhere the Encumbrancee shall have the right in its absolute and unfettered discretion at any time and from time to time to modify, waive or release any covenants, conditions, restrictions or stipulations wheresoever contained relating to any land forming part of the Development Area whether imposed or entered into before or at the same time as or after the date hereof and whether they are

the same as the covenants conditions restrictions and stipulations herein set out or not and the Encumbrancee shall incur no liability whatsoever to the Encumbrancer or its assigns or successors in title and the Encumbrancer and its assigns and successors in title shall have no action cause suit claim or demand whatsoever against the Encumbrancee in respect of or arising out or in any way connected with the exercise by the Encumbrancee of its said rights to modify, waive or release any of the said covenants conditions restrictions or stipulations.

REAL PROPERTY ACT

7 Subject as aforesaid the Encumbrancee shall be entitled to all the powers rights and remedies given to an Encumbrancee by the Real Property Act 1886.

POWER OF SALE

8 In the event that at any time or from time to time the Encumbrancee is required constrained or otherwise determines to exercise and does exercise the power of sale prescribed unto the Encumbrancee by virtue of the provisions of the Real Property Act, 1886 and whether or not in the exercise of such power of sale the provisions covenants conditions and stipulations of this encumbrance shall or might be extinguished abrogated restricted or otherwise affected then and in any such case the Encumbrancee shall have the full power liberty and discretion to require any purchaser of the land or any portion thereof, at the cost and expense in all things of the purchaser, to execute and lodge for registration under the provisions of the Real Property Act 1886 (as amended) as the first document immediately after the registration of the Memorandum of Transfer in respect of the land the subject of the sale a Memorandum of Encumbrance in favour of the Encumbrancee or its nominee containing the same or substantially similar covenants and other stipulations as are herein contained with the substitution of: -

8.1 the name address and description of the purchaser of the land or such portion thereof subject to the sale as Encumbrancer.

8.2 a description of the land subject to the sale in a form required for registration.

8.3 such further or other consequential amendments as may be required for registration.

and it is hereby acknowledged covenanted and agreed that to the extent that the provisions of this clause shall in any way detract from or otherwise prejudice the ability of the Encumbrancee to procure a purchaser for the land or portion thereof so conveyed in the exercise of the power of sale as aforesaid the Encumbrancee shall not by reason of such detraction or prejudice be or be deemed to be in breach of its obligation to mitigate its losses and damages by obtaining a purchaser at the best price reasonably obtainable in the most expeditious manner and the Encumbrancer for itself and its assigns and successors in title waives and abandons all its rights in that regard.

DEVELOPMENT GUIDELINES TO PREVAIL

9 To the extent to which any of the provisions contained in the said Development Guidelines shall be or be determined to be inconsistent with any of the provisions in this encumbrance contained, then and in such case the provisions contained in the said Development Guidelines shall, to the extent of such inconsistency and only to such extent, prevail.

GENERAL NOTICES

Method of giving notices

10 10.1 A notice required or permitted to be given by one party to another under this encumbrance must be in writing and is treated as being duly given if it is: -

10.1.1 left at that other party's address;

10.1.2 sent by pre-paid mail to that other party's address;

10.1.3 transmitted by telex to that other party's address; or

10.1.4 transmitted by facsimile to that other party's address.

Time of receipt

10.2 A notice given to a party in accordance with Clause 10.1 is treated as having been duly given and received: -

- 10.2.1 when delivered (if left at that party's address);
- 10.2.2 on the third business day after posting (if sent by pre-paid mail);
- 10.2.3 on the business day of transmission (if given by telex and that party's answerback being received) following the transmission; and
- 10.2.4 on the business day of transmission (if given by facsimile and sent to the facsimile receiver number of that party and no intimation having been received that the notice had not been received, whether that intimation comes from that party or from the operation of facsimile machinery or otherwise).

Waiver

10.3 The failure, delay, relaxation or indulgence on the part of any party in exercising any power or right conferred upon that party by this encumbrance does not operate as a waiver of that power or right, nor does any single exercise of any power or right preclude any other or further exercise of it or the exercise of any other power or right under this encumbrance.

Severance

10.4 If any provision of this encumbrance is invalid and not enforceable in accordance with its terms, other provisions which are self-sustaining and capable of separate enforcement with regard to the invalid provision, are and continue to be valid and enforceable in accordance with their terms.

Costs of Encumbrance

10.5 The costs of and incidental to the preparation execution stamping and registration of this encumbrance shall be borne by the Encumbrancer.

Encumbrancee's Costs of Enforcement

- 10.6 All costs charges expenses and payment which may be incurred or made by the Encumbrancee in the exercise or enforcement or attempted exercise or enforcement or any power right or remedy conferred on the Encumbrancee hereunder or by law or which the Encumbrancee may in any other way incur owing to the breach of any covenants herein contained or implied shall be paid by the Encumbrancer and shall be secured by these presents and to the extent to which the same shall be or include the costs and disbursements of the Encumbrancee's solicitors such costs and disbursements shall be calculated in accordance with the scale of costs laid down by the Supreme Court of South Australia on the basis of solicitor and own client or any scale for the time being in substitution therefore.
- 11 The Encumbrancer will pay to the Encumbrancee the said sum of ten (10) cents (if demanded) or the said sum of five (5) cents (if demanded) on the 30th day of June next and every 30th day of June thereafter.
- 12 Nothing herein contained for or in respect of the payment of the said yearly rent charge shall in any way effect or prejudice the rights of the Encumbrancee to an injunction to prevent or restrain any breach of any of the covenants herein contained or for damages for such breach.
- 13 Notwithstanding anything herein contained if throughout the year immediately preceding the due date for payment of such yearly rent charge the Encumbrancer shall not have committed suffered allowed or permitted any breach of or shall have otherwise duly performed and observed all of the covenants contained in Clauses 1 to 3 hereof (both inclusive) then in lieu of the sum of ten (10) cents which would otherwise be payable (if demanded) there shall be payable (if demanded) the sum of five (5) cents to the intent that the Encumbrancee shall hold the said yearly rent charge in fee simple.

DEVELOPMENT GUIDELINES

1 Design

- 1.1 Design of dwellings should be of a casually elegant resort style architecture having regard to the proximity of the land to a country club.
- 1.2 The intelligent use of glass, bearing in mind the direction of the sun and available views, as well as verandahs and balconies is encouraged and where appropriate all windows shall be of strengthened glass.
- 1.3 Houses on all allotments in the Development Area with a common border with the golf course are to be "two frontage design": that is the side of the house which faces the Golf Course must have the appearance of the front of a house.
- 1.4 The dwelling on the land shall be only structure visible from any part of the Golf Course.

2 Materials

- 2.1 There shall not be constructed erected placed or installed on the land: -
 - 2.1.1 any building, structure, fence, wall or other improvement incorporating unpainted galvanised iron, cement blocks or fibro of any kind;
 - 2.1.2 any building, structure or other improvement which is constructed, erected or installed in whole or in part otherwise than of or with new materials.
- 2.2 The use of brick, masonry, and fibre cement claddings utilising composites construction techniques, in combination together or with glass and timber, is encouraged for dwellings. The external surfaces of all buildings, structures, fences and walls must be of a colour or colours compatible with a park-like environment. Bright colours will not be permitted.
- 2.3 All development shall be designed so that the privacy and enjoyment of land within the locality of the land is not unduly interfered with.

3 Dimensions

There shall not be constructed, erected or installed in any allotment in the Development Area which shares a common border with the Golf Course any building, structure or other improvement within 8 metres of the Golf Course boundary (swimming pools, tennis courts and other recreational facilities excepted).

4 Outbuildings on the land (including garages, sheds and attached carports and verandahs)

The design, appearance and external colours shall be architecturally compatible with the dwelling on the land.

5 Vehicle parking

A minimum number of car parking spaces per dwelling as reasonably determined by the Encumbrancee shall be provided.

6 Clothes Lines, Letter Boxes and Garden Ornaments

- 6.1 The same shall not detract from the character, harmony pleasantness or enjoyment of the locality and environment.
- 6.2 No permanent clotheslines, rotary or otherwise shall be visible from the public view.
- 6.3 Fold away or pull out type clothes lines may be installed at the side of allotments in the Development Area which share a common border with the Golf Course so as not to be visible, and at the rear of all other allotments in the Development Area.

7 Television and Radio Antennae and Aerials

All antennae and aerials shall be attached to the roof of the dwelling and shall not be higher than is reasonably necessary. No freestanding antennae or aerials shall be constructed.

8 Solar Water Heating Units

The same shall be architecturally integrated with other improvements on the allotment so as to not detract from such other improvements or from the character, harmony, pleasantness or enjoyment of the locality and environment.

9 Air-conditioning Units

9.1 The same shall be located below the eaves line of the dwelling on the allotment and be screened from public view.

9.2 Evaporative air-conditioners shall be architecturally integrated with the roof line of the dwelling on the land and shall be of such colour as is necessary so as not to detract from the other improvements situate on the land or from the character, harmony, pleasantness or enjoyment of the locality and environment.

10 Rain Water Tanks

The same shall be of colorbond or similar construction or otherwise painted to integrate with the other improvements on the allotment.

11 Signage

No signage shall be permitted on the land or dwelling without the written approval of the Encumbrancee first had and obtained.

12 Fencing

12.1 The erection of a fence between a dwelling and the street or streets abutting the land upon which the dwelling is situated shall not be permitted.

12.2 Side boundary fences of all allotments in the Development Area save and except for those with a common boundary with the Golf Course shall not: -

12.2.1 exceed 1.8 metres in height;

12.2.2 be erected closer at any part to street abutting the allotment than that part of the dwelling which is closest to the structure.

12.3 Fences shall be constructed of one of the following: -

12.3.1 natural colour brush with brush roll capping;

12.3.2 stone;

12.3.3 masonry;

12.3.4 timber post and rail construction with galvanised steel posts and rails and double sided colorbond sheets.

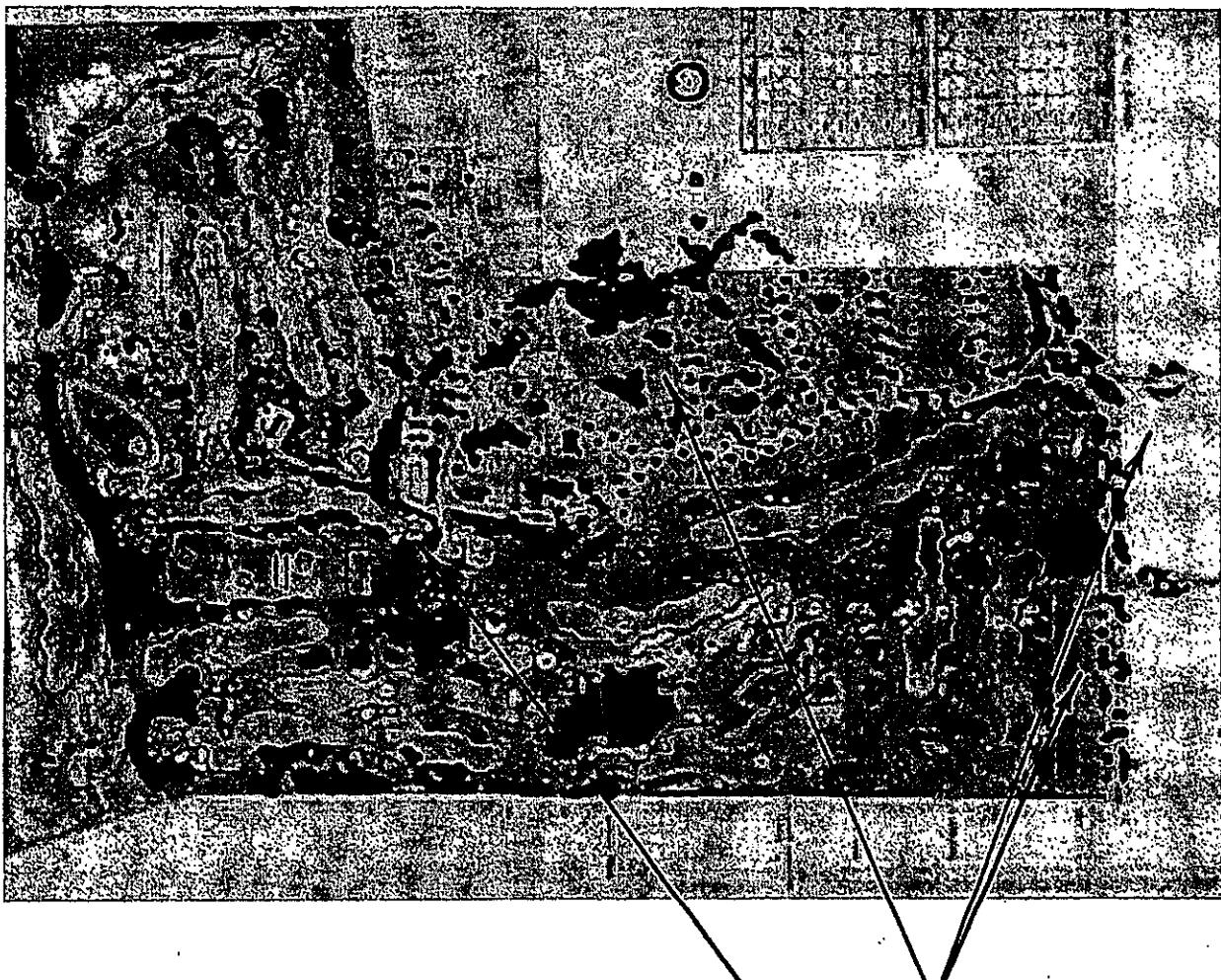
12.4 Where an allotment in the Development Area has a common boundary with the Golf Course the erection of a fence shall be undertaken by the Encumbrancee at the cost of the Encumbrancee. Such fence shall: -

12.4.1 not exceed 1.8 metres in height;

- 12.4.2 be of ARC weldmesh domestic fencing construction (or similar proprietary product that is available at the time of construction) with galvanised steel posts;
- 12.4.3 include if requested by the Encumbrancer whether before or after the construction of the fence a gate but any cost or increased cost caused as a result of the inclusion or construction of the gate will be borne by the Encumbrancer. Any such gate must be made of the same materials as the fence (or other similar proprietary product that is available at the time).

13 Stormwater

- 13.1 Where an allotment has a determined connection point constructed to collect stormwater discharged from that allotment the Encumbrancer shall ensure at the cost of the Encumbrancer that all stormwater from the allotment is discharged into the stormwater system constructed by the Encumbrancee.
- 13.2 If an allotment does not have a connection point constructed to collect water discharged from that allotment the Encumbrancer shall at the cost of the Encumbrancer ensure that all stormwater is discharged to the water table of the road abutting the land unless otherwise directed by the Encumbrancee or by the Local Council.



DEVELOPMENT AREA

Bizana Rural Living

Fleurieu Golf Course

NOTE

Boundaries shown hereon are:

- 1) not a legal definition thereof;
- 2) approximate only and not necessarily to scale;
- 3) meant as a guide only; and
- 4) are for reference to the described areas within the covenants, terms and conditions of the document to which this plan is attached

Areas delineated do not include Public Roads, Reserves, etc.

DECISION NOTIFICATION FORM

For Development Application:

Dated : 28.04.06

Registered :



TO KEVIN SMITH
 7 FERRIS COURT
 MCLAREN VALE SA 5171

Application No: 455/494/06
Assessment: A18878

LOCATION OF LOT: 3 GEORGE FRANCIS DRIVE MOUNT COMPASS
PROPOSED DEVELOPMENT:

NATURE OF DETACHED DWELLING - SINGLE STOREY
PROPOSED DEVELOPMENT:

In respect of this proposed development you are informed that :

NATURE OF DECISION	CONSENT	DATE	NO OF CONDITIONS
Provisional Development Plan Consent	Approved	27/06/2006	2
Land Division	Not Applicable		
Land Division (Community Title)	Not Applicable		
Provisional Building Rules Consent	Approved	24/08/2006	7
Other	Not Applicable		
DEVELOPMENT APPROVAL	Approved	06/09/2006	9

NOTE: No work can commence on this development unless a **DEVELOPMENT APPROVAL** has been obtained.
(i.e. consent granted by date for a Development Approval in the shaded box)

Details of the building classification and the approved number of occupants under the Building Code are attached.

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

SIGNED : _____
Authorised Officer

DATE: 06/09/2006

NOTES FOR APPLICANT

1. You may have the right of appeal if this Decision Notification is:

- * A refusal; or
- * A consent or approval with conditions

Your appeal must be lodged with the Environment, Resources and Development Court, together with the designated fee, within two months of you receiving notice of the decision.

A copy of your received appeal notice must be also served on the authority which issued the Decision Notification Form within the same two month period.

Please contact the Environment, Resources and Development Court if you wish to appeal. Ph. (08) 8204 0300

2. If your application was the subject of third party representations, any consent or approval, whether subject to conditions or not, shall not operate until the determination of any appeal. A representor has 15 business days from the date of the Decision Notification to lodge an appeal. Please contact the Environment, Resources and Development Court to see if an appeal has been lodged.
3. If this is a Development Approval:
 - * the development approval must be substantially commenced;
 - * for land division, you must apply to the Development Assessment Commission for a certificate.

within 12 months of the date of this Decision Notification (or alternatively the date of the determination of any appeal) unless this period has been extended by the relevant authority.

AND

Any act or work authorised or required by this Decision Notification must be substantially or fully completed within 3 years of the date of this Notification or a longer time as allowed by the relevant authority.

You will require a fresh Development Approval before commencing or continuing the development if you are unable to satisfy these requirements.

DECISION NOTIFICATION - CONDITIONS OF APPROVAL

APPLICANT NAME : KEVIN SMITH

CONDITIONS OF DEVELOPMENT PLAN CONSENT :- 2

1. The external materials of the building shall be non-reflective (zincalume is considered highly reflective and not considered appropriate)
2. 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.

NOTES:

A wall retaining a difference in ground levels of more than 1 metre requires consent under the building rules as they apply to the Development Act 1993

Allotment boundaries will not be certified by Council staff. The onus of ensuring that the building is sited in the approved position on the current allotment is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.

Advisory Note – Note that you should advise your neighbour of your intentions to build on your common boundary, prior to commencing construction.

Please contact the Planning Officer if you have any enquiries in relation to the above Conditions of Development Plan Consent.

CONDITIONS OF BUILDING RULES CONSENT :- 7

For conditions of Building rules Consent please refer to the Private Certifiers Decision Notification Form – Provisional Building Rules Consent and any notes attached.

Please contact the Private Certifier if you have any enquiries in relation to the above Conditions of Development Building Consent.

Please refer to attached "NOTES TO APPLICANT/OWNER" for detail on "NOTIFICATION STAGES (INSPECTIONS)"

R **Rocco Ciancio**
Private Certifier &
Building Surveyor

RECEIVED

30 AUG 2006

PO Box 16
ASHTON SA 5137
Ph: (08) 8390 1809
Fax: (08) 8390 3915

Alexandrina Council
Central Records Office

Ref: B7150

DECISION NOTIFICATION FORM

For Development Application No: 455/494/06

To: J Smith 7 Ferris Court McLAREN VALE SA 5171	For: J Smith 7 Ferris Court McLAREN VALE SA 5171
---	--

LOCATION OF PROPOSED DEVELOPMENT:
Lot 3 George Francis Drive Mount Compass SA 5210

NATURE OF PROPOSED DEVELOPMENT
Dwelling, carport & verandah

In respect of this proposed development you are informed that:

NATURE OF CONSENT	CONSENT GRANTED	NUMBER OF CONDITIONS	CONSENT REFUSED
PROVISIONAL BUILDING RULES CONSENT	24/08/2006	7	-----

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

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

No work can commence unless the development is an approved development under the Act. An approved development is one where a relevant authority has assessed the development against and granted consent in respect of each of the matters prescribed in Section 33(1) of the Act.

Signed:

24/08/2006



(♦) Private Certifier
(3) Sheets Attached

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CONDITIONS OF
PROVISIONAL BUILDING RULES CONSENT
S42 DEVELOPMENT ACT, 1993

Ref No: B7150
Sheet 1 of 3

NATURE OF BUILDING WORK: Dwelling, carport & verandah

SITE ADDRESS: Lot 3 George Francis Drive Mount Compass SA 5210
APPLICANT: J Smith
OWNER: J Smith
CLASSIFICATION: 1a, 10a, 10b
DEVELOPMENT NUMBER: 455/494/06
BUSHFIRE CATEGORY: Medium

CONDITIONS OF CONSENT:

1. As the building work is to be carried out by the owner, another registered private certifier or registered and licensed building supervisor must be engaged to supervise the work. Details must be submitted to the council on or before the giving of notice of commencing the building work under Regulation 74. (Regulation 21(2) & 83AB).
2. Public and Environmental Health Act, 1987, approval of the method of disposal of sewage and sullage from the building shall be obtained from council prior to work being commenced. (Regulation 77).
3. Roof stormwater must be piped to the street watertable or site drainage easement in accordance with the requirements of AS/NZS3500.3.2 or AS/NZS3500.5. (BCA P2.2.1). Note these requirements are not to be degraded by Provisional Development Planning Consent conditions.
4. The door to the WC must have demountable hinges and be removable from outside the WC in the event that an emergency removal of the occupant is required. (BCA P2.1 & P2.4.3).
5. The timber durability and weather exposure requirements for exposed structural timbers, including supporting timber members and retaining wall timber members must be in accordance with Clause 1.10 of AS 1684 National Timber Framing Code. (BCA P2.1). Note that concrete sleepers must be designed and constructed to sustain loadings determined in accordance with AS1170 and engineering calculations and details must be submitted to the *private certifier* for approval prior to commencing such work.
6. The building works proposed must conform to the provisional development plan consent requirements. (Section 93).
7. The building works proposed must conform to the conditions 1&2 of the provisional development plan consent (PDPC), including external materials; and storm water discharge. (Section 93).

CERTIFICATES:

The following certificates have been relied upon for determining this proposal:

- The design certificate from Trussworks & MiTek Australia Ltd (job number 21987, dated 21/08/2006), certifying that the timber trusses have been designed to sustain the loadings and requirements determined with AS1170, AS1684, AS1720 and the truss manufacturer's certified design has been accepted in accordance with the requirements of Section 101 and Regulations 85 & 88.
- The design certificate from the "independent technical expert", Pocius & Associates P/L (job number 6238, dated 4/08/2006), certifying that the proposed energy efficiency measures will comply with the provisions of the BCA P2.6 have been accepted in accordance with the requirements of Sections 36(4)(a) & 101(1) and Regulations 85 & 88.

EXCLUSIONS:

This consent does not include:

- Concrete retaining wall sleepers.

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CONDITIONS OF
PROVISIONAL BUILDING RULES CONSENT
S42 DEVELOPMENT ACT, 1993

Ref No: B7150
Sheet 2 of 3

NOTES:

This consent does not include the planning matters relating to external materials; and storm water discharge as specified and required by conditions 1&2 of the provisional development plan consent authority, for which their approval must be sought and obtained.

Consent is for work carried out within the site boundaries and does not cover work carried out in an adjoining public space. Approval for any work within the road reserve needs to be obtained from Council, including landscaping, paving, crossovers, the location, design and capacity of the stormwater discharge at the property alignment.

The building owner who proposes to carry out any excavation or filling of a nature prescribed in Regulation 75 of the Development Regulations 1993 is required to serve upon the adjoining owner a notice of their intention to perform that work at least 28 days prior to commencing work as required by Section 60 of the Development Act.

The owner's attention should be drawn to the landscaping and tree planting restrictions required by the engineer's construction report and AS2870.

The owner/occupier of the property needs to ensure that any landscaping that is undertaken (including the growth of existing vegetation) on this site does not adversely affect the bushfire hazard category as defined in Australian Standard AS3959.

The owner is aware that the proposed development is located within a potential bushfire zone, which may be subject to wild fires (bushfire) that may cause extensive or total loss. The owner must accept responsibility, including any consequences resulting from the siting of the building within this zone.

A person proposing to undertake building work must give the Council 24 hours notice of intention to commence on site. There is an obligation to give Council notice at stages as prescribed in Regulation 74.

Stormwater should be disposed of in such a manner that it does not flow or discharge onto land of adjoining owners or lie against any building or create insanitary conditions. The storm water system must be completed by the completion of construction in accordance with clause 5.5.3 of AS2870 or the design engineer's requirements.

It is advisable to contact authorities responsible for the supply of services such as water, electricity, telephone, gas; the Department of Transport, Australia Post, Environment Protection Authority (EPA) and easement owners/holders, where applicable, seeking their requirements prior to building work commencing on site.

The owner and the person erecting the building are required to ensure that the building complies with the requirements of the Electricity Act, 1996.

Materials used in flexible ducting (including insulation) used for the transfer of products initiating from a heat source that contains a flame must have a smoke developed index not greater than 3 and a spread of flame index not greater than 0 when tested with AS1530.3.

Where heating or refrigerated cooling ductwork is used in a roof space or enclosed suspended floor, the ductwork is to be encapsulated in R1.0 insulation and any metal heating fittings with R0.1 insulation.

Any sarking materials used in the building must have a flammability index not greater than 5 when tested in accordance with AS 1530.3.

Regulation 83AB requires a written statement of compliance to be provided to the *private certifier*. The statement must declare, *inter alia*, that the completed building work was carried out in accordance with the Development Approval (disregarding any approved variations or variations of a minor nature). The builder or other suitably qualified person must sign Part A of the form and the owner or their representative must sign Part B of the form. Persons signing this form must ensure that construction is in accordance with the Development Approval and that all conditions are satisfied prior to submitting the form.

A person must not occupy any part of a class 1a building unless the written statement of compliance has been returned to the *private certifier* within ten days of the notice of completion of building (vide Regulation 74 (1) (d)).

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CONDITIONS OF
PROVISIONAL BUILDING RULES CONSENT
S42 DEVELOPMENT ACT, 1993

Ref No: B7150
Sheet 3 of 3

The building contains materials that are susceptible to termite attack. The details provided indicate that physical barriers, in accordance with AS3660.1 requirements are to be used to protect the building. The building owner/tenant is advised that an important part of this protection involves regular inspections for termite activity and appropriate action as and when required.

Proprietary materials and products specified in the approved documents must be selected and installed in accordance with the manufacturers written recommendations, specifications and in accordance with the relevant standards.

For cut or fill sites, retaining walls are required to be installed on the boundary to retain any cut or fill within the property boundaries.

The building work proposed has been checked for compliance with the minimum allowable requirements contained within the legislation and standards framework. The owner/applicant/builder are advised to seek advice from the designers involved to determine the implications of the design criteria chosen for this project.

This consent does not include any existing structures. Separate professional advice may be required to ensure that the existing structures are safe and structurally adequate.

The building work proposed includes elements of design and construction that require on-going maintenance and regular inspection regimes. The owner/applicant/builder are advised to seek advice from the designers, suppliers and manufacturers involved to determine the implications of the maintenance/inspection regimes required for this project.

The performance of the designs chosen for the proposed building work have obligations on the owner/applicant/builder/tenant to ensure that the design parameters are not comprised by a lack of attention, maintenance or misuse. The owner/applicant/builder/tenant of the building works are advised to refer to the designers/manufacturers/standards associated with this building to ensure that their obligations to ensuring the design parameters are not comprised or exceeded are met.

The owner/applicant/builder are advised to ensure that ancillary works are completed in a timely manner to ensure that the health of persons and damage to structures do not occur. This includes any air conditioning works, paving, plumbing (both sewer/septic and water), landscaping, fences, soil retention or other activity that may affect the health or damage structures.

The legislation provides that certain defined activities are complying. It is the owner/applicant/builder/tenants responsibilities to ensure that any such activity is carried out in a manner that is not detrimental to persons or structures.

Where articulation of the walls of the building are required, these must be installed in accordance with the manufacturer requirements or as specified within the engineers Footing Construction Report.

The installation of glazing must be in accordance with AS1288 and is to include safety glass for glazed doors, side panels, full height windows and glass located over or adjacent bath/showers.

All building work must be performed in accordance with the approved documents and any variations to building materials or systems that affects, the structural soundness or the safety of the building must be approved by the *private certifier* prior to such alteration occurring.

R. CIANCIO
24/08/2006



Search No: 38947
Ref No: A18878
Email: info@ccproperty.com.au

14/07/2023

CARRINGTON CONVEYANCERS
PO BOX 6193
HALIFAX STREET
ADELAIDE SA 5000

To Whom It May Concern

Re: Request for Information

Thank you for your recent request for information.

Please find attached particulars and documentary material Council is obligated to provide pursuant to the provisions of the Local Government Act and the Land and Business (Sale and Conveyancing) Act 1994.

Yours sincerely,

SEARCHES DEPARTMENT

Development Act 1993 Repealed

Section 42 - Condition (that continues to apply) of a development authorisation	Attached
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Repealed Act conditions

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)	Nil
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Planning, Development and Infrastructure Act 2016

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 Report
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
Section 127 - Condition (that continues to apply) of a development authorisation	Refer to Attached Plan SA Report

Development Act 1993 (repealed)

Section 50(1) - Requirement to vest land in a council or the Crown to be held as open space	Nil
Section 50(2) - Agreement to vest land in a council or the Crown to be held as open space	Nil
Section 55 - Order to remove or perform work	Nil
Section 56 - Notice to complete development	Nil



ALEXANDRINA COUNCIL PRESCRIBED INFORMATION

Search No: 38947

Assessment No: A18878

Section 57 - Land management agreement	No
Section 69 - Emergency order	Nil
Section 71 - Fire safety notice	Nil
Section 84 - Enforcement notice	Nil
Section 85(6), 85(10) or 106 - Enforcement order	Nil
Part 11 Division 2 - Proceedings	Nil

Fire and Emergency Services Act 2005

Section 105F (or Section 56 or 83 (repealed)) - Notice to take action to prevent outbreak or spread of fire	Nil
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Food Act 2001

Section 44 - Improvement Notice	Nil
Section 46 - Prohibition Order	Nil

Housing Improvement Act 1940 (repealed)

Section 23 - Declaration that house is undesirable or unfit for human habitation	Nil
Part 7 (rent control for substandard houses) - Notice or declaration	Nil

Land Acquisition Act 1969

Section 10 - Notice of intention to acquire	Nil
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Local Government Act 1934 (repealed)

Notice, order, declaration, charge, claim or demand given or made under the Act	Nil
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Local Government Act 1999

Notice, order, declaration, charge, claim or demand given or made under the Act	Nil
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ALEXANDRINA COUNCIL PRESCRIBED INFORMATION

Search No: 38947

Assessment No: A18878

Local Nuisance and Litter Control Act 2016

Section 30 - Nuisance or litter abatement notice	Nil
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Planning, Development and Infrastructure Act 2016

Section 141 - Order to remove or perform work	Nil
Section 142 - Notice to complete development	Nil
Section 155 - Emergency order	Nil
Section 157 - Fire safety notice	Nil
Section 192 or 193 - Land management agreement	No
Section 198(1) - Requirement to vest land in a council or the Crown to be held as open space	Nil
Section 198(2) - Agreement to vest land in a council or the Crown to be held as open space	Nil
Part 16 Division 1 - Proceedings	Nil
Section 213 - Enforcement notice	Nil
Section 214(6), 214(10) or 222 - Enforcement order	Nil



ALEXANDRINA COUNCIL PRESCRIBED INFORMATION

Search No: 38947

Assessment No: A18878

Public and Environmental Health Act 1987 (repealed)

Part 3 - Notice	Nil
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<i>Public and Environmental Health (Waste Control) 2010 (or 1995) (revoked)</i> Part 2 - Condition (that continues to apply) of an approval	Attached
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<i>Public and Environmental Health (Waste Control) Regulations 2010 (revoked)</i> Regulation 19- Maintenance order (that has not been complied with)	Nil
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South Australian Public Health Act 2011

Section 92 - Notice	Nil
<i>South Australian Public Health (Wastewater) Regulations 2013</i> Part4-Condition (that continues to apply) of an approval.	Nil

Other Charges

Charges of any kind affecting the land (not included in another item)	Nil
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ALEXANDRINA COUNCIL PRESCRIBED INFORMATION

Search No: 38947

Assessment No: A18878

Particulars of Building indemnity insurance

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 1993* 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 under section 45 of that Act.

Details of Building Indemnity Insurance still in existence for Building Work on the Land

Building indemnity insurance required	No
---------------------------------------	----

Name(s) of person(s) insured: NOT APPLICABLE

Name of insurer:

Limitations on the liability of the insurer:

Name of the Builder:

Builders Licence Number:

Date of issue of Insurance:

Description of insured building work:



ALEXANDRINA COUNCIL PRESCRIBED INFORMATION

Search No: 38947

Assessment No: A18878

Exemption from holding insurance

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

If Yes, give details:

a) Date of the exemption:

b) Name of builder granted the exemption:

c) Licence number of Builder granted the exemption:

d) Details of building work for which the exemption applies:

e) Details of conditions (if any) to which the exemption is subject:



Particulars Relating to Environment Protection

Further information held by councils

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

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

No

Note:-

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

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

It should be noted that-

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

CONFIRMED BY

ENVIRONMENTAL HEALTH OFFICER Luke Masters

Luke Masters

BUILDING OFFICER Kylie Weymouth

Kylie Weymouth

PLANNING & Cameron Gibbons

Cameron Gibbons

DATE & TIME 17/07/2023 12:27:18PM

17/07/2023 12:27:18PM



Data Extract for Section 7 search purposes

Valuation ID 4551845761

Data Extract Date: 11/07/2023

Parcel ID: D64338 A3

Certificate Title: CT6119/242

Property Address: 3 GEORGE FRANCIS DR MOUNT COMPASS SA 5210

Zones

Golf Course Estate (GCE)

Subzones

No

Zoning overlays

Overlays

Affordable Housing

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

Hazards (Bushfire - High Risk) (High)

The Hazards (Bushfire - High Risk) Overlay seeks to ensure development responds to the high level of bushfire risk by siting and designing buildings to mitigate threat and impact of bushfires on life and property, facilitating access for emergency service vehicles and situating activities that increase the number of people living and working in the area away from areas of unacceptable bushfire risk.

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.

Murray-Darling Basin

The Murray-Darling Basin Overlay seeks to ensure sustainable water use in the Murray-Darling Basin area.

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.

River Murray Tributaries Protection Area

The River Murray Tributaries Protection Area Overlay seeks to ensure sustainable water use and conservation of riverine environments within the River Murray Tributaries Area.

Water Protection Area

The Water Protection Area Overlay seeks to safeguard South Australia's public water supplies by protecting regionally and locally significant surface and underground water resources from pollution.

Is the land situated in a State Heritage Place/Area

No

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

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

Is the land designated as a Local Heritage Place

No

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

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

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

No

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

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

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

Associated Development Authorisation Information

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

No

Land Management Agreement (LMA)

No

Please Note:

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

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

This Certificate is only valid for the financial year shown.

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

Payment should be made as part of the settlement process.

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

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

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

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

If the owner of the subject land is receiving an ESL pensioner concession but was not living in the property as their principal place of residence as at 12:01am on 1 July of the current financial year, or is now deceased, you must contact RevenueSA prior to settlement.

For more information:

Visit: www.revenuesa.sa.gov.au
Email: revsupport@sa.gov.au
Phone: (08) 8226 3750

PAYMENT OF THIS CERTIFICATE CAN ONLY BE MADE

Online at:

OR

By Post to:

www.revenuesaonline.sa.gov.au

RevenueSA
Locked Bag 555
ADELAIDE SA 5001



RevenueSA

DEPARTMENT OF TREASURY AND FINANCE

ABN 19 040 349 865
Land Tax Act 1936

CERTIFICATE OF LAND TAX PAYABLE

This form is a statement of land tax payable pursuant to Section 23 of the *Land Tax Act 1936*. The details shown are current as at the date of issue.

CARRINGTON CONVEYANCERS (SA) PTY LTD
POST OFFICE BOX 6193
HALIFAX STREET SA 5000

DATE OF ISSUE

05/07/2023

ENQUIRIES:
Tel: (08) 8226 3750
Email: landtax@sa.gov.au

OWNERSHIP NAME
KR & J A SMITH

FINANCIAL YEAR
2023-2024

PROPERTY DESCRIPTION
3 GEORGE FRANCIS DR / MOUNT COMPASS SA 5210 / LT 3 D64338

ASSESSMENT NUMBER	TITLE REF. (A "+" indicates multiple titles)	TAXABLE SITE VALUE	AREA
4551845761	CT 6119/242	\$205,000.00	0.0885 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			
= AMOUNT PAYABLE	\$	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 03/10/2023



**Government of
South Australia**

See overleaf for further information

DETACH AND RETURN THE PAYMENT REMITTANCE ADVICE WITH YOUR PAYMENT



RevenueSA

DEPARTMENT OF TREASURY AND FINANCE

Land Tax Act 1936

CERTIFICATE OF LAND TAX PAYABLE

PAYMENT REMITTANCE ADVICE

No payment is required on this Certificate

Please Note:

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

This Certificate is only valid for the financial year shown.

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

Payment should be made as part of the settlement process.

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

If the amount payable is not paid in full on or before the due date shown on this Certificate, the purchaser will not be released from liability of the whole amount of the land tax outstanding as at the date of settlement.

The owner of the land as at midnight on 30 June immediately before the financial year of this Certificate will remain liable for any additional land tax accrued before the date of this Certificate, even if the amount payable on this Certificate has been paid.

The amount payable on this Certificate is the land tax payable at the date of issue. However, land tax for a particular financial year may be reassessed at any time, changing the amount payable.

Should a reassessment occur after this Certificate has been paid in full, the purchaser will remain indemnified and will not be responsible for payment of the new land tax payable amount. The owner at the beginning of the relevant financial year will be responsible for payment of any additional land tax payable.

Should a reassessment occur after this Certificate has been issued but not paid in full, the purchaser will not be indemnified and may become responsible for payment of the new land tax payable amount.

Should a reassessment occur after this Certificate has been paid in full and the Certificate is subsequently updated, the purchaser will not be indemnified and may become responsible for payment of the new land tax payable amount.

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

For more information:

Visit: www.revenuesa.sa.gov.au
Email: revsupport@sa.gov.au
Phone: (08) 8226 3750

PAYMENT OF THIS CERTIFICATE CAN ONLY BE MADE

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ADELAIDE SA 5001

ALEXANDRINA COUNCIL PRESCRIBED INFORMATION

**Certificate of
LOCAL GOVERNMENT CHARGES
Pursuant to the Local Government Act, 1999**

Search No: 38947	Assessment No: A18878		
Bpay Biller Code: 36012			
Reference: 1000188789	Valuation No: 4551845761		
Property Described as: 3 GEORGE FRANCIS DRIVE MOUNT COMPASS SA 5210			
Owners Name: KEVIN ROY SMITH			
<u>Section</u> P210	<u>Allotment</u> 3	<u>Plan</u> DP64338	<u>Certificate of Title</u> 6119/242CT

RATES/CHARGESPeriod ending **30/06/24** - declared date: **10/07/23** - First Due Date **01/09/23**

Rates and fines in arrears b/fwd 1st July	811.45
Rates for current Financial year	2,523.20
Service Charges	670.00
CWMS Occupied	
Less Pensioner Concessions - Not applicable	0.00
Interest/Legal fees to date	6.10
Fines to date	0.00
Sundry Debtors	0.00
Hills & Fleurieu Regional Landscape Levy	70.40
Less payments made	0.00
TOTAL OUTSTANDING AT DATE OF THIS CERTIFICATE	4,081.15

Rates not paid on or before the **DUE DATE** are subject to a **FINE** of 2.00% with further **INTEREST CHARGES** of 0.7541% being added to **ARREARS** each month following.

Miscellaneous: AN AMOUNT OF \$817.55 IS OVERDUE. PLEASE CONTACT THIS OFFICE PRIOR TO SETTLEMENT AS OTHER CHARGES MAY INCUR.

NEXT QUARTERLY PAYMENT OF \$815.90 IS DUE BY 01/09/2023.

Authorised Officer: Heather Winter**Date :** 17/07/2023



Ref: 455/494/06

A18878



2 June, 2006

K SMITH
7 FERRIS COURT
MCLAREN VALE SA 5171

Dear Sir/Madam,

RE: WASTE CONTROL SYSTEM APPLICATION
LOT: 3 GEORGE FRANCIS DRIVE MOUNT COMPASS

In reference to your application received on May 26, 2006 for approval to install a waste control system at the abovementioned site, you are advised that approval is granted subject to the following conditions:

1. The installation is to be carried out in accordance with:
 - (a) The plans and other documentation as submitted forming part of the approval and any notation thereon.
 - (b) All sanitary plumbing and drainage work associated with the connection of the sanitary fixtures to the waste control system be installed in accordance with the requirements of the Standard for the Construction, Installation and Operation of Septic Tank Systems in South Australia, National Plumbing and Drainage Code, AS3500-2, Sanitary Plumbing and Sanitary Drainage and any SAHC variation as prescribed by the Public and Environmental Health (Waste Control) Regulations and South Australian Water Corporation amendments.
 - (c) All work on the plumbing and drainage system is to be carried out by a competent person authorised pursuant to the Plumbers, Gasfitters and Electricians Act.
2. The use of the waste control system shall not vary from that indicated in this approval and that it be completed prior to use.
3. This approval must not be varied without obtaining further consent from the Council.
4. This approval is not transferable and shall become void if the waste control system is not completed within twenty four months from the date of approval.

REQUIREMENTS FOR INSPECTION

1. Persons undertaking the installation of this system are required to give Council at least one business days notice at the following stages:
 - a) Underfloor plumbing completed (with work under water test)
 - b) Drainage system completed, but not backfilled (drains to be under water test)
 - c) Final inspection on completion of the whole system prior to occupation.

Should clarification be required on any of the above provisions, please contact me on the above telephone number.

Approved by:

Kim Vivian

Environmental Health Officer, operating under delegated authority under the Public and Environmental Health (Waste Control) Regulations for and on behalf of the Alexandrina Council.

Account Number 45 51845 76 1	L.T.O Reference CT6119242	Date of issue 6/7/2023	Agent No. 8724	Receipt No. 2481311
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CARRINGTON CONVEYANCERS (SA) PTY LTD
PO BOX 6193 HALIFAX STREET
ADELAIDE SA 5000
info@ccpproperty.com.au

Property Assist/Elec

Certificate of Water and Sewer Charges & Encumbrance Information

Property details:

Customer: K R & J A SMITH
Location: 3 GEORGE FRANCIS DR MOUNT COMPASS
Description: 7HDBALC **Capital Value:** \$ 640 000
Rating: Residential

Periodic charges

Raised in current years to 30/6/2023

	Arrears as at: 30/6/2023	\$
		0.00
Water main available:	Water rates	0.00
Sewer main available:	Sewer rates	0.00
	Water use	0.00
	SA Govt concession	0.00
	Recycled Water Use	0.00
	Service Rent	0.00
	Recycled Service Rent	0.00
	Other charges	0.00
	Goods and Services Tax	0.00
	Amount paid	0.00
	Balance outstanding	0.00

Degree of concession: 00.00%
Recovery action taken: FULLY PAID

Next quarterly charges: Water supply: 0.00 Sewer: 0.00 Bill: 16/8/2023

This account is not rateable for water or sewer

SA Water has no record of an Encumbrance on this property as at the date of issue of this certificate.

Please note: If you have also ordered a Special Meter Reading for this property and it comes back as estimated, please ensure you provide a photo of the meter including serial number to have the certificate reissued.

South Australian Water Corporation**Name:**
K R & J A SMITH**Water & Sewer Account**
Acct. No.: 45 51845 76 1**Amount:** _____**Address:**
3 GEORGE FRANCIS DR MOUNT
COMPASS**Payment Options****EFT****EFT Payment**

Bank account name: SA Water Collection Account
BSB number: 065000
Bank account number: 10622859
Payment reference: 4551845761



Biller code: 8888
Ref: 4551845761

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.

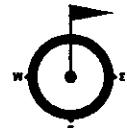
SA Water account number: 4551845761



**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



**COMPASS
SPRINGS**

17 May 2023

Manager
Carrington Conveyancing
PO Box 6193
Halifax Street
ADELAIDE SA 5000

Email: info@ccproperty.com.au

Dear Sir / Madam

COMPASS SPRINGS – PIR / FORM 1 ENQUIRY 2465347
PROPERTY LOCATION: 3 George Francis Drive, Mount Compass SA 5210

We note you have registered an enquiry in relation to the above.

Compass Springs operates a private drinking water supply business in part of Mount Compass.

The property you are searching is one of our customers.

Enquiries in relation to outstanding accounts, arranging Special Meter Readings and transfer of ownership should be directed to:

manager@compasssprings.com.au

Mobile: 0411 181 114

Copies of our Standard Water Contract, various policy documents and our current charge rates are available on our web site www.compasssprings.com.au

Yours sincerely



**Stephen Connor
COMPASS SPRINGS**

Robusto Investments Pty Ltd
(trading as Compass Springs)
ABN 75 117 034 545

PO Box 752, Kent Town SA 5071
E: manager@compasssprings.com.au
M: +61 4 1118 1114
W: compasssprings.com.au