

Customer Service

128 Prospect Road, Prospect SA 5082

Telephone: 8269 5355

Website: www.prospect.sa.gov.au

Email: admin@prospect.sa.gov.au



03/03/2022

Brenton Ward Real Estate
PO Box 3150
NORWOOD SA 5067

Cert No: 18721037

CERTIFICATE OF LIABILITIES
In response to an enquiry pursuant to Section 187 of the
LOCAL GOVERNMENT ACT 1999

|----- **PROPERTY DETAILS** -----|

Rates Billing No	: 154989	Ward	: 3
V G Number	: 0524522002	Capital Value:	\$640,000
Owner	: K Bendys		
Property Address	: 46 Ballville Street PROSPECT 5082		
Title Particulars	: LOT: 28 SEC: 349 DP: 1906 CT: 5797/707		

|----- **RATING DETAILS** -----|

Pursuant to Section 187 of the Local Government Act 1999, I certify that the following amounts are due and payable in respect of, and are a charge against, the property for **2021-2022** Financial Year.

Outstanding Rates (brought forward from previous financial year)	\$26,338.89
Residential	\$1,934.40
Regional Landscape Levy	\$60.32
Legal Charges due:	\$2,005.45
Legal Fees and/or other adjustments	\$0.00
Fines/Interest in Arrears	\$815.28
Less Council Rebate	\$0.00
Less Payments Received	\$0.00
Balance - rates and other monies due and payable	\$31,154.34
Property Related Debts	
TOTAL BALANCE OUTSTANDING AT 03/03/2022	\$31,154.34

Instalment dates are as follows:

1st Instalment	1 September	2021
2nd Instalment	1 December	2021
3rd Instalment	1 March	2022
4th Instalment	1 June	2022

Please Note:

Further fines & interest may be applied to overdue accounts

Updates will be made available for a period of 3 months of the original search date without charge.

Request an UPDATE via email to; admin@prospect.sa.gov.au

Outstanding balances will not be given over the telephone

Updated rate searches at the beginning of a new financial year will not include any new financial year's council rates; a new search request is to be submitted with the appropriate fee.

|----- **OTHER OUTSTANDING ITEMS** -----|

- ☐ Direct Debit Arrangement to be cancelled by owner
- ☐ Bpay View to be de-registered by owner
- ☐ EzyBill to be de-registered by owner

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COUNTRY FIRES ACT

Pursuant to the provisions of the Fire and Emergency Services Act 2005, Council requires all undergrowth and grass to be reduced to a maximum height of 10cms (4 inches) and maintained for the duration of the Fire Danger Season (1 December to 30 April). Therefore this property may be subject to the issue of a notice for removal of flammable undergrowth at any time. Please check with this office prior to settlement or if you have any queries.

Authorised Officer:

Date: 03/03/2022

|----- **PAYMENT OPTIONS** -----|



Biller Code: 170753
Ref: 154989

BPAY® this payment via Internet or phone banking.
BPAY View® - View and pay this bill using internet banking.
BPAY View Registration No: 154989

Customer Service

128 Prospect Road, Prospect SA 5082
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Information Statement

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

Certificate No: **714837**

Date: **03/03/2022**

**Brenton Ward Real Estate
PO Box 3150
NORWOOD SA 5067**

Fax No: **8232 3824**

Assessment No: **154989**
Certificate of Title: **LOT: 28 SEC: 349 DP: 1906 CT: 5797/707**
Property Address: **46 Ballville Street PROSPECT 5082**
Capital Value: **\$640,000**
Ratepayer: **K Bendys**

Prescribed mortgage, charge or encumbrance in accordance with Section 7 of the Land and Business (Sale and Conveyancing) Act 1994:

Under the Development Act 1993 (repealed)

Section 42 – Are there conditions (that continue to apply) of development authorisation(s)?

Nil.

Repealed Acts:- Are there conditions (that continue to apply) of any approvals or authorisations granted under the Building Act 1971, the Planning & Development Act 1966 or the Planning Act 1982?

Nil.

Section 50(1) Is there a requirement to vest land in the Council or the Crown to be held as open space?

Nil.

Section 50(2) Is there an agreement to vest land in the Council or the Crown to be held as open space?

No

Section 55 - Is there an order to remove work?

Nil.

Section 56 - Is there a notice or order to complete development?

No

Section 57 - Is there a Land Management Agreement?

Nil.

Section 69 - Is there an Emergency order?

Nil.

Section 71 – Is there a Fire Safety notice?

Nil.

Section 84 – Is there an Enforcement notice?	Nil.
Section 85(6), 85(10) or 106 – Is there an Enforcement order?	No
Part 11 Division 2 – Were there proceedings?	Nil.

Under the Fire and Emergency Services Act 2005 Repealed and Currently Operative

Section 105 F (or Sections 56 or 83 (repealed)) – Was there a notice to take action to prevent outbreak or spread of fire?	See attached
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Under the Food Act 2001

Section 44 – Is/was there an improvement notice?	Nil.
Section 46 – Is/was there a prohibition order?	Nil.

Under the Housing Improvement Act 1940

Section 23 – Is there a declaration that the house is undesirable or unfit for human habitation?	Nil.
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Under the Local Government Act 1934

Is there a notice; order; declaration; charge; claim or demand given or made under the Act?	No
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Under the Local Government Act 1999

Is there a notice; order; declaration; charge; claim or demand given or made under the Act?	No
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Under the Local Nuisance and Litter Control Act 2016

Section 30 - Is there a nuisance or litter abatement notice?	See attached
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Under the Planning, Development and Infrastructure Act 2016

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):	See attached
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Planning and Design Code – Is there a State heritage place on the land or is the land situated in a State heritage area?	No.
Planning and Design Code - Is the land designated as a local heritage place?	No.
Planning and Design Code – 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.
Planning and Design Code - Is there a current amendment to the Planning and Design Code released for public consultation by a designated entity on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation?	Yes For more information please visit the PlanSA website: https://plan.sa.gov.au/have_your_say/general_consultations
Section 127 – Are there conditions (that continue to apply) of development authorisation(s)?	Nil.
Section 141 – Is there an order to remove or perform work?	No
Section 142 – Is there a Notice to complete development?	No
Section 155 - Is there an emergency order?	No
Section 157 – Is there a Fire Safety notice?	No
Section 192 or 193 – Is there a Land management agreement?	No
Section 198(1) - Is there a requirement to vest land in the Council or the Crown to be held as open space?	No
Section 198(2) - Is there an agreement to vest land in the Council or the Crown to be held as open space?	No
Part 16 Division 1 – Were there proceedings?	No
Section 213 - Is there an enforcement notice?	No
Section 214(6), 214(10) or 222 – Is there an enforcement order?	No
Does the Council hold details of any development approvals relating to (a) commercial or industrial activity at the land; or (b) a change in the use of the land or part of the land (within the meaning of the repealed <i>Development Act 1993</i> or the <i>Planning, Development and Infrastructure Act 2016</i>)?	No
Indemnity Insurance Certificate or Exemption under Division 3 of Part 5 of the Building Work Contractors Act 1995.	No

Under the Public and Environmental Health Act 1987 – Status Repealed

Is there a notice under this Act?	Nil.
Under the (Waste Control) Regulations 1995-Part 2 - Is there a condition (that continues to apply) of an approval?	No

Under the (Waste Control) Regulations 1995-Regulation 19 - Is there a maintenance order (that has not been complied with)?	No
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***Under the South Australian Public Health Act 2011 and the
South Australian Public Health (Waste Water) Regulations 2013***

Is there a notice; a direction or condition(s) under this Act?	No
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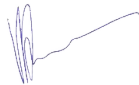
Under the Environment Protection Act 1987

Is there a notice under this Act?	Nil.
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Under the (Waste Control) Regulations 1995-Part 2 - Is there a condition (that continues to apply) of an approval?	No
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Under the (Waste Control) Regulations 1995-Regulation 19 - Is there a maintenance order (that has not been complied with)?	No
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Authorised Officer:



COPY

CR21/2191

ORDER OF PURSUANT

Schedule 12 – Section 105F Notice

Pursuant to Section 105F of the Fire and Emergency Services Act 2005

Estate K Bendys
Mr Nicholas Janzen
46 Ballville Street
Prospect SA 5082

who is the owner of land at **46 Ballville Street Prospect SA 5082**

is required to take the following action within 21 days of the date of this notice to comply with the requirements of that section.

- ✦ **Within 20 metres of any building** reduce all grass, pest plants and undergrowth to a maximum height of 10 centimetres and maintain all grass, pest plants and undergrowth to a maximum height of 10 centimetres until the end of the fire danger season.
- ✦ **If the land is a vacant block under one hectare in area**, reduce all grass, pest plants and undergrowth to a maximum height of 10 centimetres over the whole block and maintain all grass, pest plants and undergrowth to a maximum height of 10 centimetres over the whole block until the end of the fire danger season.
- ✦ **If the land is a vacant block over one hectare in area**, establish and maintain until the end of the fire danger season a fuel break around the whole area, placed as near as practicable to the perimeter. The fuel break shall be at least a **5 metre wide** strip on which all grass, pest plants and undergrowth is reduced to a maximum of 10 centimetres.

Note:

1. Section 105F requires that an owner of private land must take reasonable steps to:	a. Prevent or inhibit the outbreak of fire on the land b. Prevent or inhibit the spread of fire through the land c. Protect property on the land from fire d. Minimise the threat to human life from a fire on the land.
2. The following matters may be considered relevant to determining whether a breach of these requirements has occurred:	a. The nature of the land b. Whether the land is in a country, metropolitan, township or other setting c. The activities carried out on the land (including whether flammable or combustible materials or substances are used or stored on the land) d. Other statutory standards or requirements that apply to or in relation to the land e. Other matters may be taken into account.
3. A code of practice prescribed under the Act may also be relevant to your circumstances	
4. If you fail to comply with a requirement of this notice:	a. You may be liable to a significant fine b. An authorised person may proceed to carry out work required by the notice and recover the costs against you.
5. You are entitled to appeal against a requirement of this notice. Your rights of appeal are set out in the <i>Fire and Emergency Services Act 2005</i> .	
6. Your appeal should be instituted within 14 days of receiving this notice. A copy of the appeal notice must be sent to the authority that issues this notice.	
7. You may wish to discuss the matter with the authority that issued this notice before you institute an appeal.	

Peter Smith
Fire Prevention Officer

Date:



COPY

Payinthe
128 Prospect Road
PO Box 171
Prospect SA 5082
Telephone (08) 8269 5355
admin@prospect.sa.gov.au
www.prospect.sa.gov.au

**Nuisance Abatement Notice
Issued pursuant to**

Section 30(1)(a) of the *Local Nuisance and Litter Control Act 2016*

Notice Reference: CR20/76485

DATE: 9 December 2020

FROM: **City of Prospect (the Council)**

ADDRESS: 128 Prospect Road
Prospect South Australia 5082

TO: **Mr Nicholas Janzen**

ADDRESS: 46 Ballville Street
PROSPECT SA 5082

1. You are the owner / occupier of the premises situated at 46 Ballville Street, Prospect South Australia 5082, being the land comprised in Certificate of Title Register Book Volume 5797 Folio 707 (**the Premises**).
2. Under Section 18 of the *Local Nuisance and Litter Control Act 2016* (**the Act**), a person must not:
 - 2.1 carry on an activity intentionally or recklessly and with the knowledge that local nuisance will result; or
 - 2.2 carry on an activity that results in local nuisance.
3. For the purposes of the Act:
 - 3.1 the occupier or person in charge of a place at or from which the activity that results in local nuisance is carried on will be taken to have carried on the activity.
 - 3.2 a reference to carrying on an activity includes a reference to a failure to act.
4. Pursuant to Section 30(1)(a) of the Act, the Council may issue a nuisance abatement notice for or in connection with securing compliance with Part 4 Division 1 of the Act.
5. Council has evidence to demonstrate that:
 - 5.1 The assorted materials, vehicles, waste disposal bins and general untidiness as viewed from the street still exists and confirmed by Council Inspectors, is not in keeping with the amenity of the area.

6. Council is of the opinion that, in the circumstances described above:
- 6.1 an activity that constitutes local nuisance for the purposes of the Act has occurred;
 - 6.2 You have breached Your obligations under Part 4 Division 1 of the Act, to the extent that they are applicable to You; and
 - 6.3 it is necessary to issue a notice to You for or in connection with securing compliance with Part 4 Division 1 of the Act.

Accordingly, You are hereby **ISSUED** with this Notice under Section 30(1)(a) of the Act.

This Notice **REQUIRES** you as the owners / occupiers of the Premises to take the following action that is required for or in connection with securing compliance with Part 4 Division 1 of the Act, to improve the property as viewed from the street so as to be in keeping with the amenity of the location and;

1. Undertake following activity:
 - (a) Remove all items from the front facing aspect of your premises as viewed from the street that are not in keeping with location
 - (b) Remove from public view from the street any vehicles which are presented in various states of disrepair including any of those that may be under cover.
 - (c) Remove from public view from the street waste bins
 - (d) Remove from public view from the street all waste materials and associated construction and building items and other materials
2. Take the following action:
 - (a) Once completed to satisfaction of Council, you are required to maintain the residence to be in keeping with the amenity of the location.

AND You are required to comply with:

- Actions 1(a,b,c,d) immediately and on an ongoing basis.
- Action 2(a) on an ongoing basis.

Signed:

Peter Smith
General Inspector Community Safety
As a delegate of the Council

TAKE NOTE: Your Rights of Appeal

Pursuant to Section 32 of the *Local Nuisance and Litter Control Act 2016*, you **may** lodge an appeal to the Environment, Resources and Development Court (**the Court**) for review of this Notice. An application to the Court **must** be made within fourteen (14) days from the date that you have received the Notice *unless* the Court, in its discretion, allows an extension of time.

An appeal to the Court does not suspend the operation of the Notice (pending the determination of any appeal). The operation of the Notice is only suspended *if* the Court makes an interim order to that effect.

An appeal to the Court will be referred to a *conference* in first instance pursuant to Section 16 of the *Environment, Resources and Development Court Act 1993*. The purpose of the conference is to enable the Presiding Member of the Court to assist the parties to explore any possible resolution of the matters in dispute without resorting to a formal hearing. The Court, in its discretion, may elect to dispense with a conference if it is satisfied there is good reason to do so.

An appeal to the Court must be made in a manner and form determined by the Court, setting out the grounds of the appeal. For further information relating to the proper manner and form in relation to an appeal, please call the Court on **08 8204 0289** or contact the Court via email: erdcourt@courts.sa.gov.au.

1. **What Happens if I Fail to Comply with the Notice?**

If the requirements of this Notice are not complied with within the time specified, the Council may take action under Section 31 of the Act to give effect to the Notice. This includes entering the property and taking any action required by the Notice. The reasonable costs and expenses incurred by the Council in taking such action may be recovered from you as a debt. If you fail to pay the amount sought by the Council, Council may issue you with a further notice providing you with twenty eight (28) days (or such longer period as the Council may allow) from the date you receive the Notice to pay the amount due. If you fail to pay the amount sought by the Council within the time period prescribed in the Notice then you will be liable to pay interest and where applicable, the unpaid amount will be a charge on the land in favour of Council.

2. **Failure to Comply with the Notice is an Offence**

Section 30(9) of the Act provides that:

A person to whom a notice is issued under this section must not, without reasonable excuse, fail to comply with the notice.

Maximum Penalty:

a. in the case of a body corporate - \$60,000

b. in the case of a natural person - \$30,000

Expiation Fee: \$500

The Council reserves its rights to either issue you with an expiation notice or commence prosecution or civil enforcement proceedings against you if you fail to comply with this Notice.

Data Extract for Section 7 search purposes

Valuation ID 0524522002

Parcel ID: D1906 A28

Certificate Title: CT5797/707

Property Address: 46 BALLVILLE ST PROSPECT SA 5082

Zones

EN Established Neighbourhood

Subzones

No

Zoning overlays

Overlays

All structures over 45 metres Airport Building Heights (Regulated)

The Airport Building Heights (Regulated) Overlay seeks to ensure building height does not pose a hazard to the operation and safety requirements of commercial and military airfields.

Pr10 Historic Area

The Historic Area Overlay aims to reinforce historic themes and characteristics through conservation, contextually responsive development, design and adaptive reuse that responds to the attributes expressed in the Historic Area Statement.

Prescribed Wells Area

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

Regulated and Significant Tree

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

Stormwater Management

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

Urban Tree Canopy

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

Is the land situated in a 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 to be a significant tree or trees in the Planning and Design Code

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 Building Indemnity Insurance

No

Associated DA Conditions

No

Associated DA Info

No

GIS Dataset

LMAS

No