

Form 1 - Vendor's statement

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

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Preliminary

To the purchaser:

The purpose of a statement under section 7 of the *Land and Business (Sale and Conveyancing) Act 1994* is to put you on notice of certain particulars concerning the land to be acquired.

If you intend to carry out building work on the land, change the use of the land or divide the land, you should make further inquiries to determine whether this will be permitted. For example, building work may not be permitted on land not connected to a sewerage system or common drainage scheme if the land is near a watercourse, dam, bore or the River Murray and Lakes.

The *Aboriginal Heritage Act 1988* protects any Aboriginal site or object on the land. Details of any such site or object may be sought from the "traditional owners" as defined in that Act.

If you desire additional information, it is up to you to make further inquiries as appropriate.

Instructions to the vendor for completing this statement:

- ☐ means the Part, Division, particulars or item may not be applicable.
- If it is applicable, ensure the box is ticked and complete the Part, Division, particulars or item.
- If it is not applicable, ensure the box is empty or strike out the Part, Division, particulars or item. Alternatively, the Part, Division, particulars or item may be omitted, but not in the case of an item or heading in the table of particulars in Division 1 of the Schedule that is required by the instructions at the head of that table to be retained as part of this statement.
- * means strike out or omit the option that is not applicable.
- All questions must be answered with a YES or NO (inserted in the place indicated by a rectangle or square brackets below or to the side of the question).
- If there is insufficient space to provide any particulars required, continue on attachments.

Part A - Parties and land

1

Purchaser:

Address:

2

~~Purchaser's registered agent:~~

Address:

3

Vendor:

CITY OF PROSPECT, PURSUANT TO s.184 OF THE LOCAL GOVERNMENT ACT 1999

Address:

128 Prospect Road PROSPECT SA 5082

4

Vendor's registered agent:

Brenton Ward Real Estate

Address:

76 HEWITT AVENUE ROSE PARK SA 5067

5

Date of contract (if made before this statement is served):

6

Description of the land: *[Identify the land including any certificate of title reference]*

WHOLE OF THE LAND IN CERTIFICATE OF TITLE VOLUME 5797 FOLIO 707

KNOWN AS 46 Ballville Street PROSPECT SA 5082

Part B - Purchaser's cooling-off rights and proceeding with the purchase

To the purchaser:

Right to cool-off (section 5)

1 - Right to cool-off and restrictions on that right

You may notify the vendor of your intention not to be bound by the contract for the sale of the land UNLESS -

- (a) you purchased by auction; or
- (b) you purchased on the same day as you, or some person on your behalf, bid at the auction of the land; or
- (c) you have, before signing the contract, received independent advice from a legal practitioner and the legal practitioner has signed a certificate in the prescribed form as to the giving of that advice; or
- (d) you are a body corporate and the land is not residential land; or
- (e) the contract is made by the exercise of an option to purchase not less than 5 clear business days after the grant of the option and not less than 2 clear business days after service of this form; or
- (f) the sale is by tender and the contract is made not less than 5 clear business days after the day fixed for the closing of tenders and not less than 2 clear business days after service of this form; or
- (g) the contract also provides for the sale of a business that is not a small business.

2 - Time for service

The cooling-off notice must be served -

- (a) if this form is served on you before the making of the contract - before the end of the second clear business day after the day on which the contract was made; or
- (b) if this form is served on you after the making of the contract - before the end of the second clear business day from the day on which this form is served.

However, if this form is not served on you at least 2 clear business days before the time at which settlement takes place, the cooling-off notice may be served at any time before settlement.

3 - Form of cooling-off notice

The cooling-off notice must be in writing and must be signed by you.

4 - Methods of service

The cooling-off notice must be -

- (a) given to the vendor personally; or
- (b) posted by registered post to the vendor at the following address:

128 Prospect Road PROSPECT SA 5082

(being the vendor's last known address); or

- (c) transmitted by fax or email to the following fax number or email address:

brenton@brentonward.com.au

(being a number or address provided to you by the vendor for the purpose of service of the notice); or

- (d) left for the vendor's agent (with a person apparently responsible to the agent) at, or posted by registered post to the agent at, the following address:

76 HEWITT AVENUE ROSE PARK SA 5067

(being *the agent's address for service under the *Land Agents Act 1994* / an address nominated by the agent to you for the purpose of service of the notice).

Note - Section 5(3) of the *Land and Business (Sale and Conveyancing) Act 1994* places the onus of proving the giving of the cooling-off notice on the purchaser. It is therefore strongly recommended that -

- (a) if you intend to serve the notice by leaving it for the vendor's agent at the agent's address for service or an address nominated by the agent, you obtain an acknowledgment of service of the notice in writing;
- (b) if you intend to serve the notice by fax or email, you obtain a record of the transmission of the fax or email.

5 - Effect of service

If you serve such cooling-off notice on the vendor, the contract will be taken to have been rescinded at the time when the notice was served. You are then entitled to the return of any money you paid under the contract other than -

- (a) the amount of any deposit paid if the deposit did not exceed \$100; or
- (b) an amount paid for an option to purchase the land.

Proceeding with the purchase

If you wish to proceed with the purchase -

- (a) it is strongly recommended that you take steps to make sure your interest in the property is adequately insured against loss or damage; and
- (b) pay particular attention to the provisions in the contract as to time of settlement - it is essential that the necessary arrangements are made to complete the purchase by the agreed date - if you do not do so, you may be in breach of the contract; and
- (c) you are entitled to retain the solicitor or registered conveyancer of your choice.

Part C - Statement with respect to required particulars

(section 7(1))

To the purchaser:

*I/We, CITY OF PROSPECT, PURSUANT TO s.184 OF THE LOCAL GOVERNMENT ACT 1999

of 128 Prospect Road PROSPECT SA 5082

being the ~~*vendor(s)~~ person authorised to act on behalf of the vendor(s) in relation to the transaction state that the Schedule contains all particulars required to be given to you pursuant to section 7(1) of the *Land and Business (Sale and Conveyancing) Act 1994*.

Date: 23-Mar-22

Signed DocuSigned by:

Brenton Ward

D177472E4D5F4D5...

Date:

Signed

Date:

Signed

Date:

Signed

Part D - Certificate with respect to prescribed inquiries by registered agent

(section 9)



To the purchaser:

I, BRENTON WARD

certify ~~*that the responses / that, subject to the exceptions stated below, the responses~~ to the inquiries made pursuant to section 9 of the *Land and Business (Sale and Conveyancing) Act 1994* confirm the completeness and accuracy of the particulars set out in the Schedule.

Exceptions: NIL

Date: 23-Mar-22

Signed DocuSigned by:

Brenton Ward

D177472E4D5F4D5...

*Vendor's / ~~Purchaser's~~ agent

~~*Person authorised to act on behalf of *Vendor's / Purchaser's agent~~

Schedule - Division 1 - Particulars of mortgages charges and prescribed encumbrances affecting the land

(section 7(1)(b))

Note -

Section 7(3) of the Act provides that this statement need not include reference to charges arising from the imposition of rates or taxes less than 12 months before the date of service of the statement.

Where a mortgage, charge or prescribed encumbrance referred to in column 1 of the table below is applicable to the land, the particulars in relation to that mortgage, charge or prescribed encumbrance required by column 2 of the table must be set out in the table (in accordance with the instructions in the table) unless -

- (a) there is an attachment to this statement and -
 - (i) all the required particulars are contained in that attachment; and
 - (ii) the attachment is identified in column 2; and
 - (iii) if the attachment consists of more than 2 sheets of paper, those parts of the attachment that contain the required particulars are identified in column 2; or
- (b) the mortgage, charge or prescribed encumbrance -
 - (i) is 1 of the following items in the table:
 - (A) under the heading 1. General -
 - 1.1 Mortgage of land
 - 1.4 Lease, agreement for lease, tenancy agreement or licence
 - 1.5 Caveat
 - 1.6 Lien or notice of a lien
 - (B) under the heading 36. Other charges -
 - 36.1 Charge of any kind affecting the land (not included in another item); and
 - (ii) is registered on the certificate of title to the land; and
 - (iii) is to be discharged or satisfied prior to or at settlement.

Table of particulars

Column 1	Column 2	Column 3
<p>[If an item is applicable, ensure that the box for the item is ticked and complete the item.]</p> <p>[If an item is not applicable, ensure that the box for the item is empty or else strike out the item or write "NOT APPLICABLE" or "N/A" in column 1.</p> <p>Alternatively, the item and any inapplicable heading may be omitted, <u>but not</u> in the case of-</p> <p>(a) the heading "1. General" and items 1.1, 1.2, 1.3 and 1.4; and</p> <p>(b) the heading "5. Development Act 1993 (repealed)" and item 5.1; and</p> <p>(c) the heading "6. Repealed Act conditions" and item 6.1; and</p> <p>(d) the heading "29. Planning, Development and Infrastructure Act 2016" and items 29.1 and 29.2, which must be retained as part of this statement whether applicable or not.]</p> <p>[If an item is applicable, all particulars requested in column 2 must be set out in the item unless the Note preceding this table otherwise permits. Particulars requested in bold type must be set out in column 3 and all other particulars must be set out in column 2.]</p> <p>[If there is more than 1 mortgage, charge or prescribed encumbrance of a kind referred to in column 1, the particulars requested in column 2 must be set out for <i>each</i> such mortgage, charge or prescribed encumbrance.]</p> <p>[If requested particulars are set out in the item and then continued on an attachment due to insufficient space, identify the attachment in the place provided in column 2. If <i>all</i> of the requested particulars are contained in an attachment (instead of in the item) in accordance with the Note preceding this table, identify the attachment in the place provided in column 2 and (if required by the Note) identify the parts of the attachment that contain the particulars.]</p>		

1. General

1.1	Mortgage of land	<div><div>Is this item applicable?</div><div>Will this be discharged or satisfied prior to or at settlement?</div><div>Are there attachments?</div><div>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</div><div></div><div>Number of mortgage (if registered):</div><div></div><div>Name of mortgagee:</div><div></div></div>	<div><div></div><div></div><div></div></div>
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1.2 Easement

(whether over the land or annexed to the land)

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

[Note - Do not omit this item. This item and its heading must be included in the statement even if not applicable.]

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement?

Are there attachments?

If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):

Description of land subject to easement:

Nature of easement:

Are you aware of any encroachment on the easement?

If YES, give details:

If there is an encroachment, has approval for the encroachment been given?

If YES, give details:

1.3 Restrictive covenant

[Note - Do not omit this item. This item and its heading must be included in the statement even if not applicable.]

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement?

Are there attachments?

If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):

Nature of restrictive covenant:

Name of person in whose favour restrictive covenant operates:

Does the restrictive covenant affect the whole of the land being acquired?

If NO, give details:

Does the restrictive covenant affect land other than that being acquired?

☐

☐

14 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.)

[Note - Do not omit this item. This item and its heading must be included in the statement even if not applicable.]

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement?

Are there attachments?

If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):

Name of parties:

Period of lease, agreement for lease etc:

From to

Amount of rent or licence fee:

\$ per (period)

Is the lease, agreement for lease etc in writing?

If the lease or licence was granted under an Act relating to the disposal of Crown lands, specify -

(a) the Act under which the lease or licence was granted:

(b) the outstanding amounts due (including any interest or penalty):

1.5 Caveat

Is this item applicable?
Will this be discharged or satisfied prior to or at settlement?
Are there attachments?

☒

YES

YES

If YES, identify the attachment(s)(and, if applicable, the part(s) containing the particulars):

CAVEAT BY COMMISSIONER OF STATE TAXATION DEALING
NUMBER 11776151

Name and address of caveator:

COMMISSIONER OF STATE TAXATION
STATE ADMINISTRATION CENTRE
200 VICTORIA SQUARE ADELAIDE 5000

Particulars of interest claimed:

PAYMENT OF LAND TAX AND PAYMENT OF EMERGENCY
SERVICES LEVY

1.6 Lien or notice of a lien

~~*Is this item applicable?*
Will this be discharged or satisfied prior to or at settlement?
Are there attachments?~~

~~*If YES, identify the attachment(s)(and, if applicable, the part(s) containing the particulars):*~~

~~Land or other property subject to lien:~~

~~Nature of lien:~~

~~Name and address of person who has imposed lien or given notice of it:~~

5. Development Act 1993 (repealed)

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

[Note - Do not omit this item. This item and its heading must be included in the statement even if not applicable.]

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement?

Are there attachments?

If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):

Condition(s) of authorisation:

6. Repealed Act conditions

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

[Note - Do not omit this item. This item and its heading must be included in the statement even if not applicable.]

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement?

Are there attachments?

If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):

Nature of condition(s):

7. Emergency Services Funding Act 1998

7.1 section 16 - Notice to pay levy

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement?

Are there attachments?

If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):

CERTIFICATE OF EMERGENCY SERVICES LEVY PAYABLE

Date of notice:

3/3/2022

Amount of levy payable:

\$2,606.47

☒

YES

YES

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

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement?

Are there attachments?

If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):

CITY OF PROSPECT COUNCIL SEARCH PAGE 7 & 8, ANNEXURE D

Date of notice:

3/3/2022

Person or body who issued notice:

CITY OF PROSPECT

Requirements of notice (as stated therein):

SEE ATTACHED ORDER OF PURSUANT
Schedule 12 Section 105F Notice

Amount payable (if any):

NIL



NO

YES

11. Food Act 2001

11.1 section 44 - Improvement notice

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement?

Are there attachments?

If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):

Date of notice:

Name of authorised officer who served notice:

Name of authority that appointed officer:

Requirements of notice:



11.2 section 46 - Prohibition order

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement?

Are there attachments?

If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):

Date of order:

Name of authority or person who served order:

Requirements of order:



21. Local Government Act 1999

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

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement?

Are there attachments?

If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):



YES

NO

Date of notice, order etc:

25 October 2021

Name of council by which, or person by whom, notice, order etc is given or made:

CITY OF PROSPECT

Land subject thereto:

Certificate of Title Volume 5797 Folio 707 Commonly known as 46 BALLVILLE STREET PROSPECT SA 5082

Nature of requirements contained in notice, order etc:

DEMAND FOR RATES MORE THAN 3 YEARS IN ARREARS

Time for carrying out requirements:

1 MONTH

Amount payable (if any):

\$27,175.44

22. Local Nuisance and Litter Control Act 2016

22.1 section 30 - Nuisance or litter abatement notice

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement?

Are there attachments?

If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):



NO

YES

CITY OF PROSPECT COUNCIL SEARCH PAGES 9-12, ANNEXURE D

Date of notice:

9 DECEMBER 2020

Notice issued by:

CITY OF PROSPECT

Nature of requirements contained in notice:

SEE ATTACHED COUNCIL SEARCH, ANNEXURE D

Time for carrying out requirements:

IMMEDIATELY AND ONGOING

23. Metropolitan Adelaide Road Widening Plan Act 1972

23.1 section 6 - Restriction on building work

~~Is this item applicable?~~

~~Will this be discharged or satisfied prior to or at settlement?~~

~~Are there attachments?~~

~~If YES, identify the attachment(s)(and, if applicable, the part(s) containing the particulars):~~

Does the restriction apply to all of the land?

--	--

If NO, give details about the part of the land to which the restriction applies:

--	--

29. Planning, Development and Infrastructure Act 2016

29.1	Part 5 - Planning and Design Code	<div><div>Is this item applicable?</div><div>Will this be discharged or satisfied prior to or at settlement?</div><div>Are there attachments?</div><div>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</div><div>Refer page 4 & 5 Prospect Council search attached Annexure D Refer pages 2-3 and 8 of the Property Interest Report attached Refer to SA Property and Planning Atlas ("SAPPA") attached</div><div>Title or other brief description of zone, subzone and overlay in which the land is situated (as shown in the Planning and Design Code):</div><div>Zones Established Neighbourhood (Z1506) - EN Zone Overlays Airport Building Heights (Regulated) (O0303) - All structures over 45 metres Historic Area (O2406) - Pr10 Prescribed Wells Area (O4804) Regulated and Significant Tree (O5404) Stormwater Management (O5710) Urban Tree Canopy (O6302) Overlay Variations Maximum Building Height (Metres) (V0002) - Maximum building height is 9m Minimum Frontage (V0004) - Minimum frontage is 12m Minimum Site Area (V0005) - Minimum site area is 450 sqm Maximum Building Height (Levels) (V0008) - Maximum building height is 2 levels Minimum Side Boundary Setback (V0011) - Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher</div></div>	<div><div><input checked="" type="checkbox"/></div><div>NO</div><div>YES</div></div>
		<div><div>Is there a State heritage place on the land or is the land situated in a State heritage area?</div><div>Is the land designated as a local heritage place?</div><div>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?</div><div>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?</div></div>	<div><div>NO</div><div>NO</div><div>UNKNOWN</div><div>YES</div></div>
		<div><div>Note - For further information about the Planning and Design Code visit www.code.plan.sa.gov.au.</div></div>	

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 attachment
even if not applicable.]

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement?

Are there attachments?

If YES, identify the attachment(s)
(and, if applicable, the part(s) containing the particulars):

Date of authorisation:

Name of relevant authority that granted authorisation:

Condition(s) of authorisation:

29.3

section 139 - Notice of
proposed work and notice may
require access

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement?

Are there attachments?

If YES, identify the attachment(s)
(and, if applicable, the part(s) containing the particulars):

Date of notice:

Name of person giving notice of proposed work:

Building work proposed (as stated in the notice):

Other building work as required pursuant to the Act:

Is this item applicable?	
Will this be discharged or satisfied prior to or at settlement?	
Are there attachments?	
If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):	
Date of notice:	
Name of person requesting access:	
Reason for which access is sought (as stated in the notice):	
Activity of work to be carried out:	

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement?

Are there attachments?

***If YES, identify the attachment(s)
(and, if applicable, the part(s) containing the particulars):***

Date of order:

Terms of order:

Building work (if any) required to be carried out:

Amount payable (if any):

29.6

section 142 - Notice to complete development

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement?

Are there attachments?

If YES, identify the attachment(s)
(and, if applicable, the part(s) containing the particulars):

Date of notice:

Requirements of notice:

Building work (if any) required to be carried out:

Amount payable (if any):

29.7

section 155 - Emergency order

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement?

Are there attachments?

If YES, identify the attachment(s)
(and, if applicable, the part(s) containing the particulars):

Date of order:

Name of authorised officer who made order:

Name of authority that appointed the authorised officer:

Nature of order:

Amount payable (if any):

Is this item applicable?

□

If YES, identify the attachment(s)
(and, if applicable, the part(s) containing the particulars):



Date of notice:

Name of authority giving notice:

Requirements of notice:

--

Building work (if any) required to be carried out:

--

Amount payable (if any):

--

Is this item applicable?

□

~~If YES, identify the attachment(s)
(and, if applicable, the part(s) containing the particulars):~~

--

Date of agreement:

--

Names of parties:

Terms of agreement:

--

29.10 section 198(1) - Requirement to vest land in a council or the Crown to be held as open space

Is this item applicable?

☐

Will this be discharged or satisfied prior to or at settlement?

☐

Are there attachments?

☐

***If YES, identify the attachment(s)
(and, if applicable, the part(s) containing the particulars):***

Date requirement given:

Name of body giving requirement:

Nature of requirement:

Contribution payable (if any):

29.11 section 198(2) - Agreement to vest land in a council or the Crown to be held as open space

Is this item applicable?

☐

Will this be discharged or satisfied prior to or at settlement?

☐

Are there attachments?

☐

***If YES, identify the attachment(s)
(and, if applicable, the part(s) containing the particulars):***

Date of agreement:

Names of parties:

Terms of agreement:

Contribution payable (if any):

29.12 Part 16 Division 1 - Proceedings

~~Is this item applicable?~~☐~~Will this be discharged or satisfied prior to or at settlement?~~☐~~Are there attachments?~~☐~~If YES, identify the attachment(s)~~~~(and, if applicable, the part(s) containing the particulars):~~

Date of commencement of proceedings:

Date of determination or order (if any):

Terms of determination or order (if any):

29.13 section 213 - Enforcement notice

~~Is this item applicable?~~☐~~Will this be discharged or satisfied prior to or at settlement?~~☐~~Are there attachments?~~☐~~If YES, identify the attachment(s)~~~~(and, if applicable, the part(s) containing the particulars):~~

Date notice given:

Name of designated authority giving notice:

Nature of directions contained in notice:

Building work (if any) required to be carried out:

Amount payable (if any):

Is this item applicable?

--

Date order made:

Name of court that made order:

Action number:

Names of parties:

Terms of order:

Building work (if any) required to be carried out:

--

ANNEXURES

~~There are no documents annexed hereto~~ / The following documents are annexed hereto -

Form R3 – Buyers Information Notice
Copy of certificate(s) of title to the land

COPY OF THE CONTRACT
PROPERTY INTEREST REPORT (Annexure C)
CITY OF PROSPECT PROPERTY SEARCH (Annexure D)
SA WATER SEARCH (Annexure E)
CERTIFICATE OF EMERGENCY SERVICES LEVY (Annexure F)
LAND TAX SEARCH (Annexure G)
SA PROPERTY AND PLANNING ATLAS ("SAPPA") (Annexure H)

(*Strike out whichever is not applicable)

ACKNOWLEDGEMENT OF RECEIPT OF FORM 1 – VENDOR’S STATEMENT
(Section 7, *Land and Business (Sale and Conveyancing) Act 1994*)

*I / We the abovenamed Purchaser(s), hereby acknowledge having received this day the Form 1 with the annexures as set out above.

Dated this Day of 20

Signed: _____

Purchaser(s)

Form R3

Buyers information notice

Land and Business (Sale and Conveyancing) Act 1994 section 13A

Land and Business (Sale and Conveyancing) Regulations 2010 regulation 17

Before you buy a home there are a number of things that you should investigate and consider. Though it may not be obvious at the time, there could be matters that may affect your enjoyment of the property, the safety of people on the property or the value of the property.

The following questions may help you to identify if a property is appropriate to purchase. In many cases the questions relate to a variety of laws and standards. These laws and standards change over time, so it is important to seek the most up to date information. Various government agencies can provide up to date and relevant information on many of these questions. To find out more, Consumer and Business Services recommends that you check the website: www.cbs.sa.gov.au

Consider having a professional building inspection done before proceeding with a purchase. A building inspection will help you answer some of the questions below.

The questions have been categorised under the headings **Safety**, **Enjoyment** and **Value**, but all of the issues are relevant to each heading.

Safety

- Is there **asbestos** in any of the buildings or elsewhere on the property eg sheds and fences?
- Does the property have any significant **defects** eg **cracking** or **salt damp**? Have the wet areas been waterproofed?
- Is the property in a **bushfire** prone area?
- Are the **electrical wiring, gas installation, plumbing and appliances** in good working order and in good condition? Is a **safety switch** (RCD) installed? Is it working?
- Are there any prohibited **gas appliances** in bedrooms or bathrooms?
- Are **smoke alarms** installed in the house? If so, are they hardwired? Are they in good working order and in good condition? Are they compliant?
- Is there a **swimming pool and/or spa pool** installed on the property? Are there any safety barriers or fences in place? Do they conform to current standards?
- Does the property have any **termite** or other pest infestations? Is there a current preventive termite treatment program in place? Was the property treated at some stage with persistent organochlorins (now banned) or other **toxic** termiticides?
- Has fill been used on the site? Is the soil contaminated by **chemical residues** or waste?
- Does the property use **cooling towers** or manufactured warm water systems? If so, what are the maintenance requirements?

Enjoyment

- Does the property have any **stormwater** problems?
- Is the property in a **flood prone** area? Is the property prone to coastal flooding?
- Does the property have an on-site **wastewater treatment facility** such as a septic tank installed? If so, what are the maintenance requirements? Is it compliant?
- Is a **sewer mains connection** available?
- Are all gutters, downpipes and stormwater systems in good working order and in good condition?
- Is the property near **power lines**? Are there any trees on the property near power lines? Are you considering planting any trees? Do all structures and trees maintain the required clearance from any power lines?
- Are there any **significant** trees on the property?
- Is this property a unit on **strata or community title**? What could this mean for you? Is this property on strata or community title? Do you understand the restrictions of use and the financial obligations of ownership? Will you have to pay a previous owner's debt or the cost of planned improvements?
- Is the property close to a hotel, restaurant or other venue with entertainment consent for live music? Is the property close to any industrial or commercial activity, a busy road or airport etc that may result in the generation of **noise** or the **emission of materials or odours** into the air?
- What appliances, equipment and fittings are included in the sale of the property?
- Is there sufficient car parking space available to the property?

Value

- Are there any **illegal or unapproved additions**, extensions or alterations to the buildings on the property?
- How **energy efficient** is the home, including appliances and lighting? What **energy sources** (eg electricity, gas) are available?
- Is the property connected to SA Water operated and maintained **mains water**? Is a mains water connection available? Does the property have a **recycled water** connection? What sort of water meter is located on the property (a **direct or indirect meter** – an indirect meter can be located some distance from the property)? Is the property connected to a water meter that is also serving another property?
- Are there water taps outside the building? Is there a watering system installed? Are they in good working order and in good condition?
- Does the property have **alternative sources** of water other than mains water supply (including **bore or rainwater**)? If so, are there any special maintenance requirements?

For more information on these matters visit: www.cbs.sa.gov.au

Disclaimer: There may be other issues relevant to the purchase of real estate. If you are unable to ascertain enough information about the questions raised in this form and any other concerns you may have we strongly recommend you obtain independent advice through a building inspection, a lawyer, and a financial adviser.

Form R7

Warning Notice

Financial and Investment Advice

Land and Business (Sale and Conveyancing) Act 1994 section 24B

Land and Business (Sale and Conveyancing) Regulations 2010 regulation 21

A land agent or sales representative who provides financial or investment advice to you in connection with the sale or purchase of land or a business is obliged to tell you the following —

You should assess the suitability of any purchase of the land or business in light of your own needs and circumstances by seeking independent financial and legal advice.

NOTE: For the purposes of section 24B of the Act, an agent or sales representative who provides financial or investment advice to a person in connection with the sale or purchase of land or a business must

- in the case of oral advice - immediately before giving the advice, give the person warning of the matters set out in this Form orally, prefaced by the words "**I am legally required to give you this warning**"; or
- in the case of written advice - at the same time as giving the advice or as soon as reasonably practicable after giving the advice, give the person this Form, printed or typewritten in not smaller than 12-point type.



REAL PROPERTY ACT, 1886



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5797 Folio 707

Parent Title(s) CT 938/47

Creating Dealing(s) CONVERTED TITLE

Title Issued 11/08/2000 Edition 2 Edition Issued 14/10/2021

Estate Type

FEE SIMPLE

Registered Proprietor

KATHARINA BENDYS
OF 46 BALLVILLE STREET PROSPECT SA 5082

Description of Land

ALLOTMENT 28 DEPOSITED PLAN 1906
IN THE AREA NAMED PROSPECT
HUNDRED OF YATALA

Easements

NIL

Schedule of Dealings

Dealing Number	Description
11776151	CAVEAT BY COMMISSIONER OF STATE TAXATION

Notations

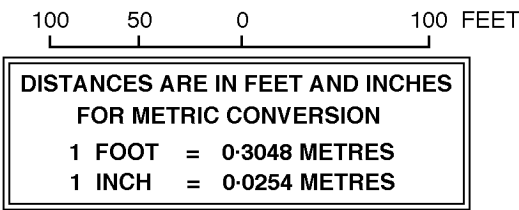
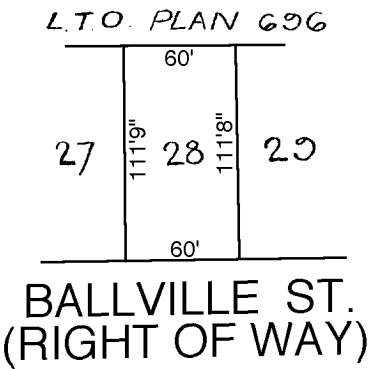
Dealings Affecting Title NIL

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 5797/707	Reference No. 2340630
Registered Proprietors	K*BENDYS	Prepared 02/03/2022 14:04
Address of Property	46 BALLVILLE STREET, PROSPECT, SA 5082	
Local Govt. Authority	THE CITY OF PROSPECT	
Local Govt. Address	PO BOX 171 PROSPECT 5082	

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

<u>Prescribed encumbrance</u>	<u>Particulars</u> (Particulars in bold indicates further information will be provided)
-------------------------------	---

1. General

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

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

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

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

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

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

also

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

2. Aboriginal Heritage Act 1988

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

an area surrounding a site

- 2.3 Part 3 Division 6 - Aboriginal heritage agreement

Aboriginal Heritage Branch in Aboriginal Affairs and Reconciliation Division in DPC has no record of any agreement affecting this title

also

Refer to the Certificate of Title

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

- 3.1 section 8 - Human remains interred on land

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

also

contact the vendor for these details

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

- 4.1 section 5 - Notice requiring payment

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

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

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

State Planning Commission in the Attorney-General's Department has no record of any conditions that continue to apply, affecting this title

[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]

also

Contact the Local Government Authority for other details that might apply

- 5.2 section 50(1) - Requirement to vest land in a council or the Crown to be held as open space

State Planning Commission in the Attorney-General's Department 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 Attorney-General's Department 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 Attorney-General's Department 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 Attorney-General's Department 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 Attorney-General's Department 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 Attorney-General's Department has no record of any notice affecting this title

- | | | |
|------|--|---|
| 5.10 | section 84 - Enforcement notice | State Planning Commission in the Attorney-General's Department 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 Attorney-General's Department 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 Attorney-General's Department 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 |
- [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 | <p>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.</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> |
|-----|---------------------------------|--|

8. Environment Protection Act 1993

- | | | |
|-----|---|---|
| 8.1 | section 59 - Environment performance agreement that is registered in relation to the land | EPA (SA) does not have any current Performance Agreements registered on this title |
| 8.2 | section 93 - Environment protection order that is registered in relation to the land | EPA (SA) does not have any current Environment Protection Orders registered on this title |
| 8.3 | section 93A - Environment protection order relating to cessation of activity that is registered in relation to the land | EPA (SA) does not have any current Orders registered on this title |
| 8.4 | section 99 - Clean-up order that is registered in relation to the land | EPA (SA) does not have any current Clean-up orders registered on this title |
| 8.5 | section 100 - Clean-up authorisation that is registered in relation to the land | EPA (SA) does not have any current Clean-up authorisations registered on this title |
| 8.6 | section 103H - Site contamination assessment order that is registered in relation to the land | EPA (SA) does not have any current Orders registered on this title |
| 8.7 | section 103J - Site remediation order that is registered in relation to the land | EPA (SA) does not have any current Orders registered on this title |
| 8.8 | section 103N - Notice of declaration of special management area in relation to the land (due to possible existence of site contamination) | EPA (SA) does not have any current Orders registered on this title |

8.9	section 103P - Notation of site contamination audit report in relation to the land	EPA (SA) does not have any current Orders registered on this title
8.10	section 103S - Notice of prohibition or restriction on taking water affected by site contamination in relation to the land	EPA (SA) does not have any current Orders registered on this title
9.	<i>Fences Act 1975</i>	
9.1	section 5 - Notice of intention to perform fencing work	Contact the vendor for these details
10.	<i>Fire and Emergency Services Act 2005</i>	
10.1	section 105F - (or section 56 or 83 (repealed)) - Notice to take action to prevent outbreak or spread of fire	Contact the Local Government Authority for other details that might apply Where the land is outside a council area, contact the vendor
11.	<i>Food Act 2001</i>	
11.1	section 44 - Improvement notice	Public Health in DHW has no record of any notice or direction affecting this title also Contact the Local Government Authority for other details that might apply
11.2	section 46 - Prohibition order	Public Health in DHW has no record of any notice or direction affecting this title also Contact the Local Government Authority for other details that might apply
12.	<i>Ground Water (Qualco-Sunlands) Control Act 2000</i>	
12.1	Part 6 - risk management allocation	Qualco Sunlands Ground Water Control Trust has no record of any allocation affecting this title
12.2	section 56 - Notice to pay share of Trust costs, or for unauthorised use of water, in respect of irrigated property	DEW Water Licensing has no record of any notice affecting this title
13.	<i>Heritage Places Act 1993</i>	
13.1	section 14(2)(b) - Registration of an object of heritage significance	Heritage Branch in DEW has no record of any registration affecting this title
13.2	section 17 or 18 - Provisional registration or registration	Heritage Branch in DEW has no record of any registration affecting this title
13.3	section 30 - Stop order	Heritage Branch in DEW has no record of any stop order affecting this title
13.4	Part 6 - Heritage agreement	Heritage Branch in DEW has no record of any agreement affecting this title also Refer to the Certificate of Title
13.5	section 38 - "No development" order	Heritage Branch in DEW has no record of any "No development" order affecting this title
14.	<i>Highways Act 1926</i>	
14.1	Part 2A - Establishment of control of access from any road abutting the land	Transport Assessment Section within DIT has no record of any registration affecting this title
15.	<i>Housing Improvement Act 1940 (repealed)</i>	
15.1	section 23 - Declaration that house is undesirable or unfit for human habitation	Contact the Local Government Authority for other details that might apply
15.2	Part 7 (rent control for substandard houses) - notice or declaration	Housing Safety Authority has no record of any notice or declaration affecting this title
16.	<i>Housing Improvement Act 2016</i>	

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

17. *Land Acquisition Act 1969*

- | | | |
|------|---|---|
| 17.1 | section 10 - Notice of intention to acquire | Refer to the Certificate of Title for any notice of intention to acquire
also
Contact the Local Government Authority for other details that might apply |
|------|---|---|

18. *Landscape South Australia Act 2019*

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

Act

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

19. Land Tax Act 1936

- | | | |
|------|---|--|
| 19.1 | Notice, order or demand for payment of land tax | <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. Local Government Act 1934 (repealed)

- | | | |
|------|---|---|
| 20.1 | Notice, order, declaration, charge, claim or demand given or made under the Act | Contact the Local Government Authority for other details that might apply |
|------|---|---|

21. Local Government Act 1999

- | | | |
|------|---|---|
| 21.1 | Notice, order, declaration, charge, claim or demand given or made under the Act | Contact the Local Government Authority for other details that might apply |
|------|---|---|

22. Local Nuisance and Litter Control Act 2016

- | | | |
|------|--|---|
| 22.1 | section 30 - Nuisance or litter abatement notice | Contact the Local Government Authority for other details that might apply |
|------|--|---|

23. Metropolitan Adelaide Road Widening Plan Act 1972

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

24. Mining Act 1971

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

- | | | |
|------|---|---|
| 24.9 | Proclamation with respect to a private mine | Mineral Tenements in the Department of Energy and Mining has no record of any proclamation affecting this title |
|------|---|---|

25. *Native Vegetation Act 1991*

- | | | |
|------|--|--|
| 25.1 | Part 4 Division 1 - Heritage agreement | DEW Native Vegetation has no record of any agreement affecting this title

also

Refer to the Certificate of Title |
| 25.2 | section 25C - Conditions of approval regarding achievement of environmental benefit by accredited third party provider | DEW Native Vegetation has no record of any agreement affecting this title

also

Refer to the Certificate of Title |
| 25.3 | section 25D - Management agreement | DEW Native Vegetation has no record of any agreement affecting this title

also

Refer to the Certificate of Title |
| 25.4 | Part 5 Division 1 - Refusal to grant consent, or condition of a consent, to clear native vegetation | DEW Native Vegetation has no record of any refusal or condition affecting this title |

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

- | | | |
|-------|--|--|
| 26.1 | section 97 - Notice to pay levy in respect of costs of regional NRM board | The regional landscape board has no record of any notice affecting this title |
| 26.2 | section 123 - Notice to prepare an action plan for compliance with general statutory duty | The regional landscape board has no record of any notice affecting this title |
| 26.3 | section 134 - Notice to remove or modify a dam, embankment, wall or other obstruction or object | The regional landscape board has no record of any notice affecting this title |
| 26.4 | section 135 - Condition (that remains in force) of a permit | The regional landscape board has no record of any notice affecting this title |
| 26.5 | section 181 - Notice of instruction as to keeping or management of animal or plant | The regional landscape board has no record of any notice affecting this title |
| 26.6 | section 183 - Notice to prepare an action plan for the destruction or control of animals or plants | The regional landscape board has no record of any notice affecting this title |
| 26.7 | section 185 - Notice to pay costs of destruction or control of animals or plants on road reserve | The regional landscape board has no record of any notice affecting this title |
| 26.8 | section 187 - Notice requiring control or quarantine of animal or plant | The regional landscape board has no record of any notice affecting this title |
| 26.9 | section 193 - Protection order to secure compliance with specified provisions of the Act | The regional landscape board has no record of any order affecting this title |
| 26.10 | section 195 - Reparation order requiring specified action or payment to make good damage resulting from contravention of the Act | The regional landscape board has no record of any order affecting this title |
| 26.11 | section 197 - Reparation authorisation authorising specified action to make good damage resulting from contravention of the Act | The regional landscape board has no record of any authorisation affecting this title |

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

- | | | |
|------|---|--|
| 27.1 | section 21 - Notice of levy or contribution payable | Outback Communities Authority has no record affecting this title |
|------|---|--|

28. *Phylloxera and Grape Industry Act 1995*

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

29. *Planning, Development and Infrastructure Act 2016*

- 29.1 Part 5 - Planning and Design Code
[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]
- Contact the Local Government Authority for the title or other brief description of the zone or subzone in which the land is situated.
- also
- Heritage Branch in DEW has no record of a State Heritage Area created prior to 15 January 1994 under the former South Australian Heritage Act 1978 affecting this title
- also
- For details of this item, including State Heritage Areas which have been authorised or put under interim effect since 15 January 1994, contact the Local Government Authority
- also
- Contact the Local Government Authority for other details that might apply to a place of local heritage value
- also
- For details of declared significant trees affecting this title, contact the Local Government Authority
- also
- Planning and Land Use Services in the Attorney-General's Department has no record of a Planning and Design Code Amendment on consultation affecting this title
-
- Following the repeal of the Development Act 1993 and its replacement with the Planning, Development and Infrastructure Act 2016 on 19 March 2021, all new Development Applications will now be assessed against the Planning and Design Code (The Code).**
- The Code is the cornerstone of South Australia's new planning system, and is the single source of planning policy for assessing development applications across the State. The purpose of this is to make the planning process quicker, simpler and more equitable than ever before, affording South Australians greater access to planning information that is consistent and clear. This in turn will help the community to navigate the planning system when building a house, developing a business, or progressing large commercial developments. The Code has now replaced all South Australian Development Plans.**
- Further information on the Code is available on the PlanSA Portal.
<https://code.plan.sa.gov.au>**
- Or call 1800 752 664 (Option 1)**
- 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 Attorney-General's Department 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 Attorney-General's Department 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 | <p>State Planning Commission in the Attorney-General's Department has no record of any order or notice affecting this title</p> <p>also</p> <p>Contact the Local Government Authority for other details that might apply</p> |
| 29.7 | section 155 - Emergency order | <p>State Planning Commission in the Attorney-General's Department has no record of any order or notice affecting this title</p> <p>also</p> <p>Contact the Local Government Authority for other details that might apply</p> |
| 29.8 | section 157 - Fire safety notice | <p>Building Fire Safety Committee in the Attorney-General's Department has no record of any order or notice affecting this title</p> <p>also</p> <p>Contact the Local Government Authority for other details that might apply</p> |
| 29.9 | section 192 or 193 - Land management agreement | <p>Refer to the Certificate of Title</p> |
| 29.10 | section 198(1) - Requirement to vest land in a council or the Crown to be held as open space | <p>State Planning Commission in the Attorney-General's Department has no record of any conditions that continue to apply, affecting this title</p> <p>also</p> <p>Contact the Local Government Authority for other details that might apply</p> |
| 29.11 | section 198(2) - Agreement to vest land in a council or the Crown to be held as open space | <p>State Planning Commission in the Attorney-General's Department has no record of any conditions that continue to apply, affecting this title</p> <p>also</p> <p>Contact the Local Government Authority for other details that might apply</p> |
| 29.12 | Part 16 Division 1 - Proceedings | <p>Contact the Local Government Authority for details relevant to this item</p> <p>also</p> <p>Contact the vendor for other details that might apply</p> |
| 29.13 | section 213 - Enforcement notice | <p>State Planning Commission in the Attorney-General's Department has no record of any conditions that continue to apply, affecting this title</p> <p>also</p> <p>Contact the Local Government Authority for other details that might apply</p> |
| 29.14 | section 214(6), 214(10) or 222 - Enforcement order | <p>Contact the Local Government Authority for details relevant to this item</p> <p>also</p> <p>State Planning Commission in the Attorney-General's Department has no record of any conditions that continue to apply, affecting this title</p> |

30. *Plant Health Act 2009*

- | | | |
|------|---|---|
| 30.1 | section 8 or 9 - Notice or order concerning pests | Plant Health in PIRSA has no record of any notice or order affecting this title |
|------|---|---|

31. *Public and Environmental Health Act 1987 (repealed)*

- | | | |
|------|---|--|
| 31.1 | Part 3 - Notice | <p>Public Health in DHW has no record of any notice or direction affecting this title</p> <p>also</p> <p>Contact the Local Government Authority for other details that might apply</p> |
| 31.2 | <i>Public and Environmental Health (Waste Control) Regulations 2010 (or 1995)</i> | Public Health in DHW has no record of any condition affecting this title |

(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 *Public and Environmental Health (Waste Control) Regulations 2010* (revoked) regulation 19 - Maintenance order (that has not been complied with)

Public Health in DHW has no record of any order affecting this title

also

Contact the Local Government Authority for other details that might apply

32. ***South Australian Public Health Act 2011***

- 32.1 section 66 - Direction or requirement to avert spread of disease

Public Health in DHW has no record of any direction or requirement affecting this title

- 32.2 section 92 - Notice

Public Health in DHW has no record of any notice affecting this title

also

Contact the Local Government Authority for other details that might apply

- 32.3 *South Australian Public Health (Wastewater) Regulations 2013* Part 4 - Condition (that continues to apply) of an approval

Public Health in DHW has no record of any condition affecting this title

also

Contact the Local Government Authority for other details that might apply

33. ***Upper South East Dryland Salinity and Flood Management Act 2002 (expired)***

- 33.1 section 23 - Notice of contribution payable

DEW has no record of any notice affecting this title

34. ***Water Industry Act 2012***

- 34.1 Notice or order under the Act requiring payment of charges or other amounts or making other requirement

**An SA Water Certificate will be forwarded.
If you do not receive the certificate please contact the SA Water Customer Contact Centre on 1300 650 950**

also

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

also

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

also

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

also

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

35. ***Water Resources Act 1997 (repealed)***

- 35.1 section 18 - Condition (that remains in force) of a permit

DEW has no record of any condition affecting this title

- 35.2 section 125 (or a corresponding previous enactment) - Notice to pay levy

DEW has no record of any notice affecting this title

36. ***Other charges***

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

Refer to the Certificate of Title

also

Contact the vendor for these details

also

Contact the Local Government Authority for other details that might apply

Other Particulars

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

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

Additional Information

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

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

Notices

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

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

Building restrictions

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

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

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

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

Statutory easements

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

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

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

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

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

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

Land Tax Act 1936 and Regulations thereunder

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

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

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

Information should be obtained from:

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

Landscape South Australia 2019

Water Resources Management - Taking of underground water

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

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

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

Customer Service

128 Prospect Road, Prospect SA 5082

Telephone: 8269 5355

Website: www.prospect.sa.gov.auEmail: 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

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

Telephone: 8269 5355 Facsimile: 8269 5834

Website: www.prospect.sa.gov.au

Email: admin@prospect.sa.gov.au



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:

<i>Under the Development Act 1993 (repealed)</i>

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

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.

Under the Local Government Act 1934

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

Under the Local Government Act 1999

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

Under the Local Nuisance and Litter Control Act 2016

Section 30 - Is there a nuisance or litter abatement notice? See attached

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

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
--	----

Under the South Australian Public Health Act 2011 and the South Australian Public Health (Waste Water) Regulations 2013

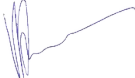
Is there a notice; a direction or condition(s) under this Act?	No
--	----

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
--	----

Under the (Waste Control) Regulations 1995-Regulation 19 - Is there a maintenance order (that has not been complied with)?	No
--	----

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:	<ul style="list-style-type: none"> 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:	<ul style="list-style-type: none"> 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:	<ul style="list-style-type: none"> 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

BRENTON WARD P/L
PO BOX 3150
NORWOOD SA 5067
brenton@brentonward.com.au

Certificate of Water and Sewer Charges & Encumbrance Information

Rating: Residential

Raised in current years to 31/12/2021

			\$
		Arrears as at: 30/6/2021	:
			9,302.10
Water main available:	1/6/1966	Water rates	:
			137.20
Sewer main available:	1/7/1966	Sewer rates	:
			258.88
		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	:
			9,698.18

Degree of concession: 00.00%
Recovery action taken: BALANCE DEFERRED

Next quarterly charges: Water supply: 68.60 Sewer: 129.44 Bill: 9/3/2022

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



South Australian Water Corporation

Name:

EST K BENDYS

Water & Sewer AccountAcct. No.: **05 24522 00 2****Amount:** _____**Address:**

46 BALLVILLE ST PROSPECT LT 28

Payment Options

EFT**EFT Payment**

Bank account name:	SA Water Collection Account
BSB number:	065000
Bank account number:	10622859
Payment reference:	0524522002

**Bill code: 8888****Ref: 0524522002**

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: 0524522002



**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



ABN 19 040 349 865
Emergency Services Funding Act 1998

CERTIFICATE OF EMERGENCY SERVICES LEVY PAYABLE

The Emergency Services Levy working for all South Australians

The details shown are current as at the date of issue.

PIR Reference No: 2340630

BRENTON WARD
76 HEWITT AVENUE
ROSE PARK SA 5067

DATE OF ISSUE

03/03/2022

ENQUIRIES:

Tel: (08) 8226 3750

Email: revsaesl@sa.gov.au

OWNERSHIP NUMBER

00262895

OWNERSHIP NAME

K BENDYS

PROPERTY DESCRIPTION

46 BALLVILLE ST / PROSPECT SA 5082 / LT 28

ASSESSMENT NUMBER

0524522002

TITLE REF.

(A "+" indicates multiple titles)

CT 5797/707

CAPITAL VALUE

\$640,000.00

AREA / FACTOR

R4
1.000

LAND USE / FACTOR

RE
0.400

LEVY DETAILS:

FINANCIAL YEAR

2021-2022

FIXED CHARGE

+ VARIABLE CHARGE

- REMISSION

- CONCESSION

+ ARREARS / - PAYMENTS

= AMOUNT PAYABLE

\$ 50.00
\$ 342.50
\$ 227.60
\$ 0.00
\$ 2,441.57
\$ 2,606.47

Please Note:

If a concession amount is shown, the validity of the concession should be checked prior to payment of any outstanding levy amount. The expiry date displayed on this Certificate is the last day an update of this Certificate will be issued free of charge. **It is not the due date for payment.**

EXPIRY DATE

01/06/2022



**Government of
South Australia**

See overleaf for further information

DETACH AND RETURN THE PAYMENT REMITTANCE ADVICE WITH YOUR PAYMENT



CERTIFICATE OF EMERGENCY SERVICES LEVY PAYABLE

PAYMENT REMITTANCE ADVICE

OWNERSHIP NUMBER

00262895

OWNERSHIP NAME

K BENDYS

ASSESSMENT NUMBER

0524522002

AMOUNT PAYABLE

\$2,606.47

AGENT NUMBER

100020439

AGENT NAME

BRENTON WARD

EXPIRY DATE

01/06/2022

+80009561190022> +001571+ <0550023215> <0000260647> +444+

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



ABN 19 040 349 865
Land Tax Act 1936

CERTIFICATE OF LAND TAX PAYABLE

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

PIR Reference No: 2340630

DATE OF ISSUE

03/03/2022

BRENTON WARD
76 HEWITT AVENUE
ROSE PARK SA 5067

ENQUIRIES:

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

OWNERSHIP NAME		FINANCIAL YEAR	
K BENDYS		2021-2022	
PROPERTY DESCRIPTION			
46 BALLVILLE ST / PROSPECT SA 5082 / LT 28			
ASSESSMENT NUMBER	TITLE REF. <small>(A "+" indicates multiple titles)</small>	TAXABLE SITE VALUE	AREA
0524522002	CT 5797/707	\$620,000.00	0.0622 HA
DETAILS OF THE LAND TAX PAYABLE FOR THE ABOVE PARCEL OF LAND:			
CURRENT TAX	\$ 690.00	SINGLE HOLDING	\$ 690.00
- DEDUCTIONS	\$ 0.00		
+ ARREARS	\$ 8,401.25		
- PAYMENTS	\$ 0.00		
= AMOUNT PAYABLE	\$ 9,091.25		

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

01/06/2022



Government of
South Australia

See overleaf for further information

DETACH AND RETURN THE PAYMENT REMITTANCE ADVICE WITH YOUR PAYMENT



Land Tax Act 1936

CERTIFICATE OF LAND TAX PAYABLE

PAYMENT REMITTANCE ADVICE

OWNERSHIP NUMBER

00262895

OWNERSHIP NAME

K BENDYS

ASSESSMENT NUMBER

0524522002

AMOUNT PAYABLE

\$9,091.25

AGENT NUMBER

100020439

AGENT NAME

BRENTON WARD

PAYABLE ON OR BEFORE

01/06/2022

+80009561180012> +000927+ <0550023215> <0000909125> +444+

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

Online at:

OR

By Post to:

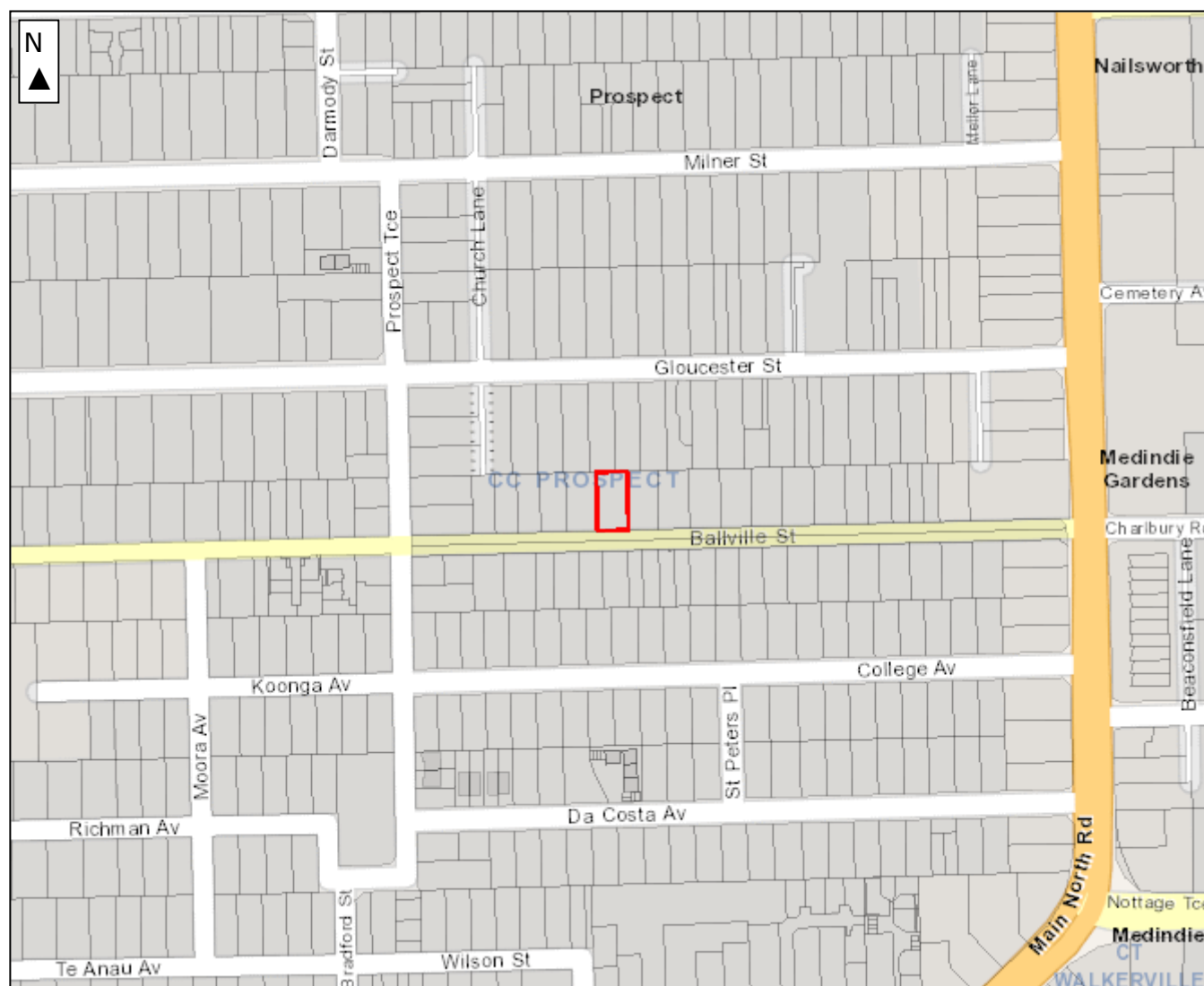
www.revenuesaonline.sa.gov.au

RevenueSA
Locked Bag 555
ADELAIDE SA 5001

SAPPA Parcel Report

Date Created: March 4, 2022

The South Australian Property and Planning Atlas is available at the Plan SA website <https://sappa.plan.sa.gov.au/>



Address Details

Scale ≈ 1:4000 (on A4 page)

Unit Number:

Street Number: 46

200 metres≈

Street Name: BALLVILLE

Street Type: ST

Suburb: PROSPECT

Postcode: 5082

The information provided, is not represented to be accurate, current or complete at the time of printing this report.

Property Details:

Council: CITY OF PROSPECT

State Electorate: ADELAIDE (2014), ADELAIDE (2018), ADELAIDE (2022)

Federal Electorate: ADELAIDE (2013), ADELAIDE (2016), ADELAIDE (2019)

Hundred: YATALA

Valuation Number: 0524522002

Title Reference: CT5797/707

Plan No. Parcel No.: D1906A28

Zoning details next page

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Government of South Australia
Attorney-General's Department

Zone Details

Zones

Established Neighbourhood (Z1506) - EN

Overlays

Airport Building Heights (Regulated) (O0303) - All structures over 45 metres

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.

Historic Area (O2406) - Pr10

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 (O4804)

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

Regulated and Significant Tree (O5404)

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

Stormwater Management (O5710)

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

Urban Tree Canopy (O6302)

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.

Variations

Maximum Building Height (Metres) (V0002) - 9

Maximum building height is 9m

Minimum Frontage (V0004) - 12_____

Minimum frontage is 12m

Minimum Site Area (V0005) - 450_____

Minimum site area is 450 sqm

Maximum Building Height (Levels) (V0008) - 2

Maximum building height is 2 levels

Minimum Side Boundary Setback (V0011) - 1_3

Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher