

REAL PROPERTY ACT, 1886



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



Certificate of Title - Volume 5945 Folio 839

Parent Title(s) CT 5930/468
Creating Dealing(s) RTC 10255256
Title Issued 05/08/2005 Edition 2 Edition Issued 09/06/2006

Estate Type

FEE SIMPLE

Registered Proprietor

GAVIN LYALL GWATKING
OF LOT 104 YELTANA AVENUE HUNTFIELD HEIGHTS SA 5163

Description of Land

ALLOTMENT 104 DEPOSITED PLAN 68373
IN THE AREA NAMED HUNTFIELD HEIGHTS
HUNDRED OF NOARLUNGA

Easements

SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED C FOR SEWERAGE PURPOSES TO SOUTH AUSTRALIAN WATER CORPORATION (223LG RPA)

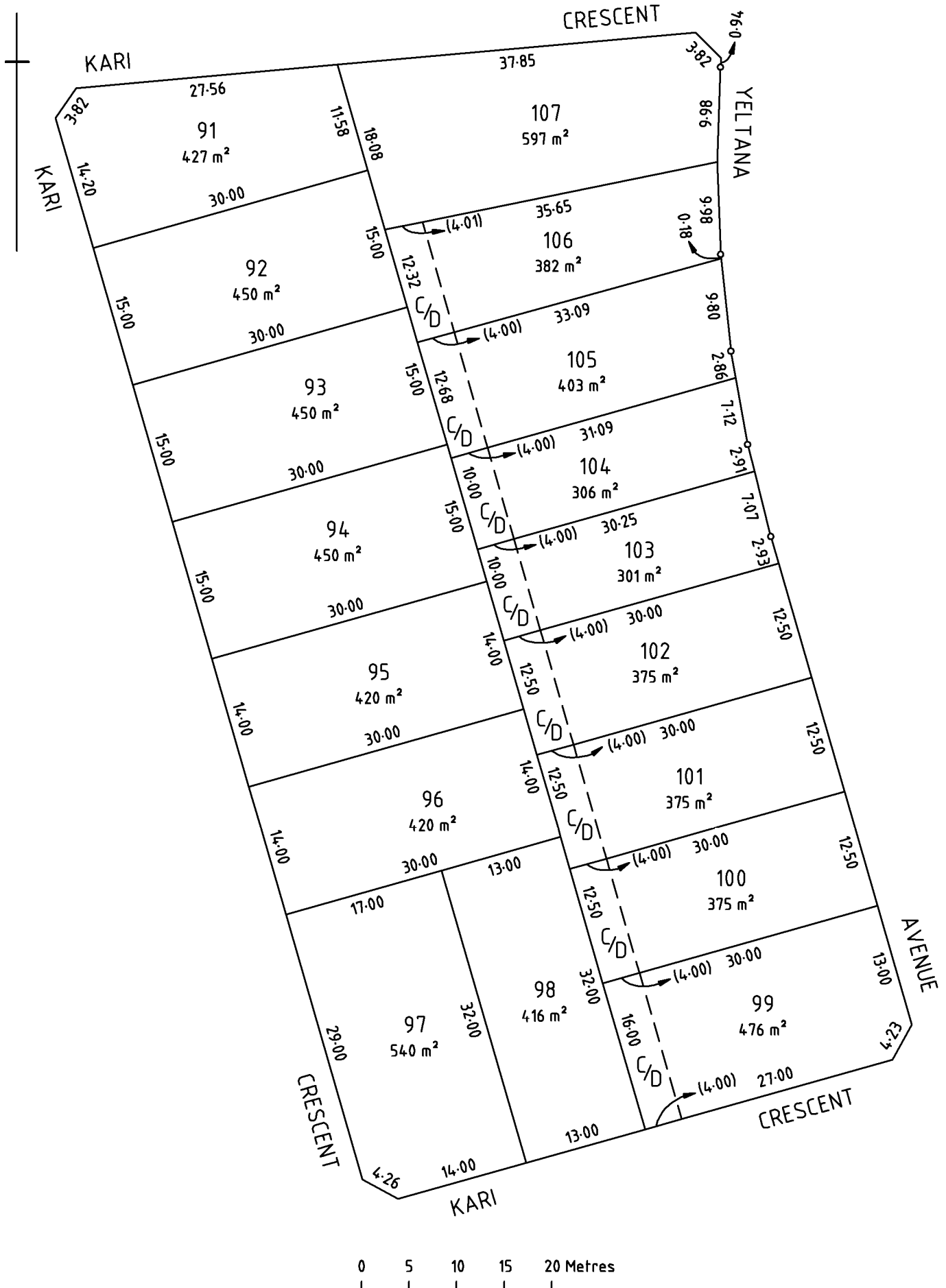
SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED D FOR DRAINAGE PURPOSES TO THE COUNCIL FOR THE AREA (223LG RPA)

Schedule of Dealings

Dealing Number	Description
10471357	ENCUMBRANCE TO AVJENNINGS PROPERTIES LTD. (SINGLE COPY ONLY)
10471358	MORTGAGE TO WESTPAC BANKING CORPORATION

Notations

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



Certificate of Title

Title Reference: CT 5945/839
Status: CURRENT
Edition: 2

Dealings

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

Priority Notices

NIL

Registrar-General's Notes

No Registrar-General's Notes exist for this title

Certificate of Title

Title Reference CT 5945/839
Status CURRENT
Easement YES
Owner Number 1398087*
Address for Notices 12 YELTANA AVE HUNTFIELD HEIGHTS 5163
Area 306M² (CALCULATED)

Estate Type

Fee Simple

Registered Proprietor

GAVIN LYALL GWATKING
OF LOT 104 YELTANA AVENUE HUNTFIELD HEIGHTS SA 5163

Description of Land

ALLOTMENT 104 DEPOSITED PLAN 68373
IN THE AREA NAMED HUNTFIELD HEIGHTS
HUNDRED OF NOARLUNGA

Last Sale Details

Dealing Reference TRANSFER (T) 10471356
Dealing Date 31/05/2006
Sale Price \$80,000
Sale Type TRANSFER FOR FULL MONETARY CONSIDERATION

Constraints

Encumbrances

Dealing Type	Dealing Number	Beneficiary
ENCUMBRANCE	10471357	AVJENNINGS PROPERTIES LTD. (ACN: 004 601 503)
MORTGAGE	10471358	WESTPAC BANKING CORPORATION

Stoppers

NIL

Valuation Numbers

Valuation Number	Status	Property Location Address
8622952600	CURRENT	12 YELTANA AVENUE, HUNTFIELD HEIGHTS, SA 5163

Notations

Dealings Affecting Title

NIL

Notations on Plan

NIL

Registrar-General's Notes

NIL

Administrative Interests

NIL

Valuation Record

Valuation Number	8622952600
Type	Site & Capital Value
Date of Valuation	01/01/2019
Status	CURRENT
Operative From	01/07/2006
Property Location	12 YELTANA AVENUE, HUNTFIELD HEIGHTS, SA 5163
Local Government	ONKAPARINGA
Owner Names	GAVIN LYALL GWATKING
Owner Number	1398087*
Address for Notices	12 YELTANA AVE HUNTFIELD HEIGHTS 5163
Zone / Policy / Precinct	R - Residential\\
Water Available	Yes
Sewer Available	Yes
Land Use	1100 - House
Description	5HG V
Local Government Description	Residential

Parcels

Plan/Parcel	Title Reference(s)
D68373 ALLOTMENT 104	CT 5945/839

Values

Financial Year	Site Value	Capital Value	Notional Site Value	Notional Capital Value	Notional Type
Current	\$139,000	\$280,000			
Previous	\$139,000	\$280,000			

Building Details

Valuation Number	8622952600
Building Style	Conventional
Year Built	2007
Building Condition	Good
Wall Construction	Brick
Roof Construction	Galvanised Iron
Equivalent Main Area	126 sqm
Number of Main Rooms	5

Property Interest Report

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

Title Reference	CT 5945/839	Reference No. 2084879
Registered Proprietors	G L*GWATKING	Prepared 22/04/2020 12:54
Address of Property	12 YELTANA AVENUE, HUNTFIELD HEIGHTS, SA 5163	
Local Govt. Authority	CITY OF ONKAPARINGA	
Local Govt. Address	PO BOX 1 NOARLUNGA CENTRE SA 5168	

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

Table of Particulars

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

All enquiries relating to the Regulations or the Form 1 please contact the 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)
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1. General

- | | | |
|-----|---|--|
| 1.1 | Mortgage of land | 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 | Refer to the Certificate of Title |
| 1.3 | Restrictive covenant | 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.) | 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 an area surrounding a site | Aboriginal Heritage Branch in Aboriginal Affairs and Reconciliation Division in DPC has no record of any direction affecting this title |
| 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. *Crown Rates and Taxes Recovery Act 1945*

- | | | |
|-----|--------------------------------------|--|
| 3.1 | section 5 - Notice requiring payment | Land Administration Branch in DEWNR has no record of any notice affecting this title |
|-----|--------------------------------------|--|

4. *Development Act 1993*

4.1 Part 3 - Development Plan

Contact the Local Government Authority for the title or other brief description of the zone or policy area in which the land is situated

also

Heritage Branch in DEWNR 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

Contact the Local Government Authority for other details that might apply on any Development Plan Amendment Reports

also

Part 3 Development Plan under the Development Act 1993

The development plan is proposed to be amended by the following ministerial Development Plan Amendment(s) as outlined below. Contact Planning Services Branch in the Department of Planning, Transport and Infrastructure for further details

The Minister for Planning is proposing to rezone a vacant site, at Lonsdale, to allow for residential development. The vacant 12 hectare site adjacent residential development in Hallett Cove has historically acted a buffer between the residential development in Hallett Cove and the Lonsdale industrial precinct. With the closure of the oil refinery in 2009 and the subsequent development of the SA Water desalination plant, lowering the impacts on the surrounding environment, the land is now able to be considered for residential purposes by rezoning through a Development Plan Amendment process (DPA). The owners of the land, Adelaide Development Company, have funded the preparation of the DPA.

The DPA will describe the proposed changes to the Marion Council and Onkaparinga Council Development Plans.

This DPA proposes to rezone the primary site to Residential Zone – Medium Density Policy Area. This policy framework will encourage a diversity of housing formats, such as terrace housing or apartments, up to a maximum of three storeys, to support our growing population. It will ensure that residential development is developed in a manner to mitigate impacts from nearby industrial and other potentially conflicting activities.

For more information and to view the DPA online visit the amendment webpage on the SA Planning Portal: www.saplanningportal.sa.gov.au/en/consultation Or Phone: (08) 7109 7007

The Minister is proposing to revoke all Development Plans within South Australia and replace them with The Planning and Design Code (the Code). The Code is the cornerstone of South Australia's new planning system, and will become the single source of planning policy for assessing development applications across the state. The Code will replace all South Australian Development Plans by mid-2020.

The purpose of this is to make the planning process quicker, simpler and more equitable than ever before, affording South Australian's 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.

Phase 2 covers the majority of Regional Councils. The content in Phase Two of the Planning and Design Code is applicable to regional Councils that do not incorporate a town or settlement with a population of more than 10,000 people, where limited urban policy would apply. Phase 2 is on consultation from 1 October 2019 for a period of 8 weeks.

Phase 3 covers all Metro Councils, remaining Regional Councils and Metro Coastal Waters.

Phase Three is applicable to Greater Adelaide Councils and Regional Councils that incorporate a town or settlement with a population over 10,000 people where urban policy would apply. Phase 3 is on consultation from 1 October 2019 for a period of 22 weeks.

Further information on the Planning and Design Code is available on the SA Planning Portal.

www.saplanningportal.sa.gov.au/planning_reforms/new_planning_tools/planning_and_design_code

Or call 1800 752 664 (Option 4): Planning Reform and Rezoning

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|-----|---|---|
| 4.2 | section 42 - Condition (that continues to apply) of a development authorisation | State Commission Assessment Panel in the Department of Planning, Transport and Infrastructure 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 |
| 4.3 | section 50(1) - Requirement to vest land in a council or the Crown to be held as open space | State Commission Assessment Panel in the Department of Planning, Transport and Infrastructure 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 |
| 4.4 | section 50(2) - Agreement to vest land in a council or the Crown to be held as open space | State Commission Assessment Panel in the Department of Planning, Transport and Infrastructure 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 |
| 4.5 | section 55 - Order to remove or perform work | State Commission Assessment Panel in the Department of Planning, Transport and Infrastructure has no record of any order or notice affecting this title

also

Contact the Local Government Authority for other details that might apply |
| 4.6 | section 56 - Notice to complete development | State Commission Assessment Panel in the Department of Planning, Transport and Infrastructure has no record of any order or notice affecting this title

also

Contact the Local Government Authority for other details that might apply |
| 4.7 | section 57 - Land management agreement | Refer to the Certificate of Title |
| 4.8 | section 60 - Notice of intention by building owner | Contact the vendor for these details |

4.9	section 69 - Emergency order	State Commission Assessment Panel in the Department of Planning, Transport and Infrastructure has no record of any order affecting this title also Contact the Local Government Authority for other details that might apply
4.10	section 71 - Fire safety notice	Building Fire Safety Committee in the Department of Planning, Transport and Infrastructure has no record of any notice affecting this title
4.11	section 84 - Enforcement notice	State Commission Assessment Panel in the Department of Planning, Transport and Infrastructure 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
4.12	section 85(6), 85(10) or 106 - Enforcement order	State Commission Assessment Panel in the Department of Planning, Transport and Infrastructure 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
4.13	Part 11 Division 2 - Proceedings	Contact the Local Government Authority for other details that might apply also Contact the vendor for these details
5. Repealed Act conditions		
5.1	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 Commission Assessment Panel in the Department of Planning, Transport and Infrastructure 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
6. <i>Emergency Services Funding Act 1998</i>		
6.1	section 16 - Notice to pay levy	An Emergency Services Levy Certificate will be forwarded. If you do not receive the certificate within four (4) working days please contact the RevenueSA Customer Contact Centre on 1300 366 150, fax (08) 8207 2100. Clients who have misplaced or not received their certificates and are RevNet users should log into RevNet and reprint their certificates www.revnet.sa.gov.au
7. <i>Environment Protection Act 1993</i>		
7.1	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
7.2	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
7.3	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
7.4	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
7.5	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
7.6	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
7.7	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

7.8	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
7.9	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
7.10	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
8.	<i>Fences Act 1975</i>	
8.1	section 5 - Notice of intention to perform fencing work	Contact the vendor for these details
9.	<i>Fire and Emergency Services Act 2005</i>	
9.1	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
10.	<i>Food Act 2001</i>	
10.1	section 44 - Improvement notice	Public Health in DH has no record of any notice or direction affecting this title also Contact the Local Government Authority for other details that might apply
10.2	section 46 - Prohibition order	Public Health in DH has no record of any order or direction affecting this title also Contact the Local Government Authority for other details that might apply
11.	<i>Fruit and Plant Protection Act 1992 (repealed)</i>	
11.1	section 14 or 15 - Notice or order concerning disease	Land & Biodiversity Services in DEWNR has no record of any notice or order affecting this title also Plant Health in PIRSA has no record of any notice or order affecting this title
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	Resource Allocation in DEWNR 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 DEWNR has no record of any registration affecting this title
13.2	section 17 or 18 - Provisional registration or registration	Heritage Branch in DEWNR has no record of any registration affecting this title
13.3	section 30 - Stop order	Heritage Branch in DEWNR has no record of any stop order affecting this title
13.4	Part 6 - Heritage agreement	Heritage Branch in DEWNR 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 DEWNR has no record of any "No development" order affecting this title

14. Highways Act 1926

- | | | |
|------|--|--|
| 14.1 | Part 2A - Establishment of control of access from any road abutting the land | Transport Services Division in DPTI has no record of any registration affecting this title |
|------|--|--|

15. Housing Improvement Act 1940

- | | | |
|------|--|--|
| 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 in Housing SA in DCSI has no record of any notice or declaration affecting this title |

16. Land Acquisition Act 1969

- | | | |
|------|---|--|
| 16.1 | section 10 - Notice of intention to acquire | Refer to the Certificate of Title for any notice of intention to acquire |
|------|---|--|

17. Land Tax Act 1936

- | | | |
|------|---|--|
| 17.1 | Notice, order or demand for payment of land tax | A Land Tax Certificate will be forwarded.
If you do not receive the certificate within four (4) working days, please contact the RevenueSA Customer Contact Centre on (08) 8204 9870, fax (08) 8207 2100.

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

18. Local Government Act 1934

- | | | |
|------|---|---|
| 18.1 | Notice, order, declaration, charge, claim or demand given or made under the Act | Contact the Local Government Authority for other details that might apply |
|------|---|---|

19. Local Government Act 1999

- | | | |
|------|---|---|
| 19.1 | Notice, order, declaration, charge, claim or demand given or made under the Act | Contact the Local Government Authority for other details that might apply |
|------|---|---|

20. Metropolitan Adelaide Road Widening Plan Act 1972

- | | | |
|------|--|---|
| 20.1 | section 6 - Restriction on building work | Transport Services Division in DPTI has no record of any restriction affecting this title |
|------|--|---|

21. Mining Act 1971

- | | | |
|------|---|--|
| 21.1 | Mining tenement (other than an exploration licence) | Mineral Tenements in PIRSA has no record of any mining tenement affecting this title |
| 21.2 | section 9AA - Agreement or order to waive exemption from mining operations | Contact the vendor for these details |
| 21.3 | section 58(a) or 59(8)(b) - Agreement authorising mining operator to enter land or use declared equipment on land | Contact the vendor for these details |
| 21.4 | section 61 - Agreement or order to pay compensation for mining operations | Contact the vendor for these details |
| 21.5 | Proclamation with respect to a private mine | Mineral Tenements in PIRSA has no record of any proclamation affecting this title |

22. Native Vegetation Act 1991

- | | | |
|------|---|--|
| 22.1 | Part 4 Division 1 - Heritage agreement | Native Vegetation & Biodiversity Management Unit in DEWNR has no record of any agreement affecting this title

also

Refer to the Certificate of Title |
| 22.2 | Part 5 Division 1 - Refusal to grant consent, or condition of a consent, to clear native vegetation | Native Vegetation & Biodiversity Management Unit in DEWNR has no record of any refusal or condition affecting this title |

23. Natural Resources Management Act 2004

23.1	section 97 - Notice to pay levy in respect of costs of regional NRM board	Regional NRM board has no record of any notice affecting this title
23.2	section 105 - Notice to pay levy in respect of right to take water or taking of water	Customer & Corporate Services in DEWNR has no record of any notice affecting this title
23.3	section 115 - Notice declaring a penalty	Regional NRM board has no record of any notice affecting this title
23.4	section 123 - Notice to prepare an action plan for compliance with general statutory duty	Regional NRM board has no record of any notice affecting this title also DEWNR has no record of any notice affecting this title
23.5	section 130 - Notice to rectify effects of unauthorised activity	Regional NRM board has no record of any notice affecting this title also DEWNR has no record of any notice affecting this title
23.6	section 131 - Notice to maintain watercourse or lake in good condition	Regional NRM board has no record of any notice affecting this title also DEWNR has no record of any notice affecting this title
23.7	section 132 - Notice restricting the taking of water or directing action in relation to the taking of water	DEWNR has no record of any notice affecting this title
23.8	section 134 - Notice to remove or modify a dam, embankment, wall or other obstruction or object	DEWNR has no record of any notice affecting this title
23.9	section 135 - Condition (that remains in force) of a permit	Regional NRM board has no record of any notice affecting this title also Resource Allocation in DEWNR has no record of any notice affecting this title
23.10	section 145 - Notice to take remedial or other action in relation to a well	Regional NRM board has no record of any notice affecting this title
23.11	section 181 - Notice of instruction as to keeping or management of animal or plant	Regional NRM board has no record of any notice affecting this title
23.12	section 183 - Notice to prepare an action plan for the destruction or control of animals or plants	Regional NRM board has no record of any notice affecting this title also Contact the Local Government Authority for other details that might apply
23.13	section 185 - Notice to pay costs of destruction or control of animals or plants on road reserve	Regional NRM board has no record of any notice affecting this title also Contact the Local Government Authority for other details that might apply
23.14	section 187 - Notice requiring control or quarantine of animal or plant	Regional NRM board has no record of any notice affecting this title also Contact the Local Government Authority for other details that might apply
23.15	section 193 - Protection order to secure compliance with specified provisions of the Act	Regional NRM board has no record of any order affecting this title
23.16	section 195 - Reparation order requiring specified action or payment to make good damage resulting from contravention of the Act	Regional NRM board has no record of any order affecting this title

23.17	section 197 - Reparation authorisation authorising specified action to make good damage resulting from contravention of the Act	Regional NRM board has no record of any authorisation affecting this title
24. <i>Phylloxera and Grape Industry Act 1995</i>		
24.1	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
25. <i>Plant Health Act 2009</i>		
25.1	section 8 or 9 - Notice or order concerning pests	Plant Health in PIRSA has no record of any notice or order affecting this title
26. <i>Public and Environmental Health Act 1987 (repealed)</i>		
26.1	Part 3 - Notice	Public Health in DH has no record of any notice or direction affecting this title also Contact the Local Government Authority for other details that might apply
26.2	<i>Public and Environmental Health (Waste Control) Regulations 2010 (or 1995)</i> (revoked) Part 2 - Condition (that continues to apply) of an approval	Public Health in DH has no record of any condition affecting this title also Contact the Local Government Authority for other details that might apply
26.3	<i>Public and Environmental Health (Waste Control) Regulations 2010</i> (revoked) regulation 19 - Maintenance order (that has not been complied with)	Public Health in DH has no record of any order affecting this title also Contact the Local Government Authority for other details that might apply
27. <i>Sewerage Act 1929 (repealed)</i>		
27.1	Notice, order or demand for payment of sewerage rates, other amounts payable or other requirements made under the Act	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
28. <i>South Australian Public Health Act 2011</i>		
28.1	section 66 - Direction or requirement to avert spread of disease	Public Health in DH has no record of any direction or requirement affecting this title
28.2	section 92 - Notice	Public Health in DH has no record of any notice affecting this title also Contact the Local Government Authority for other details that might apply
28.3	<i>South Australian Public Health (Wastewater) Regulations 2013</i> Part 4 - Condition (that continues to apply) of an approval	Public Health in DH has no record of any condition affecting this title also Contact the Local Government Authority for other details that might apply
29. <i>Upper South East Dryland Salinity and Flood Management Act 2002 (expired)</i>		
29.1	section 23 - Notice of contribution payable	Infrastructure and Business in DEWNR has no record of any notice affecting this title
30. <i>Water Industry Act 2012</i>		
30.1	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 DSD 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.

31. *Water Resources Act 1997*

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

Customer & Corporate Services in DEWNR has no record of any condition affecting this title

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

Customer & Corporate Services in DEWNR has no record of any notice affecting this title

32. *Waterworks Act 1932 (repealed)*

32.1 Notice, order or demand for payment of water rates, other amounts payable or other requirements made under the Act

**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**

33. *Other charges*

33.1 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

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 court or tribunal process | Contact the vendor for these details |
| 7. Particulars relating to land irrigated or drained under Irrigation Acts | SA Water will arrange for a response to this item where applicable |
| 8. 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 |
| 9. 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 Commission Assessment Panel refusal | No recorded State Commission Assessment Panel 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 in DPC has no record affecting this title |
| 8. Gravesites (<i>Burial and Cremation Act 2013</i>) | Births, Deaths and Marriages in AGD has no record of any gravesites relating to this title
also contact the vendor for these details |
| 9. Dog Fence (<i>Dog Fence Act 1946</i>) | Dog Fence Board has no current record of Dog Fence rates relating to this title |
| 10. Pastoral Board (<i>Pastoral Land Management and Conservation Act 1989</i>) | The Pastoral Board has no current interest in this title |
| 11. Heritage Branch DEWNR (<i>Heritage Places Act 1993</i>) | Heritage Branch in DEWNR has no record of any World, Commonwealth or National Heritage interest affecting this title |
| 12. Health Protection Programs – Department for Health and Ageing | Health Protection Programs in the Department for Health and Ageing 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 Infrastructure - Building Restrictions and Statutory Easements

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 DMITRE for further details.

Statutory easements

Separate from the above 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 provide these 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 telecommunications cables or equipment that may be incorporated in, or attached to, their equipment (Clause 2 of Schedule 1 of the *Electricity Corporations (Restructuring and Disposal) Act 1999*; section 48A of the *Electricity Act 1996*).

A statutory easement is not generally registered on the title for the land.

To avoid risking injury and damage, it is recommended that the location of underground services be confirmed by telephoning Dial-Before-You-Dig on 1100.

For further clarification on these matters, please contact SA Power Networks' Real Estate Branch on telephone 8404 5897 or 8404 5894.

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.

Natural Resources Management Act 2004

Water Resources Management - Taking of underground water

Under the provisions of the *Natural Resources Management Act 2004*, 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 contact the Department on the telephone number 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 Specifications for well construction, modification and abandonment in South Australia

Further information may be obtained by contacting the Department of Water, Land and Biodiversity Conservation, Level 1 Grenfell Centre, 25 Grenfell Street, Adelaide or on telephone 8463 6898.

E 10471357



12:27 31-May-2006

Single Copy Only

2 of 3

Fees: \$101.00

Prefix

E

Series No.

2

LANDS TITLES REGISTRATION

OFFICE
SOUTH AUSTRALIA

MEMORANDUM OF ENCUMBRANCE

FORM APPROVED BY THE REGISTRAR-GENERAL

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

BELOW THIS LINE FOR AGENT USE ONLY

CERTIFIED CORRECT FOR THE PURPOSES
OF THE REAL PROPERTY ACT 1886

[Signature]
Solicitor/Registered Conveyancer/Encumbrancee

AGENT CODE

[Signature]

Lodged by:

[Signature]

Correction to: MINTER ELLISON

MIEL

TLL 32378/1068 A_PropEnv:177830.1.doc

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

1.
2.
3.
4.

PLEASE ISSUE NEW CERTIFICATE(S) OF TITLE AS FOLLOWS

1.
2.
3.
4.

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

ITEM(S)	AGENT CODE

CORRECTION

PASSED

REGISTERED

10 JUN 2006


pro

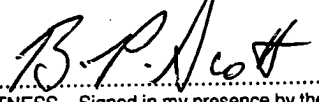


REGISTRAR-GENERAL

DATED 31st May 2006

EXECUTION


Signature of the ENCUMBRANCER VG


Signature of WITNESS - Signed in my presence by the ENCUMBRANCER who is either personally known to me or has satisfied me as to his or her identity.

BRENTON PETER SCOTT
Print Full name of Witness (BLOCK LETTERS)

XII ALKIRA ROAD
SHEIDOW PARK 5158
Address of Witness

Business Hours Telephone Number 0402 033 067

ADJUT WITNESS

MEMORANDUM OF ENCUMBRANCE

CERTIFICATE(S) OF TITLE BEING ENCUMBERED

THE WHOLE OF THE LAND COMPRISED IN CERTIFICATE OF TITLE REGISTER BOOK
VOLUME 5945 FOLIO 839

ESTATE AND INTEREST

ESTATE IN FEE SIMPLE ✓

ENCUMBRANCES

NIL ✓

ENCUMBRANCER (Full Name and Address)

GAVIN LYALL GWATKING of Lot 4 Yeltana Avenue Huntfield Heights SA 5163 ✓
104

ENCUMBRANCEE (Full Name and Address and Mode of Holding)

AVJENNINGS LIMITED ACN 004 601 503 of 62 The Parade Norwood SA 5067
PROPERTIES ✓

OPERATIVE CLAUSE

THE ENCUMBRANCER ENCUMBERS THE ESTATE AND INTEREST
IN THE LAND ABOVE DESCRIBED ("THE SAID LAND") FOR THE
BENEFIT OF THE ENCUMBRANCEE SUBJECT TO THE
ENCUMBRANCES AND OTHER INTERESTS AS SHOWN HEREON
WITH AN ANNUITY OR RENT CHARGE OF:

(a) Insert the amount of the annuity or rent charge

(a) TEN CENTS (10c)

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

(b) TO BE PAID TO THE ENCUMBRANCEE ANNUALLY AS A
YEARLY RENTAL CHARGE FOR A TERM OF 99 YEARS
FROM THE DATE HEREOF

(c) State the times appointed for payment of the
annuity or rent charge. Any special covenants may
be inserted on page 2.

(c) AT THE TIMES AND IN THE MANNER FOLLOWING: ON THE
THIRTIETH DAY OF JUNE IN EACH AND EVERY YEAR THE
FIRST OF SUCH PAYMENTS TO BE MADE (IF DEMANDED)
ON THE THIRTIETH DAY OF JUNE NEXT OCCURRING
AFTER THE DATE OF EXECUTION OF THIS INSTRUMENT

AND THE OWNER ALSO ENCUMBERS THE ESTATE AND
INTEREST IN THE SAID LAND ABOVE DESCRIBED FOR THE
BENEFIT OF THE ENCUMBRANCEE WITH THE PERFORMANCE
AND OBSERVANCE OF THE COVENANTS BY THE OWNER
HEREIN CONTAINED ("THE COVENANTS") (THE BURDEN ON
PROVING THE PERFORMANCE AND OBSERVANCE OF WHICH
SHALL BE BORNE BY THE OWNER)

PROVIDED THAT THE ENCUMBRANCEE SHALL NOT DEMAND PAYMENT OF THE SAID RENTAL CHARGE IF AND SO LONG AS THE OWNER AND THE OWNER'S SUCCESSORS IN TITLE SHALL DULY PERFORM AND OBSERVE ALL OF THE COVENANTS

AND PROVIDED FURTHER THAT NONE OF THE FOREGOING PROVISIONS FOR OR IN RESPECT OF THE PAYMENT OF THE SAID ANNUITY OR YEARLY RENT CHARGE SHALL IN ANY WAY AFFECT OR PREJUDICE THE RIGHTS OF THE ENCUMBRANCEE OR ANY OTHER PERSON CLAIMING UNDER THE ENCUMBRANCE AS PURCHASER OF ANY PART OR PARTS OF THE WHOLE OF THE LAND COMPRISED IN THE DEVELOPMENT ZONE TO AN INJUNCTION TO PREVENT OR RESTRAIN ANY BREACH OF THE COVENANTS OR TO DAMAGES FOR SUCH BREACH

THE OWNER FOR ITSELF AND ITS SUCCESSORS IN TITLE HEREBY COVENANTS WITH THE ENCUMBRANCEE AS PROPRIETOR OF AND ALL OTHER PERSONS CLAIMING UNDER THE ENCUMBRANCE AS PURCHASERS OF ANY PART OR PARTS OF THE DEVELOPMENT ZONE THAT THE BURDEN OF THE COVENANTS SHALL BE BINDING ON THE SAID LAND AND EACH AND EVERY PART THEREOF AND OF ALL SUCCESSIVE OWNERS, OCCUPIERS, TRANSFEREES AND TENANTS THEREOF TO THE INTENT THAT THE BENEFIT OF THE COVENANTS SHALL BE ANNEXED TO AND DEVOLVE WITH EACH AND EVERY PART OF THE SAID DEVELOPMENT ZONE OTHER THAN THE SAID LAND HEREBY ENCUMBERED.

IT IS COVENANTED BETWEEN THE OWNER AND ENCUMBRANCEE as follows:

1.0 Owner's Covenants

The Owner covenants with the Encumbrancee that:

- 1.1 The Owner will not use or allow to be used the said land or any part thereof for any purpose other than for residential purposes.
- 1.2 The Owner will not erect or allow to be erected more than one dwellinghouse on the said land without the prior written approval of the Encumbrancee.
- 1.3 The Owner will not erect, install, make or carry out, or allow to be erected, installed, made or carried out any:
 - 1.3.1 building or structure (including a fence or wall of any nature whatsoever) in or over the said land or any part thereof except in accordance with plans and a schedule of materials which are sufficient to outline the building or structure and which have received the prior written approval of the Encumbrancee as having complied with the "**Paringa View Urban Design Guidelines**" and the "Allotment Development Plans" provided to the first Owner as an annexure to the original contract for the sale and purchase of the said land, copies of which may be obtained during normal business hours from the Encumbrancee;
 - 1.3.2 any site works (including fencing, any excavation, any levelling or filling or any retaining wall or any driveway or any rainwater tank) on or about the said land or any part thereof except in accordance with plans which are sufficient to outline the works and which have received the prior written approval of the Encumbrancee.

PROVIDED THAT the Encumbrancee will not unreasonably or capriciously refuse or withhold any such approval but a refusal shall not be or be deemed unreasonable or capricious if in the Encumbrancee's reasonable opinion the proposed works do not conform with the Paringa View Urban Design Guidelines or the Allotment Development Plans prepared and amended from time to time by the Encumbrancee in respect of lands within the Development Zone or the proposed works are undesirable by reason of the effect that they would have upon the development, appearance, health or amenity of the neighbourhood of which the said land forms part or any part of it.

- 1.4 The Owner will not allow any undue delay to occur in the commencement or in the completion of any work approved by the Encumbrancee and will not allow any variation to such work as approved to occur other than in accordance with the terms of any subsequent written approval of the Encumbrancee given before such variation is commenced.
 - 1.5 The Owner will not obstruct or do anything which would prevent or hinder the Encumbrancee its servants agents or contractors from entering the said land for the purpose of remedying any breach by the Owner of its obligations under this Encumbrance of which breach at least 14 days notice in writing has been given to the Owner and which breach has not then been remedied.
 - 1.6 The Owner shall not divide the said land or allow the said land to be divided without the prior written approval of the Encumbrancee.
 - 1.7 The Owner will not cause or permit any building works to be undertaken on the said land without obtaining professional engineering advice and design works in respect of such building works.
 - 1.8 The Owner will not cause or permit the said land to be resold or advertised for sale unless a residence has been constructed thereon or unless the Encumbrancee has consented in writing to such resale and/or advertising, which approval may be refused at the absolute discretion of the Encumbrancee, without ascribing any reason therefor.
 - 1.9 If the Encumbrancee consents to the transfer of vacant land the Owner will not transfer or otherwise dispose of his estate and interest in the land without first obtaining from the intending purchaser or transferee the execution of an encumbrance that complies in all respects with the terms and conditions contained herein or in the letter of approval by the Encumbrancee to the transfer of the land to be prepared at the cost of the Owner and lodged with the Lands Titles Office after the transfer of the land but before any mortgage.
 - 1.10 The Owner will not permit the said land to remain vacant for more than 18 months from the date hereof or such other date as the Encumbrancee may advise the Owner by which date the Owner must commence to construct a residence on the said land in accordance with plans and specifications approved by the Encumbrancee.
 - 1.11 If the Owner shall make any default under sub-clause 1.10 or having commenced the erection of such residence as aforesaid within the period required by sub-clause 1.10 shall fail to complete the erection of such building within 12 calendar months from the date of commencement of construction as determined by the Encumbrancee then and in such case the Encumbrancee may give to the Owner notice in writing to make good such default by commencing and proceeding with or completing (as the case may require) the erection of such residence in accordance with the plans and specifications approved by the Encumbrancee without any delay and if the Owner shall fail for one calendar month to comply with such notice then and in any such case the Encumbrancee may forthwith at any time whilst such default continues and without prejudice to any other power right or remedy sell in exercise of its power of sale the said land in such manner and for such price and upon such terms and conditions as it may think fit and in addition thereto the Encumbrancee shall at any time whilst any such default continues have the option of repurchasing from the Owner the said land (and any partly erected building thereon) at a price equal to the total of:
 - 1.11.1 the price paid for the said land by the Owner to the Encumbrancee or previous Owner; and
 - 1.11.2 the market value if any (as at the date of the exercise of the option) of any partly or wholly erected building or fixture or improvement thereon erected affixed or made at the expense of the Owner such value to be determined by the valuation of a licensed valuer nominated by the President or Acting President for the time being of the Australian Institute of Land Valuers and Economists Incorporated (SA Division) at the request of the Encumbrancee and whose costs shall be borne by the Owner;
- with a settlement date being 30 days after the determination of the price and otherwise on the same terms and conditions as the contract of sale made between the Encumbrancee as vendor and the Owner as purchaser.
- 1.12 The Owner will pay to the Encumbrancee on demand all costs (including legal costs) and expenses incurred by the Encumbrancee its servants agents or contractors in respect of any breach by the Owner of its obligations under this Encumbrance and any action taken to remedy the same. All such costs and expenses may be recovered in any court of competent jurisdiction in addition to all other powers and rights available to the Encumbrancee hereunder.

AND the Owner acknowledges for himself and his successors in title that:

- 1.12.1 the foregoing covenants are entered into and undertaken for the purposes of the Encumbrancee's scheme of development for the lands comprised in the Development Zone; and
 - 1.12.2 that the Encumbrancee has declared and undertaken that they have required and will require from each purchaser of the lands comprised in the Development Zone as a condition of its sale of those lands a Memorandum of Encumbrance in substantially similar form to this instrument and containing the same or substantially similar covenants and other stipulations.
- 1.13 If at any time prior or after the date of this Encumbrance, the Encumbrancee has installed, constructed or erected upon the said land any fixture, wall or fence of any nature whatsoever ("the entry statement") as an entry statement for any part of the Encumbrancee's scheme of development for the Development Zone, the Owner must not without the prior written approval of the Encumbrancee:-
- 1.13.1 demolish or alter the entry statement in any way (including by changing or removing any colours of or lettering comprised in the entry statement);
 - 1.13.2 allow any graffiti on or non-structural damage to or want of repair of the entry statement to remain un-remedied for a period of longer than fourteen (14) days after the Owner becomes aware of the existence of such graffiti, non-structural damage to or want of repair; or
 - 1.13.3 fail to properly maintain the entry statement including by way of :-
 - maintaining any painting, colours and lettering of the entry statement;
 - removing any graffiti; and
 - repairing any non-structural damage occurring to the entry statement.

2.0 Waiver of this Encumbrance

The Encumbrancee may from time to time in its absolute discretion modify waive or release any of the Covenants and other stipulations herein contained or implied.

3.0 Waiver/Discharge of other Encumbrances

The Encumbrancee may from time to time in its absolute discretion:

- 3.1 modify waive or release any of the covenants and other stipulations expressed or implied in any Memorandum of Encumbrance or other instrument whatsoever relating to any other land in the Development Zone and whether the same were entered into or imposed before or at the same time as or after the date hereof and no such modification or waiver or release shall release the Owner from the covenants and other stipulations herein contained and implied; or
- 3.2 discharge one or more of the Memoranda of Encumbrance registered over the land in the Development Zone or transfer one or more of such Memoranda to such body or bodies as it in its absolute discretion deem fit;

AND it is hereby acknowledged and agreed that the Encumbrancee will not be liable for any loss or damage suffered by the Owner for or on account of or in any way whatsoever arising out of or connected with any non-observance of or any failure to enforce any other provisions of this Encumbrance or of any other encumbrance and the Owner will indemnify and keep indemnified the Encumbrancee and their respective agents and servants from and against all claims for any such loss or damage.

4.0 Notices

- 4.1 Any notice or demand to be given to or made upon the Owner hereunder may be given or made by posting or delivering the same in writing signed by any officer of or solicitor or agent for and on behalf of the Encumbrancee to or at the address of the Owner appearing on the front page of this Encumbrance or the last known place of abode or business of the Owner or by posting the same at any Post Office in an envelope directed to the Owner at any address aforesaid.
- 4.2 Any notice to be given to or served upon the Encumbrancee may be given or served by delivering the same at or sending the same through the Post Office addressed to the Encumbrancee at its principal office for the time being in Adelaide.
- 4.3 Any notice posted as aforesaid shall be deemed to have been received 48 hours after the time of posting.

5.0 Definitions and Interpretation

In this Encumbrance:

- 5.1 **Development Zone** means the land comprised in Allotment 52 in Deposited Plan 65743 and Allotment 1 in Deposited Plan 61413 and, in the event that Allotment 51 in Deposited Plan 65743 and Pieces 3 and 4 in Deposited Plan 61413 are re-zoned from 'Urban' to 'Residential' by the City of Onkaparinga, this land will also form part of the Development Zone;
- 5.2 **The Owner** includes the Encumbrancer and the registered owner for the time being, and each successive registered proprietor of the land;
- 5.3 A reference to a party includes the heirs, executors, successors or assignors of that party;
- 5.4 If there shall be more than one person responsible hereunder as the Owner or as a successor in title to the Owner, the liability of each of such person or persons shall be both joint and several;
- 5.5 Unless repugnant to the context words importing any particular gender shall include all other genders and words importing the singular number shall include the plural and vice versa;
- 5.6 Headings are used for convenience of reference only and shall not affect the interpretation or construction of this Encumbrance.

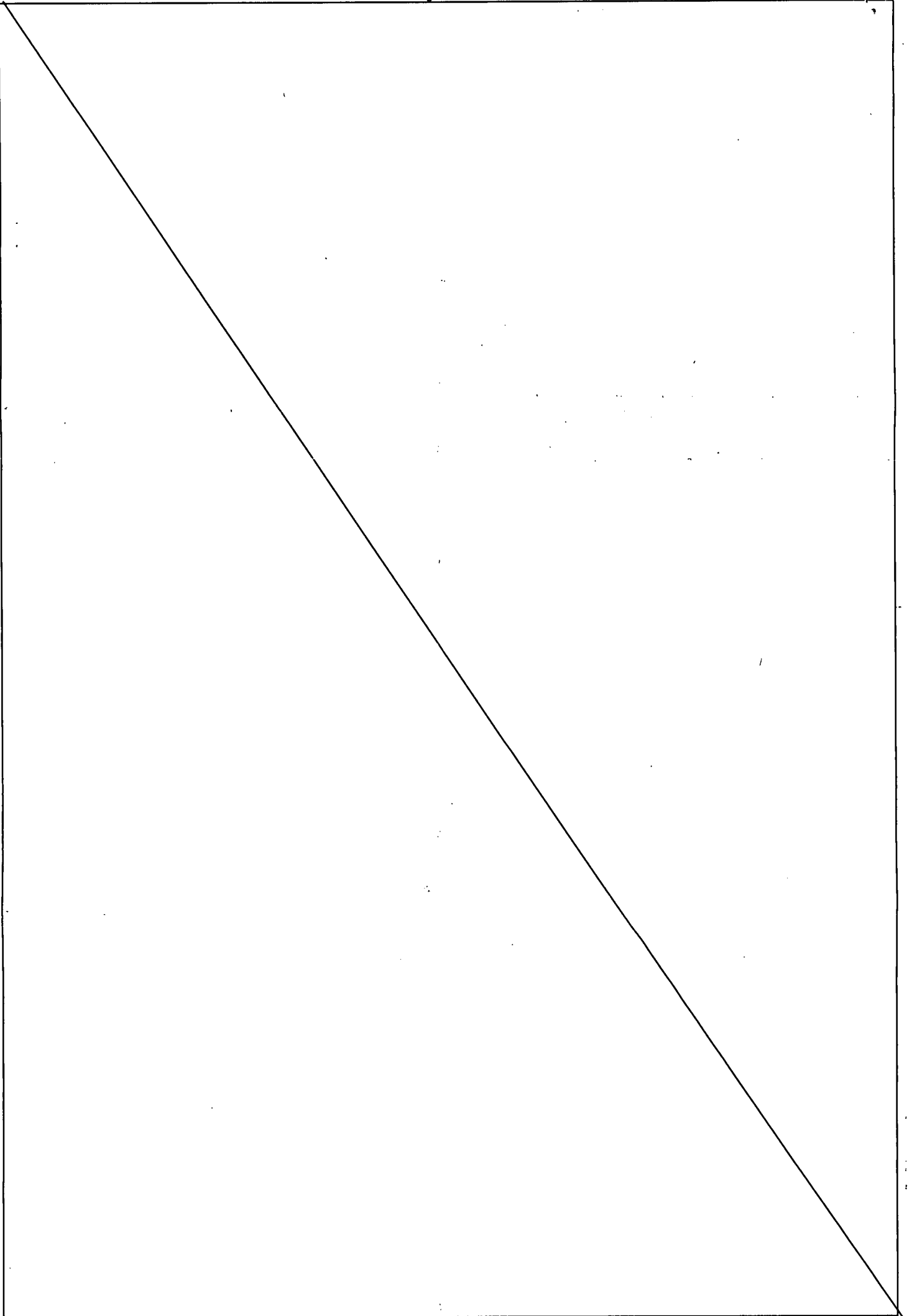
AND subject as aforesaid the Encumbrancee shall be entitled to all the powers rights and remedies given to encumbrances by the Real Property Act 1886 (as amended).

6.0 Severance

Each word, phrase, sentence and clause (a "provision") of this Encumbrance is severable and if a court determines that a provision is unenforceable, illegal or void the court may sever that provision and such severance will not affect the other provisions of this Encumbrance.

7.0 Sunset Clause

- 7.1 The rights and obligations of the Encumbrancee (but not the Owner or any person claiming under the Owner as purchasers of any land in the Development Zone) will cease on the earlier of:
 - 7.1.1 three (3) years after the practical completion of the final stage of development within the Development Zone (excluding any allotment upon which no dwelling is permitted to be erected); and
 - 7.1.2 If Allotment 51 in Deposited Plan 65743 and Pieces 3 and 4 in Deposited Plan 61413 are NOT re-zoned from 'Urban' to 'Residential', then 1 January 2012; or
 - 7.1.3 If Allotment 51 in Deposited Plan 65743 and Pieces 3 and 4 in Deposited Plan 61413 are re-zoned from 'Urban' to 'Residential', then 1 January 2015.



IMPORTANT INFORMATION REGARDING SEARCHES

RC & VI Hendry Conveyancers
PO Box 38
BRIGHTON SA 5048

Important changes to Sections 7 and 187 certificate request process

Council has now fully automated its process for the receipt and delivery of Sections 7 and 187 certificate requests. Certificates can now be requested and paid for on line and emailed to you once completed.

If you are not already taking advantage of our new on-line service, we encourage you to register as soon as possible to start benefitting from our improved service.

To register, firstly visit council's website, www.onkaparingacity.com. Under the **A-Z Index** select '**S**'. Click on option '**Searches – Section 187 and Section 7 online certificate requests**' and then select '**New User Registration**'. Registrations are usually confirmed within 1 to 2 business days. The above instructions are also available on our website to assist you within registering and certificate lodgement process.

PLEASE NOTE: 'URGENT' Sections 7 and 187 certificate requests are only available via our on-line service.

Financial information provided in the attached "Local Government Rates Search" is provided under Section 187 of the Local Government Act 1999. The information provided is **only valid at the time of issue of this Certificate**. Under legislation any further requests relating to this information or updates on the rates Certificate constitute a new Search and must be accompanied by the statutory fee. An additional fee per search applies where the information is required within 24 hours. **Search fees are a fee for service.**

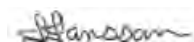
The City of Onkaparinga endeavours to assist Solicitors/Conveyancers by offering the following concessions.

- o **Within 90 days of issue of any Search:**
 - o the outstanding balance on a Rates Search will be verbally confirmed without charge and/or
 - o an updated Search will be issued on request, without charge.
- o Beyond **90** days a new search request **must** be lodged and must be accompanied by the statutory fee.

Fines, property charges, payments or dishonoured payments can affect account balances on a daily basis. We therefore encourage you to obtain updated balance information as close as practicable to the date of settlement. The cost applicable to obtaining updated information, ensures settlement statements will be accurate, saving time and costs involved with cancelling/reissuing cheques or Council referring customers back to conveyancers to explain discrepancies.

Please contact our Customer Service team on ☎ 8384 0666 who will be pleased to assist you with any further enquiries.

Yours sincerely,



Julie Janssan
Team Leader
Customer Relations

City Of Onkaparinga
PO Box 1
Noarlunga Centre SA 5168



Telephone (08) 83840666 Facsimile (08) 8382 8744

Certificate No:
100358

Property Information And Particulars

In response to an enquiry pursuant to Section 7 of the

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

TO: RC & VI Hendry Conveyancers
PO Box 38
BRIGHTON SA 5048

DETAILS OF PROPERTY REFERRED TO:

ASSESSMENT NO	:	98258-8
VALUER GENERAL NO	:	8622952600
VALUATION	:	\$280,000
OWNER	:	Mr G L Gwatking
PROPERTY ADDRESS	:	12 Yeltana Avenue, HUNTFIELD HEIGHTS SA 5163
VOLUME/FOLIO	:	CT-5945/839
LOT/PLAN NUMBER	:	Allot 104 DP 68373
WARD	:	06 Southern Vales Ward

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

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

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

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

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

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

INFORMATION NOTE

CHANGES TO PLANNING POLICY AFFECTING LAND IN COUNCIL'S AREA

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

Council takes this opportunity to inform you that pursuant to the *Planning Development and Infrastructure Act 2016* (Section 65, Clause 2 of Schedule 6 and Clause 9 (7) of Schedule 8), the Council's Development Plan will be repealed in full and replaced with the Planning and Design Code (**Code**) in September 2020. For further information regarding this change, including the opportunity for comment in relation to the content of the Code, please refer to the SA Planning Portal at <https://www.saplanningportal.sa.gov.au>.

Development Act 1993

Section 71 (only)

Fire safety notice

NO

Fire and Emergency Services Act 2005

Section 105F

Notice issued

NO

Notice issued

NO

Section 56 (repealed)

NO

Section 83 (repealed)

Notice issued

NO

Local Government Act 1934

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

NO

Local Government Act 1999

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

NO

Refer to separate attachment for Rates and Charges

Development Act 1993

Part 3 – Development Plan

The title or other brief description of zone or policy area in which the land is situated (as shown in the Development Plan):

Residential Zone

Refer to the Onkaparinga (City) Development Plan for further details.

Is the land situated in a designated State Heritage Area?

NO

Is the land designated as a place of Local Heritage Value?

NO

Is there a current Development Plan Amendment released for public consultation by Council on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation?

NO

Is there a current Development Plan Amendment released for public consultation by the Minister on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation?

The answer to this question is provided by the Land Services Group Property Interest Report.

Section 42

Condition (that continues to apply) of a development authorisation

YES

Application Number: 145/1392/2006
Description: Single storey dwelling with garage, porch and retaining walls
Decision: Approved
Decision Date: 09-Jun-2006

Development Plan Consent Conditions

1. All development shall be completed in accordance with the plan(s) and documents submitted with and forming part of the development application except where varied by the following condition(s).
2. The front setback area (between the front property boundary and front of the house) shall be planted with suitable trees, shrubs, lawn and/or ground cover. Such landscaping shall be completed within 6 months of the occupation of the dwelling and maintained in good condition at all times.
3. All stormwater drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or in the opinion of Council detrimentally affect structures on this site or any adjoining land.
4. The road and driveway crossover between the back of kerb and the boundary shall be shaped to provide a minimum width of 2.0 metres on local roads (and 2.5 metres on higher order roads) measured from behind the back of kerb with 2.5 per cent fall towards the road, suitable for pedestrian traffic.
5. All driveways to properties on the low side of the road shall be designed and constructed so that the driveway is a minimum of 75mm above the top of the adjoining kerb (2.0m or 2.5m from the kerb) and any road water is channelled back into the gutter.
6. That effective measures be implemented during the construction of the development and on-going use of the land in accordance with this consent to:
 - prevent silt run-off from the land to adjoining properties, roads and drains
 - control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land
 - ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site
 - ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure or
 - ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land.

Application Number: 145/2999/2010
Description: Veranda attached to existing dwelling
Decision: Approved
Decision Date: 08-Sep-2010

Building Rules Consent Conditions

1. The proposed structure shall not be enclosed at any time without the prior consent of Council.
2. Stormwater shall be diverted away from the building and shall not pond against or near the footings and shall not be discharged onto adjoining land. Where drainage is directed to the street water table, this shall be by way of a Council approved storm water drainage system.
3. The structure shall be constructed in accordance with the manufacturer's certified design for the relevant wind speed, and shall be securely braced and tied down to the footings.
4. No part of the structure shall encroach beyond the surveyed boundary.

Section 50(1)

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

Section 50(2)

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

Section 55

Order to remove or perform work NO

Section 56

Notice to complete development NO

Section 57

Land management agreement NO

Section 69

Emergency order NO

Section 84

Enforcement notice NO

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

Enforcement order NO

Part 11 Division 2

Proceedings NO

Food Act 2001

Section 44

Improvement notice

There are **no** current Section 44 Notices of the Food Act 2001 issued under Standard **3.2.2** Food Safety Practices

There are **no** current Section 44 Notices of the Food Act 2001 issued under Standard **3.2.3** Food Premises and Equipment

Section 46

Prohibition order NO

Housing Improvement Act 1940

Section 23

Declaration that house is undesirable or unfit for human habitation NO

Part 7 (Rent control for substandard houses)

Notice or declaration NO

Public and Environmental Health Act 1987 (repealed)

Part 3

Notice NO

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

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

Condition (that continues to apply) of an approval NO

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

Regulation 19 - Maintenance order (that has not been complied with) NO

South Australian Public Health Act 2011

Section 66

Direction or requirement to avert spread of disease NO

Section 92

Notice NO

South Australian Public Health (Wastewater) Regulations 2013

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

Condition (that continues to apply) of an approval NO

Planning and Development Act 1966 (repealed)

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

Building Act 1971 (repealed)

Condition (that continues to apply) of an approval or authorisation granted under the repealed authorisation NO

Planning Act 1982 (repealed)

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

General

Easement

Easement exists for drainage purposes – Refer to Certificate of Title of subdivision plans (ie Deposited Plans, Community Plans, File Plans etc) for details of easements in the interests of other State Departments or Agencies). YES

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

Are you aware of any encroachment on the easement? **Pergola** YES

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

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

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

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

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

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

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

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

Lease, agreement for lease, tenancy agreement or licence

(The information does not include the information about sublease or subtenancy. The purchaser may seek that information from the lessee or tenant or sublessee or subtenant.)

NO

Caveat

NO

Particulars relating to environment protection

Further information held by council

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

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

NO

Note –

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

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

It should be noted that –

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

Particulars of building indemnity insurance

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

NO

Other

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

NO

PLEASE NOTE:

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

This statement is made the 22-Apr-2020

Cherie Bonham
Acting Team Leader Development Support
AUTHORISED OFFICER

LOCAL GOVERNMENT RATES SEARCH

22-Apr-2020

TO: RC & VI Hendry Conveyancers
PO Box 38
BRIGHTON SA 5048

DETAILS OF PROPERTY REFERRED TO:

Rates Assessment No	:	98258 -8
Valuer General No	:	8622952600
Valuation	:	\$280,000
Owner	:	Mr G L Gwatking
Property Address	:	12 Yeltana Avenue, HUNTFIELD HEIGHTS SA 5163
Volume/Folio	:	CT-5945/839
Lot/Plan Number	:	Allot 104 DP 68373
Ward	:	06 Southern Vales Ward

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

Rates and Fines in Arrears (not paid 30 June 2019) and/or Block Clearing Charges	0.00
Postponed Amount in Arrears (if applicable) monthly interest of 0.3625% applies	0.00
Interest on Arrears charged in current financial year monthly interest of 0.52916% applies	0.00
Rates for the current 2019-2020 Financial Year applicable from 1 July 2019:	
Amount payable by 11th September 2019	1,373.14
PLUS Current postponed amount (if applicable)	0.00
Total Rates Levied 2019-2020	\$1,373.14

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

Less Council Rebate.	0.00
Less Council Capping Rebate	0.00
Less Council CWMS Rebate	0.00
Fines and interest for the current financial year (2% fine when rates first become overdue and 0.52916% interest applied per month thereafter)	0.00
Postponed Interest (0.3625% per month on total of postponed rates and interest)	0.00
Less paid current financial year	-1,030.14
Overpayment	0.00
Legal Fees and / or Bank Charges (current)	0.00
Legal Fees and / or Bank Charges (arrears)	0.00
Refunds, Rates Remitted or Small Balance Adjustments	0.00
Balance - rates and other monies due and payable	343.00
Property Related Debts	0.00

BPAY Biller Code: 48470
Ref: 982588

TOTAL BALANCE **\$343.00**

AUTHORISED OFFICER
Kate Vonow

This statement is made the 22 April, 2020