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:

SUE MAREE SHERIDAN

Address:

101 HEWITT AVENUE TOORAK GARDENS SA 5065

4 Vendor's registered agent:

KLEMICH REAL ESTATE PTY LTD ☑

Address:

1/245 FULLARTON ROAD EASTWOOD SA 5063

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]*

101 HEWITT AVENUE TOORAK GARDENS SA 5065

Certificate of Title - Volume 5858 Folio 619
ALLOTMENT 100 DEPOSITED PLAN 57679
IN THE AREA NAMED TOORAK GARDENS
HUNDRED OF ADELAIDE

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:

101 HEWITT AVENUE TOORAK GARDENS SA 5065

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

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

andrew@klemich.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:

1/245 FULLARTON ROAD EASTWOOD SA 5063

(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,~~ SUE MAREE SHERIDAN

of 101 HEWITT AVENUE TOORAK GARDENS SA 5065

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: 22/10/2024

Signed Sue Maree Sheridan

Date:

Signed

Date:

Signed

Date:

Signed

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

(section 9)

To the purchaser:

I, Anthony Hewitt Botten

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:

Date: 22/10/2024

Signed: Anthony Hewitt Botten

~~*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

[If an item is applicable, ensure that the box for the item is ticked and complete the item.]
[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.
Alternatively, the item and any inapplicable heading may be omitted, but not in the case of-
(a) the heading "1. General" and items 1.1, 1.2, 1.3 and 1.4; and
(b) the heading "5. Development Act 1993 (repealed)" and item 5.1; and
(c) the heading "6. Repealed Act conditions" and item 6.1; and
(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.]
*[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.]*
[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 each such mortgage, charge or prescribed encumbrance.]
[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 all 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.]

1. General

1.1 Mortgage of land

[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):

Number of mortgage (if registered):

Name of mortgagee:

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? NO

Are there attachments? YES

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

REFER ANNEXURE A

Description of land subject to easement:

SUBJECT TO PARTY WALL RIGHT(S) OVER THE LAND MARKED A ON ATTACHED CERTIFICATE OF TITLE

TOGETHER WITH PARTY WALL RIGHT(S) OVER THE LAND MARKED B ON ATTACHED CERTIFICATE OF TITLE

Nature of easement:

SUBJECT TO PARTY WALL RIGHT(S) OVER THE LAND MARKED A ON ATTACHED CERTIFICATE OF TITLE

TOGETHER WITH PARTY WALL RIGHT(S) OVER THE LAND MARKED B ON ATTACHED CERTIFICATE OF TITLE

Are you aware of any encroachment on the easement?

NO

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?

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.)

[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):

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? NO

Are there attachments? YES

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

REFER ANNEXURE B

Condition(s) of authorisation:

REFER ANNEXURE B

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? YES

Are there attachments? YES

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

REFER ANNEXURE C - EMERGENCY SERVICES LEVY (ESL)

Date of notice:

REFER ANNEXURE C

Amount of levy payable:

REFER ANNEXURE C

19. *Land Tax Act 1936*

19.1 Notice, order or demand for payment of land tax

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, order or demand:

Amount payable (as stated in the notice):

20. *Local Government Act 1934* (repealed)

20.1 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):

Date of notice, order etc:

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

Land subject thereto:

Nature of requirements contained in notice, order etc:

Time for carrying out requirements:

Amount payable (if any):

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? YES

Are there attachments? YES

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

REFER ANNEXURE C - COUNCIL RATES

Date of notice, order etc:

REFER ANNEXURE C

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

REFER ANNEXURE C

Land subject thereto:

REFER ANNEXURE C

Nature of requirements contained in notice, order etc:

REFER ANNEXURE C

Time for carrying out requirements:

REFER ANNEXURE C

Amount payable (if any):

REFER ANNEXURE C

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):

Date of notice:

Notice issued by:

Nature of requirements contained in notice:

Time for carrying out requirements:

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

[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? NO

Are there attachments? YES

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

REFER ANNEXURE D

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

REFER ANNEXURE D

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

Is the land designated as a local heritage place? NO

Is there a tree or stand of trees declared in Part 10 of the Planning and Design Code to be a significant tree or trees on the land? NO

Is there a current amendment to the Planning and Design Code released for public consultation by a designated entity on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation? YES

Note - For further information about the Planning and Design Code visit www.code.plan.sa.gov.au.

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:

29.4 section 140 - Notice requesting 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 requesting access:

Reason for which access is sought (as stated in the notice):

Activity of work to be carried out:

29.5 section 141 - Order to remove or perform 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):

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):

29.8 section 157 - Fire safety 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 authority giving notice:

Requirements of notice:

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

Amount payable (if any):

29.9 section 192 or 193 - Land management agreement

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:

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):

29.14 section 214(6), 214(10) or 222 - Enforcement 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 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:

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

33.1 section 23 - Notice of contribution payable

~~*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:

Terms of notice:

Amount payable:

34. *Water Industry Act 2012*

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

Is this item applicable? ✓

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

Are there attachments? YES

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

REFER ANNEXURE C - SA WATER RATES

Date of notice or order:

REFER ANNEXURE C

Name or person or body who served notice or order:

REFER ANNEXURE C

Amount payable (if any) as specified in the notice or order:

REFER ANNEXURE C

Nature of other requirement made (if any) as specified in the notice or order:

REFER ANNEXURE C

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~~

A - CERTIFICATE OF TITLE
B - DEVELOPMENT INFORMATION
C - ESL, LAND TAX, COUNCIL & SA WATER RATES
D - PLANNING & DESIGN CODE INFORMATION
E - BALANCE OF SEARCHES

*(*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.

ANNEXURE A

LAND SERVICES SA

Product	Register Search (CT 5858/619)
Date/Time	04/10/2024 10:15AM
Customer Reference	
Order ID	20241004002151

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.

REGISTRAR - GENERAL SOUTH AUSTRALIA

Certificate of Title - Volume 5858 Folio 619

Parent Title(s) CT 5640/773

Creating Dealing(s) RTC 9159022

Title Issued 06/11/2001 **Edition** 4 **Edition Issued** 11/03/2015

Estate Type

FEE SIMPLE

Registered Proprietor

NEIL DESMOND SHERIDAN
SUE MAREE SHERIDAN
OF 101 HEWITT AVENUE TOORAK GARDENS SA 5065
AS JOINT TENANTS

Description of Land

ALLOTMENT 100 DEPOSITED PLAN 57679
IN THE AREA NAMED TOORAK GARDENS
HUNDRED OF ADELAIDE

Easements

SUBJECT TO PARTY WALL RIGHT(S) OVER THE LAND MARKED A (RTC 9159022)

TOGETHER WITH PARTY WALL RIGHT(S) OVER THE LAND MARKED B (RTC 9159022)

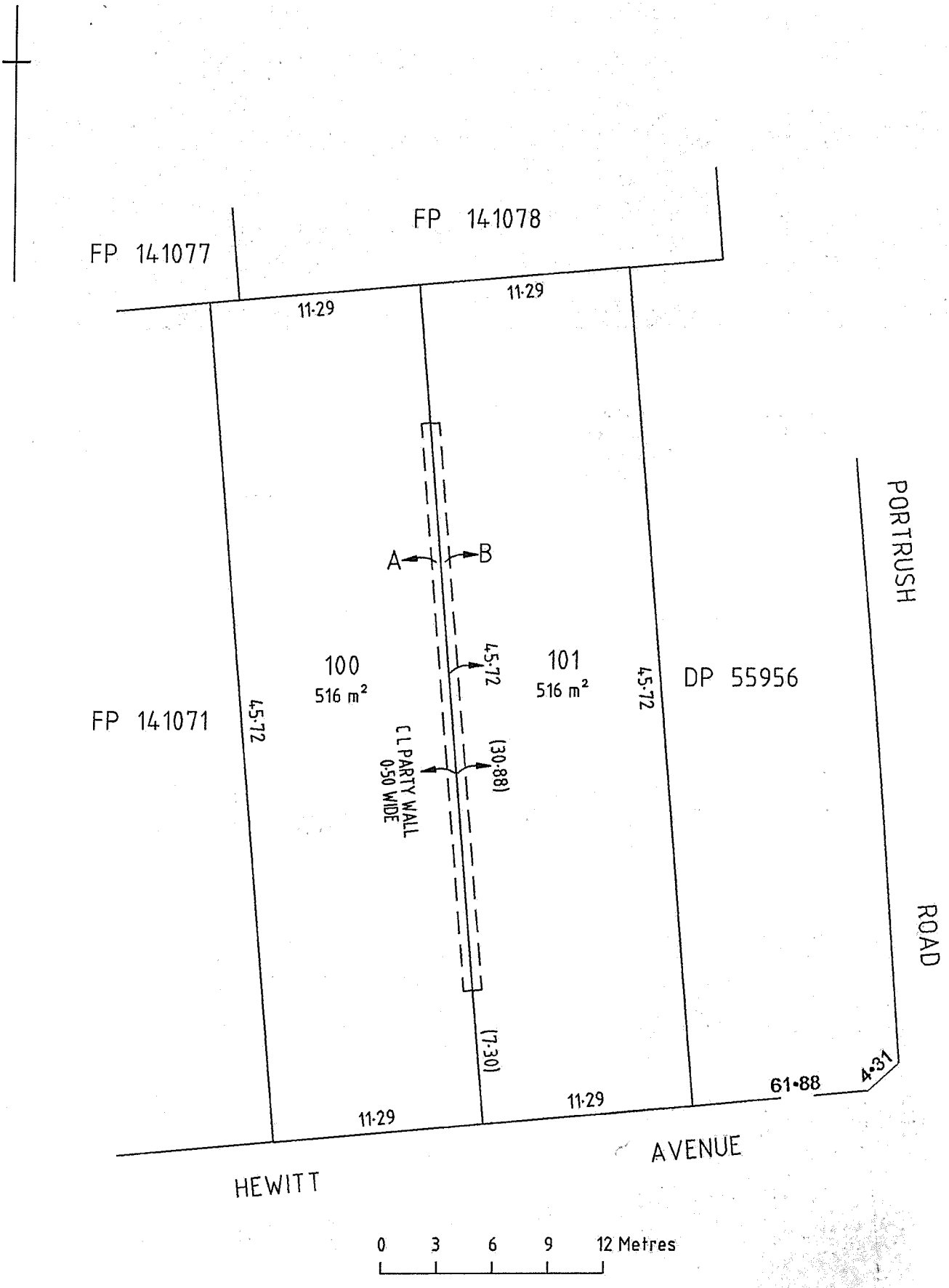
Schedule of Dealings

NIL

Notations

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

Land Services SA
Copyright: www.landservices.com.au/copyright | Privacy: www.landservices.com.au/privacy | Terms of Use: www.landservices.com.au/sailis-terms-of-use



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ANNEXURE B

DECISION NOTIFICATION FORM

Development Number
180/00164/00/CA

FOR DEVELOPMENT APPLICATION REGISTERED ON **28/02/2000**
DATED **17/02/2000**

To **DIXON ANDREWS ARCHITECTS 59 DULWICH AVENUE DULWICH SA 5065**

LOCATION OF PROPOSED DEVELOPMENT:

Location of Development : **101 Hewitt Avenue Toorak Gardens SA 5065**

Section No (full/part): _____ Hundred: _____ Volume: _____ Folio: _____

Nature of Proposed Development **RETAINING WALL ON REAR BOUNDARY**

From **CITY OF BURNSIDE**

In respect of this proposed development you are informed that:

Nature of Decision	Consent Granted	No. of Conditions	Consent Refused	Not Applicable /Required
Provisional Development Plan Consent	**02/03/2000**	**2**		
Land Division				**N/A**
Land Division (Strata)				**N/A**
Provisional Building Rules Consent	**03/03/2000**	**2**		
Public Space				**N/A**
Other				**N/A**
DEVELOPMENT APPROVAL	**03/03/2000**	**4**		

Building Classification Granted: CLASS 10b .

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

The Applicant may appeal this decision within two months of the date of the decision and formal third party representors may appeal within 15 business days of this decision to the Environment, Resources and Development Court.

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Notification Form, you must not start any site works or building work or change the use of the land until you have also received notification of a Development Approval.

Date of Decision: **03/03/2000**

Signed: .....

Date: **03/03/2000**

- ☐ Development Assessment Commission or delegate
- ☑ Council Chief Executive Officer or delegate
- ☐ Private Certifier
- ☑ Sheets Attached

DEVELOPMENT APPROVAL

DEVELOPMENT APPLICATION NO. 180/00164/00/CA

CONDITION/S (PLANNING CONSENT)

1. The external materials in building work herein approved shall be new and not 'second hand' or 'recycled' materials, unless expressly shown on the proposed plans and approved by the Council.

2. The boundaries of the subject land are to be located by a licensed surveyor. A certified plan is to be provided to Council, illustrating the location of existing buildings and the footings of the proposed building work, prior to the pouring of concrete. Any variation to the siting of the approved work is to be approved in writing prior to the pouring of concrete.

   NOTE : The existing hedge screen at the rear of 134 Kensington Road, Toorak Gardens is not to be affected by this proposal.

CONDITION/S (BUILDING CONSENT)

1. **NOTIFICATIONS DURING BUILDING WORK**

   A person proposing to undertake or undertaking building work on land (or is in charge of such work) must give the Council -

   (a) one business day's notice of the commencement of building work on the site, and

   (b) one business day's notice of the placing of concrete in any footing or other structural member that transfers load directly to a foundation or in any pile or caisson and

   (c) one business day's notice of completion of building,

   (d) one business day's notice of completion of a swimming pool.

2. The "Stripdrain" specified to the rear of the retaining walls shall be sloped to discharge at a low point on this site or be connected into the stormwater drainage system.

IN ADDITION TO THE DEVELOPMENT CONDITION/S OF APPROVAL, THE FOLLOWING NOTES ARE INCLUDED FOR YOUR ATTENTION:

BUILDING WORK ON BOUNDARY

- Where building work or work of a prescribed nature as defined in Regulation 75 (Division 3 of Regulations under the Development Act 1993 as amended) is undertaken on or adjacent to the applicant's boundary the building owner has obligations pursuant to Section 60 (Part 6 Division 3) of the Development Act to notify the adjoining owner(s) of the proposed works.

  Where the proposed works are on the property boundary, the building owner is to ensure that no encroachments upon, over or under occur.

OTHER AUTHORITIES

- Before commencing construction you are advised to contact authorities such as SA Water Corporation, ETSA Corporation, Telstra, Department of Transport, Boral Energy, Australia Post regarding their requirements.

- **ADVICES & PRECAUTIONS TO BE OBSERVED WHEN DEMOLITION OF A BUILDING (S) IS TO BE UNDERTAKEN**

  A. Any area where it is possible that a person could be injured (or property damaged) by falling or rebounding material must be fenced or barricaded to the satisfaction of the General Manager, Operation Services.

  B. Clearly legible notices warning people of the danger must be affixed in places where they will be readily visible to anyone approaching the area.

  C. Temporary supports, shoring etc. shall be provided as necessary to ensure stability of any part of the building/structure and any adjoining building/structure during demolition.

  D. Materials must not be loaded or transported from the site in a manner that will give rise to excessive dust.

  E. Damping with water spray or other suitable method is to be used to prevent dust generated by demolition work from rising into the air.

  F. Any public footway, nature strip, roadway is not to be obstructed by vehicles and machinery or rendered inconvenient or dangerous to the public.

  G. Suitable measures are to be taken to protect any public footway, nature strip, street tree, roadway from damage. The demolisher shall be required to pay all costs incurred by council in reinstating all damage.

  H. Demolition materials need to be removed from the site as soon as possible.

  I. Prior to commencing demolition an approved pest control operator should be engaged to eradicate all vermin.

J. Special procedures need to be implemented in cases where asbestos material is present.
(Advice and information on asbestos removal and disposal is obtainable from the Department of Industrial Affairs - Mineral Fibres Branch (Asbestos)).

K. Authorities noted below should be contacted, as separate approval may need to be obtained to disconnect, alter and/or make safe their infrastructure
Telstra
S A Water
ETSA Corporation
Boral Energy
South Australian Metropolitan Fire Service

L. Onsite facilities for the disposal or storage of refuse, waste and toilet accommodation for workpersons must be provided.

M. The demolition contractor is to ensure that the appropriate licences/certificates/registration required by the Department of Administrative and Information Services are obtained for the work to be undertaken.

N. No materials are permitted to be burnt onsite.

O. Mud and other sediment deposited on a roadway, street gutter must be cleaned up using dry sweeping methods at the end of the working day, more frequently when so directed by the General Manager, Operations Services.

ADDITIONAL NOTE:

PLEASE REFER TO ATTACHED SHEET FOR SEVERAL IMPORTANT ADVISORY NOTES DESIGNED TO ASSIST YOU TO FULFILL ALL OF YOUR OBLIGATIONS AND ACHIEVE A SUCCESSFUL DEVELOPMENT.

DECISION NOTIFICATION FORM

Development Number
180/00209/00/DL
Development Assessment Commission Number
180/D010/00

FOR DEVELOPMENT APPLICATION DATED / REGISTERED ON **08/03/2000**

To **D ANDREWS C/- SYMONDS RYAN & CORNISH 214 GLEN OSMOND RD, FULLARTON SA**

LOCATION OF PROPOSED DEVELOPMENT:

Location of Development : **101 Hewitt Avenue Toorak Gardens SA 5065**

Section No (full/part): _____ Hundred: _____ Volume: **5640** Folio: **773**

Nature of Proposed Development: **LAND DIVISION CREATING TWO ALLOTMENTS FOR SEMI DETACHED DWELLINGS**

From **CITY OF BURNSIDE**

In respect of this proposed development you are informed that:

Nature of Decision	Consent Granted	No. of Conditions	Consent Refused	Not Applicable /Required
Provisional Development Plan Consent	07/04/2000	1		
Land Division	07/04/2000	3		
Land Division (Strata)				N/A
Provisional Building Rules Consent				N/A
Public Space				N/A
Other				N/A
DEVELOPMENT APPROVAL	07/04/2000	4		

Building Classification Granted: N/A

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

The Applicant may appeal this decision within two months of the date of the decision and formal third party representors may appeal within 15 business days of this decision to the Environment, Resources and Development Court.

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Notification Form, you must not start any site works or building work or change the use of the land until you have also received notification of a Development Approval.

Date of Decision: **07/04/2000**

Signed: .....

Date: **07/04/2000**

[ ] Development Assessment Commission or delegate

[√] Council Chief Executive Officer or delegate

[ ] Private Certifier

[√] Sheets Attached

LAND DIVISION - DEVELOPMENT APPROVAL

DEVELOPMENT APPLICATION NO. 180/00209/00/DL
DEVELOPMENT ASSESSMENT COMMISSION NO. 180/D010/00

PROVISIONAL DEVELOPMENT PLAN CONSENT CONDITIONS

1. The dwellings are to be constructed in accordance with Development Application Number 180/99/99/CA or as approved in any subsequent amendment Applications. The footings are to be poured prior to issue of Section 51 Certificates of Approval.

LAN DIVISION CONDITIONS

2. The financial, easement and internal drain requirements for water and sewerage services of the SA Water Corporation, if any, being met.

3. Payment of $1500.00 into the Planning and Development fund (1 allotment @ 1500.00/allotment). Cheques to be made payable and marked 'Not Negotiable' to the Development Assessment Commission and payment made at Level 5, 136 North Terrace, Adelaide, or sent to GPO Box 1815, Adelaide 5001.

4. Two copies of a certified survey plan being lodged with the Development Assessment Commission for Certificate purposes.

PROPOSED NEW IDENTIFIERS

Lot 100 – 516m^2 – 101 Hewitt Avenue, Toorak Gardens
Lot 101 – 516m^2 – 101A Hewitt Avenue, Toorak Gardens

DECISION NOTIFICATION FORM

Development Number
180/00269/00/CA

FOR DEVELOPMENT APPLICATION REGISTERED ON DATED **17/03/2000**

To **DIXON ANDREWS ARCHITECTS 59 DULWICH AVE DULWICH SA 5065**

LOCATION OF PROPOSED DEVELOPMENT:

Location of Development : **101 Hewitt Avenue Toorak Gardens SA 5065**

Section No (full/part): _____ Hundred: _____ Volume: _____ Folio: _____

Nature of Proposed Development: **VARIATION TO DA 180/99/99/CA - TWO STOREY SEMI-DETACHED DWELLINGS WITH UNDERCROFT GARAGING**

From **CITY OF BURNSIDE**

In respect of this proposed development you are informed that:

Nature of Decision	Consent Granted	No. of Conditions	Consent Refused	Not Applicable /Required
Provisional Development Plan Consent	27/3/2000	8		
Land Division				N/A
Land Division (Strata)				N/A
Provisional Building Rules Consent	12/4/2000	11		
Public Space				N/A
Other				N/A
DEVELOPMENT APPROVAL	12/4/2000	19		

Building Classification Granted: **CLASS 1a & 10a**

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

The Applicant may appeal this decision within two months of the date of the decision and formal third party representors may appeal within 15 business days of this decision to the Environment, Resources and Development Court.

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Notification Form, you must not start any site works or building work or change the use of the land until you have also received notification of a Development Approval.

Date of Decision: **12/04/2000**

Signed: .....

Date: **12/04/2000**

- [ ] Development Assessment Commission or delegate
- [√] Council Chief Executive Officer or delegate
- [ ] Private Certifier
- [√] Sheets Attached

DEVELOPMENT APPROVAL

DEVELOPMENT APPLICATION NO. 180/00269/00/CA

CONDITION/S (PLANNING CONSENT)

1. New or extended side and rear boundary fencing utilising either double sided colorbond, timber or masonry, including any integrated lattice or retaining wall thereunder and of 2.0 metres in height above natural ground surface level prior to this development, measured from the higher ground level, shall be erected by the proponent prior to occupation of the building hereby approved, unless evidence in writing is received by the Council of agreement with the affected adjoining neighbour to an alternative arrangement.

   (Notes: All costs over and above that arising under the Fences Act, are to be borne by the proponent, as the fencing is required to address issues of privacy created by this development.
   * Application and details for Building Rules Consent are required to be submitted to and approved by the Council where the height exceeds 2.0 metres.)

2. The bench level as shown on the approved plan is to be verified by a licensed surveyor with a copy provided to Council prior to the commencement of footings. Any variation to the approved levels must be approved in writing prior to the commencement of footings.

3. Any stepped or abrupt change in the level of the ground on or near a boundary of a site or allotment arising from the cutting or filling of the land in association with the development herein approved shall be retained with a concrete or masonry strip or retaining wall; fencing or timber sleepers must not be used to retain soil.

4. This consent does not include approval for new driveway and crossover construction. Detailed driveway design to be provided with the application for Building Rules Consent and approved prior to issue of Development Approval.

5. The street tree affected by this proposal is to be removed by council and replaced, all at the expense of the applicant. (Please contact Engineering Services, phone 8366 4266 giving one weeks notice for the removal of the tree).

6. The development shall be completed in all respects in accordance with the application and the conditions of this consent prior to the occupation of either dwelling herein approved.

7. Fixed obscure glazing to a height of 1600mm above finished floor level to the east and west facing bedroom 2 windows of both dwellings approved herein.

8. All landscaping shown on the approved plan shall be completed prior to the occupation or use of the development herein approved. Such vegetation shall be maintained at all times in a good heart and condition or be replaced all to the reasonable satisfaction of Council.

CONDITION/S (BUILDING CONSENT)

1. NOTIFICATIONS DURING BUILDING WORK

A person proposing to undertake or undertaking building work on land (or is in charge of such work) must give the Council -

(a) one business day's notice of the commencement of building work on the site, and

(b) one business day's notice of the placing of concrete in any footing or other structural member that transfers load directly to a foundation or in any pile or caisson and

(c) one business day's notice of completion of building,

(d) one business day's notice of completion of a swimming pool.

2. Site inspection of footings are required to be carried out by the design engineer for the stages set out in the Site Investigation and Footing Construction Report.

3. Roofwater from the building is to be taken to the street in a properly constructed drainage system. The section of stormwater drain commencing from the property boundary to street kerb shall be constructed in either 100mm diameter concrete, galvanised steel or **sewer grade** PVC pipe, where no cover to a pipe drain is possible a steel box channel with checker plate cover shall be used. A concrete sump or other suitable inspection opening to enable access to the main drain for cleaning purposes is to be provided within the front boundary alignment of the property.

4. Roof truss manufacturers calculations, specifications and details are to be submitted to council and approved prior to commencing construction of the roof.

5. The owner of land on which domestic building work is to be performed must ensure that a certificate of insurance (building indemnity insurance policy required under Division 3 of Part 5 of the ***Building Work Contractors Act 1995***) in relation to that work is lodged with the council on or before giving notice of commencement of the building work under Development Regulation 74.

   Note: A Person must not commence domestic building work unless or until a certificate of insurance in relation to that work has been lodged.

6. Treads must have non-slip finish or a suitable non-skid strip near the edge of the nosing. (BCA Vol 2 Part 3.9.1.3(g))

7. That the front page of the Engineer's report shall be amended to show that the site soil class is 'H-D' and not 'M-D', to correlate with the estimated heave for the site.

8. That the architectural plans be revised to show the brickwork control joint at the centre of the rear wall to the garages, in accordance with the Engineer's report.

9. The proposed stormwater drainage plan shall be amended to show the agricultural drains to the rear of the garage retaining walls connected into the sumps at the front of the garages.

10. That the construction of the footings and the brickwork control joints shall be undertaken in accordance with Amendment A of the Footing Plan and the Articulation Plan.

11. Transitional zones shall be provided to the driveways in accordance AS2890.1.

IN ADDITION TO THE DEVELOPMENT CONDITION/S OF APPROVAL, THE FOLLOWING NOTES ARE INCLUDED FOR YOUR ATTENTION:

BUILDING WORK ON BOUNDARY

- Where building work or work of a prescribed nature as defined in Regulation 75 (Division 3 of Regulations under the Development Act 1993 as amended) is undertaken on or adjacent to the applicant's boundary the building owner has obligations pursuant to Section 60 (Part 6 Division 3) of the Development Act to notify the adjoining owner(s) of the proposed works.

  Where the proposed works are on the property boundary, the building owner is to ensure that no encroachments upon, over or under occur.

OTHER AUTHORITIES

- Before commencing construction you are advised to contact authorities such as SA Water Corporation, ETSA Corporation, Telstra, Department of Transport, Boral Energy, Australia Post regarding their requirements.

BUILDING WASTE

- During the construction phase of the development, appropriate measures are to be taken to ensure that paper, plastic, rubbish and other waste materials associated with the building work is secured and contained within the boundaries of the site until taken to a suitable tipping ground.

- *Regulation 83A of the Development Act states:*

Occupation of Class 1a Buildings

A person must not occupy a Class 1a building under the Building Code (or an addition to a Class 1a building) that has not been fully completed in accordance with a development authorisation insofar as it relates to the performance of building work unless-

(a) the building is structurally sound and weatherproof; and

(b) the building work that has been carried out on the building is in accordance with the relevant approval (disregarding any variation of a minor nature which has no adverse effect on the safety of the building, or on the health of the occupants of the building, or any variation undertaken with the written consent of the Council); and

(c) the building includes all items specified in clause F2.1 of the Building code for class 1a buildings under that Code; and

(d) all connections required for the supply of water, and the disposal of water and effluent, have been made (although if the approved documentation provides for two or more of the same item, it is sufficient for the purposes of this paragraph that one item is connected); and

(e) if the building is in an area set out in schedule 18 (being an area designated as a bushfire prone area), the building complies with Part G5 of the Building Code.

(f) all smoke alarms required under Part E1 of the Building Code have been installed and tested.

Penalty: Division 6 fine.

Regulation 83AB (3) of the Development Act states:

Statement - Class 1a Buildings

When -

(a) a person occupies a building to which this regulation applies before a notice of completion of building work is given (or in a case where no notice of completion is required); or

(b) a notice of completion of building work is given (in a case where paragraph (a) does not apply),

the relevant person must provide a written statement to the relevant authority in accordance with the requirements of this regulation.

Penalty: Division 6 Fine.

The statement is required to be provided to the Council (or if the building work was privately certified, to the certifier) within ***10 business days*** after the occurrence of the event of (a) or (b) above.

The statement must declare that the building work carried out on the building is in accordance with any relevant approval (disregarding any variation of a minor nature which has no adverse effect on the structural soundness of safety of the building, or on the health of the occupants of the building, or any variation undertaken with the written consent of the relevant authority);

The statement must be signed by:

(a) a licensed builder who has been responsible for undertaking the building work to which the statement relates; or

(b) if there is no such licensed builder - the owner of the land on which the building work to which the statement relates has been undertaken.

If the statement is lodged with a private certifier, the private certifier must forward the statement (or a copy) to the council within ***five business days*** after its receipt by the private certifier.

ADDITIONAL NOTE:

PLEASE REFER TO ATTACHED SHEET FOR SEVERAL IMPORTANT ADVISORY NOTES DESIGNED TO ASSIST YOU TO FULFILL ALL OF YOUR OBLIGATIONS AND ACHIEVE A SUCCESSFUL DEVELOPMENT.

DECISION NOTIFICATION FORM

Development Number
180/00741/00/CA

FOR DEVELOPMENT APPLICATION REGISTERED ON **19/07/2000**
DATED **18/07/2000**

To **ROBERT WILLIAMS ARCHITECTS 28 ROPER STREET ADELAIDE SA 5000**

LOCATION OF PROPOSED DEVELOPMENT:

Location of Development : **101 Hewitt Avenue Toorak Gardens SA 5065**

Section No (full/part): _____ Hundred: _____ Volume: _____ Folio: _____

Nature of Proposed Development **TWO STOREY SEMI-DETACHED DWELLINGS**

From **CITY OF BURNSIDE**

In respect of this proposed development you are informed that:

NATURE OF DECISION	Consent Granted	No. of Conditions	Consent Refused	Not Applicable /Required
Provisional Development Plan Consent	**19/09/2000**	**7**		
Land Division				**N/A**
Land Division (Strata)				**N/A**
Provisional Building Rules Consent (Privately Certified Katnich Dodd)	**30/03/2001**	**3**		
Public Space				**N/A**
Other				**N/A**
DEVELOPMENT APPROVAL	**08/05/2001**	**10**		

Building Classification Granted: CLASS 1a, 10a & 10b.

Details of any conditions imposed on this consent/ approval or the reasons for its refusal are set out on the attached sheet.

Any consent/ approval is not operative until the period specified in the Development Act, 1993 in respect if any relevant appeals by third parties to the Environment, Resources and Development Court have expired (*15 business days* from the date of this decision).

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Notification Form, site works or building work or change the use of the land must not be undertaken until notification of a Development Approval has been received.

Date of Decision: **08/05/2001** **Council Chief Executive Officer or Delegate**

Signed: ..... **Development Officer, Planning**

Signed: ..... **Development Officer, Building**

Dated: **08/05/2001**

☐ **Private Certifier**

☐ **Sheets Attached**

DEVELOPMENT APPROVAL

DEVELOPMENT APPLICATION NO. 180/00741/00/CA

CONDITION/S (PROVISIONAL DEVELOPMENT PLAN CONSENT)

1. Western side fencing and garaging shall be constructed in accordance with the letter by T Greenrod dated 7 September 2000. Total height of the garage wall (including parapet) shall not exceed 3m above existing ground level measured from the lower side.

2. Raised sill height or fixed obscure glazing to a height of 1700mm above second storey finished floor level to upper level north facing windows.

3. The external materials in building work herein approved shall be new and not 'second hand' or 'recycled' materials, unless expressly shown on the proposed plans and approved by the Council.

4. The site shall be landscaped to achieve a high level of residential amenity commensurate with the character of the locality and to the reasonable satisfaction of Council.

5. This consent does not include approval for new driveway and crossover construction. Detailed driveway design to be provided with the application for Building Rules Consent and approved prior to issue of Development Approval.

6. The development shall be completed in all respects in accordance with the application and the conditions of this consent prior to the occupation of either dwelling herein approved.

7. New or extended side and rear boundary fencing utilising either double sided colorbond, timber or masonry, including any integrated lattice or retaining wall thereunder and of (1.8 / 2.0 / ***2.4)** metres in height above natural ground surface level prior to this development, measured from the lower ground level, shall be erected by the proponent prior to occupation of the building hereby approved, unless evidence in writing is received by the Council of agreement with the affected adjoining neighbour to an alternative arrangement.

   (Notes: All costs over and above that arising under the Fences Act, are to be borne by the proponent, as the fencing is required to address issues of privacy created by this development.
   * Application and details for Building Rules Consent are required to be submitted to and approved by the Council where the height exceeds 2.0 metres.)

IN ADDITION TO THE DEVELOPMENT CONDITION/S OF APPROVAL, THE FOLLOWING NOTES ARE INCLUDED FOR YOUR ATTENTION:

- **Notification during building work**

A person proposing to undertake or undertaking building work on land (or in charge of such work) must give Council –

(a) one business day's notice of the commencement of building work on the site; and

(b) one business day's notice of the placing of concrete on any footing or other structural member that transfers load directly to a foundation or in any pile or cassion; and

(c) one business day's notice of completion of the building work; and

(d) one business day's notice of completion of swimming pool.

Reason: Requirement of Development Regulations 1993 (reg 74)

- Site inspections of the footing(s) are to be carried out by the footing design engineer for the stages set out in the Site Investigation and Footing Construction Report.

  Reason: Building Code of Australia Part 2.1 - A building or structure including its materials and components, must be capable of sustaining an acceptable level of safety and serviceability.

- Roofwater from the building must be taken to the street kerb in a properly constructed piped drainage system. The section of a stormwater drain(s) commencing from the property boundary to the street kerb must be constructed using either 100mm diameter concrete, galvanised steel or sewer grade uPVC pipes. Where it is not possible to obtain sufficient soil cover (not less than 100mm) over the top of an underground pipe(s) a galvanised steel box channel with checker plate cover shall be installed flush with the footpath surface.

  It is recommended that a concrete sump (or sump made of other durable material) be provided in the stormwater drainage system within the property, at or near the front boundary.

  Reason: Building Code of Australia Part 2.1 – A building or structure including its material and components must be capable of sustaining an acceptable level of safety and serviceability.

- **Other Authorities**

  Before commencing construction you are advised to contact authorities such as SA Water, ETSA Corporation, Telstra, Department of Transport, Australian Gas & Light, Australia Post regarding their approval requirements.

- **Building work on/adjacent property boundary**

  Under the Development Regulations (Reg 75) certain works to be undertaken on or adjacent to the property boundary may have an effect on the adjoining property (s).

Work in the nature of:-

(a) An excavation which intersects a notational plane extending downwards at a slope of 1 vertical to 2 horizontal from a point 600mm below natural ground level at a boundary; or

(b) An excavation which intersects any notational plane extending downwards at a slope of 1 vertical to 2 horizontal from a point at natural ground level at any boundary between two sites (not being a boundary with the site of the excavation), where the boundary is within a distance equal to twice the depth of the excavation: or

(c) Any fill which is within 600mm of an adjoining site, other than where fill is not greater than 200mm in depth (or height) and is for landscaping, gardening or other similar purposes.

Any or all of the above works could affect the stability of other land or premises, and pursuant to section 60 of the Development Act the building owner must:

(i) at least 28 days before the building work is commenced, cause to be served on the owner of the affected land or premises a notice of intention to perform the building work; and

(ii) the building owner must (in addition to complying with any condition imposed by a relevant authority at the time of approval) take such precautions as may be prescribed to protect the affected land or premises and must, at the request of the owner of the affected land or premises, carry out such other building work in relation to that land or premises as that adjoining owner is authorised by the regulations to require; and

(iii) in section 60 of the Act relieves that building owner from liability for injury resulting from the performance of any building work.

A building owner who fails to comply with a provision under subsection 60(1) of the Act is guilty of an offence.

The owner of the affected land or premises may require the building owner to shore up any excavation or to underpin, stabalise or otherwise strengthen the foundations of any building to the extent specified by a professional engineer engaged by the owner of the affected land or premises. The building owner must pay the reasonable costs of obtaining a report and plans, and specifications from a professional engineer for the purposes of section 60 of the Act.

- **Occupation of Class 1a Building**

Regulation 83A of the Development Act states:

Occupation of Class 1a Buildings

A person must not occupy a Class 1a building under the Building Code (or an addition to a Class 1a building) that has not been fully completed in accordance with a development authorisation insofar as it relates to the performance of building work unless:

(a) the building is structurally sound and weatherproof; and

(b) the building work that has been carried out on the building is in accordance with the relevant approval (disregarding any variation of a minor nature which has no adverse effect on the safety of the building, or on the health of the occupants of the building, or any variation undertaken with the written consent of the Council); and

(c) the building includes all items specified in clause F2.1 of the Building code for class 1a buildings under that Code; and

(d) all connections required for the supply of water, and the disposal of water and effluent, have been made (although if the approved documentation provides for two or more of the same item, it is sufficient for the purposes of this paragraph that one item is connected); and

(e) if the building is in an area set out in schedule 18 (being an area designated as a bushfire prone area), the building complies with Part G5 of the Building Code;

(f) all smoke alarms required under Part E1 of the Building Code have been installed and tested.

Penalty: Division 6 fine.

Regulation 83AB (3) of the Development Act states:

Statement – Class 1a Buildings

When:

(a) A person occupies a building to which this regulation applies before a notice of completion of building work is given (or in case where no notice of completion is required); or

(b) A notice of completion of building work is given (in case where paragraph (a) goes not apply),

The relevant person must provide a written statement to the relevant authority in accordance with the requirements of this regulation.

Penalty: Division 6 Fine

The statement is required to be provided to the Council (or if the building work was privately certified, to the certifier) within ***10 business days*** after the occurrence of the event of (a) or (b) above.

The statement must declare that the building work carried out on the building is in accordance with any relevant approval (disregarding any variation of a minor nature which has no adverse affect on the structrural soundness of safety of the building, or on the health of the occupants of the building, or any variation undertaken with the written consent of the relevant authority);

The statement must be signed by:

(a) A licensed builder who has been responsible for undertaking the building work to which the statement relates; or

(b) If there is no such licensed builder – the owner of the land on which the building work to which the statement related has been undertaken.

If the statement is lodged with a private certifier, the private certifier must forward the statement (or a copy) to the council within ***five business days*** after its receipt by the private certifier.

ADDITIONAL NOTE:

PLEASE REFER TO ATTACHED SHEET FOR SEVERAL IMPORTANT ADVISORY NOTES DESIGNED TO ASSIST YOU TO FULFILL ALL OF YOUR OBLIGATIONS AND ACHIEVE A SUCCESSFUL DEVELOPMENT.

ANNEXURE C

RevenueSA
DEPARTMENT OF TREASURY AND FINANCE

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: 2611737

ALEXANDER BOTTEN & ASSOCIATES PTY LTD
1/162 FLINDERS STREET
ADELAIDE SA 5000

DATE OF ISSUE
04/10/2024

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

OWNERSHIP NUMBER	OWNERSHIP NAME
05166085	N D & S M SHERIDAN

PROPERTY DESCRIPTION

101 HEWITT AVE / TOORAK GARDENS SA 5065 / LT 100 D57679

ASSESSMENT NUMBER	TITLE REF. (A "+" indicates multiple titles)	CAPITAL VALUE	AREA / FACTOR	LAND USE / FACTOR
			R4	RE
1853961107	CT 5858/619	$2,225,000.00	1.000	0.400

LEVY DETAILS:

FINANCIAL YEAR
2024-2025

FIXED CHARGE	$	50.00
+ VARIABLE CHARGE	$	838.35
- REMISSION	$	663.95
- CONCESSION	$	46.00
+ ARREARS / - PAYMENTS	$	0.00
= AMOUNT PAYABLE	$	178.40

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 Certficate will be issued free of charge. **It is not the due date for payment.**

EXPIRY DATE **02/01/2025**

Government of South Australia

See overleaf for further information

DETACH AND RETURN THE PAYMENT REMITTANCE ADVICE WITH YOUR PAYMENT

RevenueSA

CERTIFICATE OF EMERGENCY SERVICES LEVY PAYABLE

PAYMENT REMITTANCE ADVICE

OWNERSHIP NUMBER
05166085

OWNERSHIP NAME
N D & S M SHERIDAN

ASSESSMENT NUMBER
1853961107

AMOUNT PAYABLE
$178.40

AGENT NUMBER
100030712

AGENT NAME
ALEXANDER BOTTEN & ASSOCIATES PTY LTD

EXPIRY DATE
02/01/2025

+80013506930022> +001571+ <0550101121> <0000017840> +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

RevenueSA
DEPARTMENT OF TREASURY AND FINANCE

ABN 19 040 349 865
Land Tax Act 1936

CERTIFICATE OF LAND TAX PAYABLE

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

PIR Reference No: 2611737

DATE OF ISSUE
04/10/2024

ALEXANDER BOTTEN & ASSOCIATES PTY LTD
1/162 FLINDERS STREET
ADELAIDE SA 5000

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

OWNERSHIP NAME
N D & S M SHERIDAN

FINANCIAL YEAR
2024-2025

PROPERTY DESCRIPTION
101 HEWITT AVE / TOORAK GARDENS SA 5065 / LT 100 D57679

ASSESSMENT NUMBER	TITLE REF. (A "+" indicates multiple titles)	TAXABLE SITE VALUE	AREA
1853961107	CT 5858/619	$1,375,000.00	0.0516 HA

DETAILS OF THE LAND TAX PAYABLE FOR THE ABOVE PARCEL OF LAND:

CURRENT TAX	**$**	0.00	**SINGLE HOLDING**	**$**	0.00
- DEDUCTIONS	**$**	0.00			
+ ARREARS	**$**	0.00			
- PAYMENTS	**$**	0.00			
= AMOUNT PAYABLE	**$**	**0.00**			

Please Note: If the Current Tax details above indicate a Nil amount, the property may be subject to an Exemption. This exemption should be validated prior to settlement. In order to ensure indemnity for the purchaser of this land, full payment of the amount payable is required:

ON OR BEFORE **02/01/2025**

Government of South Australia

See overleaf for further information

DETACH AND RETURN THE PAYMENT REMITTANCE ADVICE WITH YOUR PAYMENT

RevenueSA

Land Tax Act 1936

CERTIFICATE OF LAND TAX PAYABLE

PAYMENT REMITTANCE ADVICE

No payment is required on this Certificate

Please Note:

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

This Certificate is only valid for the financial year shown.

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

Payment should be made as part of the settlement process.

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

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

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

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

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

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

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

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

For more information:

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

PAYMENT OF THIS CERTIFICATE CAN ONLY BE MADE

Online at: **OR** **By Post to:**

www.revenuesaonline.sa.gov.au

RevenueSA
Locked Bag 555
ADELAIDE SA 5001

City of Burnside

LOCAL GOVERNMENT SEARCH

Cert1417\24

04/10/2024

Alexander-Botten & Associates
2nd Floor 162 Flinders St
ADELAIDE SA 5000

Billing number:	1119685	Valuer General No:	1853961107
Owner:	Estate Of Neil D Sheridan & Sue M Sheridan		
Property Address:	101 Hewitt Avenue TOORAK GARDENS SA 5065		
Legal Description:	ALLOT 100 Sec 275 DP 57679 Vol 5858 Fol 619		

Pursuant to Section 187 of the Local Government Act 1999 (as amended), I certify that the following amounts are due and payable and are a charge against the above property:

Rates and Arrears - prior 30/06/2024	0.00
Legal Fees	0.00
Rates for current financial year, which fall due on 01/07/2024 and payable as four instalments on or before 02/12/2024, 03/03/2025, 02/06/2025	3,998.95
Fines and interest for current financial year (2% fine for each late instalment, and .75% interest rate per month on all other outstanding amounts). Fines and interest are incurred on day 2 of each month	0.00
Less Rate Capping Rebate	0.00
Less amount paid for current financial year	(999.85)
Balance of rates and other monies due and payable	$2,999.10

Instalment/s Due:

Due 02/12/2024	$999.70
Due 03/03/2025	$999.70
Due 02/06/2025	$999.70

ON BEHALF OF THE CITY OF BURNSIDE

Post: PO Box 9, Glenside SA 5065
Civic Centre 401 Greenhill Road, Tusmore SA 5065
Phone (08) 8366 4200 Fax (08) 8366 4299
Email burnside@burnside.sa.gov.au www.burnside.sa.gov.au

SA Water

Account Number	L.T.O Reference	Date of issue	Agent No.	Receipt No.
18 53961 10 7	CT5858619	4/10/2024	27	2611737

ALEXANDER - BOTTEN & ASSOC
LEVEL 2/162 FLINDERS STREET
ADELAIDE SA 5000
office@bottenconveyancing.com.au

Section 7/Elec

Certificate of Water and Sewer Charges & Encumbrance Information

Property details:

Customer: MRS SM SHERIDAN
Location: 101 HEWITT AVE TOORAK GARDENS LT 100 D57679
Description: 6H DBG **Capital Value:** $2 225 000
Rating: Residential

Periodic charges

Raised in current years to 30/9/2024

			$
		Arrears as at: 30/6/2024 :	0.00
Water main available:	1/7/2002	Water rates :	78.60
Sewer main available:	1/7/2002	Sewer rates :	345.99
		Water use :	160.87
		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 :	585.46CR
		Balance outstanding :	0.00

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

Next quarterly charges: Water supply: 78.60 Sewer: 345.99 Bill: 9/10/2024

This Account is billed four times yearly for water use charges.

The last Water Use Year ended on 05/04/2024.

MAINS WATER USE CHARGE of $60.78 should be added to the Balance Outstanding above.

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

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

SA Water

If your property was constructed before 1929, it's recommended you request a property interest report and internal 'as constructed' sanitary drainage drawing to understand any specific requirements relating to the existing arrangements.

As constructed sanitary drainage drawings can be found at https://maps.sa.gov.au/drainageplans/

SA Water

South Australian Water Corporation

Name:
MRS SM SHERIDAN

Water & Sewer Account
Acct. No.: **18 53961 10 7**

Amount: _____

Address:
101 HEWITT AVE TOORAK GARDENS LT
100 D57679

Payment Options

EFT

EFT Payment

Bank account name:	SA Water Collection Account
BSB number:	065000
Bank account number:	10622859
Payment reference:	1853961107

BPAY

Biller code: 8888
Ref: 1853961107

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: 1853961107

ANNEXURE D

PlanSA

Data Extract for Section 7 search purposes

Valuation ID 1853961107

Data Extract Date: 08/10/2024

Parcel ID: D57679 A100

Certificate Title: CT5858/619

Property Address: 101 HEWITT AV TOORAK GARDENS SA 5065

Zones
Established Neighbourhood (EN)

Subzones
No

Zoning overlays

Overlays
Airport Building Heights (Regulated) (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 (Bur6)

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.

Traffic Generating Development

The Traffic Generating Development Overlay aims to ensure safe and efficient vehicle movement and access along urban transport routes and major urban transport routes.

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

No

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

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

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

Associated Development Authorisation Information

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

No

Land Management Agreement (LMA)

No

28. *Phylloxera and Grape Industry Act 1995*

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

29. *Planning, Development and Infrastructure Act 2016*

29.1	Part 5 - Planning and Design Code *[**Note** - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]*	Contact the Local Government Authority for the title or other brief description of the zone or subzone in which the land is situated. also Heritage Branch in DEW has no record of a State Heritage Area created prior to 15 January 1994 under the former South Australian Heritage Act 1978 affecting this title also For details of this item, including State Heritage Areas which have been authorised or put under interim effect since 15 January 1994, contact the Local Government Authority also Contact the Local Government Authority for other details that might apply to a place of local heritage value also For details of declared significant trees affecting this title, contact the Local Government Authority also **Code Amendment** **Residential Driveway Crossovers –draft design standard aiming to improve public safety and enhance streetscapes across SA. Minor changes to the Planning and Design Code have also been drafted to complement the design standard and support its delivery and are open for consultation as part of this process. For more information, refer to the 'Code Amendments' page on the PlanSA portal: https://plan.sa.gov.au/have_your_say/ or phone PlanSA on 1800752664.** **Code Amendment** **Statewide Bushfire Hazards Overlay - aims to review the current policy framework (spatial layers and policy content) of the six Hazard (Bushfire Risk) Overlays as well as explore other planning instruments and mechanisms to assist in mitigating bushfire hazard impacts. Please note that this Code Amendment only applies to a portion of some council areas. To understand if your property is affected, please check the bushfire hazard map at https://plus.geodata.sa.gov.au/bushfire/index.html. For more information, please visit https://plan.sa.gov.au/have_your_say/ or contact PlanSA via email (PlanSA@sa.gov.au) or telephone (1800 752 664).** **Code Amendment** **Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment - The Chief Executive of the Department for Trade and Investment has initiated the Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment to review the definitions for 'ancillary accommodation' and 'student accommodation'. For more information and to view the DPA online, visit the amendment webpage on the SA Planning Portal https://plan.sa.gov.au/have_your_say/general_consultations or phone PlanSA on 1800752664.** **Code Amendment** **Future Living - seeks to enhance housing diversity by providing housing options for smaller household types, and responding to the ageing demographics of the state's population by providing greater opportunities for ageing in place. For more information, visit the Code Amendments webpage on the SA Planning Portal https://plan.sa.gov.au/have_your_say/general_consultations or phone PlanSA on 1800752664.** **Code Amendment**

		Glenside Urban Corridor (Living) – seeks to increase the maximum building height Technical and Numeric Variation (TNV) in the Glenside Development, from 8 levels to 20 levels. The broader Glenside Development, located on the corner of Fullarton and Greenhill Roads, will accommodate approximately 1000 townhouses and apartments. The proposed maximum height increase will support the development of gateway buildings, For more information, visit the Code Amendments webpage on the SA Planning Portal https://plan.sa.gov.au/have_your_say/general_consultations or phone PlanSA on 1800752664.
29.2	section 127 - Condition (that continues to apply) of a development authorisation *[**Note** - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]*	State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
29.3	section 139 - Notice of proposed work and notice may require access	Contact the vendor for these details
29.4	section 140 - Notice requesting access	Contact the vendor for these details
29.5	section 141 - Order to remove or perform work	State Planning Commission in the Department for Housing and Urban Development has no record of any order or notice affecting this title also Contact the Local Government Authority for other details that might apply
29.6	section 142 - Notice to complete development	State Planning Commission in the Department for Housing and Urban Development has no record of any order or notice affecting this title also Contact the Local Government Authority for other details that might apply
29.7	section 155 - Emergency order	State Planning Commission in the Department for Housing and Urban Development has no record of any order or notice affecting this title also Contact the Local Government Authority for other details that might apply
29.8	section 157 - Fire safety notice	Building Fire Safety Committee in the Department for Housing and Urban Development has no record of any order or notice affecting this title also Contact the Local Government Authority for other details that might apply
29.9	section 192 or 193 - Land management agreement	Refer to the Certificate of Title
29.10	section 198(1) - Requirement to vest land in a council or the Crown to be held as open space	State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
29.11	section 198(2) - Agreement to vest land in a council or the Crown to be held as open space	State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
29.12	Part 16 Division 1 - Proceedings	Contact the Local Government Authority for details relevant to this item also Contact the vendor for other details that might apply

ANNEXURE E

Property Interest Report

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

Title Reference	CT 5858/619	**Reference No.** 2611737
Registered Proprietors	N D & S M*SHERIDAN	**Prepared** 04/10/2024 10:15
Address of Property	101 HEWITT AVENUE, TOORAK GARDENS, SA 5065	
Local Govt. Authority	CITY OF BURNSIDE	
Local Govt. Address	PO BOX 9 GLENSIDE SA 5065	

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

Prescribed encumbrance		Particulars (Particulars in bold indicates further information will be provided)
1.	**General**	
1.1	Mortgage of land *[**Note** - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]*	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 *[**Note** - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]*	Refer to the Certificate of Title
1.3	Restrictive covenant *[**Note** - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]*	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.) *[**Note** - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]*	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 Affairs and Reconciliation in AGD has no registered entries for Aboriginal sites or objects affecting this title
2.2	section 24 - Directions prohibiting or restricting access to, or activities on, a site or	Aboriginal Affairs and Reconciliation in AGD has no record of any direction affecting this title

	an area surrounding a site	
2.3	Part 3 Division 6 - Aboriginal heritage agreement	Aboriginal Affairs and Reconciliation in AGD has no record of any agreement affecting this title also Refer to the Certificate of Title

3. *Burial and Cremation Act 2013*

3.1	section 8 - Human remains interred on land	Births, Deaths and Marriages in AGD has no record of any gravesites relating to this title also contact the vendor for these details

4. *Crown Rates and Taxes Recovery Act 1945*

4.1	section 5 - Notice requiring payment	Crown Lands Program in DEW has no record of any notice affecting this title

5. *Development Act 1993* (repealed)

5.1	section 42 - Condition (that continues to apply) of a development authorisation *[**Note** - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]*	State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
5.2	section 50(1) - Requirement to vest land in a council or the Crown to be held as open space	State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
5.3	section 50(2) - Agreement to vest land in a council or the Crown to be held as open space	State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
5.4	section 55 - Order to remove or perform work	State Planning Commission in the Department for Housing and Urban Development has no record of any order or notice affecting this title also Contact the Local Government Authority for other details that might apply
5.5	section 56 - Notice to complete development	State Planning Commission in the Department for Housing and Urban Development has no record of any order or notice affecting this title also Contact the Local Government Authority for other details that might apply
5.6	section 57 - Land management agreement	Refer to the Certificate of Title
5.7	section 60 - Notice of intention by building owner	Contact the vendor for these details
5.8	section 69 - Emergency order	State Planning Commission in the Department for Housing and Urban Development has no record of any order affecting this title also Contact the Local Government Authority for other details that might apply
5.9	section 71 - Fire safety notice	Building Fire Safety Committee in the Department for Housing and Urban Development has no record of any notice affecting this title

5.10	section 84 - Enforcement notice	State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
5.11	section 85(6), 85(10) or 106 - Enforcement order	State Planning Commission in the Department for Housing and Urban Development 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 *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. The item and its heading must be included in the statement even if not applicable.]*	State Planning Commission in the Department for Housing and Urban Development 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

7. *Emergency Services Funding Act 1998*

7.1	section 16 - Notice to pay levy	**An Emergency Services Levy Certificate will be forwarded.** **If you do not receive the certificate within four (4) working days please contact the RevenueSA Customer Contact Centre on (08) 8226 3750.** **Clients who have misplaced or not received their certificates and are RevenueSA Online users should log into RevenueSA Online and reprint their certificates www.revenuesaonline.sa.gov.au**

8. *Environment Protection Act 1993*

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

8.9	section 103P - Notation of site contamination audit report in relation to the land	EPA (SA) does not have any current Orders registered on this title
8.10	section 103S - Notice of prohibition or restriction on taking water affected by site contamination in relation to the land	EPA (SA) does not have any current Orders registered on this title

9. *Fences Act 1975*

9.1	section 5 - Notice of intention to perform fencing work	Contact the vendor for these details

10. *Fire and Emergency Services Act 2005*

10.1	section 105F - (or section 56 or 83 (repealed)) - Notice to take action to prevent outbreak or spread of fire	Contact the Local Government Authority for other details that might apply Where the land is outside a council area, contact the vendor

11. *Food Act 2001*

11.1	section 44 - Improvement notice	Public Health in DHW has no record of any notice or direction affecting this title also Contact the Local Government Authority for other details that might apply
11.2	section 46 - Prohibition order	Public Health in DHW has no record of any notice or direction affecting this title also Contact the Local Government Authority for other details that might apply

12. *Ground Water (Qualco-Sunlands) Control Act 2000*

12.1	Part 6 - risk management allocation	Qualco Sunlands Ground Water Control Trust has no record of any allocation affecting this title
12.2	section 56 - Notice to pay share of Trust costs, or for unauthorised use of water, in respect of irrigated property	DEW Water Licensing has no record of any notice affecting this title

13. *Heritage Places Act 1993*

13.1	section 14(2)(b) - Registration of an object of heritage significance	Heritage Branch in DEW has no record of any registration affecting this title
13.2	section 17 or 18 - Provisional registration or registration	Heritage Branch in DEW has no record of any registration affecting this title
13.3	section 30 - Stop order	Heritage Branch in DEW has no record of any stop order affecting this title
13.4	Part 6 - Heritage agreement	Heritage Branch in DEW has no record of any agreement affecting this title also Refer to the Certificate of Title
13.5	section 38 - "No development" order	Heritage Branch in DEW has no record of any "No development" order affecting this title

14. *Highways Act 1926*

14.1	Part 2A - Establishment of control of access from any road abutting the land	Transport Assessment Section within DIT has no record of any registration affecting this title

15. *Housing Improvement Act 1940* (repealed)

15.1	section 23 - Declaration that house is undesirable or unfit for human habitation	Contact the Local Government Authority for other details that might apply
15.2	Part 7 (rent control for substandard houses) - notice or declaration	Housing Safety Authority has no record of any notice or declaration affecting this title

16. *Housing Improvement Act 2016*

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

17. *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	**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.** **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**

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 **Code Amendment** **Residential Driveway Crossovers –draft design standard aiming to improve public safety and enhance streetscapes across SA. Minor changes to the Planning and Design Code have also been drafted to complement the design standard and support its delivery and are open for consultation as part of this process. For more information, refer to the 'Code Amendments' page on the PlanSA portal: https://plan.sa.gov.au/have_your_say/ or phone PlanSA on 1800752664.** **Code Amendment** **Statewide Bushfire Hazards Overlay - aims to review the current policy framework (spatial layers and policy content) of the six Hazard (Bushfire Risk) Overlays as well as explore other planning instruments and mechanisms to assist in mitigating bushfire hazard impacts. Please note that this Code Amendment only applies to a portion of some council areas. To understand if your property is affected, please check the bushfire hazard map at https://plus.geodata.sa.gov.au/bushfire/index.html. For more information, please visit https://plan.sa.gov.au/have_your_say/ or contact PlanSA via email (PlanSA@sa.gov.au) or telephone (1800 752 664).** **Code Amendment** **Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment - The Chief Executive of the Department for Trade and Investment has initiated the Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment to review the definitions for 'ancillary accommodation' and 'student accommodation'. For more information and to view the DPA online, visit the amendment webpage on the SA Planning Portal https://plan.sa.gov.au/have_your_say/general_consultations or phone PlanSA on 1800752664.** **Code Amendment** **Future Living - seeks to enhance housing diversity by providing housing options for smaller household types, and responding to the ageing demographics of the state's population by providing greater opportunities for ageing in place. For more information, visit the Code Amendments webpage on the SA Planning Portal https://plan.sa.gov.au/have_your_say/general_consultations or phone PlanSA on 1800752664.** **Code Amendment**

		Glenside Urban Corridor (Living) – seeks to increase the maximum building height Technical and Numeric Variation (TNV) in the Glenside Development, from 8 levels to 20 levels. The broader Glenside Development, located on the corner of Fullarton and Greenhill Roads, will accommodate approximately 1000 townhouses and apartments. The proposed maximum height increase will support the development of gateway buildings, For more information, visit the Code Amendments webpage on the SA Planning Portal https://plan.sa.gov.au/have_your_say/general_consultations or phone PlanSA on 1800752664.
29.2	section 127 - Condition (that continues to apply) of a development authorisation *[**Note** - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]*	State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
29.3	section 139 - Notice of proposed work and notice may require access	Contact the vendor for these details
29.4	section 140 - Notice requesting access	Contact the vendor for these details
29.5	section 141 - Order to remove or perform work	State Planning Commission in the Department for Housing and Urban Development has no record of any order or notice affecting this title also Contact the Local Government Authority for other details that might apply
29.6	section 142 - Notice to complete development	State Planning Commission in the Department for Housing and Urban Development has no record of any order or notice affecting this title also Contact the Local Government Authority for other details that might apply
29.7	section 155 - Emergency order	State Planning Commission in the Department for Housing and Urban Development has no record of any order or notice affecting this title also Contact the Local Government Authority for other details that might apply
29.8	section 157 - Fire safety notice	Building Fire Safety Committee in the Department for Housing and Urban Development has no record of any order or notice affecting this title also Contact the Local Government Authority for other details that might apply
29.9	section 192 or 193 - Land management agreement	Refer to the Certificate of Title
29.10	section 198(1) - Requirement to vest land in a council or the Crown to be held as open space	State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
29.11	section 198(2) - Agreement to vest land in a council or the Crown to be held as open space	State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
29.12	Part 16 Division 1 - Proceedings	Contact the Local Government Authority for details relevant to this item also Contact the vendor for other details that might apply

29.13	section 213 - Enforcement notice	State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title also Contact the Local Government Authority for other details that might apply
29.14	section 214(6), 214(10) or 222 - Enforcement order	Contact the Local Government Authority for details relevant to this item also State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title

30. *Plant Health Act 2009*

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

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

31.1	Part 3 - Notice	Public Health in DHW has no record of any notice or direction affecting this title also Contact the Local Government Authority for other details that might apply
31.2	*Public and Environmental Health (Waste Control) Regulations 2010 (or 1995)* (revoked) Part 2 - 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
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 *Livestock Act, 1997*	Animal Health in PIRSA has no record of any notice or order affecting this title

Additional Information

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

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

Notices

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

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

Building restrictions

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

In addition, if a building or structure is erected in proximity to a powerline of an electricity entity in contravention of the *Electricity Act*, the entity may seek a court order:
a) requiring the person to take specified action to remove or modify the building or structure within a specified period;
b) for compensation from the person for loss or damage suffered in consequence of the contravention; and/or
c) for costs reasonably incurred by the entity in relocating the powerline or carrying out other work.

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

Statutory easements

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

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

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

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

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

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

***Land Tax Act 1936* and *Regulations* thereunder**

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

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

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

Information should be obtained from:

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

Landscape South Australia 2019

Water Resources Management - Taking of underground water

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

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

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

LAND SERVICES SA

Product	Check Search
Date/Time	04/10/2024 10:15AM
Customer Reference	
Order ID	20241004002151

Certificate of Title

Title Reference: CT 5858/619

Status: CURRENT

Edition: 4

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

Copyright: www.landservices.com.au/copyright | Privacy: www.landservices.com.au/privacy | Terms of Use: www.landservices.com.au/sailis-terms-of-use

LAND SERVICES SA

Product	Historical Search
Date/Time	04/10/2024 10:15AM
Customer Reference	
Order ID	20241004002151

Certificate of Title

Title Reference: CT 5858/619

Status: CURRENT

Parent Title(s): CT 5640/773

Dealing(s) Creating Title: RTC 9159022

Title Issued: 06/11/2001

Edition: 4

Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
09/02/2015	11/03/2015	12275217	TRANSFER	REGISTERED	NEIL DESMOND SHERIDAN, SUE MAREE SHERIDAN
27/06/2008	09/07/2008	10987937	TRANSFER	REGISTERED	NEIL DESMOND SHERIDAN, SUE MAREE SHERIDAN
27/06/2008	09/07/2008	10987936	DISCHARGE OF MORTGAGE	REGISTERED	9434891
27/09/2002	14/10/2002	9434891	MORTGAGE	REGISTERED	BANK OF WESTERN AUSTRALIA LTD.
27/09/2002	14/10/2002	9434890	TRANSFER	REGISTERED	JONATHAN CHARLES MASON, IRENE JANETTE KUSHELEW

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LAND SERVICES SA

Product	Title and Valuation Package
Date/Time	04/10/2024 10:15AM
Customer Reference	
Order ID	20241004002151

Certificate of Title

Title Reference	CT 5858/619
Status	CURRENT
Easement	YES
Owner Number	05166085
Address for Notices	101 HEWITT AVE TOORAK GARDENS 5065
Area	516m² (CALCULATED)

Estate Type

Fee Simple

Registered Proprietor

NEIL DESMOND SHERIDAN
SUE MAREE SHERIDAN
OF 101 HEWITT AVENUE TOORAK GARDENS SA 5065
AS JOINT TENANTS

Description of Land

ALLOTMENT 100 DEPOSITED PLAN 57679
IN THE AREA NAMED TOORAK GARDENS
HUNDRED OF ADELAIDE

Last Sale Details

Dealing Reference	TRANSFER (T) 12275217
Dealing Date	06/02/2015
Sale Price	$0
Sale Type	CHANGE OF OWNERSHIP FOR NO MONETARY CONSIDERATION OR UNDISCLOSED CONSIDERATION

Constraints

Encumbrances

NIL

Stoppers

NIL

Valuation Numbers

Valuation Number	Status	Property Location Address
1853961107	CURRENT	101 HEWITT AVENUE, TOORAK GARDENS, SA 5065

Notations

Dealings Affecting Title

NIL

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Notations on Plan

NIL

Registrar-General's Notes

NIL

Administrative Interests

NIL

Valuation Record

Valuation Number	1853961107
Type	Site & Capital Value
Date of Valuation	01/01/2024
Status	CURRENT
Operative From	01/07/2002
Property Location	101 HEWITT AVENUE, TOORAK GARDENS, SA 5065
Local Government	BURNSIDE
Owner Names	SUE MAREE SHERIDAN NEIL DESMOND SHERIDAN
Owner Number	05166085
Address for Notices	101 HEWITT AVE TOORAK GARDENS 5065
Zone / Subzone	EN - Established Neighbourhood
Water Available	Yes
Sewer Available	Yes
Land Use	1220 - Maisonette
Description	6H DBG
Local Government Description	Residential

Parcels

Plan/Parcel	Title Reference(s)
D57679 ALLOTMENT 100	CT 5858/619

Values

Financial Year	Site Value	Capital Value	Notional Site Value	Notional Capital Value	Notional Type
Current	$1,375,000	$2,225,000			
Previous	$1,250,000	$2,175,000			

Building Details

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Valuation Number	1853961107
Building Style	Georgian
Year Built	2002
Building Condition	Excellent
Wall Construction	Rendered
Roof Construction	Galvanised Iron
Equivalent Main Area	307 sqm
Number of Main Rooms	6

Note – this information is not guaranteed by the Government of South Australia

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City of Burnside

Civic Centre: 401 Greenhill Road, Tusmore SA 5065
Postal Address: PO Box 9, Glenside SA 5065
ABN: 66 452 640 504
Telephone: (08) 8366 4200
Fax: (08) 8366 4299

Land and Business (Sale and Conveyancing) Act

Property Interest Report

Request No.:	Cert1417\24	**Date of Issue:**	08/10/2024
Applicant:	Alexander-Botten & Associates 2nd Floor 162 Flinders St ADELAIDE SA 5000	**CT No.:**	ALLOT 100 Sec 275 DP 57679 Vol 5858 Fol 619
Property:	101 Hewitt Avenue TOORAK GARDENS SA 5065		

Pursuant to the provisions of the regulations under the Land and Business (Sale and Conveyancing) Act, 1994, Council hereby provides particulars and documentary material in response to your enquiry.

PRESCRIBED ENCUMBRANCES AND PARTICULARS REQUIRED

Part 3 – Development Plan, Development Act 1993

• Title or other brief description of zone or policy area in which the land is situated (per the Development Plan):	N/A
• Is the land situated in a designated state heritage area?	N/A
• Is the land designated as a place of local heritage value?	N/A
• Is there a Development Plan Amendment released for public consultation by the Council on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation?	No
• If Yes, state the name of the Council:	N/A
• Is there a 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?	No
Section 42 *– condition (that continues to apply) of a development authorisation (refer attached for details if applicable):*	Yes **180/00164/00/CA** **180/00209/00/DL** **180/00269/00/CA** **180/00741/00/CA**

Part 5 - PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

• Title or other brief description of zone, subzone and overlay in which the land is situated (as shown in the Planning and Design Code)	Z1506 (EN) Established Neighbourhood Refer to PlanSA Section 7 Report for further information.
• Is the land situated in a designated state heritage area?	No
• Is the land designated as a place of local heritage value?	Refer to PlanSA Section 7 Report for further information.
• Is there a tree declared to be a significant tree or a stand of trees declared to be significant on the land?	Refer to PlanSA Section 7 Report for further information.
• Is there a Planning and Design Code amendment released for public consultation by the State Planning Commission on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation?	Yes

REPEALED ACT CONDITIONS	
Condition (that continues to apply) of an approval or authorisation granted under the following Acts (refer attached for details if applicable): ○ Building Act 1971 ○ City of Adelaide Development Control Act 1976 ○ Planning and Development Act 1966 ○ Planning Act 1982	No
DEVELOPMENT ACT 1993	
Section 50(1) – requirement to vest land in a Council or the Crown to be held as open space	No
Section 50(2) – agreement to vest land in a Council or the Crown to be held as open space	No
Section 55 – order to remove work or perform work	No
Section 56 – notice to complete development	No
Section 57 – land management agreement	No
Section 48 or 58 – for the destruction or control of animal or plants	No
Section 69 – emergency order	No
Section 71 – fire safety notice	No
Section 84 – enforcement notice	No
Section 85(6), 85(10) or 106 – enforcement order	No
Part 11 Division 11 – proceedings	No
FIRE AND EMERGENCY SERVICES ACT 2005	
Section 105F – fire prevention or notice to prevent fires on private land	No
HEALTH – FOOD ACT 2001	
Section 44 – improvement notice	No
Section 46 – prohibition order	No
LOCAL NUISANCE AND LITTER CONTROL ACT 2016	
Section 30 – Nuisance or Litter abatement notice	No
SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011	
Section 92 Notice	No
LAND ACQUISITION ACT 1969	
Section 10 – Notices of intention to acquire	No
HOUSING IMPROVEMENT ACT 1940	
Section 23 – declaration that house is undesirable or unfit for human habitation	No
LOCAL GOVERNMENT ACT 1934	
Notice, order, declaration, charge, claim or demand given/made under the Act	No
LOCAL GOVERNMENT ACT 1999	
Notice, order, declaration, charge, claim or demand given/made under the Act	No
PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016	
Section 141 – order to remove work or perform work	No
Section 142 – notice to complete development	No
Section 155 – emergency order	No
Section 157 – fire safety notice	No
Section 198(1) – requirement to vest land in a Council or the Crown to be held as open space	No
Section 198(2) – agreement to vest land in a Council or the Crown to be held as open space	No
Part 16 Division 1 – proceedings	No
Section 213, 214(6), 214(10), 222 – enforcement notice	No

PUBLIC AND ENVIRONMENTAL HEALTH ACT 1987	
Notice or declaration of insanitary conditions	No

BUILDING INDEMNITY INSURANCE				
Approval No	***Insurer***	***Policy Issued***	***Contract Date***	***Builder***
Nil				

ENVIRONMENT PROTECTION	
• Does the council hold details of any development approvals relating to	
(a) commercial or industrial activity at the land; or	No
(b) change in the use of the land or part of the land (per the Development Act 1993)?	No

Notes

Swimming Pools (if applicable)

On or before any settlement takes place with respect to any transfer of title to the land, the vendor is required to install, replace or upgrade any prescribed designated swimming pool safety features that are required in relation to any swimming pool (including any spa pool) that is located on the land. After settlement, the purchaser (new owner) will then be required to ensure that those safety features have been so installed, replaced or upgraded as necessary on the land (and if they have not been installed, replaced or upgraded, the new owner will be required to install, replace or upgrade those designated safety features in accordance with the relevant prescribed requirements) and thereafter the new owner must ensure that those designated safety features are maintained in accordance with the relevant prescribed requirements.

APPROVAL NOTICES WITHOUT ON-GOING CONDITIONS

No

Authorised Officer
City of Burnside

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.*
- *The Property Interest Report discloses prescribed information that Council has a statutory obligation to disclose.*
- *Refer to attached Decision Notification Forms for details of development authorisation(s) granted.*

Street Numbering

Please note Council's official street number for this property is **101 Hewitt Avenue TOORAK GARDENS SA 5065.***

Regulated and Significant Trees

Your attention is drawn to the requirement to obtain Development Approval before undertaking a Tree-damaging activity to a Regulated or Significant tree as defined by the Development Act 1993. Council has established the Regulated and Significant Tree Assistance Scheme which provides partial reimbursement of funds to approved works undertaken to maintain and provide for the ongoing health of Regulated and Significant Trees. Conditions apply. For more information please contact City Development and Safety on 8366 4244.

Waste Collection Service

On the 10 December 2012 the City of Burnside moved to a new 3 Bin and Food Waste Recycling system.

Each rateable property is eligible to receive a standard set of 3 bins: general waste (140L red lid), recycling (240L yellow lid) and organics (240L green lid), as well as a food waste kitchen basket and a new Waste Education Brochure and Calendar. Bins are also available in 140L and 360L (recycle) and 140L (green organics). For further information on the new system and all fees and charges, please refer to Council's web site.

All bins will be supplied by Council and remain the property of Council.

Additional bins for recycling and organic waste may be acquired through a lease agreement with Council. A pro rata charge for the collection of additional recycling and organic bins applies.

Refer to the Kerbside Waste Management Policy for further details.

Payment of Rates at Settlement

It is encouraged that payment of the full year's rates is made when a property is sold.

Section 178(3)(c) of the Local Government Act 1999, states that rates may be recovered as a debt from any other person who was at the ***time of the declaration of the rates an owner or occupier of the land***.

If you have any queries regarding this, please do not hesitate to contact the Rates Department on 8366 4200.

To pay these rates via PEXA

Bpay Biller Code: 8722

Reference Number: 1119685

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