

Form 1—Vendor's statement

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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: **NOT APPLICABLE**
Address:
3. Vendor: **LUKE DEAN SCHENSCHER**
Address: **87 MAIN SOUTH ROAD MYPONGA SA 5202**
- 4 Vendor's registered agent: **Ouwens Casserly Real Estate Pty. Ltd.**
Address: **210 Greenhill Road Eastwood SA 5063**
- 5 Date of contract (if made before this statement is served): / /20
- 6 Description of the land: **5 Toulston Court Mount Barker SA 5251 being the whole of the land comprised in Certificate of Title Register Book Volume 6140 Folio 467 being allotment 641 deposited plan 93998 in the area named Mount Barker Hundred of Macclesfield**

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

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:
PO BOX 1 MYPONGA SA 5202
 (being the vendor's last known address); or
- (c) transmitted by fax or email to the following fax number or email address:
EMAIL: JACKIEB@OCRE.COM.AU STEVEB@OCRE.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:
210 GREENHILL ROAD EASTWOOD SA 5063
 (being the agent's address for service under the *Land Agents Act 1994*)

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;
- (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;
- (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, LUKE DEAN SCHENSCHER,

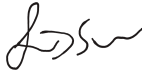
of 87 MAIN SOUTH ROAD MYPONGA SA 5202 being the vendor in relation to the transaction

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:

05 / 01 / 2026



Signed:

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

(section 9)

To the purchaser:

I, MELANIE SUSAN WOMERSLEY of 147 FROME STREET ADELAIDE SA 5000

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

Exceptions: **Nil**

Date: 05/01/2026



Signed:

Person authorised to act on behalf of Vendor's agent (pursuant to the agent's written authority)

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 one 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

<p>1.1 Mortgage of land</p>	<p><i>Is this item applicable?</i></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i></p> <p><i>Are there attachments?</i> CERTIFICATE OF TITLE</p> <p>Number of mortgage (if registered): 14230270</p> <p>Name of mortgagee: MACQUARIE BANK LTD.</p>	<p>YES</p> <p>YES</p> <p>YES</p>
<p>1.2 Easement (whether over the land or annexed to the land)</p> <p>Note—</p> <p>"Easement" includes rights of way and party wall rights</p> <p>*REFER PROPERTY INTEREST REPORT: NOTATION IN RESPECT OF STATUTORY EASEMENTS – THIS NOTICE DOES NOT NECESSARILY IMPLY THAT ANY STATUTORY OR OTHER EASEMENT EXISTS</p>	<p><i>Is this item applicable?</i></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i></p> <p><i>Are there attachments?</i> PROPERTY INTEREST REPORT – STATUTORY EASEMENTS</p> <p>Description of land subject to easement: PORTION OF THE LAND IN THE SAID CERTIFICATE OF TITLE</p> <p>Nature of easement: STATUTORY EASEMENTS</p> <p>Are you aware of any encroachment on the easement? NO</p> <p>If YES, give details:</p> <p>If there is an encroachment, has approval for the encroachment been given? N/A</p> <p>If YES, give details:</p>	<p>YES*</p> <p>NO</p> <p>YES</p>
<p>1.3 Restrictive covenant</p>	<p><i>Is this item applicable?</i></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i></p> <p><i>Are there attachments?</i> ENCUMBRANCE</p>	<p>YES</p> <p>NO</p> <p>YES</p>

		<p>Nature of restrictive covenant: REFER ENCUMBRANCE</p> <p>Name of person in whose favour restrictive covenant operates: MOUNT BARKER DEVELOPMENTS NO 1 PTY. LTD.</p> <p>Does the restrictive covenant affect the whole of the land being acquired? YES</p> <p>If NO, give details:</p> <p>Does the restrictive covenant affect land other than that being acquired? NO</p>	
1.4	<p>Lease, agreement for lease, tenancy agreement or licence</p> <p>(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.) NOT APPLICABLE</p>	<p><i>Is this item applicable?</i></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i></p> <p><i>Are there attachments?</i></p> <p>Names of parties:</p> <p>Period of lease, agreement for lease etc:</p> <p>Amount of rent or licence fee:</p> <p>Is the lease, agreement for lease etc in writing?</p> <p>If the lease or licence was granted under an Act relating to the disposal of Crown lands, specify—</p> <p>(a) the Act under which the lease or licence was granted:</p> <p>(b) the outstanding amounts due (including any interest or penalty):</p>	
5. Development Act 1993			
5.1	<p>section 42—Condition (that continues to apply) of a development authorisation</p>	<p><i>Is this item applicable?</i></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i></p> <p><i>Are there attachments?</i> LOCAL GOVERNMENT (COUNCIL) SEARCH DEVELOPMENT ACT 1993 SECTION 42 AND AUTHORISATIONS</p> <p>Condition(s) of authorisation: REFER LOCAL GOVERNMENT (COUNCIL) SEARCH DEVELOPMENT ACT 1993 SECTION 42 AND AUTHORISATIONS</p>	<p>YES</p> <p>NO</p> <p>YES</p>
6. Repealed Act conditions			
6.1	<p>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 1967 (repealed) NOT APPLICABLE</p>	<p><i>Is this item applicable?</i></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i></p> <p><i>Are there attachments?</i> LOCAL GOVERNMENT (COUNCIL) SEARCH REPEALED ACT CONDITIONS</p> <p>Nature of condition(s):</p>	<p>YES</p>

29. Planning, Development and Infrastructure Act 2016		
29.1	Part 5- Planning and Design Code	<p><i>Is this item applicable?</i> YES</p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i> NO</p> <p><i>Are there attachments</i> LOCAL GOVERNMENT (COUNCIL) SEARCH PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 PART 5 – PLANNING AND DESIGN CODE, PLANS DATA EXTRACT FOR SECTION 7 SEARCH PURPOSES YES</p> <p>Title or other brief description of zone, subzone and overlay in which the land is situated (as shown in the Planning and Design Code):</p> <p>ZONE: NEIGHBOURHOOD (N)</p> <p>SUBZONE: NO</p> <p>ZONING OVERLAYS: REFER PLANS DATA EXTRACT ZONING OVERLAYS</p> <p>Is there a State heritage place on the land or is the land situated in a State heritage area? NO</p> <p>Is the land designated as a local heritage place? NO</p> <p>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</p> <p>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</p> <p>Note – For further information about the Planning and Design Code visit https://code.plan.sa.gov.au</p>
29.2	section 127—Condition (that continues to apply) of a development authorisation NOT APPLICABLE	<p><i>Is this item applicable?</i></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i></p> <p><i>Are there attachments:</i> LOCAL GOVERNMENT (COUNCIL) SEARCH PLANS DATA EXTRACT ASSOCIATED DEVELOPMENT AUTHORISATION INFORMATION YES</p> <p>Date of authorisation:</p> <p>Name of relevant authority that granted authorisation:</p> <p>Condition(s) of authorisation:</p>

Schedule—Division 2—Other particulars

(section 7(1)(b))

Particulars relating to environment protection

1—Interpretation

(1) In this and the following items (items 1 to 7 inclusive)—

domestic activity has the same meaning as in the *Environment Protection Act 1993*;

environmental assessment, in relation to land, means an assessment of the existence or nature or extent of—

- (a) site contamination (within the meaning of the *Environment Protection Act 1993*) at the land; or
- (b) any other contamination of the land by chemical substances,

and includes such an assessment in relation to water on or below the surface of the land;

EPA means the Environment Protection Authority established under the *Environment Protection Act 1993*;

pre-1 July 2009 site audit, in relation to land, means a review (carried out by a person recognised by the EPA as an environmental auditor) that examines environmental assessments or remediation of the land for the purposes of determining—

- (a) the nature and extent of contamination of the land by chemical substances present or remaining on or below the surface of the land; and
- (b) the suitability of the land for a particular use; and
- (c) what remediation is or remains necessary for a particular use,

but does not include a site contamination audit (as defined below) completed on or after 1 July 2009;

pre-1 July 2009 site audit report means a detailed written report that sets out the findings of a pre-1 July 2009 site audit;

prescribed commercial or industrial activity—see item 1(2);

prescribed fee means the fee prescribed under the *Environment Protection Act 1993* for inspection of, or obtaining copies of information on, the public register;

public register means the public register kept by the EPA under section 109 of the *Environment Protection Act 1993*;

site contamination audit has the same meaning as in the *Environment Protection Act 1993*;

site contamination audit report has the same meaning as in the *Environment Protection Act 1993*.

- (2) For the purposes of this and the following items (items 1 to 7 inclusive), each of the following activities (as defined in Schedule 3 clause 2 of the *Environment Protection Regulations 2009*) is a prescribed commercial or industrial activity:

abrasive blasting	acid sulphate soil generation	agricultural activities
airports, aerodromes or aerospace industry	animal burial	animal dips or spray race facilities
animal feedlots	animal saleyards	asbestos disposal
asphalt or bitumen works	battery manufacture, recycling or disposal	breweries
brickworks	bulk shipping facilities	cement works
ceramic works	charcoal manufacture	coal handling or storage
coke works	compost or mulch production or storage	concrete batching works

curing or drying works	defence works	desalination plants
dredge spoil disposal or storage	drum reconditioning or recycling works	dry cleaning
electrical or electronics component manufacture	electrical substations	electrical transformer or capacitor works
electricity generation or power plants	explosives or pyrotechnics facilities	fertiliser manufacture
fibreglass manufacture	fill or soil importation	fire extinguisher or retardant manufacture
fire stations	fire training areas	foundry
fuel burning facilities	furniture restoration	gasworks
glass works	glazing	hat manufacture or felt processing
incineration	iron or steel works	laboratories
landfill sites	lime burner	metal coating, finishing or spray painting
metal forging	metal processing, smelting, refining or metallurgical works	mineral processing, metallurgical laboratories or mining or extractive industries
mirror manufacture	motor vehicle manufacture	motor vehicle racing or testing venues
motor vehicle repair or maintenance	motor vehicle wrecking yards	mushroom farming
oil recycling works	oil refineries	paint manufacture
pest control works	plastics manufacture works	printing works
pulp or paper works	railway operations	rubber manufacture or processing
scrap metal recovery	service stations	ship breaking
spray painting	tannery, fellmongery or hide curing	textile operations
transport depots or loading sites	tyre manufacture or retreading	vermiculture
vessel construction, repair or maintenance	waste depots	wastewater storage, treatment or disposal
water discharge to underground aquifer	wetlands or detention basins	wineries or distilleries
wood preservation works	Wool scouring or wool carbonising works	works depots (operated by councils or utilities)

2—Pollution and site contamination on the land—questions for vendor

- (1) Is the vendor aware of any of the following activities ever having taken place at the land:
- (a) storage, handling or disposal of waste or fuel or other chemicals (other than in the ordinary course of domestic activities)?
 - (b) importation of soil or other fill from a site at which—
 - (i) an activity of a kind listed in paragraph (a) has taken place; or
 - (ii) a prescribed commercial or industrial activity (see item 1(2) above) has taken place?

NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (2) Is the vendor aware of any prescribed commercial or industrial activities (see item 1(2) above) ever having taken place at the land?

NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (3) Is the vendor aware of any dangerous substances ever having been kept at the land pursuant to a licence under the *Dangerous Substances Act 1979*?

NO

If YES, give details of all dangerous substances that the vendor is aware of and whether they were kept at the land before or after the vendor acquired an interest in the land: :

- (4) Is the vendor aware of the sale or transfer of the land or part of the land ever having occurred subject to an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?

NO

If YES, give details of each sale or transfer and agreement that the vendor is aware of:

- (5) Is the vendor aware of an environmental assessment of the land or part of the land ever having been carried out or commenced (whether or not completed)?

NO

If YES, give details of all environmental assessments that the vendor is aware of and whether they were carried out or commenced before or after the vendor acquired an interest in the land:

Note—

These questions relate to details about the land that may be known by the vendor. A "YES" answer to the questions at items 2(1) or 2(2) may indicate that a **potentially contaminating activity** has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

A "YES" answer to any of the questions in this item may indicate the need for the purchaser to seek further information regarding the activities, for example, from the council or the EPA.

3—Licences and exemptions recorded by EPA in public register

Does the EPA hold any of the following details in the public register:

- (a) details of a current licence issued under Part 6 of the Environment Protection Act 1993 to conduct any prescribed activity of environmental significance under Schedule 1 of that Act at the land?

NO

- (b) details of a licence no longer in force issued under Part 6 of the Environment Protection Act 1993 to conduct any prescribed activity of environmental significance under Schedule 1 of that Act at the land?

NO

- (c) details of a current exemption issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?

NO

(d) details of an exemption no longer in force issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?

NO

(e) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to operate a waste depot at the land?

NO

(f) details of a licence issued under the repealed *Waste Management Act 1987* to operate a waste depot at the land?

NO

(g) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to produce waste of a prescribed kind (within the meaning of that Act) at the land?

NO

(h) details of a licence issued under the repealed *Waste Management Act 1987* to produce prescribed waste (within the meaning of that Act) at the land?

NO

Note—

These questions relate to details about licences and exemptions required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions—

- in the case of a licence or exemption under the *Environment Protection Act 1993*—
 - the purchaser may obtain a copy of the licence or exemption from the public register on payment of the prescribed fee; and
 - the purchaser should note that transfer of a licence or exemption is subject to the conditions of the licence or exemption and the approval of the EPA (see section 49 of the *Environment Protection Act 1993*); and
- in the case of a licence under a repealed Act—the purchaser may obtain details about the licence from the public register on payment of the prescribed fee.

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

The EPA will not provide details about licences to conduct the following prescribed activities of environmental significance (within the meaning of Schedule 1 Part A of the *Environment Protection Act 1993*): waste transport business (category A), waste transport business (category B), dredging, earthworks drainage, any other activities referred to in Schedule 1 Part A undertaken by means of mobile works, helicopter landing facilities, marinas and boating facilities or discharges to marine or inland waters.

The EPA will not provide details about exemptions relating to—

- the conduct of any of the licensed activities in the immediately preceding paragraph in this note; or
- noise.

4—Pollution and site contamination on the land—details recorded by EPA in public register

Does the EPA hold any of the following details in the public register in relation to the land or part of the land:

- (a) details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the *Environment Protection Act 1993*)?
NO
- (b) details of site contamination notified to the EPA under section 83A of the *Environment Protection Act 1993*?
NO
- (c) a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register?
NO
- (d) a copy of a site contamination audit report?
NO
- (e) details of an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?
NO
- (f) details of an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
NO
- (g) details of an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
NO
- (h) details of a notification under section 103Z(1) of the *Environment Protection Act 1993* relating to the commencement of a site contamination audit?
NO
- (i) details of a notification under section 103Z(2) of the *Environment Protection Act 1993* relating to the termination before completion of a site contamination audit?
NO
- (j) details of records, held by the former South Australian Waste Management Commission under the repealed *Waste Management Act 1987*, of waste (within the meaning of that Act) having been deposited on the land between 1 January 1983 and 30 April 1995?
NO

Note—

These questions relate to details required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the public register on payment of the prescribed fee.

5—Pollution and site contamination on the land—other details held by EPA

Does the EPA hold any of the following details in relation to the land or part of the land:

- (a) a copy of a report known as a "Health Commission Report" prepared by or on behalf of the South Australian Health Commission (under the repealed *South Australian Health Commission Act 1976*)?
NO
- (b) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
NO
- (c) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
NO
- (d) a copy of a pre-1 July 2009 site audit report?
NO
- (e) details relating to the termination before completion of a pre-1 July 2009 site audit?
NO

Note—

These questions relate to details that the EPA may hold. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the EPA (on payment of any fee fixed by the EPA).

6—Further information held by councils

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

- (a) commercial or industrial activity at the land; **NO** or
- (b) a change in the use of the land or part of the land (within the meaning of the *Development Act 1993*)? **YES – REFER LOCAL GOVERNMENT (COUNCIL) SEARCH PARTICULARS RELATING TO ENVIRONMENT PROTECTION - FURTHER INFORMATION HELD BY COUNCILS**

Note—

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

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

It should be noted that—

- the approval of development by a council does not necessarily mean that the development has taken place;

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

7—Further information for purchasers

Note—

The purchaser is advised that other matters under the *Environment Protection Act 1993* (that is, matters other than those referred to in this Statement) that may be relevant to the purchaser's further enquiries may also be recorded in the public register. These include:

- details relating to environmental authorisations such as applications, applicants, locations of activities, conditions, suspension, cancellation or surrender of authorisations, disqualifications, testing requirements and test results;
- details relating to activities undertaken on the land under licences or other environmental authorisations no longer in force;
- written warnings relating to alleged contraventions of the *Environment Protection Act 1993*;
- details of prosecutions and other enforcement action;
- details of civil proceedings;
- other details prescribed under the *Environment Protection Act 1993* (see section 109(3)(l)).

Details of these matters may be obtained from the public register on payment to the EPA of the prescribed fee.

If—

- an environment performance agreement, environment protection order, clean-up order, clean-up authorisation, site contamination assessment order or site remediation order has been registered on the certificate of title for the land; or
- a notice of declaration of special management area in relation to the land has been gazetted; or
- a notation has been made on the certificate of title for the land that a site contamination audit report has been prepared in respect of the land; or
- a notice of prohibition or restriction on taking water affected by site contamination in relation to the land has been gazetted,

it will be noted in the items under the heading *Environment Protection Act 1993* under the Table of Particulars in this Statement. Details of any registered documents may be obtained from the Lands Titles Registration Office.

Annexures

The following documents are annexed hereto -

Property Interest Report

Copy of certificate(s) of title to the land

Local Government (Council) Search

Encumbrance

DP 93998

SA Water, Emergency Service Levy and Land Tax Searches

Form R3 – Buyers Information Notice

Acknowledgement of Receipt

*I/We, the abovenamed Purchaser(s), hereby acknowledge having received this day this Statement under section 7 under the *Land and Business (Sale and Conveyancing) Act* with the annexures as set out above.

Dated this _____ day of _____ 20

Signed: _____

Purchaser(s)

Property Interest Report

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

Title Reference	CT 6140/467	Reference No. 2741689
Registered Proprietors	L D*SCHENSCHER	Prepared 19/12/2025 16:18
Address of Property	5 TOULSTON COURT, MOUNT BARKER, SA 5251	
Local Govt. Authority	MOUNT BARKER DISTRICT COUNCIL, THE DISTRICT COUNCIL OF MOUNT BARKER	
Local Govt. Address	PO BOX 54 MOUNT BARKER SA 5251, POST OFFICE BOX 54, MOUNT BARKER, SA 5251	

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

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

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

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

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

also

Contact the vendor for these details |
| 1.5 | Caveat | Refer to the Certificate of Title |
| 1.6 | Lien or notice of a lien | Refer to the Certificate of Title |
- ### 2. Aboriginal Heritage Act 1988
- | | | |
|-----|-------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| 2.1 | section 9 - Registration in central archives of an Aboriginal site or object | Aboriginal 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

State Planning Commission in the Department for Housing and Urban Development has no record of any conditions that continue to apply, affecting this title

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

also

Contact the Local Government Authority for other details that might apply

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

State Planning Commission in the 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 <i>Building Act 1971</i> (repealed), the <i>City of Adelaide Development Control Act, 1976</i> (repealed), the <i>Planning Act 1982</i> (repealed) or the <i>Planning and Development Act 1967</i> (repealed)

<i>[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i> | State Planning Commission in the Department for 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. <i>Fences Act 1975</i>		
9.1	section 5 - Notice of intention to perform fencing work	Contact the vendor for these details
10. <i>Fire and Emergency Services Act 2005</i>		
10.1	section 105F - (or section 56 or 83 (repealed)) - Notice to take action to prevent outbreak or spread of fire	Contact the Local Government Authority for other details that might apply Where the land is outside a council area, contact the vendor
11. <i>Food Act 2001</i>		
11.1	section 44 - Improvement notice	Public Health in DHW has no record of any notice or direction affecting this title also Contact the Local Government Authority for other details that might apply
11.2	section 46 - Prohibition order	Public Health in DHW has no record of any notice or direction affecting this title also Contact the Local Government Authority for other details that might apply
12. <i>Ground Water (Qualco-Sunlands) Control Act 2000</i>		
12.1	Part 6 - risk management allocation	Qualco Sunlands Ground Water Control Trust has no record of any allocation affecting this title
12.2	section 56 - Notice to pay share of Trust costs, or for unauthorised use of water, in respect of irrigated property	DEW Water Licensing has no record of any notice affecting this title
13. <i>Heritage Places Act 1993</i>		
13.1	section 14(2)(b) - Registration of an object of heritage significance	Heritage Branch in DEW has no record of any registration affecting this title
13.2	section 17 or 18 - Provisional registration or registration	Heritage Branch in DEW has no record of any registration affecting this title
13.3	section 30 - Stop order	Heritage Branch in DEW has no record of any stop order affecting this title
13.4	Part 6 - Heritage agreement	Heritage Branch in DEW has no record of any agreement affecting this title also Refer to the Certificate of Title
13.5	section 38 - "No development" order	Heritage Branch in DEW has no record of any "No development" order affecting this title
14. <i>Highways Act 1926</i>		
14.1	Part 2A - Establishment of control of access from any road abutting the land	Transport Assessment Section within DIT has no record of any registration affecting this title
15. <i>Housing Improvement Act 1940 (repealed)</i>		
15.1	section 23 - Declaration that house is undesirable or unfit for human habitation	Contact the Local Government Authority for other details that might apply
15.2	Part 7 (rent control for substandard houses) - notice or declaration	Housing Safety Authority has no record of any notice or declaration affecting this title
16. <i>Housing Improvement Act 2016</i>		

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

17. *Land Acquisition Act 1969*

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

18. *Landscape South Australia Act 2019*

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

Act

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

19. **Land Tax Act 1936**

- | | | |
|------|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19.1 | Notice, order or demand for payment of land tax | 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
- The Planning and Design Code (the Code) is a statutory instrument under the *Planning, Development and Infrastructure Act 2016* for the purposes of development assessment and related matters within South Australia. The Code contains the planning rules and policies that guide what can be developed in South Australia. Planning authorities use these planning rules to assess development applications. To search and view details of proposed statewide code amendments or code amendments within a local government area, please search the code amendment register on the SA Planning Portal: https://plan.sa.gov.au/have_your_say/code-amendments/code_amendment_register or phone PlanSA on 1800 752 664.**
- 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 <i>Livestock Act, 1997</i> | Animal Health in PIRSA has no record of any notice or order affecting this title |

Additional Information

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

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

Notices

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

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

Building restrictions

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

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

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

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

Statutory easements

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

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

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

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

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

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

Land Tax Act 1936 and Regulations thereunder

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

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

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

Information should be obtained from:

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

Landscape South Australia 2019

Water Resources Management - Taking of underground water

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

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

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

Certificate of Title

Title Reference: CT 6140/467
Status: CURRENT
Edition: 6

Dealings

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

Priority Notices

NIL

Registrar-General's Notes

APPROVED G43/2010

REAL PROPERTY ACT, 1886



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



Certificate of Title - Volume 6140 Folio 467

Parent Title(s) CT 6138/467
Creating Dealing(s) RTC 12140817
Title Issued 20/06/2014 Edition 6 Edition Issued 07/03/2024

Estate Type

FEE SIMPLE

Registered Proprietor

LUKE DEAN SCHENSCHER
OF 825 PAGES FLAT ROAD MYPONGA SA 5202

Description of Land

ALLOTMENT 641 DEPOSITED PLAN 93998
IN THE AREA NAMED MOUNT BARKER
HUNDRED OF MACCLESFIELD

Easements

NIL

Schedule of Dealings

Dealing Number	Description
12265054	ENCUMBRANCE TO MOUNT BARKER DEVELOPMENTS NO 1 PTY. LTD.
14230270	MORTGAGE TO MACQUARIE BANK LTD. (ACN: 008 583 542)

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL

Registrar-General's Notes

APPROVED G43/2010

Administrative Interests	NIL
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Certificate of Title

Title Reference CT 6140/467
Status CURRENT
Easement NO
Owner Number 14757266
Address for Notices POST OFFICE BOX 103, NORMANVILLE, SA 5204
Area 504m² (CALCULATED)

Estate Type

Fee Simple

Registered Proprietor

LUKE DEAN SCHENSCHER
OF 825 PAGES FLAT ROAD MYPONGA SA 5202

Description of Land

ALLOTMENT 641 DEPOSITED PLAN 93998
IN THE AREA NAMED MOUNT BARKER
HUNDRED OF MACCLESFIELD

Last Sale Details

Dealing Reference TRANSFER (T) 12265053
Dealing Date 15/01/2015
Sale Price \$181,000
Sale Type TRANSFER FOR FULL MONETARY CONSIDERATION

Constraints

Encumbrances

Dealing Type	Dealing Number	Beneficiary
ENCUMBRANCE	12265054	MOUNT BARKER DEVELOPMENTS NO 1 PTY. LTD. (ACN: 116 543 278)
MORTGAGE	14230270	MACQUARIE BANK LTD. (ACN: 008 583 542)

Stoppers

NIL

Valuation Numbers

Valuation Number	Status	Property Location Address
5813188250	CURRENT	5 TOULSTON COURT, MOUNT BARKER, SA 5251

Notations

Dealings Affecting Title

NIL

Notations on Plan

NIL

Registrar-General's Notes

APPROVED G43/2010

Administrative Interests

NIL

Valuation Record

Valuation Number	5813188250
Type	Site & Capital Value
Date of Valuation	01/01/2025
Status	CURRENT
Operative From	01/07/2014
Property Location	5 TOULSTON COURT, MOUNT BARKER, SA 5251
Local Government	MOUNT BARKER
Owner Names	LUKE DEAN SCHENSCHER
Owner Number	14757266
Address for Notices	POST OFFICE BOX 103, NORMANVILLE, SA 5204
Zone / Subzone	N - Neighbourhood
Water Available	Yes
Sewer Available	No
Land Use	1100 - House
Description	6HVDG
Local Government Description	Residential

Parcels

Plan/Parcel	Title Reference(s)
D93998 ALLOTMENT 641	CT 6140/467


Values

Financial Year	Site Value	Capital Value	Notional Site Value	Notional Capital Value	Notional Type
Current	\$210,000	\$690,000			
Previous	\$191,000	\$630,000			

Building Details

Valuation Number	5813188250
Building Style	Conventional
Year Built	2016
Building Condition	Very Good
Wall Construction	Brick
Roof Construction	Galvanised Iron
Equivalent Main Area	200 sqm
Number of Main Rooms	6

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

PURPOSE:	DIVISION	AREA NAME:	MOUNT BARKER	APPROVED:	 D93998 SHEET 1 OF 3 39980_text_01_v05_Version_5
MAP REF:	6627/07/L, 6627/07/P	COUNCIL:	THE DISTRICT COUNCIL OF MOUNT BARKER	STEPHEN ANSELL 10/06/2014	
LAST PLAN:	D91277	DEVELOPMENT NO:	580/D060/12/001/38315	DEPOSITED:	
				MARK MCNEIL 18/06/2014	

AGENT DETAILS:	ALEXANDER & SYMONDS PTY LTD 1ST FLOOR 11 KING WILLIAM ST KENT TOWN SA 5067 PH: 81301666 FAX: 83620099	SURVEYORS CERTIFICATION:	I GLENN IAN HORDACRE , a licensed surveyor do hereby certify - 1) That this plan has been made from surveys carried out by me or under my personal supervision and in accordance with the Survey Act 1992. 2) That the field work was completed on the 4th day of October 2013 excepting for the final placement of survey marks 5th day of June 2014 Glenn Ian Hordacre Licensed Surveyor
AGENT CODE:	ALSY		
REFERENCE:	A034709LTO4A1(A)		

SUBJECT TITLE DETAILS:									
PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
CT	6138	467		ALLOTMENT(S)	1008	D	91277	MACCLESFIELD	
OTHER TITLES AFFECTED:									

EASEMENT DETAILS:							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXTINGUISH	2001(BARKER ROAD), 2002(ASHFIELD STREET)	SERVICE	EASEMENT(S)	D IN D91277	FOR DRAINAGE PURPOSES	COUNCIL FOR THE AREA	223LG RPA
EXISTING	1009	SERVICE	EASEMENT(S)	A(T/F)	FOR ELECTRICITY SUPPLY PURPOSES	DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000)	223LG RPA
EXISTING	1009	SERVICE	EASEMENT(S)	D	FOR DRAINAGE PURPOSES	COUNCIL FOR THE AREA	223LG RPA
NEW	634-637.1009	SERVICE	EASEMENT(S)	B	FOR DRAINAGE PURPOSES	COUNCIL FOR THE AREA	223LG RPA
NEW	1009	SERVICE	EASEMENT(S)	C(T/F)	FOR ELECTRICITY SUPPLY PURPOSES	DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000)	223LG RPA

ANNOTATIONS: NOTIFICATION OF FINAL MARKING VIDE DKT 22/2014 PRO. R.G. 22.1.2015

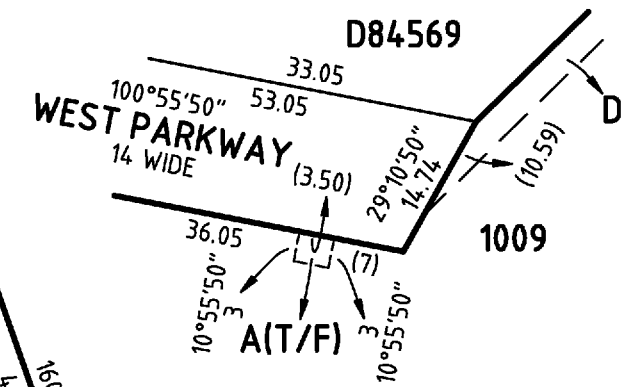
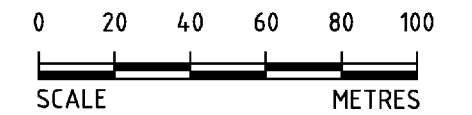
D93998

SHEET 2 OF 3

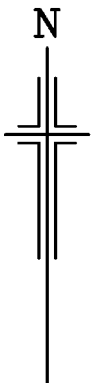
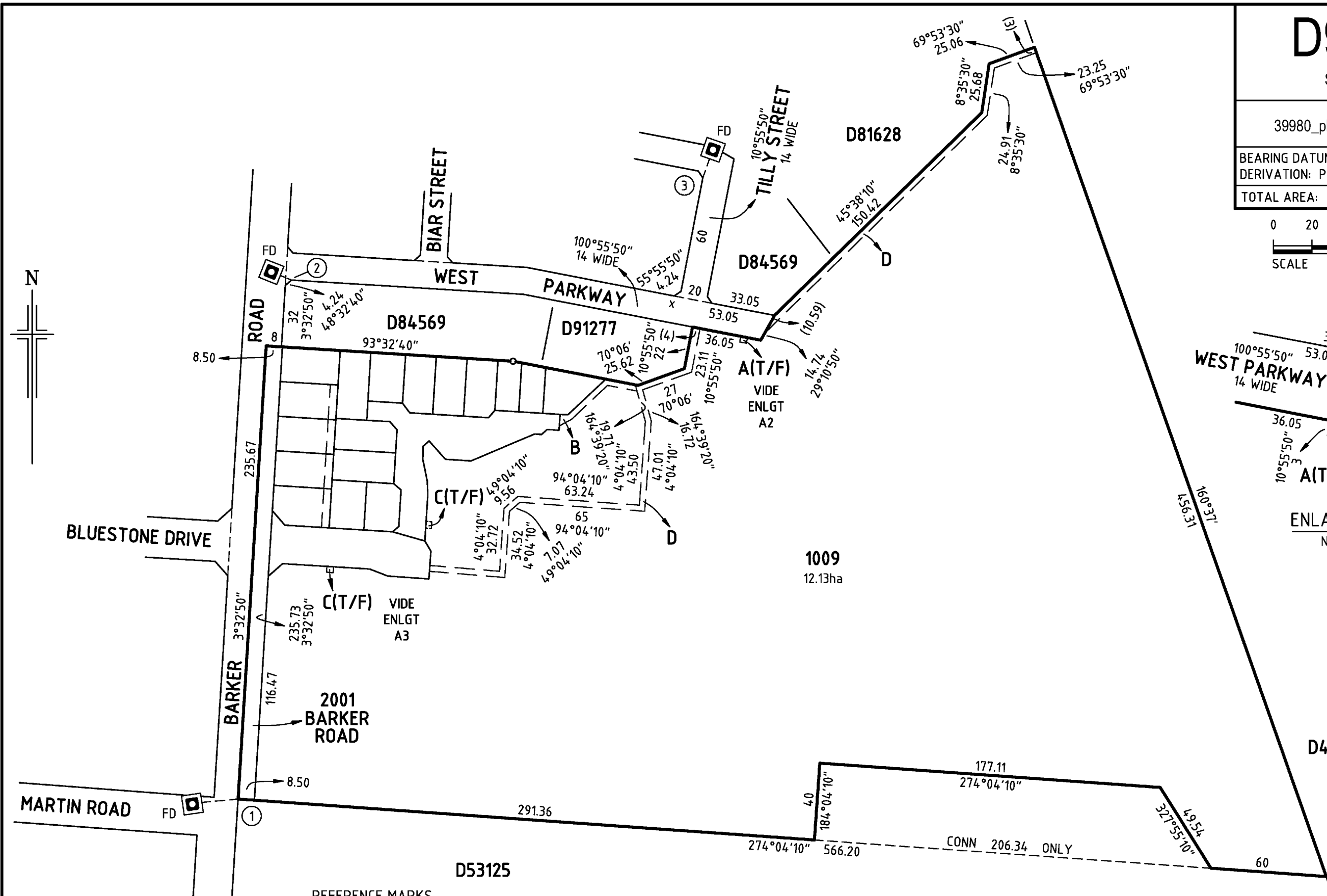
39980_pland_1_V02_Version_5

BEARING DATUM: MGA 94 ZONE 54
DERIVATION: PM 6627/14700 TO 6627/24194

TOTAL AREA: 13.56ha



ENLARGEMENT A2
NOT TO SCALE



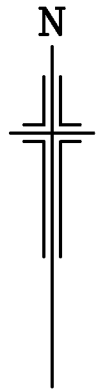
REFERENCE MARKS

CNR	BEARING	FROM	DIST	PM NO
1	91°25'30"	PM FD	20.14	6627/14700
2	111°48'	PM FD	3.21	6627/24193
3	199°21'	PM FD	15.38	6627/24194

Alexander & Symonds Pty.Ltd.

11 KING WILLIAM STREET, KENT TOWN
P.O. BOX 1000 KENT TOWN 5071
Tel (08) 8130 1666 Fax (08) 8362 0099 A.B.N. 93 007 753 988

REFERENCE A034709LTO4A1(A) BLUESTONE
RHF 04.10.2013 STAGE 4A-1



D84569

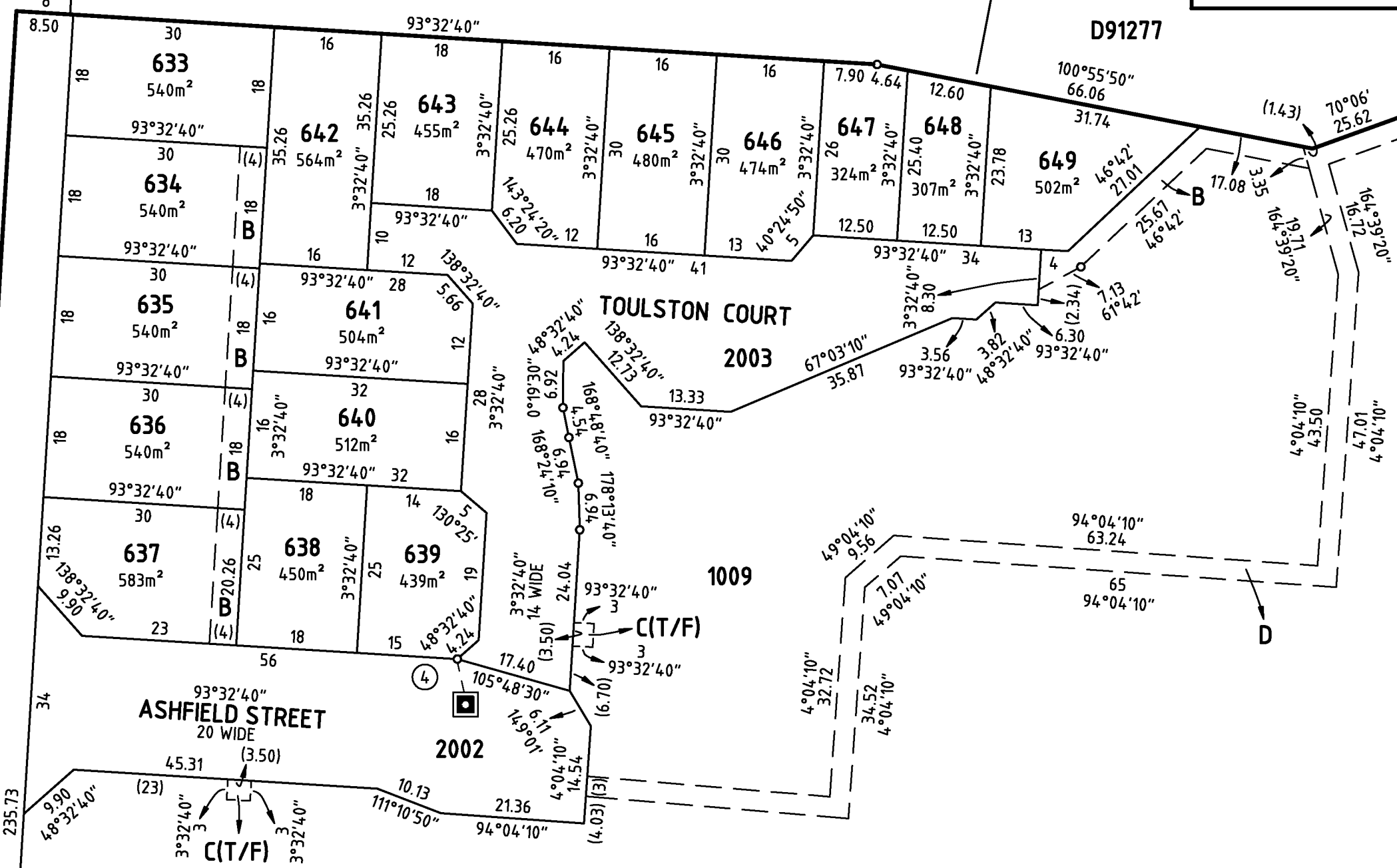
D91277

ROAD

BLUESTONE DRIVE

BARKER

2001
BARKER
ROAD



REFERENCE MARKS

CNR	BEARING	FROM	DIST	PM NO
4	296°13'	PM	4.94	6627/27712



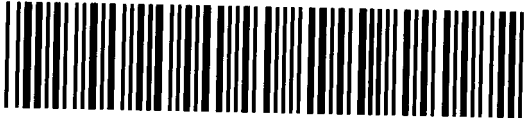
ENLARGEMENT A3

Alexander & Symonds Pty.Ltd.

11 KING WILLIAM STREET, KENT TOWN
 P.O. BOX 1000 KENT TOWN 5071
 Tel (08) 8130 1666 Fax (08) 8362 0099 A.B.N. 93 007 753 988

REFERENCE A034709LTO4A1(A)	BLUESTONE
RHF 04/10/2013	STAGE 4A-1

E 12265054



13:47 19-Jan-2015

Single Copy Only 2 of 3 Fees: \$152.00

LANDS TITLES REGISTRATION OFFICE SOUTH AUSTRALIA

MEMORANDUM OF ENCUMBRANCE

FORM APPROVED BY THE REGISTRAR-GENERAL

BELOW THIS LINE FOR OFFICE & STAMP DUTY PURPOSES ONLY

Prefix
E
Series No.
2

BELOW THIS LINE FOR AGENT USE ONLY

CERTIFIED CORRECT FOR THE PURPOSES OF THE REAL PROPERTY ACT 1886

Solicitor / Registered Conveyancer / Encumbrancee

JAMES BIDSTRUP / JENI BRANOLT

AGENT CODE

Lodged by:

Correction to: GROPE HAMILTON LAWYERS 313248 #641 GRHA266

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

-
-
-
-

PLEASE ISSUE NEW CERTIFICATE(S) OF TITLE AS FOLLOWS

-
-
-
-

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

ITEM(S)	AGENT CODE

CORRECTION	PASSED
REGISTERED 	09 FEB 2015 REGISTRAR-GENERAL

PRO



IT IS COVENANTED BETWEEN THE ENCUMBRANCER AND ENCUMBRANCEE in accordance with the terms and conditions expressed *herein / in Memorandum No. _____ subject to such exclusions and amendments specified herein.

* Delete the inapplicable

DATED 16 JANUARY 2015 ✓

Signature of the ENCUMBRANCER
LUKE DEAN SCHENSCHER

Signature of WITNESS - Signed in my presence by the ENCUMBRANCER who is either personally known to me or has satisfied me as to his or her identity. A penalty of up to \$2,000 or 6 months imprisonment applies for improper witnessing.

Print Full name of Witness (BLOCK LETTERS) **Benjamin Robert McDonald**
42 Beach Road
Christies Beach SA 5165
(08) 8186 6100

Address of Witness

Business Hours Telephone Number

ENCUMBRANCEE

MEMORANDUM OF ENCUMBRANCE

CERTIFICATE(S) OF TITLE BEING ENCUMBERED
THE WHOLE OF THE LAND IN CERTIFICATE OF TITLE VOLUME 6140 FOLIO 4671

ESTATE AND INTEREST
IN FEE SIMPLE

ENCUMBRANCES
NIL

ENCUMBRANCER (Full name and address)
LUKE DEAN SCHENSCHER OF 6 / 92 SEAVIEW ROAD WEST BEACH SA 5024

ENCUMBRANCEE (Full name, address and mode of holding)
MOUNT BARKER DEVELOPMENTS NO 1 PTY LTD ACN 116 543 278 OF GPO BOX 4073 SYDNEY NSW 2001

OPERATIVE CLAUSE

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

(a) Insert the amount of the annuity or rent charge	(a) TEN CENTS (10C)
(b) State the term of the annuity or rent charge. If for life use the words "during his or her lifetime"	(b) TO BE PAID TO THE ENCUMBRANCEE ANNUALLY AS A YEARLY RENTAL CHARGE FOR A TERM OF 99 YEARS FROM THE DATE HEREOF
(c) State the times appointed for payment of the annuity or rent charge. Any special covenants may be inserted on page 2.	(c) AT THE TIMES AND IN THE MANNER FOLLOWING: ON THE THIRTIETH DAY OF JUNE IN EACH YEAR AND EVERY YEAR THE FIRST OF SUCH PAYMENTS TO BE MADE (IF DEMANDED) ON THE THIRTIETH DAY OF JUNE NEXT OCCURRING AFTER THE DATE OF EXECUTION OF THIS INSTRUMENT

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

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

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

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

COVENANTS - IT IS COVENANTED BETWEEN THE ENCUMBRANCER AND ENCUMBRANCEE AS FOLLOWS:

1. Owner's Covenants

The Owners covenants with the Encumbrancee that:

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

PROVIDED THAT the Encumbrancee will not unreasonably or capriciously refuse or withhold any such approval but a refusal shall not be or be deemed unreasonable or capriciously if in the Encumbrancee's reasonable opinion the proposed works do not conform with Bluestone Mount Barker Residential Design Guidelines or the Allotment Development Plans prepared and amended from time to time by the Encumbrancee in respect of lands within the Development Zone or the proposed works are undesirable by reason of the effect that they would have upon the development, appearance, health or amenity of the neighbourhood of which the said land forms part or any part of it.
- 1.4 The Owner will not allow any undue delay to occur in the commencement or in the completion or any work approved by the Encumbrancee and will not allow any variation to such work as approved to occur other than in accordance with the terms of any subsequent written approval of the Encumbrancee given before such variation is commenced.
- 1.5 The Owner will not obstruct or do anything which would prevent or hinder the Encumbrancee its servants agents or contractors from entering the said land for the purpose of remedying any breach by the Owner of its obligations under this Encumbrance of which breach at least fourteen (14) days notice in writing has been given to the Owner and which breach has not then been remedied.
- 1.6 The Owner shall not divide the said land or allow the said land to be divided without the prior written approval of the Encumbrancee.

- 1.7 If the Encumbrancee consents to the transfer of land the Owner will not transfer or otherwise dispose of his estate and interest in the land without first obtaining from the intending purchaser or transferee the execution of an encumbrance that complies in all respects with the terms and conditions contained herein or in the letter of approval by the Encumbrancee to the transfer of the land to be prepared at the cost of the Owner and lodged with the Lands Titles Office after the transfer of the land but before any mortgage.
- 1.8 The Owner will not permit the said land to remain vacant for more than twenty-four (24) months from the date hereof or such other date as the Encumbrancee may advise the Owner by which date the Owner must commence to construct a dwelling on the said land in accordance with plans and specifications approved by the Encumbrancee.
- 1.9 Subject to the terms of this Encumbrance the Encumbrancee shall be entitled to all the powers rights and remedies given to an Encumbrancee by the Real Property Act 1886 as amended from time to time.
- 1.10 The Owner will pay to the Encumbrancee on demand all costs (including legal costs) and expenses incurred by the Encumbrancee its servants agents or contractors in respect of any breach by the Owner of its obligations under this Encumbrance and any action taken to remedy the same. All such costs and expenses may be recovered in any court of competent jurisdiction.
 AND the Owner acknowledges for himself and his successors in title that:
 - 1.10.1 the foregoing covenants are entered into and undertaken for the purposes of the Encumbrancee's scheme of development for the lands comprised in the Development Zone; and
 - 1.10.2 that the Encumbrancee has declared and undertaken that they have required and will require from each purchaser of the lands comprised in the Development Zone as a condition of its sale of those lands a Memorandum of Encumbrance in substantially similar form to this instrument and containing the same or substantially similar covenants and other stipulations.
- 1.11 If at any time prior or after the date of this Encumbrance, the Encumbrancee has installed, constructed or erected upon the said land any fixture, wall or fence of any nature whatsoever ("the entry statement") as an entry statement for any part of the Encumbrancee's scheme of development for the Development Zone, the Owner must not without the prior written approval of the Encumbrancee demolish or alter the entry statement in any way (including by changing or removing any colours of or letter comprised in the entry statement).

2. Waiver of this Encumbrance

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

3. Waiver / Discharge of other Encumbrances

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

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

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

4. Notices

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

5. Definitions and Interpretation

In this Encumbrance:

- 5.1 **Development Zone** means the land comprised in Pieces marks "A", "B" and "C" in GP 43 of 2010;
- 5.2 **The Owner** includes the Encumbrancer and the registered owner for the time being, and each successive registered proprietor of the land;
- 5.3 A reference to a party includes the heirs, executors, successors or assignors of that party;
- 5.4 If there shall be more than one person responsible hereunder as the Owner or as a successor in title to the Owner, the liability of each of such person or persons shall be both joint and several;
- 5.5 Unless repugnant to the context words importing any particular gender shall include all other genders and words importing the singular number shall include the plural and vice versa;
- 5.6 Headings are used for convenience of reference only and shall not affect the interpretation or construction of this Encumbrance.

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

6. Severance

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

7. Sunset Clause

The rights and obligations of the Encumbrancee (but not the Owner or any person claiming under the Owner as purchasers of any land in the Development Zone) will cease on 1 January 2017.



**MOUNT BARKER
DISTRICT COUNCIL**

Cert. No: 47996
Your Ref:

Enquiries phone: 8391 7200
Ref: NI

22/12/2025

Form One On Frome
147 Frome Street
ADELAIDE SA 5000

Dear Sir/Madam,

REQUEST FOR INFORMATION

We refer to your request and now attach particulars and documentary material which Council must supply pursuant to the provisions of the Local Government Act 1999 and the Land Business (Sale and Conveyancing) Act 1994.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "JJB Wood".

TEAM LEADER CUSTOMER SERVICE

Assessment No:	239715	Capital Value: \$690,000
Valuer General No:	5813188250	
Owner:	L D Schenscher	
Property Address:	5 Toulston Court MOUNT BARKER 5251	
Property Title:	LOT: 641 DP: 93998 CT: 6140/467	

Attachments: PlanSA Section 7 Report
Development Approvals – 580/D080/08, 580/D042/10, 580/D046/11, 580/D060/12,
580/230/15
Easement Information Sheet

**PRESCRIBED INFORMATION
DEVELOPMENT SECTION**

Prescribed Encumbrance	Particulars Required
Part 1 – Items that must be included in statement	
Development Act 1993 Part 3 Development Plan – (Repealed)	
Title or other brief description of zone and/or policy area in which the land is situated (as shown in the Development Plan):	<i>N/A – See Planning, Development and Infrastructure Act section of this report.</i>
Is the land situated in a designated State Heritage Area?	<i>N/A – See Planning, Development and Infrastructure Act section of this report.</i>
Is the land designated as a place of Local Heritage Value?	<i>N/A – See Planning, Development and Infrastructure Act section of this report.</i>
Section 42 - Condition (that continues to apply) of a development authorisation.	<i>See attached approvals</i>
Repealed Act conditions Condition (that continues to apply) of an approval or authorisation granted under any of the following repealed Acts: Building Act 1971 (repealed) City of Adelaide Development Control Act 1976 (repealed) Planning Act 1982 (repealed) Planning and Development Act 1966 (repealed)	<i>Nil</i>

Part 2 –Items to be included if land affected	
Development Act 1993 – (Repealed)	
Section 50(1) – Requirement to vest land in a council or the Crown to be held as open space	<i>Nil</i>
Section 50(2) – Agreement to vest land in a council or the Crown to be held as open space	<i>Nil</i>
Section 55 – Order to remove or perform work	<i>Nil</i>
Section 56 – Notice to complete development	<i>Nil</i>
Section 57 – Land Management Agreement	<i>Nil</i>
Section 69 – Emergency order	<i>Nil</i>
Section 71 – Fire safety notice	<i>Nil</i>
Section 84 – Enforcement notice	<i>Nil</i>
Section 85(6), 85(10) or 106 – Enforcement order	<i>Nil</i>
Part 11 Division 2 – Proceedings	<i>Nil</i>

Planning, Development and Infrastructure Act 2016.	
Part 5 Planning and Design Code	
Title or other brief description of zone, subzone and overlay in which the land is situated (as shown in the Planning and Design Code)	<i>Refer to PlanSA Section 7 Report</i>
Is there a State heritage place on the land or is the land situated in a State heritage area?	<i>Refer to PlanSA Section 7 Report</i>
Is the land designated as a place of Local heritage place?	<i>Refer to PlanSA Section 7 Report</i>
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?	<i>Refer to PlanSA Section 7 Report</i>
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 by whose proposed amendment has not yet come into operation?	<i>Refer to Plan.sa.gov.au for Code amendments on consultation</i>
Planning, Development and Infrastructure Act 2016	
Section 127 – Condition (that continues to apply) of a development authorisation	<i>Refer to PlanSA Section 7 Report</i>
Section 141 – Order to remove or perform work	<i>Nil</i>
Section 142 – Notice to complete development	<i>Nil</i>
Section 155 – Emergency order	<i>Nil</i>
Section 157 – Fire safety notice	<i>Nil</i>
Section 192 or 193 – Land Management Agreement	<i>Refer to PlanSA Section 7 Report</i>
Section 198(1) – Requirement to vest land in a council or the Crown to be held as open space	<i>Nil</i>
Section 198(2) – Agreement to vest land in a council or the Crown to be held as open space	<i>Nil</i>
Section 213 – Enforcement notice	<i>Nil</i>
Section 214(6), 214(10) or 222 – Enforcement order	<i>Nil</i>
Part 16 Division 1 – Proceedings	<i>Nil</i>

Particulars relating to Environment Protection

Further information held by councils –

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

a) commercial or industrial activity at the land; or

b) a change in the use of the land or part of the land (within the meaning of the Development Act 1993) or the Planning, Development and Infrastructure Act 2016?

Yes No

Note—

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

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

It should be noted that—

(a) the approval of development by a council does not necessarily mean that the development has taken place;

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

**Development Act 1993:
Planning, Development & Infrastructure Act 2016:**

Confirmed Planning/Development Section:

Name: Monique Stennett Signature: 

Date 23/12/25

PARTICULARS OF BUILDING INDEMNITY INSURANCE

Note: - Building indemnity insurance is not required for:

- a) domestic building work for which approval under the Planning, Development and Infrastructure Act 2016, the repealed Development Act 1993 or the repealed Building Act 1971 is or was not required; or
- b) minor domestic building work (see section 3 of the Building Work Contractors Act 1995) ; or
- c) domestic building work **commenced** before 1 May 1987 or
- d) building work in respect of which an exemption from the application of Division 3 of Part 5 of the *Building Work Contractors Act 1995* applies under the *Building Work Contractors Regulations 2011*; or
- e) building work in respect of which an exemption from the application of Division 3 of Part 5 of the *Building Work Contractors Act 1995* has been granted under section 45 of that Act.

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

Building Indemnity Insurance is required

No

If Yes, see attached or PlanSA Report

Exemption from holding insurance:

If particulars of insurance are not given, has an exemption been granted under section 45 of the *Building Work Contractors Act 1995* from the requirement to hold an insurance policy in accordance with Division 3 of Part 5 of that Act?

Yes No

If Yes, see attached or see PlanSA Report

Certified Development Section:

Name: Monique Stennett Signature: M. Stennett

Date: 23/12/25

Local Government Act 1934 (Repealed)	
Notice, order, declaration, charge, claim or demand given or made under the Act	<i>Nil</i>


Local Government Act 1999
Notice, order, declaration, charge, claim or demand given or made under the Act - See Certificate of Liabilities

Burial and Cremation Act 2013	
Section 8– Human remains interred on land	
Is this item applicable?	<i>Nil</i>
Will this be discharged or satisfied prior to or at settlement	<i>Nil</i>
Are there attachments? If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):	<i>Nil</i>
Have human remains been interred on the land that will not be exhumed prior to settlement?	<i>Nil</i>
GPS coordinates of the remains:	<i>Nil</i>

Local Nuisance and Litter Control Act 2016	
Section 30 – Nuisance or litter abatement notice	<i>Nil</i>

Confirmed Enforcement/Compliance Section	
Name: <i>David Sun</i>	Signature: 
Date: <i>23-12-25</i>	

HEALTH & GENERAL SECTIONS Food Act 2001	
Section 44 – Improvement Notice	<i>Nil</i>
Section 46 – Prohibition Order	<i>Nil</i>
Housing Improvement Act 1940 (Repealed)	
Section 23 – Declaration that house is undesirable or unfit for human habitation	<i>Nil</i>
Public & Environmental Health Act 1987 (Repealed)	
Part 3 – Notice	<i>Nil</i>
Public & Environmental Health (Waste Control) Regulations 2010 (or 1995) Part 2 - Condition (that continues to apply) of an approval	<i>Nil</i>
Public & Environmental Health (Waste Control) Regulations 2010 (revoked) – regulation 19 – maintenance order (that has not been complied with)	<i>Nil</i>
South Australian Public Health Act 2011	
Section 66 – Direction or requirement to avert spread of disease	<i>Nil</i>
Section 92 – Notice	<i>Nil</i>
South Australian Public Health (Wastewater) Regulations 2013 Part 4 – Condition (that continues to apply) of an approval	<i>Nil</i>

Confirmed Environmental Health Section:	
Name: <i>James Pan</i>	Signature: 
Date: <i>23-12-25</i>	

FIRE AND EMERGENCY SERVICES ACT 2005	
Section 105F (or section 56 or 83 (repealed)) – Notice of action required concerning flammable materials on land.	<i>Nil</i>

WATER	
Water Industry Act 2012	
Is Council a water industry entity?	<i>No</i>
How are charges imposed/collected?	Invoice to properties in the Saxon Hyde and Mawson Green Estates in Meadows (from GMB Water)
Notice or orders with requirements that are not related to payment of charges or other amounts	<i>Nil</i>
Additional information	Effective 1 July 2025, the Wastewater Service transitioned into a Section 42 subsidiary of Mount Barker District Council. Known as GMB Water, it assumes full responsibility for delivering wastewater services, as well as managing the supply of recycled water and bore water to the community.

Land Acquisition Act 1969	
Section 10 – Notice of intention to acquire	<i>Nil</i>

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

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

Outstanding Rates and Fines in Arrears		\$0.00
CWMS Operate, Maintain, Renew Charge levied 01/07/2025 due :	\$740.00	
Waste Management Charge-3 Bin levied 01/07/2025 due :	\$305.00	
Hills & Fleurieu RL Levy (State Tax) levied 01/07/2025 due :	\$62.51	
Residential(1) - Land Use levied 01/07/2025 due :	\$2,068.78	
<u>Total Rates Levied 2025/2026</u>		\$3,176.29
Fines/Interest outstanding		\$0.00
Legal Fees and/or Bank Charges outstanding and other adjustments		\$0.00
Less Government Concession		\$0.00
Less Council Rebate		\$0.00
Less rates paid		-\$1,588.29
Balance - rates and other monies due and payable		\$1,588.00
Property Related Debts		
TOTAL BALANCE OUTSTANDING AT 22/12/2025		\$1,588.00

FINES & INTEREST: The rates are payable in quarterly instalments payable in September, December, March and June due dates. If an instalment of rates is not paid on or before the due date, the instalment will be regarded as being in arrears and fines and/or interest will be added as provided by the Local Government Act 1999, as amended on the 12th of each month.


The charges as shown are valid only for the date of the certificate.

If settlement occurs within two months from the date of this certificate you may request updated information by faxing or emailing your current Certificate of Liabilities to Council. If the request for information falls outside of the above time frame, a new Section 187 Certificate is required.

Please Note: No verbal updates will be provided by Council.

Assessment Number: 239715

Certified Certificate of Liabilities:

Name: Michael Mayle Signature: 

Date: 23/12/25

OTHER:

Nil

DISCLAIMER:

The information herein is provided pursuant to the Council's obligations under Section 12 of the Land and Business (Sale and Conveyancing) Act 1994.

Only that information that is required to be provided has been given and that information should not be taken as a representation as to whether or not any other charges or encumbrances affect the subject land.

Data Extract for Section 7 search purposes

Valuation ID 5813188250

Data Extract Date: 22/12/2025

Important Information

This Data Extract contains information that has been input into the Development Application Processing (DAP) system by either the applicant or relevant authority for the development for which approval was sought under the Planning, Development and Infrastructure Act 2016. The Department for Housing and Urban Development does not make any guarantees as to the completeness, reliability or accuracy of the information contained within this Data Extract and councils should verify or confirm the accuracy of the information in the Data Extract in meeting their obligations under the Land and Business (Sale and Conveyancing) Act 1994.

Parcel ID: D93998 AL641

Certificate Title: CT6140/467

Property Address: 5 TOULSTON CT MOUNT BARKER SA 5251

Zones

Neighbourhood (N)

Subzones

No

Zoning overlays

Overlays

Affordable Housing

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

Hazards (Bushfire - Medium Risk) (Medium)

The Hazards (Bushfire - Medium Risk) Overlay seeks to ensure development responds to the medium level of bushfire risk by siting and designing buildings to mitigate threat and impact of bushfires on life and property and facilitating access for emergency service vehicles.

Murray-Darling Basin

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

Native Vegetation

The Native Vegetation Overlay seeks to protect, retain and restore areas of native vegetation.

Prescribed Water Resources Area

The Prescribed Water Resources Area Overlay seeks to ensure the sustainable use of water in prescribed water resource areas.

River Murray Tributaries Protection Area

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

Regulated and Significant Tree

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

Signif Retirement Facility Supported Accom Sites

The Significant Retirement Facility and Supported Accommodation Sites Overlay seeks to facilitate the development of supported accommodation and/or retirement facilities on significant retirement facility and supported accommodation sites to provide accommodation for the communities' ageing residents.

Water Resources

The Water Resources Overlay seeks to protect the quality of surface waters in South Australia.

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

DECISION NOTIFICATION FORM**Development Number 580/D080/08**

FOR DEVELOPMENT APPLICATION

DATED: 10/11/2008

REGISTERED ON: 10/11/2008

TO: Fyfe Pty Ltd
PO Box 114
KENT TOWN SA 5067

COPY**LOCATION OF PROPOSED DEVELOPMENT:**

PCE: 104 DP: 53125 CT: 5807/442, ALT: 1001 DP: 31638 CT: 5411/888, ALT: 14 DP: 46774
CT: 5406/172, PCE: 105 SEC: 2905 DP: 53125 CT: 5807/442 Barker Road MOUNT BARKER,
Robin Court MOUNT BARKER, Wellington Road MOUNT BARKER.

NATURE OF PROPOSED DEVELOPMENT:

Proposed Land Division to create one hundred & seventy nine (179) additional allotments

From The District Council of Mount Barker

In respect of this proposed development you are informed that:

NATURE OF DECISION	CONSENT GRANTED	NO. OF CONDITIONS	CONSENT REFUSED	NOT APPLICABLE
Development Plan Consent	Granted	36		
Land Division - Requirements	Granted	31		
Land Division (Strata) - Requirements				N/A
Building Rules Consent				N/A
Public Space				N/A
Other				N/A
DEVELOPMENT APPROVAL	Granted	67		

N/A representation(s) from third parties concerning your category 3 proposal were received - Not Applicable

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.

Signed: 
 Development Approval
 Council Delegate

Date of Decision: 08/04/2009

Page 1 of 13

DEVELOPMENT PLAN CONSENT**Conditions of Consent by the Council:**


1. The development herein consented to be carried out in accordance with the plans and details accompanying this application, specifically Drawing Numbers – Stage 2 Proposal Plan S0002 Issue 0, Landscaping Master Plan L0001 Issue B, Landscaping Working Drawings Tonkin Engineering 9Hurling drive Development and Flood study Developed site with culvert and channel upgrades (01/12/2008) Project Code OS149_STG 2 Drawing no CP05, Project Code OS149_STG2 Drawing No SK03, Project Code 13345_502 and Project Code 13345P03_R1 drawing no S0002 except where amended by the following conditions.
2. The development (Stage 2 Land Division) shall be substantially commenced within one (1) year and substantially completed within three (3) years.
3. The use and any associated processes or activities carried on shall not detrimentally affect the amenity of the locality by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
4. The noise emanating from the subject land shall be restricted to levels meeting the requirements of the Environment Protection Authority.
5. No signs are to be erected or displayed on the site without the prior consent of Council.
6. All existing vegetation must be suitably marked before any development starts on the site and vegetation must not be removed, destroyed or lopped without prior approval from Council.
7. All rubbish, ruinous or dilapidated materials shall be removed from the land to the reasonable satisfaction of the Council.
8. Management of the property should be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

Signed: 
Development Approval
Council Delegate

Date of Decision: 08/04/2009

Page 2 of 13


9. For the purpose of any ground work activity resultant from land division consent Tree Protection Zones shall be provided for all of the significant trees within the subject land. Unless agreed to and supervised by Council no works of any kind shall occur within these zones during the construction phase of the development herein approved. The land division Tree Protection Zones shall be provided at a distance of 1 metre past the outside edge of the canopy drip line for each tree.
10. The allotments facing Barker Road and Hurling Drive shall be amended to ensure adequate separation between the tree located on proposed lot 366 and future dwellings which shall include dwellings on adjoining lots.
11. Where site works will or may occur adjacent to these trees the Tree Protection Zone shall be fenced before any works commence on site and shall:
- consist of 2.0 metre high solid, chain mesh, steel or similar fabrication with posts at not more than 3 metre intervals; and
 - incorporate on all sides a clearly legible sign displaying the words "Tree Protection Zone"
12. There shall be no changes to the natural ground level within the Tree Protection Zones unless agreed to and supervised by Council.
13. A layer of organic mulch (woodchips) to a depth of 100mm shall be placed over the ground within the Tree Protection Zones so as to assist with moisture retention and to reduce compaction.
14. No storage or dumping of material, fuel, chemicals, equipment or temporary building shall take place within the Tree Protection Zones.
15. No open trenching for the installation of underground service is permissible within the Tree Protection Zones.
16. No persons, vehicles or machinery shall enter the Tree Protection Zones without consent of the Council.

Signed: 
Development Approval
Council Delegate

Date of Decision: 08/04/2009

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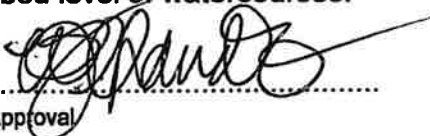
17. A comprehensive tree audit of all trees within allotments and in the reserve space shall be provided with all pending applications. Advice from an arborist on individual, specific Tree Protection Zone measurements and treatments shall inform all future proposed civil works, service installations and works to the riparian reserve areas. The tree report shall also include matters of hazard assessment, defect analysis and appropriate canopy management specifications for each individual tree.
18. The appropriate pruning of the trees is to be undertaken prior to the sale of the individual allotments and hand over of reserve areas. It shall be as minimal as possible and in accordance AS 4373 2007 'Pruning of Amenity Trees'. Councils arborist shall be notified of the extent and timing of these works.
19. A comprehensive landscaping plan shall be submitted and approved by Council's Horticultural Officer together with irrigated and non irrigated areas indicating on the plan prior to the construction of any landscaping works.
20. All landscaping shall be maintained for a period of 12 months and dead or dying plants shall be replaced with plants of a similar size and species.
21. An appropriate Soil Erosion and Drainage Management Plan must be developed prior to construction commencing, which includes a range of strategies to collect, treat, store and dispose of stormwater during construction. The plan must be prepared to the satisfaction of Council.
22. An appropriate Construction Management Plan must be developed prior to construction commencing, which addresses the mitigation or minimization of impacts (especially from noise, dust and waste) during construction stage. The plan must be prepared to the satisfaction of Council.
23. The Water Sensitive Urban Design features comprising gross pollutant traps (GTPs), sedimentation basins, detention ponds and grassed swales proposed in the Storm Water Management Report Water Sensitive Urban Design November 2008 (Gilbert & Associates) must be established as part of this development.
24. To minimise sediment laden runoff and damage to the basins, the basins must be the first feature constructed in the development.

Signed: 
Development Approval
Council Delegate

Date of Decision: 08/04/2009

Page 4 of 13

25. To ensure that the gross pollutant traps continue to operate at the design level of performance, a maintenance and monitoring management plan to (i) monitor the performance and (ii) service the given GPT device must be developed during the design process.
26. DTEI require a RX5 assembly only (without boom gates) being installed at the Hurling Drive Railway Level Crossing.
27. Due to physical restrictions along Hurling Drive adjacent the proposed Trapper Court junction, DTEI is aware that widening of this road would not be possible. As the traffic analysis indicates that the possibility of traffic queuing from the proposed Trapper Court junction back to the railway level crossing is unlikely to occur, DTEI does not object to the section of road being developed as shown within the proposed plan of division.
28. Allotments 380 and 381 and their proximity to the level crossing the applicant has agreed to provide access to these allotments as far west as possible and to provide a parking bay adjacent Allotment 381 of which portion will be kept clear of parking to enable vehicles to enter the above mentioned properties without impeding through traffic on Hurling Drive.
29. Allotment 237 access point should be located as far east as practicable in order to ensure that any potential for queuing at this location is minimised.
30. Drainage issues relating to proposed Allotments 234 & 235 and low points in Briar Street and Silver Eye Court will be addressed under more detailed design works undertaken by the applicant at a later date..
31. A Soil Erosion and Drainage management Plan must be prepared to the satisfaction of the Planning Authority prior to any construction or clearance activity on the site. The plan must include project stormwater modelling demonstrating compliance with the Environment Protection (Water Quality) Policy 2003; and measures to collect, treat, store and dispose of stormwater during the construction phase.
32. Stormwater control or treatment measures designed to improve water quality must be able to retain the 25 year, 24 hour rainfall event (as per the EPA Wastewater and Evaporation Lagoon Construction Guidelines) and to ensure that any areas used for stormwater quality improvement are not inundated by the 25 year Annual Recurrence Interval event.
33. The base of culverts must be located as close as possible to the natural bed level of watercourses.

Signed:.....
Development Approval
Council Delegate

Date of Decision: 08/04/2009

Page 5 of 13

34. Stormwater discharge points and in-stream structures must be designed and located in areas where they will not impact upon bed and bank stability.
35. Any machinery used during the construction phase must be fuelled and serviced at a minimum distance of 10 metres away from the bank of any water-body to reduce the risk of pollution to the water-body. All fuel, oil sumps, vents and hydraulic oil reservoirs must be vented above normal operating depth or fitted with water stop valves.
36. Provision of the required direct infrastructure shall be in accordance with the Legal Agreement between Council and the Land Owners/Developers executed in late 2006 and as varied by the Supplemental Deed in August 2008.


NOTE: The parties are currently discussing possible further changes to the specific detail of some infrastructure obligations of the developer which remains subject to formal consideration by Council

Note: You are advised that the Development herein approved must be substantially commenced within 12 months of the date of this Approval, unless this period of time is extended by Council. Further, any act or work authorised or required by this Approval must be completed within 3 years of the date of this Approval, unless this period of time is extended by Council.

You will require a fresh consent before commencing or continuing the development if you are unable to satisfy these requirements. Any request for an extension of time must be lodged with Council prior to the expiration of time periods specified above.

Conditions of Consent by Development Assessment Commission:

No conditions apply

Signed: 
Development Approval
Council Delegate

Date of Decision: 08/04/2009

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LAND DIVISION CONSENT**Statement of Council Requirements:**

1. The engineering design and specifications for all site construction works including but not limited to roads, kerbing, footpaths, siteworks, CWMS, lighting, and stormwater is to be approved by Council in writing prior to the commencement of any site works.
The design and construction of such works shall be completed and supervised by a qualified Engineer, and is to be in accordance with Councils 'Standards and Requirements for the Design, Construction and Development of Infrastructure Assets' August 2007.
2. All engineering designs shall be to AHD and AMG.
3. The applicant shall provide a contribution of 9.5% of the design and capital cost associated with the proposed upgrade of the Hurling Drive culvert, between proposed Trapper Court and Majestic Drive.
4. That the applicant shall provide a detailed Stormwater Management Plan (SMP). The SMP is to be in accordance with Councils 'Standards and Requirements for the Design, Construction and Development of Infrastructure Assets' August 2007. The scheme is to be approved by Council and should be prepared by a qualified Civil Engineer and generally include
 - a. protection of the site from flood ARI of 1 in 100
 - b. an assessment of the impact by the proposed development on flooding on properties /infrastructure that are affected by the floodplain
 - c. disposal of stormwater from the site in an effective manner
 - d. control litter and pollution from the site
 - e. measures to maintain the rate of run off from the site at levels no greater than those that existed prior to development
 - f. control erosion and sedimentation during construction
 - g. stormwater network details for minor and major flows
 - h. That the culverts for Hurling Road and Faehrmann Avenue be designed in coordination with the applicants development so that the work on rebuilding these culverts will be completed before the completion of major civil works on the applicants site.

Signed:.....
Development Approval
Council Delegate

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5. An Erosion and Sediment Control Management Plan shall be submitted to Council and approved by Council as part of the detailed engineering design. This plan shall give all details for erosion, sediment and pollution controls and shall be site specific and not a generalisation of erosion control philosophy. It may also form part of the contract specifications for a contractor to comply with during construction. The plan shall be generally in accordance with "Stormwater Pollution Prevention – Code of Practice for local, state and federal government" EPA, November 1997.

All disturbed land (cut or fill) is to be hydro mulched to Minimize erosion and dust.

- 6 Temporary silt control devices identified within the SEDMP shall be installed on the development site prior to commencement of works. The devices are to be maintained throughout the construction period and dismantled at the conclusion of works. Any silt captured by the device/s to be disposed of to the satisfaction of Council.
7. All such works detailed within the Stormwater Management Plan shall be completed in accordance with the approved plans. Approval of the aforementioned plans must be obtained from Council in writing prior to the commencement of any construction.
8. The works as outlined in the Stormwater Management Plan are to be certified by a qualified Engineer that the works have been carried out in accordance with the approved plans and specifications.
9. The Community Waste Management Scheme (CWMS) shall be extended to service the development with each allotment being connected to the scheme. Connection is to be in accordance with Councils 'Standards and Requirements for the Design, Construction and Development of Infrastructure Assets' August 2007, Section 6, CWMS. The scheme is to be approved By Council.
10. Where any new CWMS works are required as part of the development (not including "minor" works, e.g. a single branch connection off an existing drain), the design must be approved by the Department of Human Services under the provisions of the Waste Control Regulations
11. Easements shall be provided over all drains in any allotments not being a road or reserve. Unless indicated otherwise, such easements shall be four (4) metres wide where the easement contains more than one drain and three (3) metres wide when the easement contains only a single drain.

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12. Fencing shall be erected along the boundaries of any reserve where the reserve abuts any allotment not being a road or existing reserve. Fencing shall be in accordance with Councils 'Standards and Requirements for the Design, Construction and Development of Infrastructure Assets' August 2007. The type and particulars of all fencing shall be detailed in the landscaping plan and approved in writing by Council prior to installation.
13. Street trees are to be provided in front of all properties at the centre of the allotment at a rate of one (1) per allotment, or at a rate necessary to provide a maximum spacing of twenty (20) metres. Street trees are to be planted within the Council verge in accordance with Councils 'Standards and Requirements for the Design, Construction and Development of Infrastructure Assets' August 2007, and be approved by Council's Horticultural Officer in writing prior to planting. The trees shall be maintained by the applicant throughout the 12 months guarantee period.
14. All reserves shall be graded, grassed, fenced and landscaped to the satisfaction of Council. Such works shall be detailed in the form of landscaping and irrigation plans. These plans are to be designed and prepared in accordance with Councils 'Standards and Requirements for the Design, Construction and Development of Infrastructure Assets' August 2007, and submitted to Council for approval in conjunction with any other engineering designs.
15. An Irrigation Management Plan is to be prepared encompassing best water management practices (for mains and reclaimed water). The plan shall clearly identify how they propose to adherence to the guidelines as set out in the Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry so as to reduce the impact of irrigation water on the stormwater system.
16. The installation of the irrigation system is to be carried out in accordance with the approved plan. The installation is to be certified by Consulting Engineers indicating that the installation has been carried out in accordance with the approved plans.
17. The requirements of ETSA Utilities shall be met.
18. All civil construction work and services shall be guaranteed for the period of 12 months from the date of Practical Completion. During this 12 month period all infrastructure maintenance will be the responsibility of the developer. A bank guarantee which represents 5% of the total value of the contract price or an amount deemed adequate by Council, shall be lodged with Council prior to practical completion. The Bank guarantee shall be held by Council for the full 12 months guarantee period and shall only be released when Council is satisfied that there are no defect items outstanding.

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19. The construction of all civil engineering and drainage works are to be supervised by a qualified Civil Engineer with suitable experience. At the completion of works, the Engineer shall provide to Council a certificate of Practical Completion declaring that all works have been carried out in a satisfactory manner and meets all the provisions of the approved plans and specifications for the development.
20. The development of all reserve and street landscaping is to be supervised by a qualified Landscape Architect. At the completion of works, the Landscape Architect shall provide to Council a certificate of Practical Completion declaring that all works have been carried out in a satisfactory manner and meets all the provisions of the approved landscaping plans and specifications for the development.
21. All landscaping works and associated infrastructure shall be guaranteed for the period of 12 months from the date of Practical Completion. During this 12 month maintenance period the maintenance of the reserves and infrastructure will be the responsibility of the developer. A bank guarantee which represents 5% of the total value of the contract price or an amount deemed adequate by Council, shall be lodged with Council prior to practical completion. The Bank guarantee shall be held by Council for the full 12 months guarantee period and shall only be released when Council is satisfied that there are no defect items outstanding.
22. Street signs shall be provided at the threshold to each new road in accordance with Councils 'Standards and requirements for the Design, Construction and Development of Infrastructure Assets' August 2007.
23. All public utilities (water supply, CWMS and Telstra services) shall be provided underground.
24. Prior to the granting of Development Approval, a siteworks plan from a qualified Engineer shall be submitted showing proposed cut and fill, contours, floor levels, retaining walls, stormwater treatment, silt control devices to the satisfaction of Council.
25. "As-Constructed" drawings for all civil and landscaping works shall be submitted in AutoCAD (dwg) format prior to Practical Completion. The drawings are to be provided in accordance with Councils 'Standards and Requirements for the Design, Construction and Development of Infrastructure Assets' August 2007, and include a schedule or register of all the assets and infrastructure that will become the property of Council.

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26. That the following 'direct infrastructure' be provided as part of the Stage 2 land division.

- the reconstruction of Hurling Drive between Victoria Road and Barker Road including lighting upgrade, shared pathway and recessed car parking bays;
- the upgrading of Albert Road (pavement, lighting and parking) from Hurling Drive to Wellington Road to a collector road standard;
- the upgrading of Victoria Road (pavement, lighting and parking) from Hurling Drive to Wellington Road to a collector road standard;
- the installation of appropriate intersection treatments to a standard suitable for the anticipated traffic volumes at the following intersections:
 - (i) Albert Road and Hurling Drive, including installation of a roundabout;
 - (ii) Albert Road and Wellington Road, including the installation of a roundabout;
 - (iii) Victoria Road and Wellington Road, including protected turning lanes;
- the installation of a pedestrian and bicycle link across Hurling Drive between the Subject Land and Separation Avenue Reserve;
- the installation of a railway crossing treatment on Hurling Drive to a standard suitable for the anticipated traffic volumes;
- the installation of a roundabout on Barker Road at the four way intersection;
- the widening and reconstruction of Barker Road from Hurling Drive to Martin Road including a shared use path and lighting upgrade; and
- the construction of a sealed shared use path along Hurling Drive and Barker Road for the extent of the development.

27. The stormwater management plan being produced to the satisfaction of the Department of Water, Land and Biodiversity Conservation prior to the issuing of the Certificates of Title.

28. Residential allotments must not be located within the 1 in 100 year floodwater zone of the watercourse.

Statement of Development Assessment Commission Requirements:

1. That the financial requirements of the SA Water Corporation shall be met for the provision of water supply and augmentation requirements. (SA Water 90231/08) Water
2. That the necessary easements shall be granted to the SA Water Corporation free of cost.

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3. Two copies of a certified survey plan shall be lodged for Certificate purposes.

Notes:

- The applicant is reminded to contact Council when all the Council's conditions and requirements have been complied with and accordingly, the Development Assessment Commission will then be notified that the Council has no objections to the issue of the Certificate of Approval.
- The applicant/owner is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993 (enforced by the Environment Protection Authority), to take all reasonable and practical measures to ensure that its activities on the whole site do not pollute the environment in a way which causes, or may cause environmental harm (including an environmental nuisance such as dust).
- Development approval is required for a retaining walls which retain a difference in ground levels exceeding one (1) metre.
- The development should incorporate stormwater management techniques to contain the quantity, velocity, variability and quality of runoff to as near to pre-development levels as practical, by means of but not limited to:
 - i. Directing roof stormwater overflow from rainwater tanks to soakage trenches or to retention/overflow wells or sumps where large catchments are involved;
 - ii. Utilising grassed swales or natural drainage lines to accommodate the major flows from the development; and
 - iii. Incorporating stormwater systems designed to minimise entry of pollutants such as sediment, pesticides and herbicides, bacteria, animal wastes and oil and grease into drainage systems or the marine environment.
- Stormwater should be managed safely and efficiently with possible reuse before any disposal. Source Control stormwater management design techniques should be used applying the principles mentioned above. However, any design principles must be in accordance the Water Allocation Plan for the Eastern Mount Lofty Ranges that is yet to be finalised (e.g. if the resource is already over committed then harvesting type techniques may be utilised to return more water to meet environmental water requirements).
- The owner of land on which a watercourse is situated or that adjoins a watercourse must take reasonable measures to prevent damage to the bed and banks of the watercourse and the ecosystems that depend on the watercourse.
- The owner of land on which a watercourse is situated must not place an object of solid material in the watercourse, nor excavate or remove rock, sand or soil from the watercourse.
- Any proposal to clear native vegetation on the land, unless the proposed clearance is subject to an exemption under the Native Vegetation Regulations, requires the approval of the Native Vegetation Council.
- The roads shall be named in accordance with Councils Road Naming Policy May 2006 and to the satisfaction of Council

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- A Community Waste Management Scheme levy to be paid for each allotment requiring a new connection to the scheme (\$2962.00 per Allotment, 183 Allotments @ \$2962.00 = Total \$542, 046.00)

Note: Seven (7) documents attached.

Signed: 
Development Approval
Council Delegate

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DECISION NOTIFICATION FORM**Development Number 580/D042/10**

FOR DEVELOPMENT APPLICATION

DATED: 21/06/2010

REGISTERED ON: 21/06/2010

**TO: Mount Barker Developments No 1 Pty Ltd
C/- Alexander Symonds Pty Ltd
PO Box 1000
KENT TOWN SA 5071**

COPY**LOCATION OF PROPOSED DEVELOPMENT:**

LOT: 14 DP: 46774 CT: 5406/172, LOT: 7000 DP: 81702 CT: 6040/290, LOT: 1001 DP: 81628 CT: 6039/331, LOT: 1006 DP: 84049 CT: 6061/668, LOT: 1007 DP: 84569 CT: 6062/472, LOT: 1005 DP: 84049 CT: 6061/667, LOT: 1002 DP: 81628 CT: 6039/332
248 Wellington Road MOUNT BARKER, East Parkway MOUNT BARKER, Barker Road MOUNT BARKER.

NATURE OF PROPOSED DEVELOPMENT:

Land Division to create three hundred (300) allotments (Stages 2B, 2D, 4, 5A & 5B).

From The District Council of Mount Barker

In respect of this proposed development you are informed that:

NATURE OF DECISION	CONSENT GRANTED	NO. OF CONDITIONS	CONSENT REFUSED	NOT APPLICABLE
Development Plan Consent	Granted	29		
Land Division - Requirements	Granted	52		
Land Division (Strata) - Requirements				N/A
Building Rules Consent				N/A
Public Space				N/A
Other				N/A
DEVELOPMENT APPROVAL	Granted	81		

N/A representation(s) from third parties concerning your category 3 proposal were received - Not Applicable

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.

Date of Decision: 1/6/2011-

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DEVELOPMENT PLAN CONSENT

Conditions of Consent by the Council:

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (Drawing Numbers, Alexander & Symonds Pty Ltd, A034709.0004, PROP4, Issue L - Planning Report dated 21 June 2010 - Traffic letters from GTA consultants dated 2 June 2010, 6 December 2010 and 4 February 2011 - Engineering information submitted by Wallbridge and Gilbert (W&G) including CWMS Plans and Sight Distance Assessments - Stormwater Masterplan (W&G) Report Rev E March 2011 - Construction Management Plan (Rev C 18/11/2010) - Geotechnical Investigation 18 May 2007 - Landscape Plans by SITE IMAGE, SM 10042, S4_CP01, Issue I, SM10042, S2D_CP01, Issue G, SM10042, S5A_CP01, Issue J, SM10042, S5B_CP01, Issue E, and SM10042, S2B_CPO1, Issue G - Ecological Recommendations for Red Gum Preservation 25 January 2011, Kerri Muller except where amended by the following conditions:
2. The 'Residential Guidelines' for Bluestone Mount Barker shall stipulate that allotments fronting Barker Road (701, 702, 703) vehicles shall enter and exit in a forward motion.
3. The requirements of Residential Zone PDC 28 shall be undertaken by the developer prior to Section 51 clearance. Works shall be undertaken to the reasonable satisfaction of Council and all necessary external approvals including DTEI shall be sought. Works shall be undertaken at the full cost of the applicant.
4. The open drain adjacent Laver Street (south of Kennebec Court) is to be piped, filled and grassed to create an open active recreation area as agreed in a letter from Walker Corporation to Council dated May 10 2011. Headwall treatments must be to Councils satisfaction, with detailed design drawings provided and supported prior to works being undertaken.
5. That effective measures be implemented during the construction of the development and on-going use of the land in accordance with this consent to:
 - prevent silt run-off from the land to adjoining properties, roads and drains;
 - control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land;
 - ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;
 - ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure;
 - ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land; and
 - following construction of a stage, ensure all disturbed land is managed to prevent silt runoff and dust. This should include hydromulching of exposed banks with a sterile, short term grasscover.

- Top soil shall be retained on site for re-use.
6. The measures recommended in the SEDMP must be in place before earthworks commence on site and be maintained in good condition and remain in place until the site is sealed, stabilised or suitable revegetation in a manner to prevent erosion.

Note: That hay bales are suitable as short term, emergency erosion control measures only. The developer should seek advice on the use of specific erosion control products such as coir logs etc on site prior to works commencing.

7. The allotment boundaries adjacent the creek on Siding Court shall be adjusted if necessary to ensure a 3 metre minimum maintenance strip is provided between top of the creek bank and the allotment boundary. Agreement of the location of "top of bank" is required prior to acceptance of final boundary locations.
8. Road widening of 0.5 metres shall be provided on Barker Road and allotment boundaries shall be adjusted to accommodate the road widening.
9. Road widening of 2.0 metres shall be provided on Wellington Road and allotment boundaries shall be adjusted to accommodate the road widening. The 0.1 m buffer reserve shall be retained to prevent vehicle access.
10. For the purpose of excluding compaction and ground work activity a tree protection zone shall be provided for each tree or group of trees to be retained within the development. Unless agreed to by Council and supervised by a project arborist no works of any kind shall occur within these zones. The location, identification number and tree protection zone radius for each tree shall be as per Dean Nicolle Tree Assessment – Bluestone Stages 2B, 2D, 4, 5A & 5B, Mount Barker, dated 20th of May 2011. The following measures shall be implemented:
- (a) The Applicant and its contractors shall engage the services of a project arborist to oversee and inspect the installation and ongoing maintenance of the tree protection zones. The project arborist shall be on site at appropriate intervals during works within tree protection zones to assist the contractors in managing the requirements of working within tree protection zones.
 - (b) The project arborist shall ensure specifications and treatment of the tree protection zones shall be in accordance with Australian Standard 4970 'Protection of Trees on Development Sites'.
 - (c) The tree protection zones shall be fenced before any works commence on site and accord with the following:
 - Tree protection fences shall consist of 1.8 -2.0 metre high solid, chain mesh, steel or similar fabrication with posts at not more than 3 metre intervals; and

- incorporate a clearly legible sign on at least two sides displaying the words "Tree Protection Zone No Entry"
 - A layer of organic mulch (woodchips) to a depth of 100mm shall be placed over the area of ground within the tree protection zones to assist with moisture retention and to reduce the impact of surrounding cut and compaction.
 - Tree protection fences and zones shall be inspected by the project arborist prior to commencing work on site and Council's arborist is to be notified when this inspection is complete, this arrangement shall be made by contacting Chris Lawry on 8393 6428.
- (d) There shall be no changes to the natural ground level within the tree protection zones unless agreed to by Council's arborist and supervised by the project arborist.
- (e) The site's tree constraints and conditions shall be clearly explained to contractor's, laborers and machinery operators, prior to commencing earthworks on site.
- (f) No storage or dumping of material, fuel, chemicals, equipment or temporary building shall take place within the tree protection zones.
- (g) No mechanical trenching for the installation of underground service is permissible within the tree protection zones without protective measures in place and the presence of the project arborist.
- (h) Thorough aerial inspection and appropriate pruning of the trees to be retained shall be undertaken by a minimum of a Certificate 3 qualified arborist in accordance with Australian Standard 4373 2007 'Pruning of Amenity Trees'. The pruning shall be restricted to maintenance pruning which will include the removal or reduction of canopy defects.
- (i) Civil works and services which are yet to be specified and undertaken within tree protection zones are to be designed and installed above existing grade with no excavation other than the removal of organic material from the surface. Footpaths and carriageway surface treatments should be pervious with a pervious aerated compactable sub base underneath. Provision for back of kerb storm water inlets and soakage pits shall be included within the detailed civil design adjacent to, or within any relevant tree protection zone. These items shall be resolved at detailed design stage to satisfaction of Council via appropriate communication with Council's arborist and engineer.
11. A suitable hydrological solution for the periodic flooding of the rediverted creek between Trees 72 and 78 (inclusive) shall be resolved at detailed design stage via appropriate communication with Council's arborist and engineer. This must also achieve protection of other native species identified in this reserve.

12. The installation of street tree species, selection and technical specification shall be to the satisfaction of Council at the detailed design stage, with some changes to what has been preliminary tendered will be required. On approval of detailed design, samples of all street tree stocks to be installed, shall be inspected by Council's arborist prior to installation. Any stock showing containerised root defects and or poor stem and branch development will not be accepted and installation of such stock shall not proceed. Installation specifications shall be to Council's satisfaction and installation works are to be supervised at times when work is being undertaken adjacent to or in a TPZ by the project arborist.
13. During any works or construction activities associated with the land division, the subject land must be managed in a manner as to prevent erosion and pollution of the site and the environment, including keeping the area in a tidy state and ensuring any waste materials are appropriately contained to ensure no pollutants (including excavation or fill material) enter the River Murray system.
14. Any fill material brought to the site must be clean and not contaminated by construction or demolition debris, industrial or chemical matter, or pest plant or pathogenic material.
15. Any excavation or fill material surplus to the requirements of the development must be disposed of such that it will not:
 - a. be located within a floodplain;
 - b. be located on Crown land without authorisation;
 - c. adversely impact native vegetation;
 - d. impede the natural flow of any surface waters;
 - e. allow sediment to re-enter any water body;
 - f. facilitate the spread of pest plant, or pathogenic material.
16. The following road works shall be undertaken prior to the issue of Section 51 Land Division Certificates:
 - (i) The upgrading of the intersection of Albert road and Wellington Road, including the installation of a roundabout;
 - (ii) The upgrading of the intersection of Victoria Road and Wellington Road, including the installation of a roundabout. and
 - (iii) The upgrading of the junction of Hurling Drive and Flaxley Road, including protected turning lanes and physical protection of the existing stobie poles along Flaxley Road.

All upgrades shall accommodate all road users (including cyclists, pedestrians and public transport vehicles). Footpaths shall be constructed to Council's requirements and have a minimum width of 1.8m. All facilities shall be DDA compliant and have sufficient sight distances to allow safe pedestrian and cyclist movements. Dedicated bicycle lanes must be provided on Wellington Road. All traffic lanes and bicycle lanes shall be to DTEI specifications.

Road safety audits shall be undertaken at the following project stages:

- Concept design

- Detailed design
 - Post-Construction Operating Traffic Conditions
17. All road works on arterial roads under the care and control of DTEI shall be designed and constructed to the satisfaction of Council and DTEI for all road users (including cyclists, pedestrians and public transport vehicles). Where bus stops are located within 100m of the divergence taper or road works they should be indented to DTEI standards to ensure through traffic remains unimpeded whilst bus commuters alight and disembark. All costs, including DTEI costs (such as project management, design and construction surveillance), shall be borne by the developer should contact DTEI's Project Manager Mr Stephen Nicholson on (08) 8402 1777 or email Stephen.nicholson@sa.gov.au.
 18. In order to ensure that these works are undertaken, the applicant shall provide to DTEI a bank guarantee of no less than \$3.5m plus 25% for outstanding road works on arterial roads prior to the issue of Section 51 Land Division Certificates.
 19. All storm water from the subject land division shall not enter and jeopardise the safety and integrity of Wellington Road. Furthermore, any existing natural drainage of the Wellington Road shall not be compromised by this land division.
 20. Measures to prevent pollution (including sediment) from entering existing stormwater systems or waterways during the construction of the proposed development shall be undertaken in accordance with the EPA's Handbook for Pollution Avoidance on Commercial and Residential Building Sites.
 21. Erosion control measures must be employed on the land above and beyond the point of discharge.
 22. The discharge of runoff from the site shall not;
 - a. Erode the watercourse;
 - b. Have a detrimental impact on receiving waters, any organisms inhabiting the waters or on watercourse geomorphology;
 - c. Result in flooding, unnatural water logging or impact on downstream users;
 - d. Un-treated discharge water must be of the same or better quality as receiving waters.
 23. All earthworks associated with the development shall be stabilized in accordance with standard engineering practices against erosion and failure.
 24. Landscaping of the road frontage and site area should be undertaken in accordance with the desired character statement of the residential zone.
 25. The development must be undertaken with the plans and specifications contained in Development Application Number 580/D042/10, unless otherwise varied by the conditions below.

26. The detailed design of the stormwater management system must meet the following stormwater quality and quantity objectives:
- e. Suspended solids (SS) – 80% retention of the typical urban annual load with no treatment;
 - f. Total phosphorus (TP) – 45% retention of the typical urban annual load with no treatment;
 - g. Total nitrogen (TN) – 45% retention of the typical urban annual load with no treatment: and
 - h. Pre-development flows are met.
27. A maintenance plan must be prepared and implemented for the stormwater management system, including Water Sensitive Urban Design measures, to maintain optimum performance.
28. A detailed Soil Erosion and Drainage Management Plan (SEDMP) must be prepared and submitted to the District Council of Mount Barker and must be implemented in accordance with drawing no. C090322/C301A in the Wallbridge & Gilbert 'Bluestone Development: Stormwater Masterplan Report', dated September 2010 (or later equivalent), and the EPA Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry.
29. The Walker Corporation 'Construction Management Plan: Civil Works', dated 23/08/10 (or later equivalent), must be implemented as proposed.

Note: Pursuant to Development Regulation 48 (1) -

Any consent or approval under Part 4 of the Act (whether subject to conditions or not) will lapse at the expiration of---

48 (1)(b)(ii)

If the relevant development involves the division of land and an application for a certificate under Section 51 of the act has been lodged with the Development Assessment Commission within 12 months from the operative date of the relevant consent - 3 years from the operative date of the consent.

You will require a fresh consent before commencing or continuing the development if you are unable to satisfy these requirements. Any request for an extension of time must be lodged with Council prior to the expiration of time periods specified above.

Conditions of Consent by Development Assessment Commission:

No conditions apply

LAND DIVISION CONSENT**Statement of Council Requirements:**

30. All civil works (earthworks, roads, stormwater drainage, wetlands, detention, paths, wastewater collection, treatment and disposal, water reticulation, traffic control devices) necessary for the development shall be provided by the applicant at the full cost of the applicant and shall be designed by an experienced and qualified Civil Engineer to the reasonable satisfaction of Council, and construction supervised by a suitability qualified person. All works shall be designed and constructed in accordance with relevant Council and industry standards.
31. All works inclusive of civil works, external infrastructure and landscape shall have a minimum of 12 months defects liability period from the date of Council's acceptance of practical completion. During the maintenance period, the applicant shall provide Council with a maintenance bond acceptable to Council for the value of 5% of the original value of the works plus the value of any omissions and rectification of major defects.
32. All civil work, calculations and specifications shall be submitted to Council for review and design endorsement prior to the commencement of construction.
33. Construction works are to be undertaken generally in accordance with the construction management plan submitted as part of the application.
34. All new allotments in the plan of division shall be provided with a connection point to Council's Community Wastewater Management System (CWMS) in accordance with Council's current standards, Australian Standards and relevant codes to the satisfaction of Council and all work shall be undertaken by the applicant at the applicant's expense. Approval shall be sought from the Department of Health and Council prior to construction. Testing of the CWMS shall be undertaken in the presence of Council and the applicant's representative prior to Council's acceptance of Practical Completion.
35. The roads shall be named in accordance with Council's Road-Naming Policy, May 2006 and to the reasonable satisfaction of Council. Street signs containing Council's Logo shall be provided at each intersection/junction (both directions) in accordance with relevant Council standards. All street and road signs and posts shall be provided and installed by the developer to the satisfaction of Council and shall be in sleeves concreted into the ground.
36. Temporary turnaround areas and appropriate temporary infrastructure shall be provided at the end of each stage to the reasonable satisfaction of Council.
37. Temporary Turnarounds shall be provided at the southern end of East Parkway and Road U and the eastern end of Road V.

38. A quality plan addressing design, inspection, testing and survey of all engineering and landscape works shall be submitted and approved at the time of design approval and include compulsory notifications to Council for inspection of works.
39. Management of stormwater shall occur generally in accordance with the Stormwater Masterplan report (Revision E) submitted in support of the application including water quality improvements, Water Sensitive Urban Design (WSUD), watercourse and flood management works and local drainage.
40. Where properties drain naturally to the street, one galvanised steel kerb adaptor shall be provided in accordance with Council's current standards. Where properties drain naturally to the rear of the allotment, one rear of allotment connection shall be provided and connected to a rear of allotment drainage system in accordance with relevant Council standards. Rear of allotment drainage to accommodate a 10-year average recurrence interval storm from the potential impervious areas of the allotment. Minimum pipe size for rear of allotment drainage shall be 150mm diameter class 6 PVC.
41. Drainage calculations, design and construction shall ensure:
- a. The design allows for the upstream catchment
 - b. All properties are protected from a 100-year average recurrence interval storm. Secondary protection drainage flow path is provided allowing a surcharge due to 50% blockage of inlet capacity and 25% blockage of the primary piped system. Flows are not to exceed the top of any kerb parallel to the direction of flow. The product of flow velocity and depth is not to exceed 0.4.
 - c. Proposed allotment levels shall be a minimum of 0.5m above the 100 year average recurrence interval flood level for watercourses to avoid building flooding.
 - d. Local underground drainage accommodates a minimum of the flows resulting in a 10-year average recurrence interval storm with the hydraulic grade line being no closer than 150mm from pit openings.
 - e. At a sag point the underground drainage accommodates a minimum of the flows resulting from a 25 year average recurrence interval storm (ARI) provided there is a defined overland path for the gap flow to flows from a 100-year ARI storm. If there is not defined overland flow path then the underground drainage accommodates the flows resulting from a 100-year ARI storm with allowance for blockages.
 - f. A minimum pipe size of 375mm for all road drainage.
 - g. Allotment drain stormwater pipes to be PVC class 6 or reinforced concrete (RCP) RRJ. Road drainage shall be reinforced concrete (RCP) RRJ
 - h. The minimum pipe grade is 0.5% unless otherwise approved.
 - i. Front of allotment drainage is provided along all one-way cross-fall roads and flush kerb roadways.
 - j. Design calculations shall include 10-year ARI and 100-year ARI:
 - i. Hydrological calculations and catchment plan
 - ii. A plot of the hydraulic grade line
 - iii. A check of flooded widths

- iv. A check of flows across junctions
 - v. Inclusion of SEPs at the upstream tangent points of all junctions and immediately upstream of pedestrian crossing locations
 - vi. A check of the minimum road/bypass flow capacity
- k. Watercourse design should be based on an unmaintained well vegetated watercourse
42. The design of the watercourse through reserves 4004, 4005 and 2003 shall protect the existing vegetation on reserve 2003 through regular inundation, generally in accordance with the ecological recommendations (contained in the Kerri Muller report dated 25 January 2011). Other remnant vegetation has been identified on this site which must also be protected and maintained.
43. Any areas of temporary or permanent water inundation including detention basins, ornamental ponds, wetlands and watercourses shall be designed to provide a safe environment for the community and allow regular maintenance in a safe and convenient manner. A maximum batter slope of 1 Vertical to 5 Horizontal (1:5) shall be provided unless alternate access and maintenance is provided.
44. Immediately prior to practical completion the contractor shall remove all accumulated material from the permanent drainage infrastructure. Immediately prior to practical completion the contractor shall arrange for a video survey of all stormwater pipes and make a copy of the video plus associated written report available to Council. A further video survey shall be undertaken by the contractor if considered necessary by Council to demonstrate that identified defects in the pipe system have been satisfactorily repaired.
45. All underground drainage (CWMS and stormwater) in land not owned by Council is required in easements. The easements shall be in the name of the Council and shall be a minimum of 3 metres wide for a single pipe and minimum 4 metres for 2 pipes with a minimum of 1.0 metre clearance from the edge of the pipe to the easement boundary and 1.5 metres between pipes, and at no cost to the Council. Where the drain is for stormwater only and services one allotment only the easement is to be in the name of the allotment it services.
46. Council has declared the area an underground mains area and all the requirements of the ETSA Utilities for connections, easements and the installation of underground mains shall be met.
47. Public lighting shall be provided along all roads, walkways and shared paths within the proposed division and shall comply with Lighting Code AS1158, and shall use ETSA Utilities standard pole and fitting. The lighting design shall incorporate upgrading of existing lighting at new junctions with existing roads.
48. Kerb ramps shall be provided at all intersections.
49. Any pedestrian railway crossing shall be designed and constructed in accordance with DTEI standards

50. An independent road safety audit of the submitted design shall be arranged by the applicant and any identified concerns shall be addressed. A copy of the audit together with the response shall be provided to Council prior to Council acceptance of the design.
51. The stormwater design including water quality treatment, flood management, water course works and underground drainage and surface flows shall be independently reviewed by an experienced stormwater engineer and any identified concerns addressed. A copy of the independent review together with applicant response shall be provided to Council.
52. Kerb inverts and associated footpath crossovers shall be provided to all allotments in accordance with current Council standard where non mountable kerbing is installed
53. Footpaths and trail paths shall be provided generally in accordance with plan SM10042 BE_FP01 Revision E. A reinforced concrete footpath having a width of 1.5 metres for local roads, 1.8m for collector roads shall be provided. Local roads shall have a footpath on at least one side. East Parkway shall have footpaths located on both sides of the road. The footpath shall be offset from the back of kerb to a location acceptable by Council. Where footpaths are located on one side of the road, the side and location will be to the reasonable satisfaction of Council who will consider the future footpath network layout, likely pedestrian usage, common service trench location and street light location. Footpaths to be constructed in accordance with current Council standards and generally in accordance with the footpath plan submitted in support of the application.
54. A footpath shall be provided through the reserve 9006 linking paths from Road R and S to the existing path in the reserve to the north.
55. Traffic calming shall be provided on East Parkway between Road L and Hurling Drive to the reasonable satisfaction of Council to create a speed environment on East Parkway no greater than 50 KPH as agreed between Council and Walker Corporation 25 May 2011.
56. Sections of roads with direct property access shall have a maximum longitudinal grade of 12.5 percent and cul-de-sac ends a maximum grade of 5 percent unless otherwise approved. Sections of roads without direct property access may have a maximum longitudinal grade of 16 percent. Roads shall have a minimum grade of 0.5 percent.
57. All local roads to be designed to provide a safe environment by achieving a speed environment of 40 kph. Note that this may include the provision of traffic control devices.

58. All roads shall be designed and constructed in a manner, which allows safe and convenient property access via individual driveways considering horizontal and vertical sight distance and grade. Batter grades to allotments shall not be steeper than 1 in 5 unless approved otherwise. Where batter grades and allotment grades are steeper than 1 in 5 or where sight distance is not adequate, a driveway location plan shall be provided demonstrating that safe and convenient property access can be provided.
59. Traffic islands shall be paved or landscaped to the reasonable satisfaction of Council.
60. All road pavements shall be designed and constructed based on the ultimate development of the street section. Design traffic shall allow for a 30 year design life including normal predicted road traffic, future road construction/house construction traffic, and future potential bus routes. Pavement design shall be based on 10 percentile soaked CBR.
61. Road carriageways shall be designed to accommodate cyclists, moving vehicles and parked vehicles and manoeuvring areas for abutting properties. Minimum road carriageway widths shall be 7.2 metres except East Parkway which shall be dual carriageway with a central median, with each carriageway having allowance for cyclists, parking, and a through lane.
62. All cul-de-sac ends are to be designed to enable HRV (11.5M) service vehicle, to undertake a U turn or three point turn. Parking shall be restricted within the cul- de-sacs where it may affect the turning manoeuvre. Cul-de-sacs less than 30 metres in length and serving less than 2 allotments shall provide a passenger car turnaround at the end.
63. Semi-mountable kerb and channel in accordance with AS 2876 is to be used for all kerbing work adjacent residential properties unless otherwise agreed by Council. 150mm barrier kerb shall be used on collector roads and against all reserves and open space.
64. All horizontal curves with deflection radius less than 50 metres and deflection angles greater than 50 metres where speed is estimated to be greater than 30 kph shall be designed to include pavement bars or other traffic control to the reasonable satisfaction of Council.
65. All streets, reserves and open space are to be landscaped to the reasonable satisfaction of Council and generally based on the concept prepared by Site Image (SM10042 S4_CPO1 F, S2D_CPO1 F, S2B_CPO1 F, S5A_CPO1 H). Detailed landscape plans and specifications including all furniture, street trees, earthworks, plantings and irrigation are to be submitted to Council for endorsement prior to construction. All landscape works are to be constructed by an appropriately qualified contractor and supervised by a landscape architect to the reasonable satisfaction of Council. Where areas are deemed to be "revegetation", rather than amenity landscape areas, revegetation consultants should assist with the design and implementation of this work A twelve month maintenance period will apply to ALL landscaped areas from the

date of acceptance of practical completion and "as constructed" plans provided. All diseased or dying plants are to be replaced. Landscape plans shall include:

- (a) Full landscape design plans – including soil tests
- (b) Planting schedules and specifications. Plant selection to consider drought tolerant species.
- (c) Schedule of proposed species including height, spread and root system are incorporated in the SA Water "Tree Planting Guide"
- (d) Details including street furniture, lighting, paving, playgrounds and other structures
- (e) Irrigation plan and specification. The irrigation plan is to adopt best practice water sensitive design and be designed for both potable and recycled water and must also demonstrate a filtration system suitable for use with recycled water. Irrigation systems are to achieve 90% efficiency levels.
- (f) Maintenance management program for landscaping and for any wet area planting, ornamental ponds etc
- (g) Proposed schedule of inspections/hold points for planting, irrigation, paving and street furniture during construction
- (h) Schedule of inspections during maintenance period (minimum 4, quarterly)

66. A street tree shall be provided and installed at a rate of one tree per allotment or 1 tree per 20 metres whichever requires more trees generally located central to the allotment. The species, size and maturity to the reasonable satisfaction of Council. The tree shall be maintained in good health for a minimum of 12 months.
67. An environmental assessment is required following removal of sheds, dwellings and structures on the property to demonstrate the sites are suitable for residential use. A copy of the environmental report indicating suitability for residential use shall be provided prior to issue of Section 51 clearance.
68. Any fill material brought to the site must be clean and not contaminated by construction or demolition debris, industrial or chemical matter, or pest plant or pathogenic material
69. Any road and allotment filling greater than 300 mm in depth shall be compacted under level 1 geotechnical inspection and a controlled fill certificate provided to Council.
70. Fencing shall be erected, by the developer, along the boundaries of any reserve where the reserve abuts any allotment not being a road or existing reserve. The type and particulars of all fencing shall be detailed in the landscaping plan to the reasonable satisfaction of Council. The fencing MUST be in place prior to allotments being built on to minimise damage to the reserve from contractors or suppliers accessing the allotment from the reserve.

71. The applicant shall provide a certificate for all civil and landscaping works declaring that all works have been carried out in a satisfactory manner and meets all the provisions of the approved plans and specifications for the development and shall be provided to Council prior to Council accepting Practical Completion.
72. "As-Constructed" documentation including civil works and landscaping, irrigation, operation and maintenance manuals, plans and an asset register for all works on the site shall be submitted to Council prior to Council accepting Practical Completion. The documents are to be provided in accordance with relevant Council standards. Irrigation plans must reflect depth of all pipework and valves, and locate filters and meters.
73. One on street car park shall be provide for each allotment within 30 metres of the allotment.
74. All engineering designs shall be to AHD and AMG.
75. The recycled water main should be designed and constructed generally in accordance with SA Water standards and meeting required WSA standards.
76. Landscaping shall be provided along the Council Verge adjacent Wellington Road to the rear of Allotment 964 to 968 (Inclusive) and to the area referred to as the balance of land (Allotment 5506) as shown on Plan Alexander & Symonds Pty Ltd, A034709.0004, PROP, Issue L. The landscaping shall comprise of a mixture of local shrubs and tree species that are capable of providing an effective visual screen to the rear fencing. The landscaping is to be established prior to Section 51 Clearance and maintained for a period of 12 months from the date of Section 51 Clearance
77. The augmentation requirements of SA Water shall be met.
78. The necessary easements shall be vested to SA Water.
79. That the financial and augmentation requirements of the SA Water Corporation shall be met for the provision of water (SA Water 90090/10)
80. That the necessary easements shall be granted to the SA Water Corporation free of cost.
81. That two copies of a certified survey plan shall be lodged for Certificate purposes.

NOTES

1. Retaining walls constructed to retain a difference in ground levels exceeding (1) metre in height require development approval.

2. No works or modification including excavation, filling, tree and vegetation removal or fencing should be undertaken in any watercourse without approval being granted for both the activity and the methods employed.
3. No encroachment into any Council land shall be permitted without prior written approval from Council. No vegetation on Council road reserve shall be removed without Council approval.
4. Prior to any native remnant vegetation being cleared on the land as part of the development, it is recommended that the applicant ensure any approvals required to do so are obtained from the Native Vegetation Management Branch of the Department of Environment and Heritage and/or Council. The removal of native vegetation may need approval. In some instances it can be removed through consistency with the regulations (included in the Native Vegetation Act). This may still require assessment by the relevant State Agency. All native vegetation removed incurs an SEB (significant environmental benefit) payment. Therefore ALL native vegetation on the site must be identified.

Any queries or discussion with Council's arborist is welcome anytime by contacting Chris Lawry on 8393 6428.

5. You are advised that any trimming, removal or tree damaging activity to a 'significant tree' (above or below ground) as defined by the Development Act 1993 requires Development Approval.
6. Council's review of submitted designs is to ensure compliance with Development Approval conditions. The accuracy of the design and obtaining any external approvals is the responsibility of the applicant.
7. Any entry statements/feature will require Development Approval from Council and shall accord with Council's "Design Guidelines for Subdivision Entrance Structures" (copy available on request). Details of any such proposed structure shall be provided to Council to ascertain whether approval is required.
8. Any person proposing to undertake building work within the District of Mount Barker is reminded of their obligation to take all reasonable measures to protect Council infrastructure. Any damage to the infrastructure - pipes, footpath, verge, street trees etc, must be reinstated to a standard acceptable to Council at the applicants' expense.
9. As your proposed development includes construction works on Council roads or connections to Council assets you are advised that a Permit to undertake works that impact on Council infrastructure, Council Streets or Roads or Council controlled land (available on the Website) will need to be issued by Council prior to construction.
10. A traffic management plan to be approved by Council will be required for any works that impact on Council roads or paths.
11. A Waste Control Application is required for a new septic tank and drainage system to be located at Allotment 984 for the existing house.
12. All traffic control devices need to be designed and installed to Council satisfaction and any non conforming devices approved by DTEI.

13. The proposed driveway link on Road U will require amendments to the proposed layout of Wistow Park development to limit traffic catchment to less than 20 dwellings.
14. The applicant will need to enter into an agreement with Council for the supply of recycled water.
15. The applicant has entered into an infrastructure agreement with Council to provide direct infrastructure and contribute to indirect infrastructure.
16. Any infrastructure works in the land to the south of Stage 5 (Wistow Park) will require easements in favour of Council.
17. This Development Application has been assessed based on the land to the south of Stage 5 (Wistow Park) being rural and accordingly no allowance has been made for traffic or stormwater from the developed portion of this land.
18. Stormwater should be managed safely and efficiently with possible reuse before any disposal. Source Control stormwater management design techniques should be used applying the principles mentioned above. However, any design principles must be in accordance with the Water Allocation Plan for the Eastern Mount Lofty Ranges that is yet to be finalised (e.g. if the resource is already over committed then harvesting type techniques may be utilised to return more water to meet environmental water requirements).
19. The owner of land on which a watercourse is situated or that adjoins a watercourse must take reasonable measures to prevent damage to the bed and banks of the watercourse and the ecosystems that depend on the watercourse.
20. The owner of land on which a watercourse is situated must not place an object of solid material in the watercourse, nor excavate or remove rock, sand or soil from the watercourse.
21. Any site works commenced prior to the issue of formal Development Approval, or further approvals required by conditions attached to a Development Approval, shall be at the applicant's own risk.
22. A Community Wastewater Management System (CWMS) levy is required for additional allotments. This is to be paid at the rate applicable at time of payment prior to the issue of certificate pursuant to Section 51 of the Act.
23. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
24. Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed on the following web site: <http://www.epa.sa.gov.au/poub.htm>.
25. The Developer shall be guided by the District Council of Mount Barker's "Sustainable Residential Subdivision Design Fact Sheets" (series of 5).
26. Best practice Water Sensitive Urban Design (WSUD) guidance can be achieved by compliance with the Fact Sheets referred to at Note (1) and "A guide to Water Sensitive Urban Design" (Engineers Australia, 2006).

27. Guidance on pollution prevention from construction sites can be found in the 'Handbook for Pollution Avoidance on Commercial and Residential Building Sites' and the 'Stormwater Pollution Prevention Code of Practice'. These documents are available at: <http://www.epa.sa.gov.au/pub.html>.
28. The development site should be established as a part of the KESAB Clean Site Program: <http://www.kesab.asn.au>.
29. Consideration should be given to water sensitive urban design features at the allotment scale, in particular;
 - (i) Driveway and paved areas to use porous pavements and runoff being diverted to infiltration zones or vegetation bio-retention swales; and
 - (ii) Water efficient landscaping.
30. The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
31. It is important to note that the following legislation applies to portions of the subject land:
 - *The Notice of Prohibition on Taking Surface Water, Water from Watercourses and Wells in the Eastern Mount Lofty Ranges*, which prohibits any new or additional use of surface, watercourse and/or underground water for any purpose - other than stock and domestic use - until the expiry of the current Notice of Prohibition on 2 October 2011 (and any subsequent Notices of Prohibition).
 - *The Prescription of the Water Resources in the Eastern Mount Lofty Ranges*, which requires those that are or are proposing to use surface, watercourse and/or underground water for any purpose – other than stock and domestic use – at any time in the future, to apply for a water licence with the Department for Water.
32. The storage, capture and/or taking of any surface water from a stormwater detention basin (dam) may constitute a 'new water use', which is prohibited under the Notice of Prohibition and the Prescription of Water Resources in the Eastern Mount Lofty Ranges. If there is a proposal to take surface water, watercourse water or underground water, or if there are any existing water uses that may be affected by the land division, the interested parties should contact the Department for Water to ensure compliance with the Notice of Prohibition and the Prescription of Water Resources in the Eastern Mount Lofty Ranges.
33. Under the Notice of Prohibition an authorisation may be granted to a person (Prospective User) who did not take water from a well in the area but who needs water for a development, project or undertaking to which they were legally committed or in respect of which they had, in the Minister's opinion, committed significant financial or other resources during the relevant period 1 July 2000 to 15 October 2003. The applicants have the opportunity to provide a Prospective User Submission to the Department to be assessed by the PUS Panel.
34. The Department for Water will be contacting the applicant to establish if there are any outstanding water resource related issues with the current, previous

and future stages of the land division that need resolving for the entire 'Bluestone' development to be compliant with the Notice of Prohibition and the Prescription of Water Resources in the Eastern Mount Lofty Ranges. The Department for Water (Mount Lofty Ranges Program) may be contacted on 8339 9807 or email: DFWEMLR@sa.gov.au.

35. Any Water Affecting Activities (WAA), including but not limited to: watercourse alterations; construction of or alterations to bridges, crossing points or culverts; construction of or alterations to dams less than 5 megalitres in volume and/or with a wall height less than 3 metres from natural ground level (includes detention basins/ponds or constructed wetlands); drainage or discharge of water into a well; and/or use of effluent water, may require a WAA Permit Application to be submitted to the SA Murray-Darling Basin Natural Resources Management Board for assessment and approval under the Natural Resources Management Act 2004.
36. Construction or alterations to dams greater than 5 megalitres in volume and/or with a wall height greater than 3 metres from natural ground level (includes detention basins/ponds or constructed wetlands) may require a development application to be lodged with the District Council of Mount Barker or Development Assessment Commission for assessment and approval under the Development Act 1993.
37. The River Murray system, which includes portions of the Eastern Mount Lofty Ranges, has abundant evidence of Aboriginal occupation. Under section 20 of the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains.
38. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.
39. The applicant is advised that any proposal to clear native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. Note that "clearance" means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal of branches, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information about Native Vegetation Act 1991 requirements, contact the Native Vegetation Council on telephone 8303 9741 or visit: <http://www.nvc.sa.gov.au>.
40. The applicant is strongly encouraged to incorporate locally indigenous plant species into any landscaping, screen planting or revegetation activities at the site to enhance the natural character of the locality, stabilise soils and provide

habitat for native species. For information on appropriate species to be planted, please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105, or within Belair National Park on telephone 8278 7777 or visit www.stateflora.com.au.

41. Any fencing required to identify allotment boundaries should avoid the unnecessary removal of native vegetation and disturbance of soil, to minimise the risk of soil erosion and subsequent impacts on water quality through increases in siltation, nutrient loading and turbidity.
42. Guidance on pollution prevention from construction sites can be found in the 'Handbook for pollution avoidance on commercial and residential building sites' and the 'Stormwater pollution prevention code of practice', which can be accessed at: <http://www.epa.sa.gov.au>.
43. Best practice Water Sensitive Urban Design (WSUD) guidance can be achieved by compliance with the Department of Planning and Local Government WSUD Technical Manual: <http://www.planning.sa.gov.au/go/wsud>. Consideration should be given to water sensitive urban design features at the allotment scale, in particular:
 - Driveway and paved areas to use porous pavements and runoff being diverted to infiltration zones or vegetation bio-retention swales;
 - Water efficient landscaping .
44. The development site should be established as a part of the KESAB clean site program: <http://www.kesab.asn.au>.

These conditions and notes include consideration of social and cultural issues and they are applied in order to help achieve the balance between the economic and environmental sustainability of the regions that include the River Murray system.

In determining this response I have had regard to, and have sought to further, the Objects and Objectives of the *River Murray Act 2003*.

Note: Fifteen (15) documents attached.

Signed: 

Development Approval
Council Delegate

Date of Decision: 1/6/2011-

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DECISION NOTIFICATION FORM**Development Number 580/D046/11**

FOR DEVELOPMENT APPLICATION

DATED: 13/07/2011

REGISTERED ON: 13/07/2011

TO: Walker Corporation
c/- Alexander Symonds Pty Ltd
PO Box 1000
KENT TOWN SA 5000

LOCATION OF PROPOSED DEVELOPMENT:

LOT: 1007 DP: 84569 CT: 6062/472, LOT: 7000 DP: 81702 CT: 6040/290 Barker Road
MOUNT BARKER, East Parkway MOUNT BARKER.

NATURE OF PROPOSED DEVELOPMENT:

Land Division to Create Thirty Six (36) Additional Allotments

From The District Council of Mount Barker

In respect of this proposed development you are informed that:

NATURE OF DECISION	CONSENT GRANTED	NO. OF CONDITIONS	CONSENT REFUSED	NOT APPLICABLE
Development Plan Consent	Granted	19		
Land Division - Requirements	Granted	23		
Land Division (Strata) - Requirements				N/A
Building Rules Consent				N/A
Public Space				N/A
Other		2		N/A
DEVELOPMENT APPROVAL	Granted	44		

N/A representation(s) from third parties concerning your category 3 proposal were received - Not Applicable

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.

DEVELOPMENT PLAN CONSENT

Conditions of Consent by the Council:

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (Drawing Numbers, Alexander & Symonds Pty Ltd, A034709.0004, PROP4A, Issue C - Planning Report dated 21 June 2010 - Traffic letters from GTA consultants dated 2 June 2010, 6 December 2010 and 4 February 2011 - Engineering information submitted by Wallbridge and Gilbert (W&G) including CWMS Plans and Sight Distance Assessments - Stormwater Masterplan (W&G) Report Rev E March 2011 - Construction Management Plan (Rev C 18/11/2010) - Geotechnical Investigation 18 May 2007 - Landscape Plans by SITE IMAGE, SM 10042, S4_CP01, Issue I, SM10042, S2D_CP01, Issue G, SM10042, S5A_CP01, Issue J, SM10042, S5B_CP01, Issue E, and SM10042, S2B_CPO1, Issue G - Ecological Recommendations for Red Gum Preservation 25 January 2011, Kerri Muller except where amended by the following conditions:
2. S 51 clearance for this development shall not be issued until legal public road frontage is provided to the allotments.
3. The requirements of Residential Zone PDC 28 shall be undertaken by the developer prior to Section 51 clearance. Works shall be undertaken to the reasonable satisfaction of Council and all necessary external approvals including DTEI shall be sought. Works shall be undertaken at the full cost of the applicant.
4. That effective measures be implemented during the construction of the development and on-going use of the land in accordance with this consent to:
 - prevent silt run-off from the land to adjoining properties, roads and drains;
 - control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land;
 - ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;
 - ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure;
 - ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land; and
 - Following construction of a stage, ensure all disturbed land is managed to prevent silt runoff and dust. This should include hydromulching of exposed banks with a sterile, short term grasscover.
 - Top soil shall be retained on site for re-use.

5. The installation of street tree species, selection and technical specification shall be to the satisfaction of Council at the detailed design stage, with some changes to what has been preliminary tendered will be required. On approval of detailed design, samples of all street tree stocks to be installed, shall be inspected by Council's arborist prior to installation. Any stock showing containerised root defects and or poor stem and branch development will not be accepted and installation of such stock shall not proceed. Installation specifications shall be to Council's satisfaction and installation works are to be supervised at times when work is being undertaken adjacent to or in a TPZ by the project arborist.
6. During any works or construction activities associated with the land division, the subject land must be managed in a manner as to prevent erosion and pollution of the site and the environment, including keeping the area in a tidy state and ensuring any waste materials are appropriately contained to ensure no pollutants (including excavation or fill material) enter the River Murray system.
7. Any fill material brought to the site must be clean and not contaminated by construction or demolition debris, industrial or chemical matter, or pest plant or pathogenic material.
8. Any excavation or fill material surplus to the requirements of the development must be disposed of such that it will not:
 - a. be located within a floodplain;
 - b. be located on Crown land without authorisation;
 - c. adversely impact native vegetation;
 - d. impede the natural flow of any surface waters;
 - e. allow sediment to re-enter any water body;
 - f. facilitate the spread of pest plant, or pathogenic material.
9. The following road works shall be undertaken prior to the issue of Section 51 Land Division Certificates:
 - (i) The upgrading of the intersection of Albert road and Wellington Road, including the installation of a roundabout;
 - (ii) The upgrading of the intersection of Victoria Road and Wellington Road, including the installation of a roundabout. and
 - (iii) The upgrading of the junction of Hurling Drive and Flaxley Road, including protected turning lanes and physical protection of the existing stobie poles along Flaxley Road.

All upgrades shall accommodate all road users (including cyclists, pedestrians and public transport vehicles). Footpaths shall be constructed to Council's requirements and have a minimum width of 1.8m. All facilities shall be DDA compliant and have sufficient sight distances to allow safe pedestrian and cyclist movements. Dedicated bicycle lanes must be provided on Wellington Road. All traffic lanes and bicycle lanes shall be to DTEI specifications.

Road safety audits shall be undertaken at the following project stages:

- Concept design

- Detailed design
- Post-Construction Operating Traffic Conditions

All road works on arterial roads under the care and control of DTEI shall be designed and constructed to the satisfaction of Council and DTEI for all road users (including cyclists, pedestrians and public transport vehicles). Where bus stops are located within 100m of the divergence taper or road works they should be indented to DTEI standards to ensure through traffic remains unimpeded whilst bus commuters alight and disembark. All costs, including DTEI costs (such as project management, design and construction surveillance), shall be borne by the developer should contact DTEI's Project Manager Mr Stephen Nicholson on (08) 8402 1777 or email Stephen.nicholson@sa.gov.au.

In order to ensure that these works are undertaken, the applicant shall provide to DTEI a bank guarantee of no less than \$3.5m plus 25% for outstanding road works on arterial roads prior to the issue of Section 51 Land Division Certificates.

10. Measures to prevent pollution (including sediment) from entering existing stormwater systems or waterways during the construction of the proposed development shall be undertaken in accordance with the EPA's Handbook for Pollution Avoidance on Commercial and Residential Building Sites.
11. Erosion control measures must be employed on the land above and beyond the point of discharge.
12. The discharge of runoff from the site shall not;
 - a. Erode the watercourse;
 - b. Have a detrimental impact on receiving waters, any organisms inhabiting the waters or on watercourse geomorphology;
 - c. Result in flooding, unnatural water logging or impact on downstream users;
 - d. Un-treated discharge water must be of the same or better quality as receiving waters.
13. All earthworks associated with the development shall be stabilized in accordance with standard engineering practices against erosion and failure.
14. Landscaping of the road frontage and site area should be undertaken in accordance with the desired character statement of the residential zone.
15. The detailed design of the stormwater management system must meet the following stormwater quality and quantity objectives:
 - e. Suspended solids (SS) – 80% retention of the typical urban annual load with no treatment;
 - f. Total phosphorus (TP) – 45% retention of the typical urban annual load with no treatment;
 - g. Total nitrogen (TN) – 45% retention of the typical urban annual load with no treatment: and
 - h. Pre-development flows are met.

16. A maintenance plan must be prepared and implemented for the stormwater management system, including Water Sensitive Urban Design measures, to maintain optimum performance.
17. A detailed Soil Erosion and Drainage Management Plan (SEDMP) must be prepared and submitted to the District Council of Mount Barker and must be implemented in accordance with drawing no. C090322/C301A in the Wallbridge & Gilbert 'Bluestone Development: Stormwater Masterplan Report', dated September 2010 (or later equivalent), and the EPA Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry.
18. The Walker Corporation 'Construction Management Plan: Civil Works', dated 23/08/10 (or later equivalent), must be implemented as proposed.

Department for Water Condition

19. During any works or construction activities associated with the land division, the subject land must be managed to prevent erosion and pollution of the site and the environment, including keeping the area in a tidy state and ensuring any waste materials are placed into bins, to ensure no pollutants (including excavation or fill material) enter the River Murray system. The preparation of a Soil Erosion and Drainage Management Plan or similar document may assist in complying with this condition.

Notes:

Pursuant to **Development Regulation 48 (1)** -

Any consent or approval under Part 4 of the Act (whether subject to conditions or not) will lapse at the expiration of---

48 (1)(b)(ii)

If the relevant development involves the division of land and an application for a certificate under Section 51 of the act has been lodged with the Development Assessment Commission within 12 months from the operative date of the relevant consent - 3 years from the operative date of the consent.

You will require a fresh consent before commencing or continuing the development if you are unable to satisfy these requirements. Any request for an extension of time must be lodged with Council prior to the expiration of time periods specified above.

Department for Water Notes

1. The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.

2. It is important to note that the following legislation applies to the subject land:
 - The Prescription of the Water Resources in the Eastern Mount Lofty Ranges, which requires those that are or are proposing to use surface, watercourse and/or underground water for any purpose – other than stock and domestic use – at any time in the future, to apply for a water licence with the Department for Water.
 - The Notice of Prohibition on Taking Surface Water, Water from Watercourses and Underground Water in the Eastern Mount Lofty Ranges, which prohibits any new or additional use of surface, watercourse and/or underground water for any purpose - other than stock and domestic use - until the expiry of the current Notice of Prohibition on 2 October 2011 (and any subsequent Notices of Prohibition).
 - If there is a proposal to take surface water, watercourse water or underground water to service any aspect of this development, or if there are any existing water uses that may be impacted by the land division, the interested parties should contact the Department for Water to ensure compliance with the Prescription of Water Resources in the Eastern Mount Lofty Ranges and the Notice of Prohibition on Taking Surface Water, Water from Watercourses and Underground Water in the Eastern Mount Lofty Ranges. For further information contact the Department for Water on telephone 8463 6876 or visit: <http://www.waterforgood.sa.gov.au>.

3. Any water affecting activities on undertaken on the land must be undertaken in accord with the Natural Resources Management Plan for the South Australian Murray-Darling Basin Natural Resources Management Region (and relevant subordinate plans) and may require a permit under the Natural Resources Management Act 2004. For further information contact the SA Murray-Darling Basin NRM Board on telephone 8532 1432 or visit: <http://www.samdbnrm.sa.gov.au>.

4. Development on the site should include stormwater management systems and techniques to:
 - protect it from damage during a minimum of a 1 in 100 year ARI flood and to reduce the potential for remobilisation of pollutants and nutrients; and
 - contain the quantity, velocity, variability and quality of runoff to as near pre-development levels as practicable.

5. Best practice Water Sensitive Urban Design (WSUD) guidance can be achieved by compliance with the Department of Planning and Local Government WSUD Technical Manual, available at: <http://www.planning.sa.gov.au/go/wsud>. Consideration should be given to water sensitive urban design features at the allotment scale, in particular:
 - Driveway and paved areas to use porous pavements and runoff being diverted to infiltration zones or vegetation bio-retention swales;
 - Water efficient landscaping.

6. Guidance on pollution prevention from construction sites can be found in the 'Handbook for pollution avoidance on commercial and residential building sites' and the 'Stormwater pollution prevention code of practice'. These documents are available at: <http://www.epa.sa.gov.au>.

7. The development site should be established as a part of the KESAB clean site program. For further information visit: <http://www.kesab.asn.au>.
8. If there is an intention to clear native vegetation on the land at any time, the applicant should consult the Native Vegetation Council to determine whether the proposed clearance requires formal approval under the Native Vegetation Act 1991 and its Regulations. Note that "clearance" means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, trimming or removal of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9741 or visit: <http://www.nvc.sa.gov.au>.
9. The applicant is encouraged to incorporate locally indigenous plant species into any landscaping, screen planting or revegetation activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species. For information on appropriate species to be planted, please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105, or within Belair National Park on telephone 8278 7777 or visit: <http://www.stateflora.com.au>.
10. The River Murray system, which includes portions of the Mount Lofty Ranges, has abundant evidence of Aboriginal occupation and Aboriginal sites, objects or artefacts (eg. scarred trees, campsites, burial sites, middens, etc) may be present on the subject land. Under section 20 of the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.

Conditions of Consent by Development Assessment Commission:

No conditions apply

LAND DIVISION CONSENT**Statement of Council Requirements:**

1. All civil works (earthworks, roads, stormwater drainage, wetlands, detention, paths, wastewater collection, treatment and disposal, water reticulation, traffic control devices) necessary for the development shall be provided by the applicant at the full cost of the applicant and shall be designed by an experienced and qualified Civil Engineer to the reasonable satisfaction of

Council, and construction supervised by a suitability qualified person. All works shall be designed and constructed in accordance with relevant Council and industry standards.

2. All works inclusive of civil works, external infrastructure and landscape shall have a minimum of 12 months defects liability period from the date of Council's acceptance of practical completion. During the maintenance period, the applicant shall provide Council with a maintenance bond acceptable to Council for the value of 5% of the original value of the works plus the value of any omissions and rectification of major defects.
3. All civil work, calculations and specifications shall be submitted to Council for review and design endorsement prior to the commencement of construction.
4. Construction works are to be undertaken generally in accordance with the construction management plan submitted as part of the application.
5. All new allotments in the plan of division shall be provided with a connection point to Council's Community Wastewater Management System (CWMS) in accordance with Council's current standards, Australian Standards and relevant codes to the satisfaction of Council and all work shall be undertaken by the applicant at the applicant's expense. Approval shall be sought from the Department of Health and Council prior to construction. Testing of the CWMS shall be undertaken in the presence of Council and the applicant's representative prior to Council's acceptance of Practical Completion.
6. A quality plan addressing design, inspection, testing and survey of all engineering and landscape works shall be submitted and approved at the time of design approval and include compulsory notifications to Council for inspection of works.
7. Management of stormwater shall occur generally in accordance with the Stormwater Masterplan report (Revision E) submitted in support of the application including water quality improvements, Water Sensitive Urban Design (WSUD), watercourse and flood management works and local drainage.
8. Where properties drain naturally to the street, one galvanised steel kerb adaptor shall be provided in accordance with Council's current standards. Where properties drain naturally to the rear of the allotment, one rear of allotment connection shall be provided and connected to a rear of allotment drainage system in accordance with relevant Council standards. Rear of allotment drainage to accommodate a 10-year average recurrence interval storm from the potential impervious areas of the allotment. Minimum pipe size for rear of allotment drainage shall be 150mm diameter class 6 PVC.
9. Drainage calculations, design and construction shall ensure:
 - a. The design allows for the upstream catchment

- b. All properties are protected from a 100-year average recurrence interval storm. Secondary protection drainage flow path is provided allowing a surcharge due to 50% blockage of inlet capacity and 25% blockage of the primary piped system. Flows are not to exceed the top of any kerb parallel to the direction of flow. The product of flow velocity and depth is not to exceed 0.4.
 - c. Proposed allotment levels shall be a minimum of 0.5m above the 100 year average recurrence interval flood level for watercourses to avoid building flooding.
 - d. Local underground drainage accommodates a minimum of the flows resulting in a 10-year average recurrence interval storm with the hydraulic grade line being no closer than 150mm from pit openings.
 - e. At a sag point the underground drainage accommodates a minimum of the flows resulting from a 25 year average recurrence interval storm (ARI) provided there is a defined overland path for the gap flow to flows from a 100-year ARI storm. If there is not defined overland flow path then the underground drainage accommodates the flows resulting from a 100-year ARI storm with allowance for blockages.
 - f. A minimum pipe size of 375mm for all road drainage.
 - g. Allotment drain stormwater pipes to be PVC class 6 or reinforced concrete (RCP) RRJ. Road drainage shall be reinforced concrete (RCP) RRJ
 - h. The minimum pipe grade is 0.5% unless otherwise approved.
 - i. Front of allotment drainage is provided along all one-way cross-fall roads and flush kerb roadways.
 - j. Design calculations shall include 10-year ARI and 100-year ARI:
 - i. Hydrological calculations and catchment plan
 - ii. A plot of the hydraulic grade line
 - iii. A check of flooded widths
 - iv. A check of flows across junctions
 - v. Inclusion of SEPs at the upstream tangent points of all junctions and immediately upstream of pedestrian crossing locations
 - vi. A check of the minimum road/bypass flow capacity
 - k. Watercourse design should be based on an unmaintained well vegetated watercourse
10. Immediately prior to practical completion the contractor shall remove all accumulated material from the permanent drainage infrastructure. Immediately prior to practical completion the contractor shall arrange for a video survey of all stormwater pipes and make a copy of the video plus associated written report available to Council. A further video survey shall be undertaken by the contractor if considered necessary by Council to demonstrate that identified defects in the pipe system have been satisfactorily repaired.

11. All underground drainage (CWMS and stormwater) in land not owned by Council is required in easements. The easements shall be in the name of the Council and shall be a minimum of 3 metres wide for a single pipe and minimum 4 metres for 2 pipes with a minimum of 1.0 metre clearance from the edge of the pipe to the easement boundary and 1.5 metres between pipes, and at no cost to the Council. Where the drain is for stormwater only and services one allotment only the easement is to be in the name of the allotment it services.
12. Council has declared the area an underground mains area and all the requirements of the ETSA Utilities for connections, easements and the installation of underground mains shall be met.
13. Kerb inverts and associated footpath crossovers shall be provided to all allotments in accordance with current Council standard where non mountable kerbing is installed
14. Footpaths and trail paths shall be provided generally in accordance with plan SM10042 BE_FP01 Revision E. A reinforced concrete footpath having a width of 1.5 metres for local roads, 1.8m for collector roads shall be provided. Local roads shall have a footpath on at least one side. East Parkway shall have footpaths located on both sides of the road. The footpath shall be offset from the back of kerb to a location acceptable by Council. Where footpaths are located on one side of the road, the side and location will be to the reasonable satisfaction of Council who will consider the future footpath network layout, likely pedestrian usage, common service trench location and street light location. Footpaths to be constructed in accordance with current Council standards and generally in accordance with the footpath plan submitted in support of the application.
15. A street tree shall be provided and installed at a rate of one tree per allotment or 1 tree per 20 metres whichever requires more trees generally located central to the allotment. The species, size and maturity to the reasonable satisfaction of Council. The tree shall be maintained in good health for a minimum of 12 months.
16. Any fill material brought to the site must be clean and not contaminated by construction or demolition debris, industrial or chemical matter, or pest plant or pathogenic material
17. Any road and allotment filling greater than 300 mm in depth shall be compacted under level 1 geotechnical inspection and a controlled fill certificate provided to Council.
18. Fencing shall be erected, by the developer, along the boundaries of any reserve where the reserve abuts any allotment not being a road or existing reserve. The type and particulars of all fencing shall be detailed in the landscaping plan to the reasonable satisfaction of Council. The fencing **MUST** be in place prior to allotments being built on to minimise damage to the reserve from contractors or suppliers accessing the allotment from the reserve.

19. The applicant shall provide a certificate for all civil and landscaping works declaring that all works have been carried out in a satisfactory manner and meets all the provisions of the approved plans and specifications for the development and shall be provided to Council prior to Council accepting Practical Completion.
20. "As-Constructed" documentation including civil works and landscaping, irrigation, operation and maintenance manuals, plans and an asset register for all works on the site shall be submitted to Council prior to Council accepting Practical Completion. The documents are to be provided in accordance with relevant Council standards. Irrigation plans must reflect depth of all pipework and valves, and locate filters and meters.
21. One on street car park shall be provide for each allotment within 30 metres of the allotment.
22. All engineering designs shall be to AHD and AMG.
23. The recycled water main should be designed and constructed generally in accordance with SA Water standards and meeting required WSA standards.

NOTES

1. Road widening and a buffer reserve on Barker Road adjacent allotment 779 is provided as part of DA 58/D042/10.
2. Retaining walls constructed to retain a difference in ground levels exceeding (1) metre in height require development approval.
3. No works or modification including excavation, filling, tree and vegetation removal or fencing should be undertaken in any watercourse without approval being granted for both the activity and the methods employed.
4. No encroachment into any Council land shall be permitted without prior written approval from Council. No vegetation on Council road reserve shall be removed without Council approval.
5. Prior to any native remnant vegetation being cleared on the land as part of the development, it is recommended that the applicant ensure any approvals required to do so are obtained from the Native Vegetation Management Branch of the Department of Environment and Heritage and/or Council. The removal of native vegetation may need approval. In some instances it can be removed through consistency with the regulations (included in the Native Vegetation Act). This may still require assessment by the relevant State Agency. All native vegetation removed incurs an SEB (significant environmental benefit) payment. Therefore ALL native vegetation on the site must be identified.

Any queries or discussion with Council's arborist is welcome anytime by contacting Chris Lawry on 8393 6428.

6. You are advised that any trimming, removal or tree damaging activity to a 'significant tree' (above or below ground) as defined by the Development Act 1993 requires Development Approval.

7. Council's review of submitted designs is to ensure compliance with Development Approval conditions. The accuracy of the design and obtaining any external approvals is the responsibility of the applicant.
8. Any entry statements/feature will require Development Approval from Council and shall accord with Council's "Design Guidelines for Subdivision Entrance Structures" (copy available on request). Details of any such proposed structure shall be provided to Council to ascertain whether approval is required.
9. Any person proposing to undertake building work within the District of Mount Barker is reminded of their obligation to take all reasonable measures to protect Council infrastructure. Any damage to the infrastructure - pipes, footpath, verge, street trees etc, must be reinstated to a standard acceptable to Council at the applicants' expense.
10. As your proposed development includes construction works on Council roads or connections to Council assets you are advised that a Permit to undertake works that impact on Council infrastructure, Council Streets or Roads or Council controlled land (available on the Website) will need to be issued by Council prior to construction.
11. A traffic management plan to be approved by Council will be required for any works that impact on Council roads or paths.
12. A Waste Control Application is required for a new septic tank and drainage system to be located at Allotment 984 for the existing house.
13. All traffic control devices need to be designed and installed to Council satisfaction and any non conforming devices approved by DTEI.
14. The applicant will need to enter into an agreement with Council for the supply of recycled water.
15. The applicant has entered into an infrastructure agreement with Council to provide direct infrastructure and contribute to indirect infrastructure.
16. Any infrastructure works in the land to the south of Stage 5 (Wistow Park) will require easements in favour of Council.
17. This Development Application has been assessed based on the land to the south of Stage 5 (Wistow Park) being rural and accordingly no allowance has been made for traffic or stormwater from the developed portion of this land.
18. Stormwater should be managed safely and efficiently with possible reuse before any disposal. Source Control stormwater management design techniques should be used applying the principles mentioned above. However, any design principles must be in accordance with the Water Allocation Plan for the Eastern Mount Lofty Ranges that is yet to be finalised (e.g. if the resource is already over committed then harvesting type techniques may be utilised to return more water to meet environmental water requirements).
19. The owner of land on which a watercourse is situated or that adjoins a watercourse must take reasonable measures to prevent damage to the bed and banks of the watercourse and the ecosystems that depend on the watercourse.
20. The owner of land on which a watercourse is situated must not place an object of solid material in the watercourse, nor excavate or remove rock, sand or soil from the watercourse.

21. Any site works commenced prior to the issue of formal Development Approval, or further approvals required by conditions attached to a Development Approval, shall be at the applicant's own risk.
22. A Community Wastewater Management System (CWMS) levy is required for additional allotments. This is to be paid at the rate applicable at time of payment prior to the issue of certificate pursuant to Section 51 of the Act.
23. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
24. Any information sheets, guidelines documents, codes or practice, technical bulletins etc. that are referenced in this response can be accessed on the following web site: <http://www.epa.sa.gov.au/poub.htm>.
25. The Developer shall be guided by the District Council of Mount Barker's "Sustainable Residential Subdivision Design Fact Sheets" (series of 5).
26. Best practice Water Sensitive Urban Design (WSUD) guidance can be achieved by compliance with the Fact Sheets referred to at Note (1) and "A guide to Water Sensitive Urban Design" (Engineers Australia, 2006).
27. Guidance on pollution prevention from construction sites can be found in the 'Handbook for Pollution Avoidance on Commercial and Residential Building Sites' and the 'Stormwater Pollution Prevention Code of Practice'. These documents are available at: <http://www.epa.sa.gov.au/pub.html>.
28. The development site should be established as a part of the KESAB Clean Site Program: <http://www.kesab.asn.au>.
29. Consideration should be given to water sensitive urban design features at the allotment scale, in particular;
 - (i) Driveway and paved areas to use porous pavements and runoff being diverted to infiltration zones or vegetation bio-retention swales; and
 - (ii) Water efficient landscaping.
30. The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.

31. It is important to note that the following legislation applies to portions of the subject land:
- The Notice of Prohibition on Taking Surface Water, Water from Watercourses and Wells in the Eastern Mount Lofty Ranges, which prohibits any new or additional use of surface, watercourse and/or underground water for any purpose - other than stock and domestic use - until the expiry of the current Notice of Prohibition on 2 October 2011 (and any subsequent Notices of Prohibition).
 - The Prescription of the Water Resources in the Eastern Mount Lofty Ranges, which requires those that are or are proposing to use surface, watercourse and/or underground water for any purpose – other than stock and domestic use – at any time in the future, to apply for a water licence with the Department for Water.
32. The storage, capture and/or taking of any surface water from a stormwater detention basin (dam) may constitute a 'new water use', which is prohibited under the Notice of Prohibition and the Prescription of Water Resources in the Eastern Mount Lofty Ranges. If there is a proposal to take surface water, watercourse water or underground water, or if there are any existing water uses that may be affected by the land division, the interested parties should contact the Department for Water to ensure compliance with the Notice of Prohibition and the Prescription of Water Resources in the Eastern Mount Lofty Ranges.
33. Under the Notice of Prohibition an authorisation may be granted to a person (Prospective User) who did not take water from a well in the area but who needs water for a development, project or undertaking to which they were legally committed or in respect of which they had, in the Minister's opinion, committed significant financial or other resources during the relevant period 1 July 2000 to 15 October 2003. The applicants have the opportunity to provide a Prospective User Submission to the Department to be assessed by the PUS Panel.
34. The Department for Water will be contacting the applicant to establish if there are any outstanding water resource related issues with the current, previous and future stages of the land division that need resolving for the entire 'Bluestone' development to be compliant with the Notice of Prohibition and the Prescription of Water Resources in the Eastern Mount Lofty Ranges. The Department for Water (Mount Lofty Ranges Program) may be contacted on 8339 9807 or email: DFWEMLR@sa.gov.au.
35. Any Water Affecting Activities (WAA), including but not limited to: watercourse alterations; construction of or alterations to bridges, crossing points or culverts; construction of or alterations to dams less than 5 megalitres in volume and/or with a wall height less than 3 metres from natural ground level (includes detention basins/ponds or constructed wetlands); drainage or discharge of water into a well; and/or use of effluent water, may require a WAA Permit Application to be submitted to the SA Murray-Darling Basin Natural Resources Management Board for assessment and approval under the Natural Resources Management Act 2004.

36. Construction or alterations to dams greater than 5 megalitres in volume and/or a with a wall height greater than 3 metres from natural ground level (includes detention basins/ponds or constructed wetlands) may require a development application to be lodged with the District Council of Mount Barker or Development Assessment Commission for assessment and approval under the Development Act 1993.
37. The River Murray system, which includes portions of the Eastern Mount Lofty Ranges, has abundant evidence of Aboriginal occupation. Under section 20 of the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains.
38. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.
39. The applicant is advised that any proposal to clear native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. Note that "clearance" means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal of branches, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information about Native Vegetation Act 1991 requirements, contact the Native Vegetation Council on telephone 8303 9741 or visit: <http://www.nvc.sa.gov.au>.
40. The applicant is strongly encouraged to incorporate locally indigenous plant species into any landscaping, screen planting or revegetation activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species. For information on appropriate species to be planted, please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105, or within Belair National Park on telephone 8278 7777 or visit www.stateflora.com.au.
41. Any fencing required to identify allotment boundaries should avoid the unnecessary removal of native vegetation and disturbance of soil, to minimise the risk of soil erosion and subsequent impacts on water quality through increases in siltation, nutrient loading and turbidity.
42. Guidance on pollution prevention from construction sites can be found in the 'Handbook for pollution avoidance on commercial and residential building sites' and the 'Stormwater pollution prevention code of practice', which can be accessed at: <http://www.epa.sa.gov.au>.

43. Best practice Water Sensitive Urban Design (WSUD) guidance can be achieved by compliance with the Department of Planning and Local Government WSUD Technical Manual: <http://www.planning.sa.gov.au/go/wsud>. Consideration should be given to water sensitive urban design features at the allotment scale, in particular:

- Driveway and paved areas to use porous pavements and runoff being diverted to infiltration zones or vegetation bio-retention swales;
- Water efficient landscaping .

44. The development site should be established as a part of the KESAB clean site program: <http://www.kesab.asn.au>.

These conditions and notes include consideration of social and cultural issues and they are applied in order to help achieve the balance between the economic and environmental sustainability of the regions that include the River Murray system.

In determining this response I have had regard to, and have sought to further, the Objects and Objectives of the River Murray Act 2003

Statement of Development Assessment Commission Requirements:

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply (SA Water 90063/11)

The necessary easements shall be granted to the SA water Corporation free of cost.

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

Note: Two (2) documents attached.

Signed: 

Development Approval
Council Delegate

Date of Decision: 09/01/2012

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DECISION NOTIFICATION FORM**Development Number 580/D060/12**

FOR DEVELOPMENT APPLICATION

DATED: 02/01/2013

REGISTERED ON: 02/01/2013

TO: Walker Corporation
 C/- Alexander symonds Pty Ltd
 PO Box 1000
 KENT TOWN SA 5071

LOCATION OF PROPOSED DEVELOPMENT:

LOT: 733 DP: 91277 CT: 6110/365, LOT: 732 DP: 91277 CT: 6110/364, LOT: 734 DP: 91277 CT: 6110/366, LOT: 731 DP: 91277 CT: 6110/363, LOT: 1008 DP: 91277 CT: 6110/367, LOT: 1007 DP: 84569 CT: 6062/472 20/ West Parkway MOUNT BARKER, 22/ West Parkway MOUNT BARKER, 18 West Parkway MOUNT BARKER, 24/ West Parkway MOUNT BARKER, Barker Road MOUNT BARKER.

NATURE OF PROPOSED DEVELOPMENT:

Land Division to Create One Hundred and Fifty (150) Additional Allotments

From **The District Council of Mount Barker**

In respect of this proposed development you are informed that:

NATURE OF DECISION	CONSENT GRANTED	NO. OF CONDITIONS	CONSENT REFUSED	NOT APPLICABLE
Development Plan Consent	Granted	4		
Land Division - Requirements	Granted	24		
Land Division (Strata) - Requirements				N/A
Building Rules Consent				N/A
Public Space				N/A
DAC Requirements		2		
DEVELOPMENT APPROVAL	Granted	30		

N/A representation(s) from third parties concerning your category 3 proposal were received - Not Applicable

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.

Date of Decision: 27/09/2013

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DEVELOPMENT PLAN CONSENT

Conditions of Consent by the Council:

- 1) The development herein approved to be carried out in accordance with the plans and details accompanying this application including:
 - Plan of Division (Amended 11.06.2013) prepared by Alexander Symonds Surveying Consultants, REF A034709.0004, REVISION C;
 - Letter of Intent (dated 20.09.2013) prepared by Mount Barker Developments No.1 Pty Ltd;
 - Stage 4 – Response to Council Queries (letter) dated 21 June 2013, prepared by Wallbridge & Gilbert Consulting Engineers;
 - Planning Report and supporting documentation dated 9 April 2013, prepared by Walker Corporation Pty Ltd;

except where amended by the following condition(s).

Reason: To ensure the proposal is established in accordance with the submitted plans.

- 2) That effective measures be implemented during the construction of the development and on-going use of the land in accordance with this consent to:
 - prevent silt and water run-off from the land to adjoining properties, roads and drains;
 - control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land;
 - ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;
 - ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure; and
 - ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land.
- 3) Prior to the commencement of any earthworks on the site, tree protection zones must be established around all regulated and/or significant trees which are proposed to be retained as part of the development to the reasonable satisfaction of the Council. Tree protection zones must be fenced and sign-posted, and no persons, vehicles or machinery must enter the tree protection zones without the consent of the Council or a professional Arborist with a minimum qualification of a Certificate IV in Arboriculture.

Department of Environment Water and Natural Resources Condition

- 4) During any works or construction activities associated with the land division, the subject land must be managed to prevent erosion and pollution of the site and the environment, including keeping the area in a tidy state and ensuring

Date of Decision: 27/09/2013

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any waste materials are appropriately contained, to ensure no pollutants (including excavation or fill material) enter the River Murray system. The preparation of a Soil Erosion and Drainage Management Plan or similar document may assist in complying with this condition.

Conditions of Consent by Development Assessment Commission:

No conditions apply

LAND DIVISION CONSENT**Statement of Council Requirements:**

- 1) All civil works (earthworks, roads, stormwater drainage, wetlands, detention, footpaths, wastewater collection, treatment and disposal, water reticulation, traffic control devices) necessary for the development shall be provided by the applicant at the full cost of the applicant and shall be designed by a qualified Civil Engineer to the reasonable satisfaction of Council, and construction supervised by a suitability qualified person. All works shall have a minimum of 12 months defects liability period from Council acceptance of practical completion.
- 2) Design, construction and handover of all infrastructure must be done generally in accordance with the District Council of Mount Barker Standards and Requirements document "Design, Construction and Development of Infrastructure Assets", August 2007 (including July 2012 CWMS provisions), current Australian Standards, AUSTROAD Guidelines, current industry practice and in line with any conditions of approval to the reasonable satisfaction of Council.
- 3) All civil work design plans, calculations and specifications shall be submitted to Council for agreement on the documentation prior to the commencement of construction.
- 4) A Quality Plan pertaining to design, inspection, testing and survey of all infrastructure works shall be submitted and approved at the time of design approval and include compulsory notification to Council for inspection of works.
- 5) Management of stormwater shall occur generally in accordance with the Stormwater Management Report prepared by Wallbridge and Gilbert, Consulting Engineers Job No.C090322, Rev A, submitted in support of the application.

- 6) As a minimum, the drainage design shall cater for piped flows for a 1 in 10 year ARI event, and an overland flow path for events up to 1 in 100 year ARI. Drainage calculations and design shall ensure:
- a. The design provides for fully developed upstream catchment;
 - b. All properties are protected from a 100-year average recurrence interval storm. Secondary protection drainage flow path is provided allowing a surcharge due to 50% blockage of the primary piped system. Flows are not to exceed the top of any kerb parallel to the direction of flow. The product of flow velocity and depth is not to exceed 0.4;
 - c. Proposed and existing dwelling finished floor levels demonstrate that they are a minimum of 0.5m above the 100 average recurrence interval flood level for watercourses to avoid building flooding;
 - d. Existing fences and structures are modified as needed to minimise the obstruction of water flow in watercourses, open drains and flow paths;
 - e. Local underground drainage accommodates a minimum of the flows resulting in a 10-year average recurrence interval storm with the hydraulic grade line being no closer than 150mm from pit openings;
 - f. At a sag point the underground drainage accommodates a minimum of the flows resulting from a 25 year average recurrence interval storm (ARI) provided there is a defined overland path for the gap flow to flows from a 100-year ARI storm. If there is not defined overland flow path then the underground drainage accommodates the flows resulting from a 100-year ARI storm;
 - g. A minimum pipe size of 375mm for all road drainage;
 - h. Allotment drain stormwater pipes to be PVC class 6 or reinforced concrete (RCP). Road drainage shall be reinforced concrete (RCP) RRJ;
 - i. The minimum pipe grade is 0.5% unless otherwise approved;
 - j. Front of allotment drainage is provided along all one-way cross-fall roads and flush kerb roadways;
 - k. Design calculations shall include 10-year ARI and 100-year ARI:
 - i. Hydrological calculations and catchment plan;
 - ii. A plot of the hydraulic grade line;
 - iii. A check of flooded widths;
 - iv. A check of flows across junctions;
 - v. Inclusion of SEPs at the upstream tangent points of all junctions and immediately upstream of pedestrian crossing locations;
 - vi. A check of the minimum road/bypass flow capacity;
 - l. Water course design should be based on an unmaintained fully vegetated water course.
- 7) Stormwater discharge into any existing watercourse must be at designed to prevent erosion of the water bodies to the satisfaction of the Council.
- 8) Rear of allotment underground drainage is required where driveways, paved areas and houses will not drain to the street. Rear of allotment drainage shall accommodate a 10-year average recurrence interval storm from the potential impervious areas of the allotment. Minimum pipe size for rear of allotment drainage shall be 150mm diameter class 6 PVC.

- 9) A system to improve stormwater quality shall be provided to ensure that pollutants are trapped prior to exiting the site or entering the natural watercourse. The minimum standard of treatment shall be able to remove the following percentages of pollutants from the typical annual urban load:
- a. Suspended solids 80% reduction
 - b. Total Phosphorus 45% reduction
 - c. Total Nitrogen 45% reduction
 - d. Litter 100% reduction
- 10) All road pavements shall be designed and constructed for the ultimate development capability of the land in the vicinity of the development. Design traffic shall allow for a 30 year design life including normal predicted road traffic, future road construction/house construction traffic, and future potential bus routes.
- 11) The applicant shall provide a certificate, prepared by a suitably qualified person, declaring that all civil works have been carried out in a satisfactory manner and meet all the provisions of the development approval, approved plans and specifications.
- 12) "As-Constructed" drawings and as constructed survey plans and an asset register for all works on the site shall be submitted to Council prior to Council accepting Practical Completion. The plans are to be provided in accordance with relevant Council standards and include hard copy, pdf and dwg files. Such plans shall show exact locations and invert levels of pipes, flushing points, access chambers, junction boxes and other structures in relation to property boundaries. All road levels and other infrastructure shall be shown.
- 13) Where properties drain naturally to the street, one galvanised steel kerb adaptor shall be provided in accordance with Council's current standards. Where properties drain naturally to the rear of the allotment, one rear of allotment connection shall be provided and connected to a rear of allotment drainage system in accordance with relevant Council standards.
- 14) Any connection to Council's Community Wastewater Management System (CWMS) must be provided in accordance with Council's current standards, Australian Standards and relevant codes to the reasonable satisfaction of the Council.
- 15) All underground drainage (CWMS and stormwater) in land not owned by Council is required in easements. Where a stormwater drain services one allotment only the easement is to be in the name of the allotment it services. In other cases the easements shall be in the name of the Council and shall be a minimum of 3 metres wide for a single pipe and 4 metres for 2 pipes with a minimum of 1.0 metre clearance from the edge of the pipe to the easement boundary and 1.5 metres between pipes, and at no cost to the Council.

- 16) Council has declared the area an underground mains area and all the requirements of the ETSA Utilities for connections; easements and the installation of underground mains shall be met.
- 17) A reinforced concrete footpath having a width of 1.5 metres for local roads, 1.8m for collector roads shall be provided. The footpath shall be offset from the back of kerb to a location acceptable by Council and constructed in accordance with Council standards and shall meet the requirements of Australian Standard AS1428 - 2009 Design For Access and Mobility.
 - a. Where footpaths are located on one side of the road, the side and location will be to the reasonable satisfaction of Council who will consider the future footpath network layout, likely pedestrian usage, common service trench location and street light location.
- 18) An Environmental Management Plan (EMP), including a Soil Erosion and Drainage Management Plan (SEDMP), must be prepared by an experienced and qualified person, in accordance with the EPA Stormwater Pollution Prevention Code of Practice and other relevant industry standards and guidelines, to the reasonable satisfaction of the Council. The measures recommended in the EMP and SEDMP must be in place before earthworks commence on site and maintained in good condition until the site is sealed, stabilised or suitably revegetated in a manner to prevent erosion.
- 19) A construction management plan (CMP) shall be prepared for the development prior to construction commencing for review of Council, which includes reporting, compliance, conformances and complaint management and addresses specific site conditions and work practices including traffic management, dust and air pollution, working hours, noise, water quality management, native vegetation, flora and fauna, flood management, water quality management, cultural heritage, waste management, contamination, community notification and consultation.

Environment Protection Authority Requirements

- 20) The detailed design of the stormwater management system must meet the following stormwater quality and quantity objectives:
 - a. Suspended solids (SS) - 80% retention of the typical urban annual load with no treatment;
 - b. Total phosphorus (TP) - 45% retention of the typical urban annual load with no treatment;
 - c. Total nitrogen (TN) - 45% retention of the typical urban annual load with no treatment;
 - d. and Pre-development flows are met.
- 21) A maintenance plan must be prepared and implemented for the stormwater management system, including Water Sensitive Urban Design measures, to maintain optimum Performance.

- 22) A detailed Soil Erosion and Drainage Management Plan (SEDMP) must be prepared and submitted to the District Council of Mount Barker to prevent soil sediment and pollutants leaving the site or entering watercourses during development of the site and construction of dwellings. The SEDMP must be implemented in accordance with drawing no. C090322/C301A in the Wallbridge & Gilbert 'Bluestone Development Stormwater Masterplan Report' Revision D, dated February 2011 (or later equivalent) and be prepared in accordance with the EPA's Stormwater Pollution Prevention Code of Practice for the Building and Construction industry (March 1999).
- 23) A Construction Environment Management Plan must be prepared and submitted to the reasonable satisfaction of the District Council of Mount Barker to address the mitigation or minimisation of impacts (including but not limited to noise and dust) during the construction Phase.

Department of Planning Transport & Infrastructure Requirements

- 24) A Traffic Management Plan shall be approved prior to the approval of each construction stage identifying the means of access for construction traffic in association with the approved land division. The Traffic Management Plans shall be referred to DPTI for approval where they involve traffic entering the site from a DPTI maintained road or will impact on a local road junction with a DPTI maintained road.

Statement of Development Assessment Commission Requirements:

- 1) The financial and augmentation requirements of the S A Water Corporation shall be met for the provision of water supply. (S A Water 90122/12)

The necessary easements shall be granted to the S A Water Corporation free of cost.
- 2) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

Council Notes

- 1) You will require a fresh consent before commencing or continuing the development if you are unable to satisfy the above requirements. Any request for an extension of time must be lodged with Council prior to the expiration of time periods specified above.

- 2) Pursuant to **Development Regulation 48 (1)** - Any consent or approval under Part 4 of the Act (whether subject to conditions or not) will lapse at the expiration of---

48 (1)(b)(ii)

If the relevant development involves the division of land and an application for a certificate under Section 51 of the act has been lodged with the Development Assessment Commission within 12 months from the operative date of the relevant consent - 3 years from the operative date of the consent.

- 3) The applicant is reminded of its responsibilities under the Aboriginal Heritage Act 1988 to ensure any site or artefact of Aboriginal significance is protected. If any activities are likely to damage, interfere or disturb with a site or object, authorisation of the activity must first be obtained from the Minister under section 23 of the Aboriginal Heritage Act 1988.
- 4) A Community Wastewater Management Scheme (CWMS) levy is required for all new connections to the CWMS. This is to be paid at the applicable rate at time of payment prior to the issue of certificate pursuant to Section 51 of the Act.
- 5) As your proposed development includes construction works on Council roads or connections to Council assets you will need to lodge the relevant Application to Undertake Works On Council Land form(s) for the works, which are available on the Council website. Works must not proceed until an approved Permit has been issued by Council.
- 6) Any person proposing to undertake building work within the District of Mount Barker is reminded of their obligation to take all reasonable measures to protect Council infrastructure. Any incidental damage to the infrastructure - pipes, footpath, verge, street trees etc, must be reinstated to a standard acceptable to Council at the applicants' expense.
- 7) The applicant/owner is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993 (enforced by the Environment Protection Authority), to take all reasonable and practical measures to ensure that its activities on the whole site do not pollute the environment in a way which causes, or may cause environmental harm (including an environmental nuisance such as dust).
- 8) No works or modification should be undertaken in any watercourse without a permit for a Water Affecting Activity from the Department of Environment, Water and Natural Resources.
- 9) The applicant is reminded to notify Council in writing when all the Council's conditions and requirements have been complied with. Written Notification should identify each condition and address how the condition has been satisfied, including any relevant documentation. The Development Assessment Commission will then be notified that the Council has no objections to the issue of the Certificate of Approval.

DECISION NOTIFICATION FORM

Development Number 580/D060/12

- 10) Any site works commenced prior to the issue of formal Development Approval, or further approvals required by conditions attached to a Development Approval, shall be at the applicant's own risk. However, no works shall commence prior to silt control measures being in place.
- 11) Any fill material brought to the site must be clean and not contaminated by construction or demolition debris, industrial or chemical matter, or pest plant or pathogenic material
- 12) You are advised that any trimming, removal or tree damaging activity to a 'significant tree' as defined by the Development Act 1993 requires Development Approval.
- 13) Any entry statements/feature will require Development Approval from Council and shall be in accordance with Council's "Design Guidelines for Subdivision Entrance Structures".
- 14) A Waste Control Application is required for any new septic tank and drainage system to be located within the development.

Environment Protection Authority Notes

- 15) The applicant is reminded of its general environmental duty, as required by Section 75 of the Environment Protection Act, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- 16) Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed on the following web site: <http://www.epa.sa.gov.au>

Department of Environment Water and Natural Resources Notes

- 17) The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
- 18) It is important to note that the following legislation applies to the subject land: The Prescription of the Water Resources in the Eastern Mount Lofty Ranges, which requires those that are or are proposing to use surface, watercourse and/or underground water for any purpose – other than stock and domestic use – at any time in the future, to apply for a water licence with the Department of Environment, Water and Natural Resources. The Notice of Prohibition on Taking Surface Water, Water from Watercourses and Underground Water in the Eastern Mount Lofty Ranges, which prohibits any new or additional use of surface, watercourse and/or underground water for any purpose - other than stock and domestic use - until the expiry of the current Notice of Prohibition on 20 September 2013 (and any subsequent

Date of Decision: 27/09/2013

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DECISION NOTIFICATION FORM**Development Number 580/D060/12**

Notices of Prohibition). If there are any existing water users that may be impacted by the land division, the interested parties should contact the Department of Environment, Water, and Natural Resources. For further information contact the Department on telephone 8463 6876 or visit: <http://www.sa.gov.au/subject/Water%2C+energy+and+environment/Water/Water+use+for+irrigators/Water+licences+and+permits/>.

- 19) Guidance on pollution prevention from construction sites can be found in the 'Handbook for pollution avoidance on commercial and residential building sites' and the 'Stormwater pollution prevention code of practice', which can be accessed at: <http://www.epa.sa.gov.au>.
- 20) Best practice Water Sensitive Urban Design (WSUD) guidance can be achieved by compliance with the Department of Planning and Local Government WSUD Technical Manual: <http://www.sa.gov.au/subject/Housing,+property+and+land/Building+and+development/South+Australia's+land+supply+and+planning+system/Water-sensitive+urban+design>. Consideration should be given to water sensitive urban design features at the allotment scale, in particular: Driveway and paved areas to use porous pavements and runoff being diverted to infiltration zones or vegetation bio-retention swales; Water efficient landscaping.
- 21) In accordance with section 144 of the Natural Resources Management Act 2004, the occupier of the land on which a well is situated must ensure that the well (including the casing, lining and screen of the well and any mechanism used to cap the well) is properly maintained. A permit is required from the Department of Environment, Water, and Natural Resources for any work to be carried out on a well or for new wells to be drilled. Information on specific wells can be obtained from www.waterconnect.sa.gov.au/GD/
- 22) If there is an intention to clear native vegetation on the land at any time, the applicant should consult the Native Vegetation Council to determine relevant requirements under the Native Vegetation Act 1991 and its Regulations, which may include the provision of a Significant Environmental Benefit. Note that 'clearance' means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9741 or visit: <http://www.nvc.sa.gov.au>.
- 23) Any fencing required to identify allotment boundaries should avoid the unnecessary removal of native vegetation and disturbance of soil, to minimise the risk of soil erosion and subsequent impacts on water quality through increases in siltation, nutrient loading and turbidity.
- 24) The applicant is encouraged to incorporate locally indigenous plant species into any landscaping, screen planting or revegetation activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species. For information on appropriate species to be planted,

Date of Decision: 27/09/2013

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please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105, or within Belair National Park on telephone 8278 7777 or visit: <http://www.stateflora.com.au>.

- 25) The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or artefacts may be present on the subject land (eg. scarred trees, campsites, burial sites, middens, etc). Under section 20 of the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.

Note: Four (4) documents attached.

Signed:.....

Development Approval
Council Delegate

Date of Decision: 27/09/2013

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DECISION NOTIFICATION FORM**Development Number 580/230/15**

FOR DEVELOPMENT APPLICATION

DATED: 14/05/2015

REGISTERED ON: 14/05/2015

TO: Distinctive Homes Pty Ltd
PO Box 208
MARLESTON SA 5033

LOCATION OF PROPOSED DEVELOPMENT:**LOT: 641 DP: 93998 CT: 6140/467 5 Toulston Court MOUNT BARKER.****NATURE OF PROPOSED DEVELOPMENT:****Detached Dwelling - Class 1a & 10a**

From The District Council of Mount Barker

In respect of this proposed development you are informed that:

NATURE OF DECISION	CONSENT GRANTED	NO. OF CONDITIONS	CONSENT REFUSED	NOT APPLICABLE
Development Plan Consent	Granted	8		
Land Division - Requirements				N/A
Land Division (Strata) - Requirements				N/A
Building Rules Consent	Privately Certified	2		
Public Space				N/A
Other				N/A
DEVELOPMENT APPROVAL	Granted	10		

Details of the building classification & the approved number of occupants under the Building Code are attached.
 (If Applicable)

N/A representation(s) from third parties concerning your category 3 proposal were received - Not Applicable

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.

Date of Decision: 19/05/2015

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DEVELOPMENT PLAN CONSENT

The following condition(s) apply:

- (1) The development herein approved to be carried out in accordance with the stamped plans and details accompanying this application, except where amended by the following condition(s).

Reason

To ensure the proposal is established in accordance with the submitted plans.

- (2) All stormwater captured by structures shall be directed to the street water table or connected to a rear of allotment drain (if available) immediately upon the roof cladding installation to the satisfaction of Council.

Reason

To prevent stormwater damage to buildings on site and adjoining property.

- (3) All stormwater captured by roofing materials and hard sealed paving areas shall be discharged in a controlled manner so it does not impact upon adjoining properties or, in the opinion of Council, has the potential to cause nuisance or destabilise adjoining land.

When configuring a stormwater collection system, it is important that it remains independent of any waste control system.

Under no circumstance shall stormwater be diverted or incorporated into either:

- Council's Common Waste Management System (CWMS)
- SA Water's Sewerage system, or
- A localised waste water system (septic tank).

Stormwater entering into any of these systems is detrimental to the function for which they are intended.

Reason

To ensure that all stormwater discharge points are properly controlled and diverted in such a manner to minimise impact on waste control systems and/or adjoining property owners.

- (4) The following works are to be undertaken within the road reserve:
- the section of driveway to be constructed within the Council road reserve as indicated on plan shall be sealed with asphalt, pavers or concrete to provide structural integrity and traction in all weather conditions, be of maximum width of 5.0 metres for a double garage/carport or 4.0 metres for a single garage/carport, and have fall to the street as per Council specification; and
 - if directing any stormwater to the street, installation of a steel kerb adaptor for stormwater to enter the street in a controlled manner.

The work must be undertaken in accordance with Council requirements as detailed in the [Application to Undertake Works on Council Land – Driveways, Culvert pipes, Stormwater, Underground services](#) Form and be constructed in accordance with the [Driveway Invert, Driveway Crossover, Footpath Standard Details](#). Both of these documents can be found on Council's website at www.dcmtbarker.sa.gov.au and hard copies are available from the Council office.

Reason

To ensure suitable vehicular access is provided to the property and scoured stormwater runoff does not enter the street.

- (5) The applicant shall provide a dedicated water supply available at all times for fire-fighting purposes in accordance with the Minister's Specifications SA78 – Additional requirements in designated bushfire prone areas (May 2011). This is in addition to the 1000 litre rainwater tank required by the Building Code of Australia.

Reason

To provide a measure of protection against bushfire attack.

- (6) Effective measures are to be implemented during the construction of the development and on-going use of the land in accordance with this consent to:
- prevent silt and water run-off from the land to adjoining properties, roads and drains;
 - control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land;
 - ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;
 - ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure; and
 - ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land.

Reason

To ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

- (7) All scarring or physical disturbances of the land surface during any excavation work shall be restricted to only that which is required for building work and/or access purposes. All resultant exposed faces shall be covered in topsoil and planted with suitable ground cover to the reasonable satisfaction of Council.

Reason

To ensure excavations and filled land is stable and will not result in any adverse impact on adjoining properties and/or the environment.

- (8) Where cut or fill in excess of 300mm is required as a result of the proposed development, retaining walls or other suitable soil retention devices shall be employed.

Reason

To ensure excavations and filled land is stable and will not result in any adverse impact on adjoining properties.

Note: Any person proposing to undertake building work within the District of Mount Barker is reminded of their obligation to take all reasonable measures to protect Council infrastructure. Any incidental damage to the infrastructure - pipes, footpath, verge, street trees etc, must be reinstated to a standard acceptable to Council at the applicants' expense.

If you have any queries please contact Council on 8391 7200.

Note: You are advised that the Development herein approved must be substantially commenced within 12 months of the date of this Approval, unless this period of time is extended by Council. Further, any act or work authorised or required by this Approval must be completed within 3 years of the date of this Approval, unless this period of time is extended by Council.

You will require a fresh consent before commencing or continuing the development if you are unable to satisfy these requirements. Any request for an extension of time must be lodged with Council prior to the expiration of time periods specified above.

BUILDING RULES CONSENT

Development Regulation Part 8, 42(5)

As a private certifier has made a decision in respect of the building rules consent, please find attached a copy of the private certifier's decision.

OTHER

The following notes apply:

- (1) Under Regulation 74(1) a person proposing to undertake building work (or who is in charge of such work) must give the Council 1 business days' notice at the following stages of building work:

Date of Decision: 19/05/2015

DECISION NOTIFICATION FORM**Development Number 580/230/15**

- a) Commencement of building work on site
- b) Pouring of concrete footings or other structural member that transfers load directly to a foundation
- c) Completion of the wall and roof frame prior to concealment, including the supply of Supervisor's Check List – Regulation 74, 2008 (attached).
- d) Completion of building work.

Notification of building works is to be submitted via Council website @ <http://www.dcmtbarker.sa.gov.au/notificationofbuildingworks>.

If Council does not receive Notification of building works an expiation fee of \$500 may apply per offence as prescribed in Regulation 74 of the Development Regulations 2008.

NOTE: Notifications received prior to 48 hours of completion will not be accepted.

- (2) A Statement of Compliance is to be completed and submitted to Council upon the completion of building work, prior to occupation of the dwelling or addition. It shall be completed as follows:
- Part A) To be signed by a Licensed Building Contractor, Registered Building Supervisor or Private Certifier responsible for carrying out the relevant building work.
 - Part B) To be signed by the owner or someone acting on their behalf.

Note: <Private Certifiers documents attached.

Contacts:

Should you have any Planning queries please contact Kristian Wohlstadt 83917 219.

Any other queries please contact Mount Barker Council 8391 7200.

Signed:

Development Approval
Council Delegate

Date of Decision: 19/05/2015

**BUILDING RULES CONSENT -
SECTION 93(b)**

COUNCIL : DISTRICT COUNCIL OF MOUNT BARKER

DEVELOPMENT APPLICATION No : 580/230/15

APPLICANT : DISTINCTIVE HOMES PTY LTD

PROPOSED DEVELOPMENT : Single storey detached Dwelling

OWNER : L Schenscher

SITE ADDRESS : Lot 641 (No 5) Toulston Court, MOUNT BARKER

Building Rules Consent has been granted for the proposed development described in the enclosed Decision Notification Form, pursuant to Section 93(b) of the Development Act 1993.

Enclosed for your attention are:

- the Decision Notification Form (plus one copy for the applicant);
- two copies of the documentation endorsed with the Certifier's consent;
- a copy of the certificate of insurance in accordance with Regulation 21; and
- a Schedule 22A Certificate of Consistency,

all as prescribed in Regulations 92 and 93 of the Development Regulations 2008.

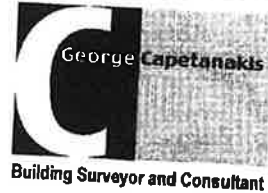
According to Regulation 46 of the Development Regulations 2008, if it appears to a relevant authority that all consents necessary for the approval of a particular development have been obtained under Division 1 of Part 4 of the Act, and that no such consent has lapsed and that all such consents are consistent with each other, the relevant authority must, subject to the Act and any other Act or law, forthwith (and in any event within five business days after receiving the last consent) issue a notice of approval in the form set out in Schedule 11 and forward to the applicant together with:

- a copy of the Private Certifier's decision (Regulation 42(4)); and
- a copy of the endorsed documents (Regulation 47).


George Capetanakis

8 May 2015

Our Reference:
11415

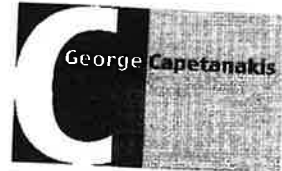


24 Tyson Street
ASHFORD SA 5035
Phone: (08) 8293 7346
Fax: (08) 8293 1007
Mobile: 0438 123 617
Email: georgecap@adam.com.au

DC Mt Barker
File No: <u>230/15</u>
13 MAY 2015
Doc. No: _____
Asses No: _____
Parcel No: <u>31164</u>
Prop. No: _____
SCANNED

DECISION NOTIFICATION FORM SCHEDULE 11

Our Reference:
11415



Building Surveyor and Consultant

24 Tyson Street
ASHFORD SA 5035
Phone: (08) 8293 7346
Fax: (08) 8293 1007
Mobile: 0438 123 617
Email: georgecap@adam.com.au

Development Application: Dated 12 March 2015
Registered 12 March 2015

Development Application No: **580/230/15**

To: DISTRICT COUNCIL OF MOUNT BARKER
PO Box 54
MOUNT BARKER SA 5251

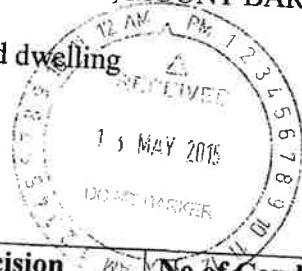
Applicant (on behalf of the owner): **DISTINCTIVE HOMES PTY LTD**
PO Box 208,
MARLESTON SA 5033

Location of Proposed Development: Lot 641 (No 5) Toulston Court, MOUNT BARKER

Nature of Proposed Development : Single storey detached dwelling

Building Classification Assigned : Class 1a & 10a

In respect of this proposed development you are informed that:



Nature of Decision	Consent Granted (Yes/No)	Date of Decision	No of Conditions
Development Plan Consent	Yes	1/05/15	8
Building Rules Consent	Yes	8/05/15	2

Reasons for this decision, any conditions imposed and the reasons for imposing those conditions are set out in the attached sheet.

Signed: 
George Capetanakis

Date: 8 May 2015

Private Certifier

Sheets attached

NOTE: No work can commence on this development unless a Development Approval has been obtained. The owner must not commence, or authorize the commencement of, any site works or building work or change the use of the land until Notification of Development Approval has been granted.

**CONDITIONS OF BUILDING RULES
CONSENT / FURTHER INFORMATION -
SECTION 42**

Our Reference:
11415



Building Surveyor and Consultant

24 Tyson Street
ASHFORD SA 5035
Phone: (08) 8293 7346
Fax: (08) 8293 1007
Mobile: 0438 123 617
Email: georgecap@adam.com.au

DEVELOPMENT APPLICATION No : **580/230/15**

PROPOSED DEVELOPMENT : Single storey detached Dwelling at
Lot 641 (No 5) Toulston Court,
MOUNT BARKER

CLASSIFICATION : The building is classified as **Class 1a & 10a**.

Building Rules Consent is issued subject to the following Conditions and Notes:

CONDITIONS:

1. Specification – All building work and materials used shall be in accordance with the standard **DISTINCTIVE HOMES "HIA Building Specification"**.

2. Bushfire Protection – Shall be as per Table SA 3.7.4.1 of Volume 2, BCA2013, Construction Requirements for BAL-12.5.

NOTES:

Notifications of stages of building work - The person proposing to undertake building work on land (or who is in charge of such work) must be aware of their obligation to give the Council notice at stages prescribed in Reg. 74.

Proprietary type materials & products – This consent is issued on the understanding that the proprietary type materials and products as specified on the plans or specifications are to be selected and installed in accordance with the manufacturer's recommendations and relevant standards.

Termite Protection – A durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:-

- a) the method of protection; and
- b) the date of installation of the system; and
- c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- d) the installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.

Written statement of compliance - In accordance with Reg. 83AB a written statement declaring that the building work was carried out in accordance with the relevant Development Approval (disregarding any variation of a minor nature which has no adverse effect on the structural soundness or safety of the dwelling or on the health of the occupants) must be provided to the relevant authority within 10 business days of occupation of the building (copy of Statement of Compliance enclosed).

Timber framing – The assessment of the timber framing has been based on the understanding that the timber to be used for all structural elements will have a minimum joint strength group of J4 or JD4.

Footings – The footings have been checked only for compliance with the minimum allowable requirements prescribed in AS2870. The owner is advised to refer to the footing construction report or seek advice from the engineer in this matter.

The owner's attention is drawn to Appendix B of AS2870 'Performance Requirements and Foundation Maintenance'.

Wet areas – Wet area details including floor grades, set-downs and impervious surfaces shall comply with Part 3.8.1 (Wet Areas) of Volume Two, BCA2014.

Building work affecting adjoining land - Building Owner and/or person/s undertaking building work must be aware of their obligation to notify the adjoining owner if the building work is likely to affect adjoining land, as prescribed in Reg. 75 (*Building work affecting adjoining land*). The location design and capacity of storm water discharge from the property must be approved by Council. Storm water disposal systems must be completed by the finish of the construction of the building.

Compliance with other legislation - This report does not imply compliance with the Electricity Trust of South Australia Act 1946, as amended, or with the (State) Equal Opportunity Act 1984, or with the Commonwealth Disability Discrimination Act 1993, as amended, or with any other Act imposing requirements on the builder, occupier and/or owner. It is the responsibility of the owner and/or the person/s undertaking the building work to ensure compliance with same.


George Capetanakis
Private Certifier

8 May 2015

Fact Sheet

Council Easements



Council may require an easement for stormwater, drainage, sewer or effluent infrastructure. The following are common questions asked regarding Council Easements.

Q How do I know if my Property has an Easement?

A Check the Certificate of Title or Deposited Plan.

Q What is an Easement?

A An easement is generally a strip of land marked on the Certificate of Title by means of a dashed line. This strip of land indicates where a council easement is located through the property. This strip of land is still owned by the property owner, it allows council access to it, in order that maintenance may be carried out on the infrastructure within the easement.

Q Why are easements necessary?

A An easement is necessary to give an indication to the property owner where exactly the infrastructure is on that property. It is not always possible to locate infrastructure within road reserves or Council property.

Q Can I build over an easement?

A Generally any structure that is easily dismantled or moved such as a small aviary or small potters shed may be erected over an easement. Houses, sheds, extensions and other immovable structures are not permitted to be erected over an easement.

Q Can I plant on an easement?

A Generally you can plant anything that will not grow over 3m tall. Please note though that anything planted may have to be removed if the infrastructure needs maintenance or replacement. Reinstatement of any plantings removed will be carried out by Council at its own discretion.

Q Can I lay a footpath or driveway over an easement?

A Yes, however any lids or covers associated with the infrastructure must be left flush with the final footpath or driveway levels. Driveways and footpaths are to be constructed with block pavers or similar.

Q What if Council requires access to the easement?

A Council has statutory powers under the Water Industry Act 2012 to enter private property to carry out maintenance on its infrastructure located within the easement. If the matter is not urgent Council will notify the property owner of their intent to access the easement ahead of time. Urgent access usually only occurs in emergency situations. Any excavations and reinstatement of the easement will be carried out by Council. Any removal and reinstatement of structures or vegetation on the easement will be the owner's responsibility.

If you have any further questions or require further details regarding Council Easements, please contact Council on 8391 7200.

DOC/20/131386

Local Government Centre
Mount Barker Homemaker Centre
6 Dutton Road, Mount Barker SA 5251

9am - 5pm Monday to Friday
Telephone 8391 7200
www.mountbarker.sa.gov.au

Account Number	L.T.O Reference	Date of issue	Agent No.	Receipt No.
58 13188 25 0	CT6140467	22/12/2025	7627	2741689

FORM 1 ON FROME
 LEVEL 1 147 FROME ST
 ADELAIDE SA 5000
 info@form1onfrome.com.au

Section 7/Elec

Certificate of Water and Sewer Charges & Encumbrance Information

Property details:

Customer: MR LD SCHENSCHER
 Location: 5 TOULSTON CT MOUNT BARKER LT 641 D93998
 Description: HDG Capital Value: \$ 690 000
 Rating: Residential

Periodic charges

Raised in current years to 31/12/2025

			\$
	Arrears as at: 30/6/2025	:	170.33
Water main available: 1/7/2014	Water rates	:	164.60
Sewer main available:	Sewer rates	:	0.00
	Water use	:	126.09
	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	:	336.29CR
	Balance outstanding	:	124.73

Degree of concession: 00.00%
 Recovery action taken: ACCOUNT SENT

Next quarterly charges: Water supply: 82.30 Sewer: 0.00 Bill: 18/3/2026

A sewer main is not available to this property.

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

The last Water Use Year ended on 04/06/2025.

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.

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

South Australian Water Corporation

Name: MR LD SCHENSCHER Water & Sewer Account Acct. No.: 58 13188 25 0 Amount: _____

Address:
5 TOULSTON CT MOUNT BARKER LT 641
D93998

Payment Options

EFT

EFT Payment

Bank account name:	SA Water Collection Account
BSB number:	065000
Bank account number:	10622859
Payment reference:	5813188250



Bill code: 8888
Ref: 5813188250

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: 5813188250



**Government of
South Australia**

South Australian Water Corporation
250 Victoria Square/Tarntanyangga
Adelaide SA 5000
GPO Box 1751 Adelaide SA 5001

1300 SA WATER
(1300 729 283)
ABN 69 336 525 019
sawater.com.au



ABN 19 040 349 865
Emergency Services Funding Act 1998

CERTIFICATE OF EMERGENCY SERVICES LEVY PAYABLE

The Emergency Services Levy working for all South Australians

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

PIR Reference No: 2741689

FORM 1 ON FROME
L1/147 FROME ST
ADELAIDE SA 5000

DATE OF ISSUE
22/12/2025

ENQUIRIES:
Tel: (08) 8372 7534
Email: contactus@revenuesa.sa.gov.au

OWNERSHIP NUMBER		OWNERSHIP NAME		
14757266		L D SCHENSCHER		
PROPERTY DESCRIPTION				
5 TOULSTON CT / MOUNT BARKER SA 5251 / LT 641 D93998				
ASSESSMENT NUMBER	TITLE REF. <small>(A "+" indicates multiple titles)</small>	CAPITAL VALUE	AREA / FACTOR	LAND USE / FACTOR
5813188250	CT 6140/467	\$690,000.00	R1 0.800	RE 0.400
LEVY DETAILS:		FIXED CHARGE	\$	50.00
		+ VARIABLE CHARGE	\$	186.75
FINANCIAL YEAR		- REMISSION	\$	112.35
2025-2026		- CONCESSION	\$	0.00
		+ ARREARS / - PAYMENTS	\$	-124.40
		= AMOUNT PAYABLE	\$	0.00

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

EXPIRY DATE 22/03/2026



Government of South Australia

See overleaf for further information

DETACH AND RETURN THE PAYMENT REMITTANCE ADVICE WITH YOUR PAYMENT



Emergency Services Funding Act 1998

CERTIFICATE OF EMERGENCY SERVICES LEVY PAYABLE

The Emergency Services Levy working for all South Australians

PAYMENT REMITTANCE ADVICE

No payment is required on this Certificate

OFFICIAL: Sensitive

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: contactus@revenuesa.sa.gov.au
Phone: (08) 8372 7534

PAYMENT OPTIONS FOR THIS CERTIFICATE SHOWN BELOW

 <p>Billers Code: 456285 Ref: 7012799115</p> <p>Contact your bank or financial institution to make this payment from your cheque, savings, debit, credit card or transaction account. More info: www.bpay.com.au © Registered to BPAY Pty Ltd ABN 69 079 137 518</p>	 <p>To pay via the internet go to: www.revenuesaonline.sa.gov.au</p>	 <p>Send your cheque or money order, made payable to the Community Emergency Services Fund, along with this Payment Remittance Advice to: Please refer below. Revenue SA Locked Bag 555 ADELAIDE SA 5001</p>
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ACTION REQUIRED: In line with the Commonwealth Government's cheque phase-out, RevenueSA will stop accepting cheque payments after 30 June 2027. To ensure a smooth transition, we encourage you to switch to one of the other payment options listed above.



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: 2741689

DATE OF ISSUE

22/12/2025

FORM 1 ON FROME
L1/147 FROME ST
ADELAIDE SA 5000

ENQUIRIES:

Tel: (08) 8372 7534

Email: contactus@revenuesa.sa.gov.au

OWNERSHIP NAME

L D SCHENSCHER

FINANCIAL YEAR

2025-2026

PROPERTY DESCRIPTION

5 TOULSTON CT / MOUNT BARKER SA 5251 / LT 641 D93998

ASSESSMENT NUMBER

5813188250

TITLE REF.

(A "+" indicates multiple titles)

CT 6140/467

TAXABLE SITE VALUE

\$210,000.00

AREA

0.0504 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

22/03/2026



**Government of
South Australia**

See overleaf for further information

DETACH AND RETURN THE PAYMENT REMITTANCE ADVICE WITH YOUR PAYMENT



RevenueSA

DEPARTMENT OF TREASURY AND FINANCE

Land Tax Act 1936

CERTIFICATE OF LAND TAX PAYABLE

PAYMENT REMITTANCE ADVICE

No payment is required on this Certificate

Please Note:

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

This Certificate is only valid for the financial year shown.

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

Payment should be made as part of the settlement process.

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

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

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

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

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

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




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

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

For more information:

Visit: www.revenuesa.sa.gov.au
Email: contactus@revenuesa.sa.gov.au
Phone: (08) 8372 7534

PAYMENT OPTIONS FOR THIS CERTIFICATE SHOWN BELOW

 <p>Billers Code: 456293 Ref: 7012799024</p> <p>Contact your bank or financial institution to make this payment from your cheque, savings, debit, credit card or transaction account. More info: www.bpay.com.au © Registered to BPAY Pty Ltd ABN 69 079 137 518</p>	 <p>To pay via the internet go to: www.revenuesaonline.sa.gov.au</p>	 <p>Send your cheque or money order, made payable to the Commissioner of State Taxation, along with this Payment Remittance Advice to: Please refer below. Revenue SA Locked Bag 555 ADELAIDE SA 5001</p>
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ACTION REQUIRED: In line with the Commonwealth Government's cheque phase-out, RevenueSA will stop accepting cheque payments after 30 June 2027. To ensure a smooth transition, we encourage you to switch to one of the other payment options listed above.

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.

IMPORTANT NOTICE
SMOKE ALARM LEGISLATION

Legislation relating to smoke alarms came into force on the 1st day of February 1998.

- If the home you are purchasing was built on or after the 1st of January 1995, then it should already have an operational mains powered smoke alarm installed. If not, it is the responsibility of the vendor to install it prior to settlement at the vendor's cost.
- If the home was built prior to the 1st of January 1995, but purchased by the vendor on or after 1st February 1998, then it should already have either an operational mains powered smoke alarm installed, or one powered by 10 year life, non-replaceable, non-removeable permanently connected batteries. Again, it is the responsibility of the vendor to install such an alarm prior to settlement, and at the vendor's cost.
- In all other cases, the home you are buying must have at least, a battery operated smoke alarm which you are required to upgrade to mains power (or an alarm fitted with 10 year life, non-replaceable, non-removeable permanently connected batteries) within six months of the date of purchase. It is recommended that at least one smoke alarm be installed on each floor of a multi storey dwelling.

The smoke alarms must be installed by a licensed electrician and must comply with the Australian Standard. A maximum penalty of \$750.00 for a breach of the legislation applies.

Besides this penalty, there is also a risk that damage caused by fire to a dwelling, which does not have a smoke alarm installed as required under the legislation, may not be covered by insurance.
