

NORTON SURVEY PARTNERS

SURVEYORS & LAND TITLE CONSULTANTS



Our Ref: 53011
6th December, 2019

Urban Partners
Suite 202, 349 Pacific Highway
NORTH SYDNEY NSW 2060

Attn: Ted Byrne

Re: 21 Whistler Street, Manly – Lot B D.P.368451

As discussed, we have carried out further title searches at Land Registry Services (LRS) in regard to the above property. In the course of those searches we have obtained a copy of D.P.10228. This is a subdivision plan prepared in July 1920 by Surveyor Nott.

From our investigations we can advise that the northern boundary of the land in DP10228, specifically Lot 1 therein, is contiguous with the southern boundary of the land in D.P.368451, i.e. it is a common boundary line.

D.P.10228 shows the position of various occupations (fences and buildings) close to the perimeter boundaries of the land and, where those occupations are buildings, it also includes a description of the main material of construction. Showing such information was an important survey requirement of the Registrar General at that time and this has carried through to the present day.

To demonstrate this point, I have included below an extract from Clause 63 (1) of the current Surveying and Spatial Information Regulation 2017:

(1) A survey plan must:

- (e) show the description and location (including the age, nature, construction material and relationship to the boundary) of any substantial structure (including any fence):*
 - (i) that is within 1 metre of the boundary of the land surveyed, or*
 - (ii) that is otherwise relevant to the boundary definition,*

At the north east corner of Lot 1, D.P.10228 shows a building described as "stone" adjacent to the north boundary and situated within the south east corner of what is now Lot B D.P.368451. We note the south east corner of Lot B is currently occupied by a brick building. This indicates that the brick building was erected some time after July 1920, the date of preparation of D.P.10266.

Further to the above we note that DP10288 shows the stone building as standing 4 inches (100mm) clear of the north boundary of Lot 1 and 3 inches (75mm) inside the Whistler St boundary. D.P.368451 (dated July 1950) displays a building (of unidentified material) upon Lot B and shows this building 3½ inches (90mm) clear of the north boundary of Lot 1 and 7 inches (180mm) inside the Whistler St boundary.

While the difference between the plans in setbacks to the north boundary is inconsequential, the difference in setbacks to Whistler St is substantial in a survey context, being 4 inches (105mm). This places the building shown in D.P.368451 in a different position to that shown in D.P.10288 which indicates they are not the same building.

We attach copies of D.P.10288 & D.P.368451 for reference.

NORTON SURVEY PARTNERS PTY LTD

Per: 
Chris Norton
Registered Surveyor

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Plan Form No. 2 (for Deposited Plan)

Municipality of Manly

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A623728 7-10-20



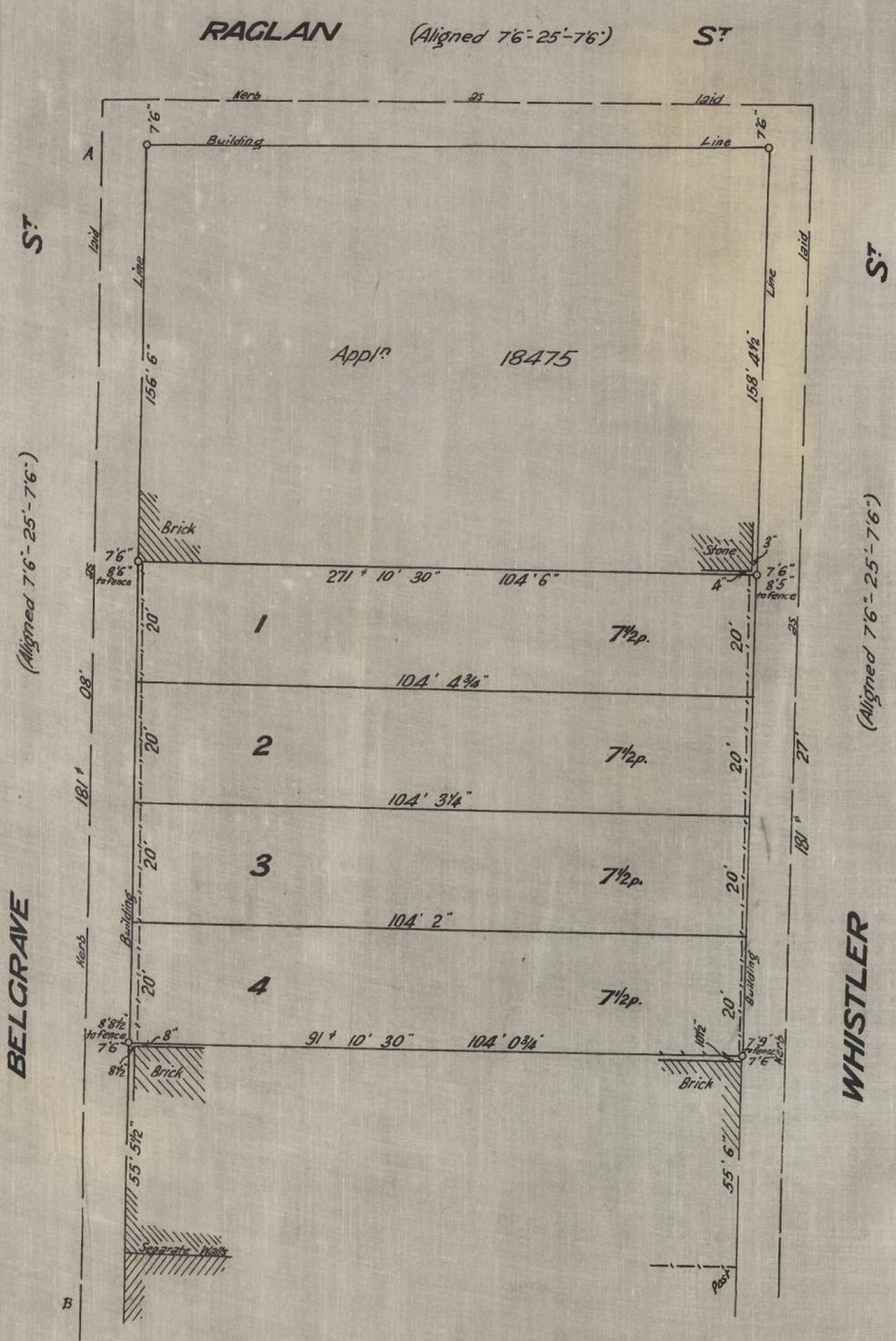
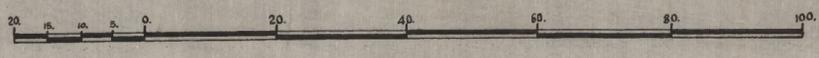
DP 10228

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of land in Certificate of Title Vol. 249 Fo. 22

PARISH OF MANLY COVE COUNTY OF CUMBERLAND

Scale 20 Feet to an inch



I declare this plan to be a true and correct copy of the original plan as shown to me by the owner of the land.

I appear hereof:

Emma Jane MacKenzie

McQuinn

Philip Sydney Nott of 64 Pitt St Sydney
Licensed Surveyor, specially Licensed under the Real Property Act, do hereby solemnly and sincerely declare that the boundaries and measurements shown in this plan are correct for the purposes of the said Act, and that the survey of the land to which the plan relates has been made *by me* and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900.

Subscribed and declared before me at Sydney
this day of *August* A.D. 1920

Philip Sydney Nott
Licensed Surveyor.

J.P. Date of Survey *July 1920*

Datum line of Azimuth A-B.

* Add here by me or under my immediate supervision as the case may be.

