

Manly Council



Council Offices
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Reference: 230511 DA171/99 BF admin RL
Enquiries: Landuse and Sustainability

Hogan Simpson Pty Ltd
PO Box 557
NEUTRAL BAY NSW 2089

Dear Sir/ Madam

RE: Building Certificate No. 171.99.11BC
Issued under the
Environmental Planning and Assessment Act 1979, Section 149D

Manly Council certifies that, in relation to the building or part of the building identified below:

- (a) there is no matter discernible by the exercise of reasonable care and skill that would entitle the Council, under the *Environmental Planning and Assessment Act 1979* or the *Local Government Act 1993*;
 - (i) to order the building to be demolished, altered, added to or rebuilt, or
 - (ii) to take proceedings for an order or injunction requiring the building to be demolished, altered, added to or rebuilt, or
 - (iii) to take proceedings in relation to any encroachment by the building onto land vested in or under the control of the Council, or
- (b) there is such a matter but, in the circumstances, the Council does not propose to make any such order or take any such proceedings.

IDENTIFICATION OF BUILDING

Location

Street: Ernest Street
Side of street: South
Nearest cross street: Bungaloe Avenue
House No: 45

Particulars

Classification of building: 1a
Description of part (where applicable): Whole
Owner: Ms P L Ouvrier

CLEANER HEALTHIER HAPPIER

Manly Council Supports Smoke Free Zones

www.smokefreecouncils.com.au

Date of inspection of building or part: 20 May 2011

Subject Land

Lot No.: 3

Section: Not applicable

Deposited Plan: 12817

Lease No. and type of holding (if Crown land): Not applicable

District, town or village: Balgowlah Heights

County: Cumberland Parish: Manly Cove

SCHEDULE

The following written information was used by the Council in deciding to issue this certificate:

1. Survey Certificate supplied by SJ Dixon and Associates Pty Ltd. (Ref No. SS 8504), dated 27/04/2011.

Dated this 23rd day of May, 2011.

With reference to your application dated 6 May 2011 for a Building Certificate, this Certificate has been determined under delegations granted by the General Manager pursuant to the Local Government Act.

Yours faithfully

Date: 26/5/11



Stephen Clements
Executive Manager
Environmental Services Division

Fee: \$210.00	Receipt No.: 773561	Date: 06/05/11
Applicant's name and address: Priscilla Ourvier		
45 Ernest Street		
Balgowlah Heights		

Notes

This Certificate operates to prevent the Council:

- (a) from making an order (or taking proceedings for the making of an order or injunction) under the *Environmental Planning and Assessment Act 1979* or the *Local Government Act 1993* requiring the building to be repaired, demolished, altered, added to or rebuilt, and
- (b) from taking proceedings in relation to any encroachment by the building onto land vested in or under the control of the Council.

in relation to matters existing before the date of issue of this Certificate.

This Certificate operates to prevent the Council, for a period of 7 years from the date of issue of this Certificate:

- (a) from making an order (or taking proceedings for the making of an order or injunction) under the *Environmental Planning and Assessment Act 1979* or the *Local Government Act 1993* requiring the building to be repaired, demolished, altered, added to or rebuilt, and
- (b) from taking proceedings in relation to any encroachment by the building onto land vested in or under the control of the Council.

in relation to matters arising only from the deterioration of the building as a result solely of fair wear and tear.

However, this Certificate does not operate to prevent the Council:

- (a) from making order No. 6 in the Table to Section 121B of the *Environmental Planning and Assessment Act 1979*, or
- (b) from taking proceedings against any person under Section 125 of the *Environmental Planning and Assessment Act 1979* with respect to that person's failure:
 - (i) to obtain a development consent with respect to the erection or use of the building, or
 - (ii) to comply with the conditions of a development consent.