

18th January 2012

Ms. Angela Kenna
 Project Officer
 Panel Secretariat
 22-23 Bridge Street
 Sydney NSW 2000

Dear Ms.Kenna

Re: Manly –DA 87/2011 & JRPP 2011 SYE 051 – Assessment Report & Recommendation

Thank you for forwarding JRPP Report and recommendation. Following a review of the report & proposed conditions, our comments regarding the proposed conditions are set out below for your consideration.

Heading	Documents relating to the Consent - this condition should be numbered.
ANS01	Section 109M(2)(d) of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that the prohibition on occupation of a building without an occupation certificate does not apply to buildings erected by or on behalf of the Crown. Please remove the reference to the Occupation Certificate.
ANS02	We request that the Council & JRPP take NSW Police Force operational requirements into consideration in regard to this condition. They require easy and unrestricted access to Police Vehicles in close proximity to the police station to ensure a timely response during emergencies. Therefore we prefer that the 5 car spaces be provided as marked on Drawing.No. DA0202(Rev.B) and the condition be deleted. However we will be open to entering into further discussion about this point to ensure a mutual agreement can be made.
ANS03	Suggested amendment to plans with respect to the fins above Whistler Street is acceptable. However Section 81A(6) of the EP&A Act provides that a Construction Certificate is not required for Crown building work that is certified pursuant to section 109R of the EP&A Act. Certification under section 109R of the EP&A Act is required prior to the commencement of Crown building work. Please remove the reference to the Construction Certificate.
1	It states a legal position and is essentially advisory. We request that this condition be deleted.
Heading	Section 81A(6) of the EP&A Act provides that a Construction Certificate is not required for Crown building work that is certified pursuant to section 109R of the EP&A Act. Certification under section 109R of the EP&A Act is required prior to the commencement of Crown building work. Please remove the reference to the Construction Certificate.
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	EP&A Act. Certification under section 109R of the EP&A Act is required prior to the commencement of Crown building work. Please remove the reference to the Construction Certificate.
3	It states a legal position and is essentially advisory. We request that this condition be deleted
4	This condition is not acceptable and should be deleted. The developer is required to "make good" damage as a matter of law. Given the identity of the developer, it is not appropriate to request payment of security.
5	Section 81A(6) of the EP&A Act provides that a Construction Certificate is not required for Crown building work that is certified pursuant to section 109R of the EP&A Act. Certification under section 109R of the EP&A Act is required prior to the commencement of Crown building work. Please remove the reference to the Construction Certificate.
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8	This condition is acceptable.
9	Section 81A(6) of the EP&A Act provides that a Construction Certificate is not required for Crown building work that is certified pursuant to section 109R of the EP&A Act. Certification under section 109R of the EP&A Act is required prior to the commencement of Crown building work. Please remove the reference to the Construction Certificate.
10	It states a legal position and is essentially advisory. We request that this condition be deleted
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13	Section 81A(6) of the EP&A Act provides that a Construction Certificate is not required for Crown building work that is certified pursuant to section 109R of the EP&A Act. Certification under section 109R of the EP&A Act is required prior to the commencement of Crown building work. Please remove the reference to the Construction Certificate.
14	Section 109R requires that certification be obtained prior to commencement of Crown building works that the development will comply with the Building Code of Australia. This condition is therefore superfluous. Please delete this condition.
15	<p>This condition is generally acceptable. Please remove the words "and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues". All enquiries should be directed via the developer.</p> <p>Section 81A(6) of the EP&A Act provides that a Construction Certificate is not required for Crown building work that is certified pursuant to section 109R of the EP&A Act. Certification under section 109R of the EP&A Act is required prior to the commencement of Crown building work. Please remove the reference to the Construction Certificate.</p>
16	Section 81A(6) of the EP&A Act provides that a Construction Certificate is not

	required for Crown building work that is certified pursuant to section 109R of the EP&A Act. Certification under section 109R of the EP&A Act is required prior to the commencement of Crown building work. Please remove the reference to the Construction Certificate.
17	It states a legal position and is essentially advisory. We request that this condition be deleted
18	Section 81A(6) of the EP&A Act provides that a Construction Certificate is not required for Crown building work that is certified pursuant to section 109R of the EP&A Act. Certification under section 109R of the EP&A Act is required prior to the commencement of Crown building work. Please remove the reference to the Construction Certificate.
19	This condition is acceptable.
20	Section 81A(6) of the EP&A Act provides that a Construction Certificate is not required for Crown building work that is certified pursuant to section 109R of the EP&A Act. Certification under section 109R of the EP&A Act is required prior to the commencement of Crown building work. Please remove the reference to the Construction Certificate.
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22	Section 81A(6) of the EP&A Act provides that a Construction Certificate is not required for Crown building work that is certified pursuant to section 109R of the EP&A Act. Certification under section 109R of the EP&A Act is required prior to the commencement of Crown building work. Please remove the reference to the Construction Certificate. The "Internal Note" should also be deleted as it is unnecessary.
23	This condition is generally acceptable. Please replace the words "provided to the Principal Certifying Authority" with "obtained".
24	Section 81A(6) of the EP&A Act provides that a Construction Certificate is not required for Crown building work that is certified pursuant to section 109R of the EP&A Act. Certification under section 109R of the EP&A Act is required prior to the commencement of Crown building work. Please delete the condition.
25	This condition is acceptable.
26	This condition is generally acceptable. Please delete the words "and must be in hand" as they are not necessary.
27	This condition is acceptable.
28	This condition is acceptable.
29	This condition is generally acceptable. Sub-clauses 5 and 6 set out general legal requirements and should be deleted. Sub-clause 15 should be amended so that the end of the first line reads "mixing mortar are not to be".
30	This condition is acceptable.
31	This condition is acceptable.
32	This condition is acceptable.
33	This condition should be deleted. It states a legal position and is essentially advisory.
34	This condition should be deleted. It states a legal position and is essentially advisory.
35	This condition is acceptable.
36	This condition is acceptable.
37	This condition is acceptable.
38	This condition states a legal position and is essentially advisory. However, UGL Services is content for it to remain as a condition.
39	This condition is acceptable.
40	This condition is acceptable.

41	This condition is acceptable.
42	This condition should be deleted.
43	This condition is acceptable.
44	The report does not advise of any requirements of the traffic committee. We believe that this condition is vague and should be deleted.
Heading	Section 109M(2)(d) of the EP&A Act provides that the prohibition on occupation of a building without an occupation certificate does not apply to buildings erected by or on behalf of the Crown. Please remove the reference to the Occupation Certificate.
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48	It states a legal position and is essentially advisory. We request that this condition be deleted
49	This condition should be deleted. It is essentially advisory and in any event an inappropriate condition of consent.
50	This condition is acceptable.
51	This condition is generally acceptable. Please delete the second sentence. This is required by general littering and waste disposal requirements.
52	Section 109M(2)(d) of the EP&A Act provides that the prohibition on occupation of a building without an occupation certificate does not apply to buildings erected by or on behalf of the Crown. Please remove the reference to the Occupation Certificate.
53	These premises are not "commercial premises". Please delete this condition.

Should you have any queries in regard to the matter please do not hesitate to contact me.

Regards



Sonja Vogeler

Capital Works Program Manager - NSW Police Portfolio
Level 2, 40 Miller Street
North Sydney, NSW, 2060

Direct: +61 2 9224 7830
Mobile: 0406 577 436
Email: sonja.vogeler@ugllimited.com