

19 April 2017

The General Manager
Northern Beaches Council
Civic Drive
725 Pittwater Road
DEE WHY NSW 2099

Dear Sir / Madam

Section 96(2) Application – Amend condition 4 of DA2015/0612 to allow for extended work hours

This letter comprises a formal request to the Northern Beaches Council under Section 96(2) of the *Environmental Planning and Assessment Act 1979* to modify DA2015/0612 to allow for extended work hours for excavation works and construction of the slabs to ground level.

The past 2 months has seen unprecedented rainfall that has placed immense pressure upon ground water penetration that needs to have slabs completed to strengthen the walls. This has been verified by specialist engineers, Keller Pty Ltd (refer to **Annexure 1**).

Boral being the major supplier of concrete to the site has major concerns with delivery timing to the site due to traffic. Concrete deliveries come from outside of the northern beaches due to supply constraints from a prosperous housing market involving housing alternations/additions and unit development. Boral has identified that the local requirements for concrete are in high demand due to the Northern Beaches hospital development and extensive road infrastructure works that is occurring in the Frenchs Forest Area. Material has been sources from Marulan, Kurnell and Peats Ridge to keep the project moving. **Annexure 2** contains the Boral Letter.

The hours therefore being sought to complete the concrete works up to ground level under DA2015/0612 are as follows.

“4. General Requirements

(a) Unless authorised by Council:

Building construction ~~and delivery of material~~ hours are restricted to:

- ~~7.00am to 5.00pm~~ **7.00am to 8.30pm** inclusive Monday to Friday,
- ~~8.00am to 4.00pm~~ **7.00am to 6.00pm** inclusive on Saturday,
- *No work on Sundays and Public Holidays.*

Delivery of material hours are restricted to:

- **6.30am to 6pm** inclusive Monday to Friday,
- **6.30am to 6pm** inclusive on Saturday,
- **No work on Sundays and Public Holidays.**

Demolition works are restricted to:

- **8.00am to 5.00pm** Monday to Friday only.

Excavation works are restricted to:

- 7.00am to **6.00pm** Monday to Friday – ~~the extended hours is for weekdays only and is granted for a period not exceeding four (4) months from the date of the determination of Modification Application No. MOD2016/0307.~~
- 8.00am to **4.00pm** inclusive on Saturday – subject to the works being undertaken to include machinery that only requires the excavation of material that does not include rock sawing, rock hammering and the like. ~~No approval is granted for excavation works between 7.00am and 8.00am on Saturdays.~~

Assessment

The development will remain substantially the same as the original approval and can be considered under Section 96(2) of the *Environmental Planning and Assessment Act 1979*. The development is not altered in any physical way as a result of the proposal and no additional environmental impact over and above that considered in the original assessment would be generated by the proposed modification.

A noise barrier will be provided to the concrete pumping system than currently does not exist, which is outlined in the Acoustic Logic report at **Annexure 3**.

The proposed modification does not alter the permissibility of the proposal, nor does it impact on the compliance of the approved development with the relevant controls of the Warringah LEP or DCP.

The proposed modification will contribute to the safety of the project by ensuring that the basement trench is stabilised as quickly as possible. In accordance with Section 79 of the Environmental Planning and Assessment Act, the economic importance of the timeframes is critical. Delays of concrete pours are impacting on employment and expenditure in the local economy from workers that could be spending money on lunches and the like. Accordingly, we see the request as reasonable.

We look forward to receiving a positive determination in due course.

Yours faithfully

KARIMBLA CONSTRUCTION SERVICES (NSW) PTY LTD



Walter Gordon
Head of Planning and Development

Encls.