

16 November 2016

Ms Lashta Haidari
Northern Beaches Council
Civic Drive
725 Pittwater Road
DEE WHY NSW 2099

Dear Lashta

**SECTION 96(1A) APPLICATION – AMEND CONDITION 4 OF DA2015/0612
CONTINUED EXTENDED WORK HOURS FOR EXCAVATION**

Council granted approval to extend working hours for excavation by one hour for a period of 4 hours recently on the 12 July 2016.

Due to poor soil conditions, a facility only in Wollongong has been able to accept the fill, and has therefore delayed the excavation period beyond the original 4 month extension that was originally anticipated for completion. This one hour extension granted during the weekdays has allowed the excavation trucks to make 2 trips to Wollongong for disposal of the fill from the site.

The impact of reducing work by one hour will have a substantial impact on the local amenity. Trucks that were able to make 2 trips to dispose of the fill will only have the ability to make 1 trip. This will extend the period of excavation by 30-50%, which inevitably extends the annoyance to adjoining residents and business. In this regard, it is better to have the excavation period finished as quickly as possible.

Over the last 4 months, 50% of the site has been excavated, and it will therefore take until March 2017 to complete. On this basis, a further 4 months will be required to complete excavation rather than in another 8 months if working hours are reduced by 1 hour.

There is no change to the acoustical or vibration indicators and therefore all reports remain valid. These reports in all circumstances do not change for the entire period of the excavation period. The reports are attached to this Section 96 application.

Condition 4 is therefore sought to be amended 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 inclusive Monday to Friday,*
- *8.00am to 1.00pm 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:

- *~~8.00am~~ 7.00am to 5.00pm Monday to Friday.*
- *~~8.00am~~ 7.00am to 2.00pm 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.*

(b) Any further extension to the above times are to be made in writing to Council for consideration and can only be issued on a month to month basis.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site)."

Assessment

The proposed amendment remains identical to the original modification request 4 months ago, which was approved by Council. The excavation is not altered in any physical way as a result of extending the time frame and there is no additional environmental impact over and above that considered 4 months ago.

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 is considered to be in the public interest as it will shorten the timeframe involved in the delivery of the project thereby reducing the duration of disruption to the Dee Why town centre, its occupants/users and surrounding road network. Accordingly, we see the request as reasonable.

Yours faithfully

KARIMBLA CONSTRUCTION SERVICES (NSW) PTY LTD



Walter Gordon
Head of Development and Planning

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