



8 January 2015

Mr Malcolm Ryan
The General Manager
Warringah Council
Civic Drive
725 Pittwater Road
DEE WHY NSW 2099

Dear Mr Ryan

Section 96(1A) Application – Amend condition 4 of DA2015/0612 to allow for extended work hours

Further to our discussions, this letter comprises a formal request to Warringah Council under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* to modify DA2015/0612 to allow for extended work hours.

DA2015/0612 for drainage and stormwater management works and installation of shoring walls and bulk excavation was approved on 22 December 2015.

Proposed Modification

Condition 4 of the consent specifies the time restrictions that apply to construction, demolition and excavation processes. It applies the following work hours:

“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 and excavation works are restricted to:

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

To reduce the timeframes involved in the delivery of the project, thereby minimising disruption to the town centre and surrounding road network, we seek to amend Condition 4 to allow for work to take place on Saturdays for the duration of the project as follows (deleted text shown in strikethrough, new text shown in **bold**):

“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 **4.00pm**~~1.00pm~~ inclusive on Saturday,*
- *No work on Sundays and Public Holidays.*

Demolition and excavation works are restricted to:

- *8.00am to 5.00pm Monday to Friday ~~only~~,*
- ***8.00am to 4.00pm inclusive on Saturday.**”*

Assessment

The development will remain substantially the same as the original approval and can be considered under Section 96(1A) 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.

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 and we understand that similar work hours were permitted by Council for the Dee Why Grand development to assist in shortening the construction timeframes for that project.

Furthermore, we are only seeking consistency with the permitted working hours across all major Council's that permit construction on Saturday's. As a comparison, Pittwater, Manly and North Sydney Council's allow construction on Saturday's. Our request is only seeking to be consistent with other Councils.

If you require further information please do not hesitate to contact me on (02) 9287 2629. We look forward to receiving a positive determination in due course.

Yours faithfully

KARIMBLA CONSTRUCTION SERVICES (NSW) PTY LTD

A handwritten signature in blue ink, appearing to read 'W. Gordon'.

Walter Gordon
Director Planning and Development