

31 May 2016

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

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 works are restricted to:

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

Excavation works are restricted to:

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

(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).”

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 excavation works to commence at 7.00am for the duration of the project. This would involve an amendment to Condition 4 as follows (deleted text shown in ~~strike through~~, 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 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.

(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)."

The justification for the proposed amendment is outlined in the attached letter prepared by the excavation contractor for the project.

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.

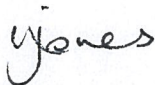
The proposed modification does not alter the permissibility of the proposal, nor does it impact on the compliance of the approved development with the relevant controls of the Warringah LEP or DCP.

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.

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



Norelle Jones
Senior Development Planner
Enc.