

17 January 2018

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

Dear Sir / Madam

**Section 96(1A) Application – Amend Condition 120 of DA2016/0705  
to allow for extended operating hours**

This letter comprises a formal request to the Northern Beaches Council under Section 96 of the *Environmental Planning and Assessment Act 1979* to modify DA2016/0705 to allow for extended operating hours for the approved shopping centre at Dee Why Town Centre Site B. Trading hours between 7am – 11pm seven days a week are sought.

No adverse parking impacts would occur as staff and patrons would have access to the development's basement parking areas.

Extending the operating hours of the shopping centre is considered to be strongly in the public interest as it will:

- Maximises flexibility for existing and prospective retailers and allows retailers to set their own opening hours in response to business and consumer needs.
- Provides greater choice and freedom to shoppers by providing increased opportunities for shoppers to use the facilities outside normal business hours.
- Contributes to the activation of the Town Centre outside normal business hours.

**Proposed Modification**

Condition 120 of DA2016/0705 specifies the hours of work permitted for the development. These are sought to be amended as follows (**bold** denotes new text, deleted text shown in ~~strike through~~):

**“120. Hours of Operation**

*The hours of operation of the development are restricted to the following:*

- a) Child Care Centre
  - i) 7am – 7pm Monday to Fridays (inclusive).
- b) The Ground Floor Retail Tenancies
  - i) 7am to **11pm** ~~10pm~~ Monday to **Sunday** ~~Saturday~~ (inclusive),
  - ii) ~~7am to 9pm on Sundays (inclusive).~~

*Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.*

**Assessment**

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

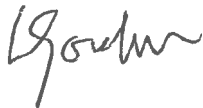
The proposed modification does not alter the permissibility of the proposal, nor does it impact on the compliance of the approved development with the relevant controls of the Warringah LEP or DCP.

The proposed modification will contribute to the vitality and vibrancy of the Dee Why Town Centre. It is strongly in the public interest as it will provide increased opportunities for residents to meet and gather. 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**