

22 September 2017

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

Dear Sir

## **PROPOSED STAGING OF THE PUBLIC DOMAIN AT DEE WHY TOWN CENTRE**

Karimbla Constructions Services (NSW) Pty Ltd would like to stage the completion and opening of the Public Access Link and Town Square component of our Dee Why Town Centre project (refer to attached Plan). At this stage, the Planning Agreement requires both the Link and Town Square to be complete and open to the public upon the operation of any retail uses on the ground floor. However, as per our proposed amendment to the Agreement, Karimbla believes it is necessary to stage the opening to protect the public based on our obligations under relevant legislation as outlined below.

Under the Work Health and Safety Act 2011. Section 19 Primary duty of care, A person conducting a business or undertaking (PCBU) must ensure, so far as is reasonably practicable, the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

There is a legal requirement for Karimbla to manage workplace health and safety and risk as outlined in regulation 297.

The primary duty under the WHS Act requires a PCBU to ensure, so far as is reasonably practicable, that workers and other persons are not exposed to health and safety risks arising from the business or undertaking.

The nature of construction work means that there are various businesses or undertakings with duties relating to construction work. It can involve a person conducting a business or undertaking who:

- Carries out construction work;
- Designs the building or structure;
- Commissions the construction work;
- Has management or control of a workplace at which construction work is carried out; and
- Carries out high risk construction work.

The Work Health and Safety Regulation 2011, clause 32-38 states that the PCBU must manage risk under the WHS Regulation, and a duty holder must:

- Identify reasonably foreseeable hazards that could give rise the risk;
- Eliminate the risk, so far as is reasonably practicable.

Karimbla will have tower cranes operational during the time of opening the retail operations facing the Town Square. The frontage of the retail uses will be provided with a Class A hoarding protecting the public accessing the uses (i.e. Stage 1 in the attached Plan).

Clause 54 – Falling Objects of the Work health and Safety Act 2011 states Karimbla as a at a workplace must manage, in accordance with Part 3.1, risks to health and safety associated with an object falling on a person if the falling object is reasonably likely to injure the person.

Karimbla need to ensure that so far as reasonably the safety of the occupants of the workplace are protected from any major risks. Accordingly, the main Town Square, will need to remain closed due to the level of risk associated with lifting overhead loads and Stage 2 (as shown on the plan) should only be released for public access at the completion of the project as outlined in the proposed amendment to the Planning Agreement.

We trust this is sufficient to support the proposed Staging and please contact the Group Safety Manager on 9287 2888 should you have any queries.

Yours faithfully

**KARIMBLA CONSTRUCTIONS SERVICES (NSW) PTY LTD**



James Sykes  
**Group Safety Manager**