

**From:** Holly Palmer  
**Sent:** Tuesday, 24 July 2018 4:12 PM  
**To:** Lisa Foley  
**Subject:** SPP-16-04467 (2017SWC014) - 17 residential flat buildings in 6 stages - 14 Schofields Road, Schofields

Hi Lisa,

With regard to the above DA which is being considered by the Panel this Thursday, 26 July 2018, the Applicant has asked for some conditions of consent to be amended, primarily to ensure that construction certificates can be released.

I have agreed to the majority of amendments, which is attached.

We do not agree to amending the following 2 conditions, as we do not permit construction works to be undertaken after 1pm on Saturdays, as a measure to protect the public from offensive noise and/or amenity impacts.

<b>Cond No.</b>	<b>Condition as stated in Draft conditions</b>	<b>Applicant's requested rewording / action</b>	<b>Applicant's Reason</b>
8.4.2 Nuisance Control	All construction activities shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 7.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.	All construction activities shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 7.00am to 4 <b>5pm</b> , Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.	Council's consideration is requested to extending the works hours on a Saturday to 5pm. Allowing an extension to work hours on a Saturday will have a significant benefit in reducing the construction timetable. With limited hours on a Saturday this can affect the type of work that can be carried out which can affect the flow of construction. It is also widely accepted that Saturdays are a work day and that many other activities occur on a Saturday such as children sport and household shopping. It is not necessary to limit work hours to 1pm given the general acceptance that Saturdays are a more active part of the

			weekend, with Sundays retained as the quieter 'down time'. The only potentially affected neighbours are to the east of Building A which is a small component of the development. It is in the interest of neighbours for works to this part of the site to be completed as quickly as possible.
8.4.3 Nuisance Control	The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.	The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 4 <b>5pm</b> , Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.	As per above.

Our engineers are currently reviewing amendments which affect 5 of their conditions (see below). The engineers will advise if the amendments are accepted, or I have asked them to be available at the meeting to explain why the conditions are required to be kept.

The conditions are:

Cond No.	Condition as stated in Draft conditions	Applicant's requested rewording / action	Applicant's Reason
2.11.5	The Gross Pollutant Traps and the regional bioretention systems are to be maintained by the developer until three years after practical completion of the regional bioretention basins.	The Gross Pollutant Traps and the regional bioretention systems are to be maintained by the developer until <del>three years after practical completion of the regional bioretention basins.</del> <b>transferred to Council.</b>	This is unreasonable as this will be a Council asset. They should be maintained by the developer until transferred to Council.

6.2.1	<p>Prior to release of any construction certificate for all lots to which this approval relates, subdivision certificate relating to MOD-17-00045 to DA-13-01712 must be approved and all proposed lots referred to within this approval registered.</p>	<p>Prior to release of any construction certificate for all lots to which this approval relates, subdivision certificate relating to MOD-17-00045 to DA-13-01712 must be approved <del>and all proposed lots referred to within this approval registered.</del></p> <p><b>Prior to the issue of the Occupation Certificate the lots referred to within this approval are to be registered.</b></p>	<p>The registration of the lots has nothing to do with the construction of the development. The construction in accordance with this DA can occur without subdivision.</p>
11.1.4	<p>Provide written evidence that the registered owner has entered into a minimum four (4) year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the gross pollutant trap, coarse sediment forebays and the bioretention system. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at <a href="mailto:WSUD@blacktown.nsw.gov.au">WSUD@blacktown.nsw.gov.au</a>.</p>	<p>This condition should be deleted.</p>	<p>This is an illegal condition. The current owners cannot commit a future strata to a maintenance contract. This is more appropriately dealt with in a S88B instrument as required by Condition 12.15.2.1 for easements. (now condition 11.2).</p>
11.1.6	<p>A Subdivision Certificate shall not be issued until all conditions of this consent, other than "operational" conditions, have been satisfied.</p>	<p>This condition should be deleted.</p>	<p>The issue of the subdivision certificate relates to the titling of the land and not the construction that is covered by this DA consent.</p>
12.15.3.2 (now 12.15.2.2)	<p>A maintenance security of 5% of the value of the required engineering works must be lodged with Council prior to the practical completion of the</p>	<p>A maintenance security of 5% of the value of the required engineering works must be lodged with</p>	<p>There is no certainty in this condition.</p>

	<p>works. Council will hold this security for a period of at least twelve months. This period commences at the date of practical completion of the development and may be extended to allow for the completion of necessary maintenance and all outstanding minor works.</p>	<p>Council prior to the practical completion of the works. Council will hold this security for a period of at least twelve months. This period commences at the date of <b>handover</b>.  <del>practical completion of the development and may be extended to allow for the completion of necessary maintenance and all outstanding minor works.</del></p>	<p>The timeframe should be stipulated.</p>
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The Applicant has been advised of the above items.

Please advise if you'd like me to have copies of the attached updated conditions available for Thursday's meeting.

Feel free to contact me with any questions.

**Kind Regards,**

**Holly Palmer**  
**Senior Project Planner**  
**Blacktown City Council**