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**Sent:** 26/04/2017 9:46:59 AM  
**Subject:** Online Submission

26/04/2017

MS Johanna Reynolds  
22 The Drive ST  
Freshwater NSW 2096

**RE: Mod2017/0063 - 80 Evans Street FRESHWATER NSW 2096**

With regard to MOD2017/0063 our property is located at 22 The Drive and is directly opposite the development site on the western side of Carrington Parade. We have reviewed the application and object on the grounds that any extension of operating hours will have an adverse impact on our amenity.

Current hours as covered by the conditions of consent are as follows:

- Conditions of consent  
General Requirements  
Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,

- Demolition and excavation works are restricted to:  
8.00 am to 5.00 pm Monday to Friday only.

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 excavated materials from the site).

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

The applicant has sought to increase hours as follows:

- Monday - Friday extend working time from 5.00pm to 8.00pm for internal finishing works once facade is installed
- Saturday extend working hours from 1.00pm to 4.00pm internal finishing once façade works complete.

It is noted that there is no change to the currently approved hours for excavation activities being conducted on the site

We lodged a submission in response to a previous application to extend hours in which we also asked for the application to be refused. The grounds for this request have changed little, work is still carried out after approved hours Monday to Friday as well as Saturdays and remaining excavation work/jackhammering commences well before 08:00; on two occasions work was carried out on Sunday. After hours deliveries have also been observed. Since the

end of daylight saving work after 17:00 is carried out under floodlights.

With regard to the floodlights, 4 high intensity lights were installed high up on the crane tower in February. These caused significant light intrusion into our home, particularly our bedrooms which face onto Carrington Parade. In response to complaints from similarly affected residents in Evans Street, the two lights on the southern side of the crane were switched off and the two on the northern side so angled as to negate impact on Evans Street. Unfortunately for us these adjustments have had no effect on the impact of light into our home. A complaint to Ganellen and further complaints lodged with Council went nowhere. However, after intervention from HDC management, for which we are very grateful, the lights are now turned off at 21:00. Unfortunately, initially they came on again at 04:50 but after further intervention from HDC management timing was adjusted for lights to come on at 06:00. On questioning why lights need to come on again at all we were advised, and we quote, "The lights are a safety measure for the workers arriving to the site accommodation at that hour." If site accommodation refers to the site office and buildings, these are located in the far corner of the site along Lumsdaine Drive and accessed via that street. The floodlights illuminate the actual construction area and do not even reach as far as the site buildings, besides, that part of the site is shadowed by scaffolding and other structures. In any case, given that work is not to start before 07:00 we question why staff would need to be on the actual site proper at such an early hour.

A further comment in regard to light intrusion from the site, the large illuminated Ganellen sign mounted on the crane bridge also contributes significantly to light intrusion into our home and that of other neighbours. While we are thankful it is turned off at 22:00 we question why it needs to come back on at 05:30. It appears to serve no operational purpose and only upsets neighbours.

We raise these issues to demonstrate that the applicant has shown scant regard for keeping to approved hours and appears to have little regard for the amenity of neighbours.

Then there is the issue of parking which is a premium in this area. As it stands, parking in the streets surrounding the site is monopolised by the workers. Even here in The Drive there is not a space to be had from early morning until work stops at the end of the day. Due to the scarcity of spaces cars are often parked in such a way as to be a hazard. Extending working hours will only exacerbate parking issues for residents.

The applicant has submitted a number of reports in support of the application. These reports contain numerous measures that presumably are meant to preserve the amenity of neighbours. However, the process is reliant on the applicant adhering to these measures. To date there has been little or no evidence that the applicant has any regard for compliance, to the contrary in fact. There is also little or no evidence that the various bodies including council are monitoring or enforcing compliance.

The proposed extended hours will see work continue until 8:00 pm weekdays and 4:00 pm Saturday. In effect all our daylight hours, at least during the week, plus a large part of our Saturdays will be subjected to building works, and building work generates noise. Either way the proposed extended hours are excessive and unreasonable and will adversely impact our amenity. This is a large scale development in a residential area in close proximity to neighbouring properties. We ask that council refuse this application and ensure that the applicant complies with current approved hours of work.