

12 February 2024

Mr David Broad  
Living Choice Pty Ltd  
Email: dbroad@living choice.com.au

Dear Mr Broad

### **Out of hours construction works for Living Choice – Flagstaff Hill**

Thank you for your written request on 1 February 2024 requesting an exemption from section 18 of the *Local Nuisance and Litter Control Act 2016* (the Act), for out of hours construction works at the Living Choice development on Memford Way Flagstaff Hill.

Clause 23 of the *Environment Protection (Noise) Policy 2007* states that construction activity resulting in noise with an adverse impact on amenity must not occur on a Sunday or other public holiday, and must not occur on any other day except between 7am and 7pm. Exceptions to this requirement and other necessary measures are also prescribed in clause 23 of the policy, which allow for us to permit an exemption under the Act. Further information on construction noise is available from the Environment Protection Authority website.

Your latest request is for concrete pours on no more than two (2) days commencing between 3am and 4am during the period of between 16 February 2024 and 9 March 2024 with set up commencing around 3am and concrete pouring starting closer to 4 am.

Pursuant to section 19 of the Act, we are satisfied that there are exceptional circumstances that justify the works being undertaken on a Sunday and that your nuisance management plan adequately sets out the measures you will take to prevent, minimise or address any anticipated adverse effects from the construction activity on the amenity value of the locality.

Ensure that residents less than 200m from the activity are advised of the intended works in advance of the scheduled early start as outlined in your nuisance exemption application. Please also ensure a contact with a mobile phone number is provided for any questions or complaints to be directed to a site supervisor.

Accordingly, we declare an exemption under section 19 of the Act to allow for the earlier construction time, subject to the details set out in your written request and this letter.

Should you have any questions regarding the above information please contact our Senior Development Compliance Officer Rasmus Atler, on 8384 0503 or [Rasmus.Atler@onkaparinga.sa.gov.au](mailto:Rasmus.Atler@onkaparinga.sa.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Matthew Lawrence', with a long horizontal flourish extending to the right.

Matthew Lawrence  
**Manager Development Services**