



**Hunters Hill Local Area
Traffic Committee
27 February 2025 at 10:30AM**



ORDER OF BUSINESS

Attendance, Apologies,
Declarations of Interests
Confirmation of minutes
Reports

HUNTER'S HILL COUNCIL
HUNTERS HILL LOCAL AREA TRAFFIC COMMITTEE
27 February 2025

INDEX

1 – CONFIRMATION OF MINUTES

- 1 Confirmation of Minutes of Hunters Hill Local Area Traffic Committee 0 held 21 March 2024

2 - BUSINESS ARISING

3 - REPORTS

- 3.1 Paul Street - Parking restriction on bin day 1
- 3.2 King Street - Proposed parking restriction 4
- 3.3 Madeline Street - Proposed parking restriction 6
- 3.4 Boat Trailer Parking - Proposed trial 8
- 3.5 39 Alexandra Street - Proposed Loading Zone 11

4 - OTHER BUSINESS

COMMENCEMENT

The meeting opened at 10:30.

IN ATTENDANCE

Clr Richard Quinn	Chairperson
Sgt Leonie Abberfield	Sgt
Mr Ben Cantor	Clr
Mrs Samantha Urquhart	Director - Council Officer
Mr Mohamad Badarani	Council Officer
Mrs Mary Zhang	Council Officer

ALSO PRESENT

APOLOGIES

Mrs Leanne Stathakis	Council Officer
Ms Vicky Walker*	Transport for NSW

*Ms Walker provided her votes via email.

DECLARATIONS OF INTEREST

The Chairperson called for Declarations of Interest without response.

CONFIRMATION OF MINUTES

- 001/24** RESOLVED on the MOTION of Chairperson Quinn, seconded Sgt Abberfield
That the Minutes of Hunters Hill Local Area Traffic Committee of previous Meeting held on 21/12/2023 be adopted.

REPORTS

3.1 PROPOSED PARKING CHANGES - COLLINGWOOD STREET

PROCEEDINGS IN BRIEF

- 002/24** RESOLVED on the MOTION of Chairperson Quinn, seconded Sgt Abberfield
1. That the existing '1P Permit holders excepted Area W1' be changed to '¼ P Permit holders excepted Area W1' as shown below.



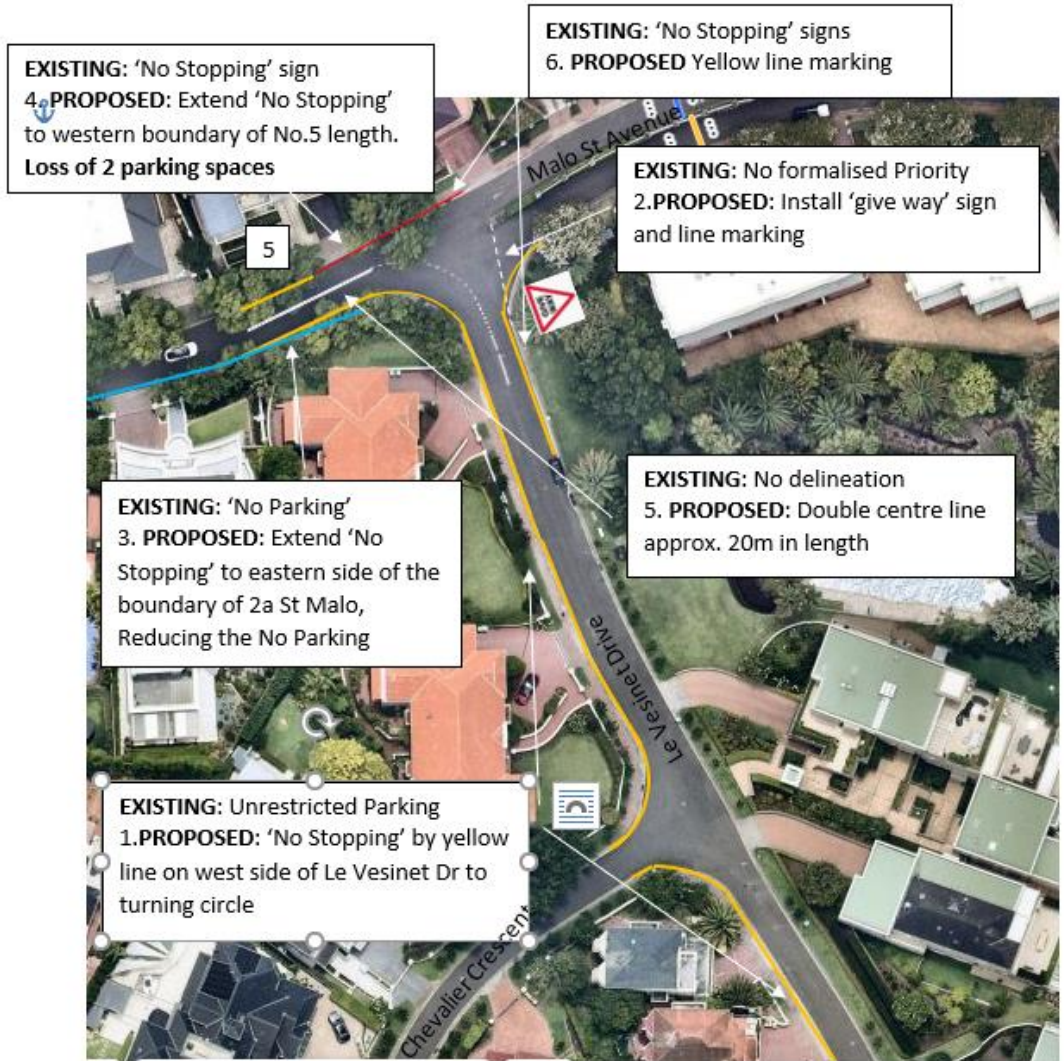
3.2 PROPOSED PARKING CHANGES - LE VESINET DRIVE AND ST MALO AVENUE

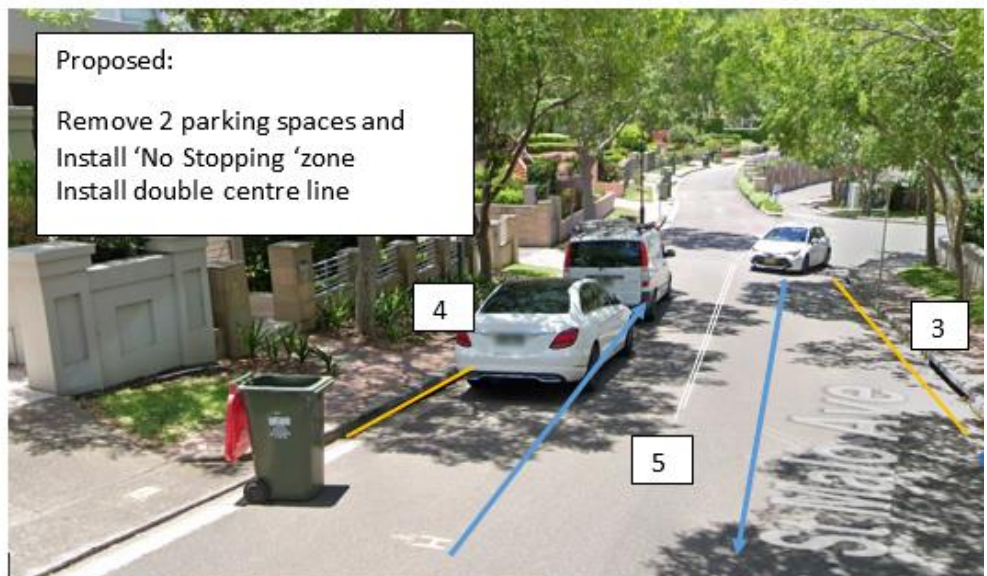
PROCEEDINGS IN BRIEF

003/24 RESOLVED on the MOTION of Sgt Abberfield, seconded Chairperson Quinn

1. That 'No Stopping' by yellow line be installed on the west side of Le Vesinet Drive between St Malo Avenue to the turning circle.
2. That 'Give way' sign and line marking be installed on St Malo Avenue east of Le Vesinet Drive.
3. That the 'No stopping' on the south west corner of St Malo Avenue be extended to the eastern side boundary of 2A St Malo Avenue.
4. That the existing 'No Stopping' on the northern side of St Malo Ave be extended to adjacent to No. 5 St Malo Avenue by yellow line marking.
5. That the existing 'No Stopping' zone on the south east corner of the intersection be marked by Yellow line.
6. That double centre lines be installed on St Malo Avenue, west of Le Vesinet Drive for approximately 20m adjacent to No.5.

Please see below for plan view and street view of proposed changes





3.3 PROPOSED PEDESTRIAN CROSSING - WOOLWICH ROAD NEAR FRANKI AVENUE

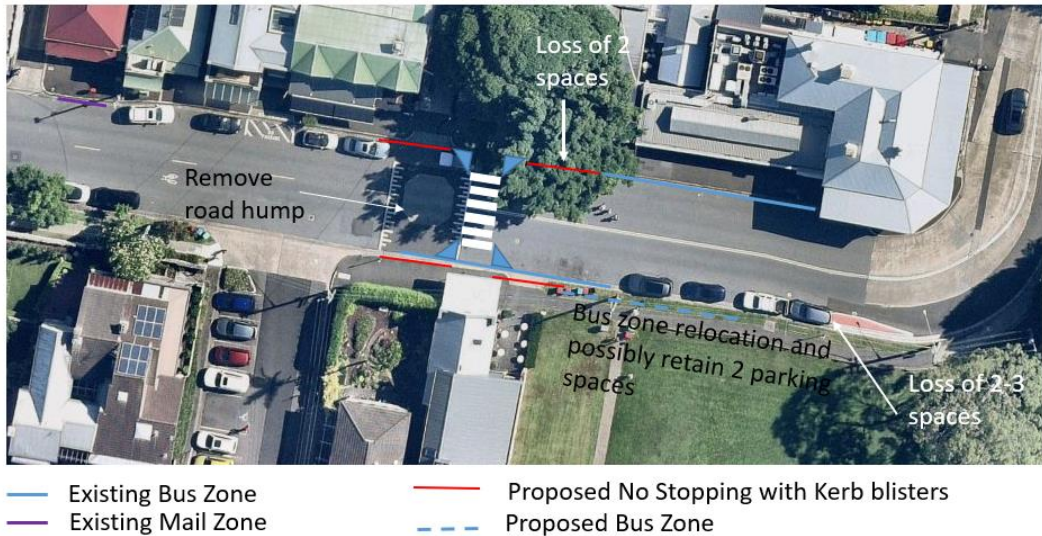
PROCEEDINGS IN BRIEF

Detailed design for a pedestrian crossing on Woolwich be expedited and design options considered for review at the Local traffic committee together with community consultation

004/24 RESOLVED on the MOTION of Sgt Abberfield, seconded Chairperson Quinn

1. That a detailed design for a pedestrian crossing on Woolwich Road with flood lighting be expedited.

2. That the design takes into consideration bike users, buses and kerb blisters to reduce the loss of parking and improve safety for pedestrians.
3. That community consultation be carried out with local business owners and residents once a concept design is completed, prior to detailed design.
4. That the existing road hump be removed during construction of the pedestrian crossing should a pedestrian crossing be resolved by Council.

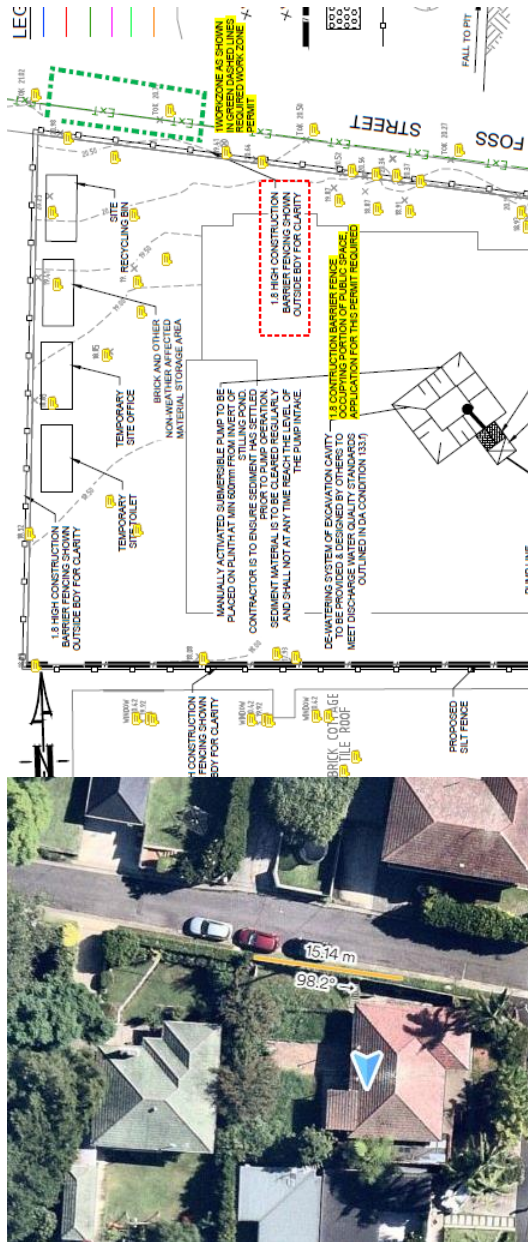


3.4 PROPOSED WORK ZONE - 14 ELLESMERE AVENUE, HUNTERS HILL

PROCEEDINGS IN BRIEF

005/24 RESOLVED on the MOTION of Sgt Abberfield, seconded Chairperson Quinn

That a 15m work zone from 7am to 6pm Monday – Friday and 8am to 1pm Saturday be installed on Foss Street adjacent to 14 Ellesmere Avenue for 26 weeks with a start date of 5 April 2024



The meeting closed at 11:05am

I confirm that these Minutes are a true and accurate record of Hunters Hill Local Area Traffic Committee Meeting held on 21 March 2024.

.....
CHAIRPERSON

ITEM NO	: 3.1
SUBJECT	: PAUL STREET - PARKING RESTRICTION ON BIN DAY
STRATEGIC OUTCOME	: SAFE WALKING, CYCLING, AND ACTIVE TRAVEL IS SUPPORTED AND ENCOURAGED WITH IMPROVED INFRASTRUCTURE.
ACTION	: IMPLEMENT THE RECOMMENDATIONS OF THE LOCAL TRAFFIC COMMITTEE
REPORTING OFFICER	: LEANNE STATHAKIS

Ref:751826

PURPOSE

To consider the proposal to restrict parking in Paul Street on bin day (Wednesday) to assist with the collection of waste.

RECOMMENDATION

1. That 'No Parking 6am - 2pm' be installed on the north side of Paul Street.
2. That the 10m statutory 'No Stopping' at intersection be installed by way of yellow line at the intersection of Paul Street and Mary Street and Paul Street and Augustine Street.



BACKGROUND

The issue of missed collection of waste bins in Paul Street, Hunters Hill were first received by Councils waste coordinator in June 2024, and since then URM have reported 21 instances where bin collection was missed due to parked vehicles blocking access to the street.

REPORT

Paul Street is very narrow and if vehicles park on both sides of the street a large vehicle such as a waste vehicle is unable to travel through. All properties except for one have off-street parking.

To address the issue, resident notification letters were distributed to all households, requesting that residents park on the even side (south side) of the street on waste collection days. If parking on the odd side was necessary, residents were asked not to park next to another vehicle or in a way that would obstruct the waste collection truck.

Additionally, windscreen notifications were placed on vehicles belonging to non-residents parked in Paul Street. While these interventions have led to some improvement, the problem persists and remains a regular issue since June 2024.

To further resolve this, the implementation of parking restrictions on bin days, as requested by the waste contractor URM, with a 'No Parking 6am - 2pm' rule, will help ensure that vehicles park on one side of the street during waste collection hours, thereby improving the reliability of waste collection.

Community consultation was carried out in December 2024 and 6 responses were received.

	Proposal Support Yes/no	Feedback	Comment
1	No	This intervention is no longer necessary, building work has contributed to the issue. Feels the proposal will cause more pedestrians to walk on the road due to the narrow footpath.	This problem is still ongoing, as confirmed by URM. The proposed parking restrictions are necessary as a result of all other options being exhausted.
2	yes	Wants something done about waste collection.	This proposal will assist with the current challenges.
3	yes	Noted that vehicles park too close to the corner	Council will place yellow lines on the kerb to inform the 10m statutory requirement.
4	n/a	Related to Bonnefin Road issues and supported parking only one side of any narrow street	Not applicable to Paul Street
5	no	Prefer that waste collection was earlier and feels that it will be difficult for bin collection with so many vehicles parked	An earlier waste collection, is not likely to resolve this issue, given that the cars parked on street are resident owned vehicles.
6	no	There should be no parking restrictions	This problem is still ongoing, as confirmed by URM. The proposed parking restrictions are necessary as a result of all other options being exhausted.

CONCLUSION

The proposed parking restrictions on bin days will ensure that the waste collection vehicle can travel through the street without obstruction from parked vehicles, thereby facilitating more efficient waste collection.

FINANCIAL IMPACT ASSESSMENT

There is no direct financial impact on Council's adopted budget as a result of this report.

ENVIRONMENTAL IMPACT ASSESSMENT

There is no direct environmental impact on Council arising from Council consideration of this matter.

SOCIAL IMPACT ASSESSMENT

There is no direct social impact on Council arising from Council consideration of this matter.

RISK ASSESSMENT

There are no direct or indirect risks impacting on Council arising from consideration of this matter.

ATTACHMENTS

There are no attachments to this report.

ITEM NO	: 3.2
SUBJECT	: KING STREET - PROPOSED PARKING RESTRICTION
STRATEGIC OUTCOME	: SAFE WALKING, CYCLING, AND ACTIVE TRAVEL IS SUPPORTED AND ENCOURAGED WITH IMPROVED INFRASTRUCTURE.
ACTION	: IMPLEMENT THE RECOMMENDATIONS OF THE LOCAL TRAFFIC COMMITTEE
REPORTING OFFICER	: LEANNE STATHAKIS

Ref:751880

PURPOSE

To review the proposal for parking restriction adjacent to 2 King Street, Hunters Hill to ensure access to the driveway of 1 King Street is not obstructed.

RECOMMENDATION

1. That 'No Parking' be installed adjacent to 2 King Street east of the driveway.



BACKGROUND

King Street is a narrow local street, and the resident of 1 King Street has raised issues on numerous occasions that the driveway is obstructed by parked vehicles opposite the driveway.

REPORT

Due to the proximity of the Hunters Hill Village shops the demand for parking can encroach onto King Street. The narrowness of King Street generally only permits parking on either side, and driveways can be obstructed when vehicles park opposite.

Community consultation was carried out and no feedback was received.

CONCLUSION

The proposed parking restriction of 'No Parking' opposite the driveway of 1 King Street will ensure that access to and from driveway is not obstructed.

FINANCIAL IMPACT ASSESSMENT

There is no direct financial impact on Council's adopted budget as a result of this report.

ENVIRONMENTAL IMPACT ASSESSMENT

There is no direct environmental impact on Council arising from Council consideration of this matter.

SOCIAL IMPACT ASSESSMENT

There is no direct social impact on Council arising from Council consideration of this matter.

RISK ASSESSMENT

There are no direct or indirect risks impacting on Council arising from consideration of this matter.

ATTACHMENTS

There are no attachments to this report.

ITEM NO	: 3.3
SUBJECT	: MADELINE STREET - PROPOSED PARKING RESTRICTION
STRATEGIC OUTCOME	: SAFE WALKING, CYCLING, AND ACTIVE TRAVEL IS SUPPORTED AND ENCOURAGED WITH IMPROVED INFRASTRUCTURE.
ACTION	: IMPLEMENT THE RECOMMENDATIONS OF THE LOCAL TRAFFIC COMMITTEE
REPORTING OFFICER	: LEANNE STATHAKIS

Ref:751912

PURPOSE

To review a proposal for 'No Parking' opposite 25 Madeline Street which is currently under renovation/construction.

RECOMMENDATION

1. That 20m of parking restrictions, being signage stating 'No Parking 7am -5pm Monday – Saturday' be installed on Madeline Street on the northeast side from the 10m Statutory 'No Stopping' at the intersection with Ernest Street (as shown below) until 30 August 2025.



BACKGROUND

Construction work for 25 Madeline Street will be undertaken from within the property, and the owner/builder has contacted Council due to difficulties in accessing the property when vehicles are parked opposite the property.

REPORT

Madeline Street is a narrow street and there is no sign posted parking restrictions within the vicinity of #25 Madeline Street.

There is space on the property for construction work and for any vehicles to stand for deliveries. However, due to the narrowness of Madeline Street and Ernest Street access can be impeded by parked vehicles opposite the site.

Adjoining residents have been consulted and feedback sought from adjacent residents (#23 Madeline St, #22 Madeline St, and # 11 Ernest St) regarding the proposal to restrict parking to assist with manoeuvring to and from the site. No feedback was received.

CONCLUSION

The proposal for 20m of parking restrictions, being signage stating, 'No Parking 7am -5pm Monday – Saturday' be installed on Madeline Street on the northeast side from the 10m Statutory No Stopping' at the intersection with Ernest Street up until 30 August 2025 will facilitate the movement of construction vehicles to and from 25 Madeline Street.

FINANCIAL IMPACT ASSESSMENT

There is no direct financial impact on Council's adopted budget as a result of this report.

ENVIRONMENTAL IMPACT ASSESSMENT

There is no direct environmental impact on Council arising from Council consideration of this matter.

SOCIAL IMPACT ASSESSMENT

There is no direct social impact on Council arising from Council consideration of this matter.

RISK ASSESSMENT

There are no direct or indirect risks impacting on Council arising from consideration of this matter.

ATTACHMENTS

There are no attachments to this report.

ITEM NO	: 3.4
SUBJECT	: BOAT TRAILER PARKING - PROPOSED TRIAL
STRATEGIC OUTCOME	: SAFE WALKING, CYCLING, AND ACTIVE TRAVEL IS SUPPORTED AND ENCOURAGED WITH IMPROVED INFRASTRUCTURE.
ACTION	: IMPLEMENT THE RECOMMENDATIONS OF THE LOCAL TRAFFIC COMMITTEE
REPORTING OFFICER	: LEANNE STATHAKIS

Ref:751927

PURPOSE

To implement a 6-month trial for new signage to better manage boat trailer parking within various streets, in Hunter's Hill Council. This consists of the implementation of 'No Parking motor vehicles excepted' parking restrictions at:

- Gladesville Road – on both sides between Mary Street and Luke Street.
- Mary Street – adjacent to St Joseph's between Mark Street and Gladesville Road
- Mary Street – between Gladesville Road and to No.6 Mary Street
- Durham Street – west side

This will include appropriate signage.

RECOMMENDATION

1. That for a 6-month trial 'No parking motor vehicles excepted' be introduced at the following locations:
 - a. Gladesville Road – on both sides between Mary Street and Luke Street.
 - b. Mary Street – adjacent to St Joseph's between Mark Street and Gladesville Road
 - c. Mary Street – between Gladesville Road and to No.6 Mary Street (both sides)
 - d. Durham Street – west side
2. That community consultation be carried out in adjacent areas, and if any feedback from residents is received a further report be provided to the Local Traffic Committee by email to members for comment and determination.
3. That all feedback from the community and Local Traffic Committee members be tabled for the March Council meeting.

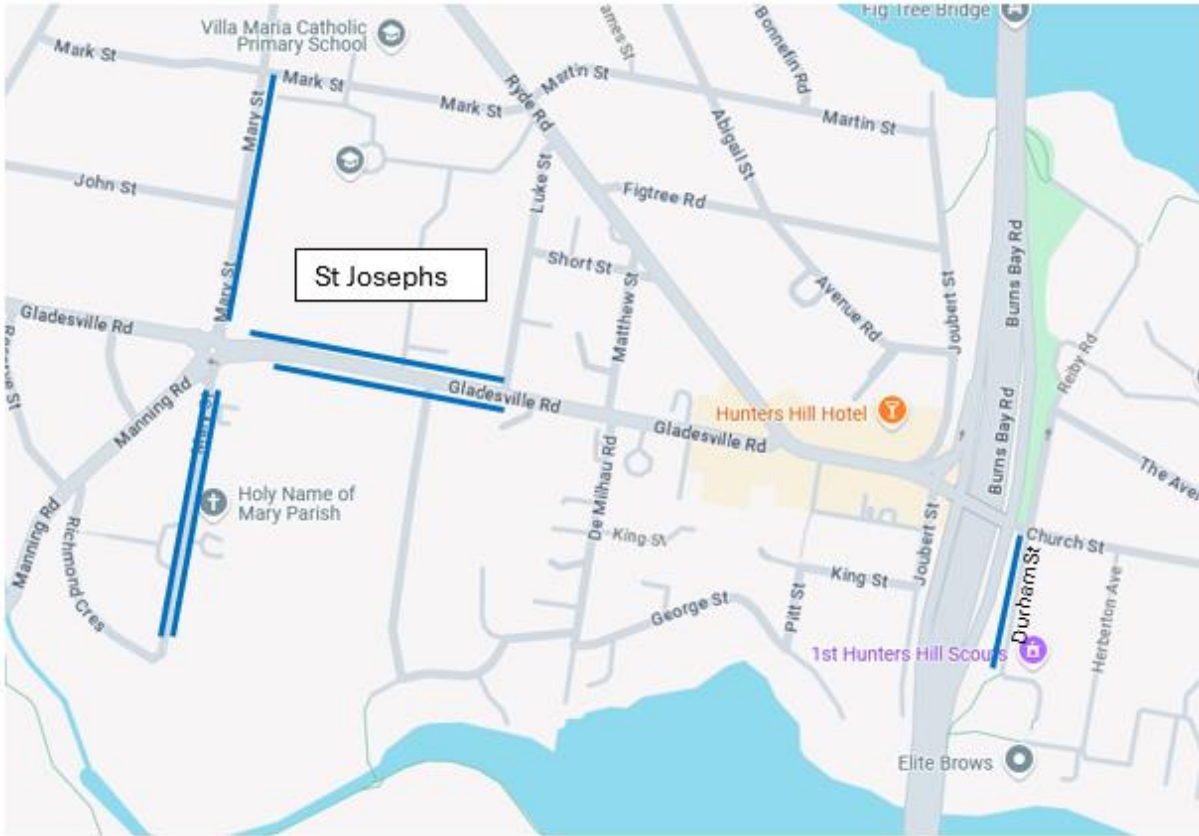


Figure 1
Proposed location for ‘No Parking Motor Vehicles excepted’

BACKGROUND

Council has several streets within its Local Government Area where boat trailer parking is having a detrimental effect on parking and the visual amenity upon the street. This issue also places a high workload on Councils enforcement officers to monitor the areas. The impacted streets include:

- a. Gladesville Road – on both sides between Mary Street and Luke Street.
- b. Mary Street – adjacent to St Joseph’s between Mark Street and Gladesville Road
- c. Mary Street – between Gladesville Road and to No.6 Mary Street (both sides)
- d. Durham Street – west side

REPORT

Gladesville Road and Mary Street

Gladesville Road adjacent to St Joseph’s College, on both sides of the road and around the corner into Mary Street often has numerous boat trailers left for long periods of time, taking up parking spaces for residents and visitors. Last year there were 2 incidences where boat trailers caught fire.

Durham Street- west side

The other area of concern is Durham Street on the west side which, adjacent to Burns Bay Road.

To assist with the volume of the boat trailers left on these local streets, it is proposed to install 'No Parking motor vehicles excepted' signage in the above listed streets. Vehicles with a motor will be able to park at these locations, but any trailers will not be permitted and Council enforcing officers can infringe any trailers within the restriction. Other existing restrictions in these areas will not change for example Bus zones.

It is proposed that this restriction is introduced as a 6-month trial to monitor the effectiveness of the restriction.

The number of boat trailers will be recorded in these areas prior to the installation of the restriction and then monitored throughout the trial. At the end of the trial a further report will be tabled with the Local Traffic Committee, recommending a permanent way forward.

CONCLUSION

The proposal, 'No Parking motor vehicles excepted' signage will assist Council in regulating the number of boat trailers in these areas. However, Council is mindful that the restriction may move the boat trailers to other areas and hence is recommending a 6-month trial, with a view to reviewing and adopting a more permanent solution.

FINANCIAL IMPACT ASSESSMENT

There is no direct financial impact on Council's adopted budget as a result of this report.

ENVIRONMENTAL IMPACT ASSESSMENT

There is no direct environmental impact on Council arising from Council consideration of this matter.

SOCIAL IMPACT ASSESSMENT

There is no direct social impact on Council arising from Council consideration of this matter.

RISK ASSESSMENT

There are no direct or indirect risks impacting on Council arising from consideration of this matter.

ATTACHMENTS

There are no attachments to this report.

ITEM NO : 3.5

SUBJECT : 39 ALEXANDRA STREET - PROPOSED LOADING ZONE

STRATEGIC OUTCOME : SAFE WALKING, CYCLING, AND ACTIVE TRAVEL IS SUPPORTED AND ENCOURAGED WITH IMPROVED INFRASTRUCTURE.

ACTION : IMPLEMENT THE RECOMMENDATIONS OF THE LOCAL TRAFFIC COMMITTEE

REPORTING OFFICER : LEANNE STATHAKIS

Ref:751976

PURPOSE

To propose a loading zone and appropriate signage in accordance with the Local Environmental Court proceeding (LEC No. 2022/317582) determination for alterations and additions to approved shop top housing development (tenancy and café) at 39 Alexandra Street, Hunters Hill. Please see LEC determination condition No.56 on page 16 as attached.

RECOMMENDATION

1. That a 'Loading Zone 7am-11am Monday - Saturday' for 1 vehicle be installed adjacent to 39 Alexandra Street as per fig1 below.
2. That 'No Stopping' signage be adjusted adjacent to 39 Alexandra Street as per fig1 below.

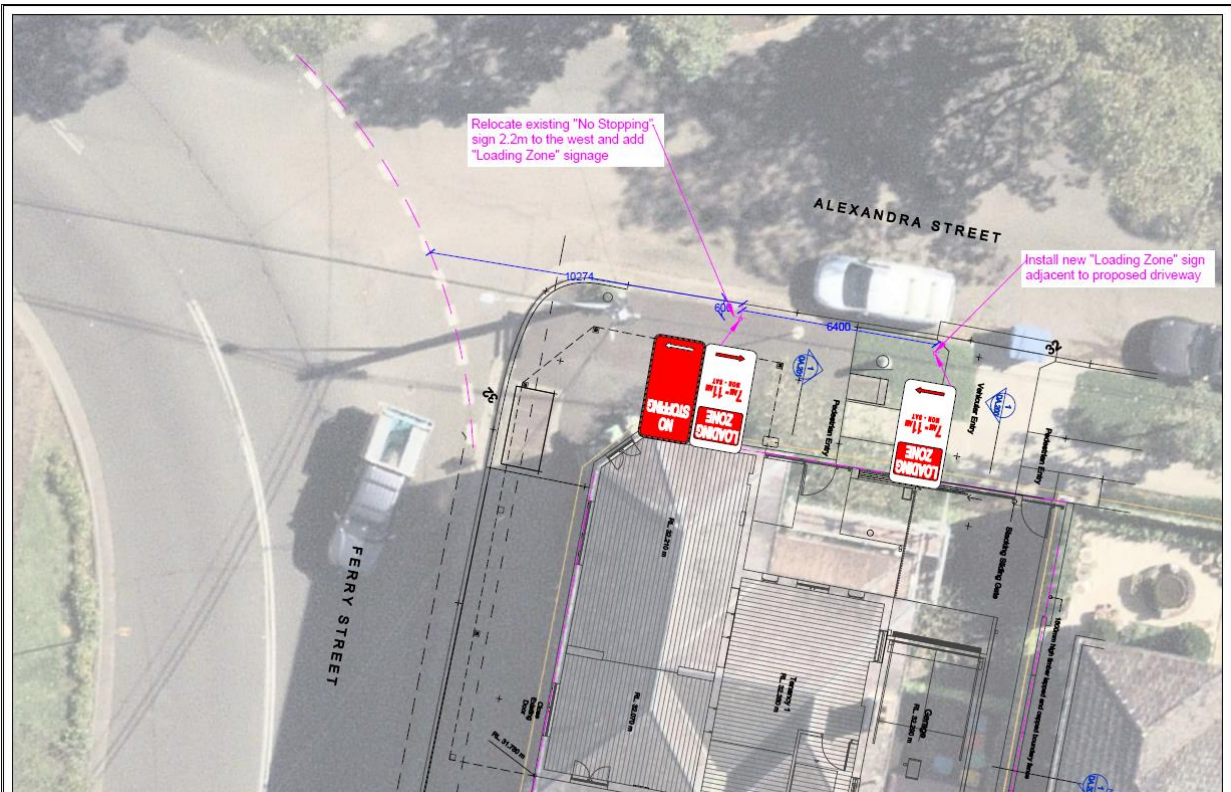


Fig1. Signage Plan for 'Loading Zone' and adjustment of 'No Stopping' sign as per plan No. 2022-1055-02A issued by McLaren Traffic Engineering

BACKGROUND

The Local environment Court (LEC) determined that prior to the issue of any occupation certificate, the applicant must obtain necessary consent, approval and authorisation for a loading zone adjacent to 39 Alexandra Street.

REPORT

The LEC reason for the loading zone is to ensure maintenance of traffic flow and safety on the surrounding road network and to ensure that there is a satisfactory loading area for the café, as well as allowing for 2 onsite parking spaces for staff of the restaurant/café as opposed to using this area for loading or parking for the dwelling.

Community consultation has been carried out and closes on 27 February 2025. At the time of writing the report (1 week prior to closing) no correspondence has been received by Council. Any feedback received after 20 February will be tabled at the meeting.

CONCLUSION

A dedicated loading zone will provide a dedicated space for deliveries Monday to Saturday between 7am and 11am.

FINANCIAL IMPACT ASSESSMENT

There is no direct financial impact on Council's adopted budget as a result of this report.

ENVIRONMENTAL IMPACT ASSESSMENT

There is no direct environmental impact on Council arising from Council consideration of this matter.

SOCIAL IMPACT ASSESSMENT

There is no direct social impact on Council arising from Council consideration of this matter.

RISK ASSESSMENT

There are no direct or indirect risks impacting on Council arising from consideration of this

ATTACHMENTS

1. LEC Determination [↓](#)

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No:	DA2022/0114
Development:	For the fit out and change of use of the ground floor commercial tenancy within the approved development on the subject site for the purposes of a restaurant/ cafe, first floor addition at the southern portion of first floor level for the purposes of the existing first floor dwelling house and business signage at 39 Alexandra Street, Hunters Hill.
Site:	Lot 1 in DP 114317, legally known as 39 Alexandra Street, Hunters Hill

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 17 May 2023
Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the "applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the "site", means the land known as 39 Alexandra Street, Hunters Hill

The conditions of consent are as follows:

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

Part A - General Conditions**Lapse of Consent**

- Pursuant to the provisions of the Environmental Planning & Assessment Act 1979 this approval shall lapse and be void if the building/subdivision work or use to which it refers is not physically commenced within five (5) years after the date of approval.

Plans and Documentation**Approved Plans**

- The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Plans				
Cover Page	DA.000	21.03.2023	D	Toth& Partners Pty Ltd
Site Analysis Plan	DA.010	08.03.23	C	Toth& Partners Pty Ltd
Site Plan	DA.011	08.03.23	C	Toth& Partners Pty Ltd
GFA Plans	DA.060	08.03.23	C	Toth& Partners Pty Ltd
Landscape Area Plans	DA.061	10.04.2023	E	Toth& Partners Pty Ltd
Proposed Ground Floor Plan	DA.100	10.04.2023	E	Toth& Partners Pty Ltd
Proposed Level 1 Plan	DA.101	10.04.2023	E	Toth& Partners Pty Ltd
Proposed Roof	DA.190	10.04.2023	E	Toth& Partners Pty Ltd
Proposed Section 1	DA.200	21.03.2023	D	Toth& Partners Pty Ltd
Proposed Section 2	DA.201	21.03.2023	C	Toth& Partners Pty Ltd
Proposed Section 3	DA.202	21.03.2023	D	Toth& Partners Pty Ltd
Proposed Section 4	DA.203	21.03.2023	C	Toth& Partners Pty Ltd
Proposed North Elevation	DA.300	21.03.2023	D	Toth& Partners Pty Ltd
Proposed South Elevation	DA.301	21.03.2023	D	Toth& Partners Pty Ltd
Proposed East Elevation	DA.302	21.03.2023	D	Toth& Partners Pty Ltd

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

Proposed West Elevation	DA.303	21.03.2023	D	Toth& Partners Pty Ltd
Proposed Ground Floor Lighting Plan	DA.600	10.04.2023	B	Toth& Partners Pty Ltd
Proposed Level 1 Lighting Plan	DA.601	10.04.2023	B	Toth& Partners Pty Ltd
Proposed Kitchen Detail Plan	DA.800	21.03.2023	D	Toth& Partners Pty Ltd
Alexandra St Fence	DA.816	21.03.2023	A	Toth& Partners Pty Ltd
Proposed Signage	DA.850	08.03.23	B	Toth& Partners Pty Ltd
Proposed Finish	DA.900	21.03.2023	D	Toth& Partners Pty Ltd
MTE Proposed Signage Plan ¹	2022-1055-02A	17.03.2023	A	McLaren Traffic Engineering
Landscape Site Context Plan	WD 00	04.04.2023	A	Greenscape Land Architecture + Design
Ground Floor Landscape Plan	WD 01	04.04.2023	A	Greenscape Land Architecture + Design
First Floor Landscape Plan	WD 02	04.04.2023	A	Greenscape Land Architecture + Design
Planting Detail Sheet	WD 03	04.04.2023	CC	03.02.2023
Documents				
Acoustic Assessment	SYD2023-1023-R001	14.04.2023	G	Acouras Consultancy
Traffic Report	220477.01 FA	07.06.22	A	McLaren Traffic Engineering
Supplementary Letter of Advice - Traffic	221055.04FB	29.03.23	N/A	McLaren Traffic Engineering
Plan of Management	N/A	27.04.2023	N/A	Chapman Planning Pty Ltd
BASIX Certificate	N/A	20.06.23	N/A	N/A
Heritage Impact Statement		June 2022		John Oultram heritage and Design
Letter/ report:'39 Alexandra Street Hunters Hill - UV Canopy & Filter Details'		3 April 2023		Stoddart

¹ See **condition 56** of this Consent. Approvals under other Acts, particularly the Road Transport Act 2013, are required to install loading zone signage.

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

In the event of any inconsistency between:

- these conditions of consent and the approved plans; and
- the documentation/ reports listed above,

these conditions of consent and the approved plans prevail. For the avoidance of doubt, in particular, the approved reduced patron numbers referred to in condition 4 below and the attached Plan of Management prevail over any inconsistent patron numbers referred to in supporting documents.

3. This development consent is to be construed and implemented, and operate in conjunction with, Development Consent No. 2016 - 1164 dated 1 September 2017 (as modified) (**2017 Consent**). In the event of any inconsistency between this Development Consent and the 2017 Consent, this Development Consent is to prevail. For the avoidance of doubt, the approved landscape plans referred to in condition 2 of this Development Consent prevail over the landscape plans approved in the 2017 Consent.

Trial Period - time limited consent in relation to outdoor seating - 12 month trial period

4. To ensure appropriate neighbourhood amenity and to monitor compliance with the conditions of the consent, Development Consent is granted to this application in relation to the outdoor seating at the Ferry Street frontage comprising:
 - A maximum of 6 outdoor seats, as indicated by the outdoor seating coloured black at the Ferry Street frontage on approved plan No. DA.100E, from Monday to Thursday (resulting in a total maximum number of patrons on Monday to Thursday of 36 patrons); and
 - A maximum of 14 outdoor seats, as indicated by the outdoor seating coloured black and light blue at the Ferry Street frontage on approved plan No. DA.100E, from Friday to Sunday (resulting in a total maximum number of patrons on Friday to Sunday of 44 patrons);

for a trial period of 12 months only from the date of issue of any Occupation Certificate in relation to the restaurant/ cafe development. The outdoor seating approved for the trial period must remain in groups of 2 in accordance with the approved plan No. DA.100E.

A copy of the Occupation Certificate is to be issued to Council's Director of Town Planning together with a notice of the commencement of the use of the restaurant/ café development. The notice should also state the date on which the 12 month trial period will end.

An application, whether a modification application made to Hunter's Hill Council under section 4.56 of the Environmental Planning and Assessment Act 1979 or a modification application made to the NSW Land and Environment Court (**Court**) under section 4.55(8) of the *Environmental Planning and Assessment Act 1979*, may be lodged seeking to continue the outdoor seating (as referred to above) on a permanent basis not less than 60 days before the end of the trial period (**Application**).

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

The Consent Authority's consideration of a proposed continuation and/or extension of the use permitted by this Development Consent will be based on, but not limited to the following:

- the performance of the restaurant/ cafe development in relation to the compliance with the conditions of this Development Consent and the requirements of the Plan of Management,
- acoustic impacts;
- traffic and parking impacts, and
- the number, nature and management of substantiated complaints regarding the operation of the restaurant/ cafe development received by the restaurant/ cafe, Hunter's Hill Council or NSW Police.

Subject to the Application being lodged or filed, as the case may be, not less than 60 days prior to the end of the trial period, the restaurant/ cafe development's outdoor seating (as referred to above) may continue to operate in accordance with the conditions of this Development Consent including until such a time as the Application is finally determined by the Council or the Court, subject to the following:

- For the purposes only of permitting the continued use of the restaurant/ café development's outdoor seating after the end of the trial period in accordance with this condition, any appeal by the applicant to the Court against the Council's actual refusal of any development application or section 4.56 modification application must be filed within 28 days of the Applicant being notified in writing of the Council's determination of the relevant application.

In the event that the Application is not approved, all outdoor seating must cease within 30 days of final determination of the Application, with maximum patrons numbers accordingly to be 30 patrons indoors.

In the event no Application is lodged in accordance with this condition, all outdoor seating must cease at the end of the 12 month trial period, with maximum patrons numbers accordingly to be 30 patrons indoors.

Reason: the development application as originally lodged with Council was for 58 patrons, including indoor seating for 30 x patrons, outdoor seating for 18 x patrons along the approved external terrace area at the south-western portion of the site, and 10 x patrons within a footpath dining area/ along Council's road reserve. This was not considered satisfactory by Council having regard to among other things traffic/ parking, noise and footpath amenity issues. Fundamental to the proposed restaurant/ café being considered as acceptable/ providing for acceptable levels of amenity to adjoining and surrounding residents was the reduction of patron numbers, including removal of footpath seating and reduction of outdoor seating within the site.

Ensuring that there are no adverse impacts to neighbourhood amenity - particularly regarding parking and noise as a result of the outdoor seating and increased patron numbers on Friday to Saturday - is a fundamental consideration with respect to the grant of this Consent. In all the circumstances a 12 month trial period with respect to the outdoor seating is considered to be an appropriate balance between public and private interests, particularly insofar as it allows for monitoring of noise and traffic/ parking impacts and compliance with these conditions of consent and the plan of management.

Part B – Prior to the issue of any Construction Certificate

Construction Certificate

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

5. Works, work on any building including demolition, landscaping, excavation and tree removal shall not commence until a Construction Certificate, complying in all respects with the provisions of the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021* and the Building Code of Australia, has been issued.

Surrender of 2018 Consent

6. Pursuant to as 4.17(1)(b) and s 4.17(5) of the *Environmental Planning and Assessment Act 1979*, Development Consent No. 2018-1064 dated 9 October 2019 (**2019 Consent**) is to be surrendered. Prior to the issue of any Construction Certificate, a duly signed notice of surrender of the 2019 Consent under cl 67 of the *Environmental Planning and Assessment Regulation 2021* is to be delivered/ provided to the Council. No Construction Certificate can be issued until such time as the Council has provided to the applicant written notice that it has received the said notice of surrender of the 2019 Consent as referred to in cl 67(3) of the *Environmental Planning and Assessment Regulation 2021*.

Conformity with Plans

7. The works shall be erected/constructed in conformity with the approved plans and any approved specifications and in accordance with the conditions of approval. Any alterations, modification or variations to these plans or specifications requires the prior formal approval of Council.

Copy Plan and Permit on Site

8. A copy of all stamped approved plans, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by Council or the Principal Certifying Authority.

All documents kept on site in accordance with this condition must be provided to Council or the Principal Certifying Authority upon their request.

Tree planting in accordance with Australian Standard 2303-2015 "Tree Stock for Landscape Use"

9. The supplied trees shall be planted using healthy and vigorous stock grown in accordance with Australian Standard 2303-2015 "Tree Stock for Landscape Use". Details and specifications showing compliance with this condition must be submitted for approval by the Certifier prior to the issue of any Construction Certificate.

Long Service Levy

10. Prior to the issue of the Construction Certificate payment of a levy of **\$1,208.00** payable to Council on behalf of the Long Service Payments Corporation being 0.35% of the value of construction work.

Security Deposit

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

11. Prior to the issue of a Construction Certificate by the Principal Certifying Authority a security deposit of **\$5,000.00** is to be paid to Council. Once a Final Occupation Certificate has been issued this is eligible to be returned. The deposit is required as a security against damage to Council property during works on the site, and to ensure compliance with Conditions of Consent and installation of environmental controls.

Section 94A Developer Contributions Plan 2011

12. Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and Hunter's Hill Section 94a Developer Contributions Plan 2014, a contribution of \$4,833.00 shall be paid to council for the provision, extension or augmentation of key community infrastructure.

The amount to be paid may need to be adjusted at the time of the actual payment in accordance with the provisions of Hunter's Hill Section 94a Developer Contributions Plan 2014, Clause 11 – Indexing Cost. The contribution must be paid to Council:

- a) In the case of complying development, at the time notice is given to Council under s86 of the EP&A Act of the applicant's intention to subdivide, commence work or erect a building.
- b) In all other instances the S94A levy must be calculated and paid a week prior to the issue of the first Part 4A certificate. Receipt of payment must be included with copies of the documents provided to Council in accordance with clause 142(2), 151(2) or 160(2) of the EP&A Regulation (whichever is applicable, depending on the certificate which is being issued).

Subdivision, or work of any kind, may not occur on the subject site until the required S94A levy has been paid to Council.

Home Building Act

13. Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) for which the Home Building Act 1989 requires there to be a contract of insurance under Part 6 of that Act must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Hunter's Hill Council written notice of the contract of insurance being issued and of the following:
 - (a) In the case of work for which a principal contractor is required to be appointed:
 - (i) The name and licence number of the principal contractor.
 - (ii) The name of the insurer by which the work is insured under Part 6 of that Act, or
 - (b) In case of work to be done by an owner-builder:
 - (i) The name of the owner builder, and

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

- (ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangement for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this condition is out of date, work must cease and no further work may be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

Waste Management Plan

14. A waste management plan is to be submitted for approval by the Principal Certifying Authority prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
- (a) The estimated volume of waste and method of disposal for the construction and operation phase of the development
 - (b) The design of the on-site waste storage and recycling areas.
 - (c) Administrative arrangements for waste and recycling management during the construction process.

Erosion and Sediment Control

15. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including drawings and specifications must be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Hunters Hill Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Sediment Control Plan must incorporate and disclose:
- (a) all details of drainage to protect and drain the site during the construction processes,
 - (b) all sediment control devices, barriers and the like,
 - (c) sedimentation tanks, ponds or the like,
 - (d) covering materials and methods, and
 - (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

Details from an appropriately qualified person showing these design requirements have been met must be submitted with the Construction Certificate and approved by the Council/Accredited Certifier prior to issuing of the Construction Certificate.

Engineers Certificate - Additional Loading

16. Prior to the issue of a Construction Certificate documentary evidence is to be prepared by a qualified practicing Structural Engineer verifying the structural adequacy of the existing building to support the additional loading.

Stormwater management

17. Prior to the issue of a Construction Certificate a stormwater plan is to be submitted to Principal Certifying Authority with reference to Council's Development Control Plan for all roofed and paved area of the application. Details are to also include stormwater disposal method from existing roofed areas and discharge points beyond the property for any stormwaters which cannot be absorbed or re-used being indicated.

Stormwater Disposal

18. Stormwater runoff generated by the approved development must be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the Building Code of Australia and current plumbing standards and guidelines. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate fully satisfy the requirements of this condition.

Amended Landscape Plans

19. Prior to the issue of any Construction Certificate the landscape plans are to be amended to provide native shrubs reaching a minimum 1.5 metre height at maturity in the setback at the south western corner of the site.

The selected shrubs are to be *Grevillea*, *Hakea*, *Coastal rosemary*, *Callistemon "Scarlet flame"*, *Hardenbergia violacea* or similar. Amended plans to be submitted to the Certifier for approval prior to the issue of any Construction Certificate.

Ventilation/ odour - UV Canopy & Filter Details

20. Specifications demonstrating compliance with the letter/ report '39 Alexandra Street Hunters Hill - UV Canopy & Filter Details' dated 3 April 2023 prepared by Stoddart, are to be submitted for approval the Certifier prior to the issue of any Construction Certificate. The said specifications must be accompanied by advice and recommendations from an appropriately qualified expert demonstrating that there will be no adverse odour impacts to adjoining residents as a result of the restaurant; café development, (particularly the resident at 37 Alexandra Street), which must also be approved by the Certifier prior to the issue of any Construction Certificate.

Food premises - fitout

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

21. Construction plans and specifications that demonstrate compliance with AS 4674-2004 must be submitted to the Certifier with the construction certificate application. The Certifier must confirm the proposed works comply with this condition prior to issuing a construction certificate.

Part C – Prior to the Commencement of works

Notice of Commencement

22. Building Work, demolition or excavation in accordance with this development consent must not be commenced until the applicant has given at least 2 days' notice to Hunter's Hill Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

Sign – No entry to building site and builder's identification

23. A sign shall be displayed in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

The sign must list the following details:

- (a) The name, address and telephone number of the Principal Certifying Authority.
- (b) The name of the Principal Contractor and an afterhours telephone number.
- (c) That unauthorised entry to the site is prohibited.
- (d) Hours of construction as per the consent.

The sign must be maintained while the building work, subdivision work or demolition work is being carried out and removed upon completion.

Erection of Security Fence

24. An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

Appointment of the PCA

25. Building work, demolition or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifying Authority for the building work in accordance with the provisions of the Environmental Planning & Assessment Act, 1979 and its Regulation.

Builders Toilet

26. Prior to works commencing, adequate toilet facilities are to be provided on the work site in accordance with the requirements of Sydney Water.

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

Part E– Demolition

Demolition of Structures

27. All demolitions are to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991 “*The Demolition of Structures*”.

Access to demolition sites

28. Access to demolition sites shall be protected as directed by Council by the use of suitable fences or hoardings.

Temporary Construction Exits

29. Temporary construction exits, to reduce or eliminate the transport of sediment from a demolition site onto public roads shall be provided before demolition commences.

Existing stormwater to be blocked

30. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments off the site into any street gutter or street drainage system.

Protection of adjoining premises

31. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.

Applicant responsible for repair work

32. The applicant or builder/developer is responsible and liable for the cost of repairing any damage that may be caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which the approval relates.

PPE and work practices

33. All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear personal protective equipment conforming with Australian Standard 1716 “*Respiratory Protective Devices*” and adopt work practices in accordance with Workcover requirements.

Any existing accumulations of dust (e.g. in ceiling voids and wall cavities) must be removed by use of an industrial vacuum fitted with high efficiency particulate air (HEPA) filter.

All dust on surfaces and dust created by work is to be suppressed by fine water spray and not to be allowed to enter the street gutter or stormwater drainage systems.

Demolition work is not to be performed during high winds that might cause dust to be spread beyond the site boundaries.

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

Demolition work is to be undertaken with hand tools or hand held power tools. If heavy machinery is to be used to clear the site, work practices must comply with the requirements of the Work Plan.

Work Cover and EPA

34. Hazardous or intractable wastes arising from any demolition process shall be removed and disposed of in accordance with the requirements of Work Cover and the EPA, and with the provisions of:

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2014
- Work zones and decontamination procedures
- Contingency plans and incident reporting
- Environmental monitoring

Demolition Footprint

35. Removal, cleaning and disposal of lead-based paint shall conform with the current EPA guidelines. Demolition of materials incorporating lead is to be conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the Australian Standard 2601-1991, "Demolition of Structure".

Demolitions shall be limited to the extent of the footprint of the building on the site.

A person taking down or demolishing or causing to be taken down or demolishing any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the WorkCover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos.

Dust Control Measures

36. Dust control measures shall be employed to avoid a nuisance to adjoining properties, harm to the environment and carried out strictly in accordance with the recommendations in the Work Plan prepared in accordance with Australian Standard 2601 "Demolition of Structure".

- (a) A person taking down or demolishing or causing to be taken down or demolish any building or portion of any building shall:
- (i) cause the windows or other openings in the external walls to be close boarded or otherwise covered
 - (ii) cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations
 - (iii) cause areas, components and debris to be wetted down
 - (iv) in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.

Storage of materials and salvaged

37. Materials salvaged from a demolition to be re-used may be stored on site (for a maximum 6 month period) provided they are non-combustible, neatly and safety stockpiled, and not likely to become a harbourage for vermin.

Part F – Construction

Work to be completed in accordance with the Building Code of Australia

38. All works shall be carried out in accordance with the provisions of the Building Code of Australia and all relevant Australian Standards.

Construction hours

39. Building construction and works must be restricted to within the hours of 7.00 am to 6.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works must be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. For the purposes of this condition:

- (a) "Building construction" means any physical activity on the site involved in the erected of a structure, cladding, external finish, formwork, fixture, fitting of service installation and the unloading of plant, machinery, materials or the like.
- (b) "Demolition works" means any physical activity to tear down or break up a structure (or part thereof) of surface, or the like, and includes the loading of demolition waste and the unloading of plant of machinery.
- (c) "Excavation work" means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

All builders, excavators must display, on-site their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

Asbestos Removal

40. Any demolition works involving the removal and disposal of asbestos cement greater than 10m² must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted)

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

Construction Noise not to exceed background level

41. Noise from the site during construction shall be controlled to reduce any disturbance or nuisance to nearby properties. The (L₁₀) noise level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level (L₉₀) by more than 10dB(A).

Building material within the Building Site

42. All building materials, spoil, debris and other material arising from the carrying out of building work, shall be contained wholly within the allotment boundaries. Such accumulation is to be properly disposed of at regular intervals to the satisfaction of Council and the Principal Certifying Authority.

The pathway and road reserve shall be kept in a clean, tidy and safe condition during building operations. At no point can any public reserve be used to place or store such material Council reserves the right, without notice to rectify any such breach and to change the cost against the applicant/owner/builder, as the case may be.

Maintaining Public Footpaths and Roadways

43. All kerb and gutters, roads and footpath are to be protected throughout the building operations as required by the Principal Certifying Authority. No obstruction being caused to pedestrian use of Council's footpath area or vehicular use of Council's roadway area during building operations.

Protection of Pedestrians

44. All weather access to the site is to be provided across Council's footpath together with barricades and hazard warning lights for the safe passage of pedestrians. Council will recover the cost from the Applicant for works to protect pedestrian safety if safe pedestrian access is compromised.

Excavation below Base of Footings

45. When excavation extends below the level of the base of the footings of a building or an adjoining allotment of land, the applicant/owner is to:
- (a) preserve and protect the building from damage
 - (b) underpin and support the building in an approved manner, if necessary
 - (c) give notice of intention to excavate below the level of the base of the footings of a building on an adjoining allotment of land to the owner at least 7 days prior to the excavation and furnish particulars of the excavation to the owner of the building being erected or demolished.

Note: the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition 'allotment of land' includes a public road and any other public place.

Guarding To Excavations

46. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

Encroachments of building

47. No portion of the proposed building work works, as approved within the subject site, are to encroach upon any road reserve, private land or other public land including easements except where permitted by the Local Government Act 1993. This includes the opening and closing of gates and door that must open and close within the subject site.

Temporary diversion of roof runoff

48. Stormwater from roof areas shall be linked via temporary downpipes to Council's stormwater system immediately after completion of the roof area.

Progress Survey

49. In order to ensure compliance with approved plans, a Survey Certificate, to Australian Height Datum, must be prepared by a Registered Surveyor as follows:
- (a) At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries.
 - (b) At the completed height of the building, prior to the placement of concrete inform work, or the laying of roofing materials.
 - (c) At completion, the relationship of the building and any projections thereto, to the boundaries.

Progress certifications in response to points (a) through (c) must be provided to the Certifying Authority for approval at any time of carrying out relevant progress inspections. In the event that such survey information is not provided or reveals discrepancies between the approved plans and the proposed works, all works, save for works necessary to bring the development into compliance with the approved plans, must cease. Works may only continue upon notification by the Certifying Authority to the applicant that survey information (included updated survey information following the carrying out of works to comply with the approved plans) complies with this condition.

Trees to be retained under Tree Management Control

50. Trees covered under the provisions of Hunters Hill Council's Tree Management Controls shall be retained except where Council's prior written consent has been given.

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

Part G - Prior to the Issue of an Occupation Certificate

Occupation Certificate

51. A person must not commence occupation or use of the whole or any part of a new building (new building includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifying Authority appointed for the building work can issue an Occupation Certificate.

BASIX Completion Certificate

52. In accordance with Clause 154C of the Environmental Planning and Assessment Regulation 2000, prior to issuing a final occupation certificate the Principal Certifying Authority must apply to the Director-General for a BASIX Completion Receipt.

Damage to adjoining properties

53. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

Utility Services

54. All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to the issue of an occupation certificate. This shall be at no cost to Council.

Shop Premises Registration

55. The shop premises must be registered with Council and the NSW Food Authority prior to the commencement of operation of the approved activity. Shop Premises Registration must be maintained at all times.

Loading Zone

56. Prior to the issue of any Occupation Certificate, the applicant must obtain all necessary consents, approvals and authorisations (including but not limited to authorisation under Part 5.3 of the Road Transport Act 2013 and approval under the Roads Act 1993 if required) for the following works
- (a) the installation of 'Loading Zone' signage and 'No Stopping' signage as indicated on the plan MTE Proposed Signage Plan No. 2022-1055-02A dated 17.03.2023 issue A by McLaren Traffic Engineering (as referred to in condition 2 of this Consent).

The applicant must carry out - or cause to be carried out - these required works/ installation of signage (at no cost to the Council), including complying with all conditions of all approvals required by all other Acts.

The works/ signage required by this condition must be installed and completed prior to the issue of any Occupation Certificate, including compliance with all conditions of

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

approvals required by all other Acts. All required measures shall be at no cost to Council or Transport for NSW.

No Occupation Certificate can be issued unless written notice of satisfaction of Council's Director of Town Planning has been provided with respect to the installation of the signage required to be installed by this condition and compliance with all conditions of approvals required under other Acts.

Reason: To ensure maintenance of traffic flow and safety on the surrounding road network and to ensure that there is a satisfactory loading area for the restaurant/ café (as well as allowing for 2 on site parking spaces for staff of the restaurant/ café as opposed to using this area for loading or parking for the dwelling)

Note: in the event that the required application for loading zone signage is not approved a modification application is required in relation to loading/ with respect to the restaurant/ café use approved by this development consent.

Noise Compliance

57. Prior to the issue of any Occupation Certificate an acoustic compliance report shall be prepared certifying that the construction is in accordance with the recommendations made in the Acoustic report by Acouras Consultancy dated 14 April 2023.

Part H: Ongoing use and other Bespoke conditions

Section 64 - upgrade of building

58. Pursuant to Section 64 of the Environmental Planning and Assessment Regulation 2021, the following upgrades must occur to bring the existing building into partial conformity with the Building Code of Australia (BCA):
- (i) The existing building must be upgraded to comply with C1P1, C1P2 and C1P8 of the BCA with regard to maintaining structural stability during a site and restricting/ avoiding the spread of fire to the Class 4 sole-occupancy unit.
 - (ii) The existing external walls (including any openings) must be upgraded to comply with C1P1 and C1P2 of the BCA with regard to maintaining structural stability during a fire and restricting the spread of fire between buildings.
 - (iii) The existing building must be upgraded to comply with E1P2 of the BCA with regard to fire extinguishers.
 - (iv) The existing building must be upgraded to comply with E2P1 of the BCA with regard to automatic warning for sleeping occupants.
 - (v) The existing building must be upgraded to comply with F4P1 of the BCA with regard to sanitary facilities for personal hygiene.

Construction plans and specifications that demonstrate compliance with this condition must be submitted to the Certifier with the construction certificate application. The Certifier must confirm the proposed works comply with this condition prior to issuing a construction certificate. All upgrades must be completed prior to an occupation certificate being issued.

Section 73 - maximum capacity signage

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

59. Pursuant to Section 73 of the Environmental Planning and Assessment Regulation 2021, a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.

Food premises - fitout

60. The food premises must comply with AS 4674-2004 prior to the issue of any occupation certificate.

Noise - equipment and plant

61. The operation of any equipment, motors or plant at the premises must not result in a noise level that exceeds 5dB(A) above the ambient background noise level (L90) when measured at the boundary or outside a window of any affected residence.

The source noise level shall be assessed at LAeq 15 min and adjusted in accordance with the NSW Environment Protection Authority Noise Policy for tonality, low frequency weighting and impulsive characteristics.

Noise – operational noise

62. The LA10* noise level emitted from the restaurant/ cafe premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8k Hz inclusive) by more than 5 dB between:

- 7:00 am - 10:00pm Friday to Saturday; and
- 7:00am - 9:00pm Sunday to Thursday,

at the boundary or outside a window of any affected residence.

The LA10* noise level emitted from the restaurant/ café premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8k Hz inclusive) between:

- 10:00pm and 07:00 am Friday to Saturday; and
- 9:00pm - 7:00am Sunday to Thursday,

at the boundary or outside a window of any affected residence.

Notwithstanding compliance with the above, the noise from the restaurant/ café premises shall not be audible within any habitable room in any residential premises at any time (except in relation to the residential premises on the subject site).

With respect to the residential premises on the subject site, the noise from the restaurant/ café premises shall not be audible within any habitable room of the residential premises between the hours of:

- 10:00pm and 07:00 am Friday to Saturday; and
- 9:00pm - 7:00am Sunday to Thursday,

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

* LA10 is the average maximum deflection of the noise emission from the licensed premises.

Noise – amplified music

63. There must be no amplified music or speakers (whether pre-recorded or live) at the restaurant/ café premises, whether internal or external to the building.

Noise – live music or entertainment

64. There must be no live music or entertainment at the premises.

Plan of Management

65. The approved operational Plan of Management shall be kept on site at all times and be made available on the restaurant/ café website (if any).

The restaurant/ cafe must operate at all times in accordance with the requirements of the approved Plan of Management, a copy of which is **attached** to this Consent and marked "POM".

Delivery Hours/ loading and unloading

66. All deliveries, loading or unloading associated with the restaurant/ café development is to take place via the loading zone as referred to/ required by condition 56.

The required loading zone will not be used by vehicles any greater than a 6.4m long small Rigid Vehicle.

No deliveries, loading or unloading associated with the restaurant/ café development are to take place otherwise than between 7:00am and 11am Monday to Saturday (as referred to in the Plan of Management).

On site staff parking

67. The on-site garage and driveway will be used for only for staff parking.

This on-site parking is not to be used by loading vehicles.

The cars parked in these spaces must not extend beyond the site boundary (i.e. they must not extend onto the road reserve/ footpath).

As such, the vehicles using the garage/driveway staff parking must include one "small car" (i.e. B50)

Note: parking by a combination of B85 and B99 vehicles will impermissibly extend onto the road reserve.

Hours of Operation

68. The approved hours of operation of the restaurant/ café use are:
- 7am – 9pm on Sunday to Thursday, and

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

- 7am – 10pm on Friday to Saturday.

Addition to first floor dwelling - no separate dwelling/ domicile

69. The additional bedroom approved by this Development Consent must not be used for the purposes of a separate dwelling/ domicile. There shall be no cooking facilities installed within the additional bedroom approved by this Development Consent at any time.

Noise monitoring during 12 month trial period

70. The Applicant is to engage an independent and suitably qualified and experienced acoustic engineer to:
- Carry out noise testing/ monitoring with respect to compliance with the noise requirements of these conditions of consent on at least 2 occasions on Friday, Saturday or Sunday, between 7pm and 10pm, when the restaurant/ café is operating at full capacity including the 14 outdoor seats
 - Carry out noise testing/ monitoring with respect to compliance with the noise requirements of these conditions of consent on at least 1 occasion on Monday, Tuesday, Wednesday or Thursday between 7pm and 9pm, when the restaurant/ café is operating at full capacity including the 6 outdoor seats
 - Prepare a report with respect to compliance with the noise requirements of these conditions for provision to Council within 12 months of the date of the commencement of the trial period as referred to in condition 4.

Note: The independent noise consultant should liaise with Council for the purposes of organising access to the nearest residential premises for the purpose of undertaking noise monitoring referred to in this condition.

Parking monitoring during 12 month trial period

71. The Applicant is to engage an independent and suitably qualified and experienced traffic engineer to:
- Carry out parking surveys with respect to the availability of on street parking in the vicinity (100m) of the restaurant/ café on at least 2 occasions on Friday, Saturday or Sunday, when the restaurant/ café is operating at full capacity including the 14 outdoor seats;
 - Carry out parking surveys with respect to the availability of on street parking in the vicinity (100m) of the restaurant/ café on at least 1 occasion on Monday, Tuesday, Wednesday or Thursday when the restaurant/ café is operating at full capacity including the 6 outdoor seats;
 - Prepare a report with respect to the availability of on street parking for provision to Council within 12 months of the date of the commencement of the trial period as referred to in condition 4.

Fire Safety

Coral Sea Estates Pty Ltd v Hunters Hill Council

LEC No: 2022/317582

72. The applicant/ developer/ operator must at all times comply with the requirements of the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 and Environmental Planning and Assessment Regulation 2021 with respect to fire safety.