

13 March 2025

SCHEDULE, Page 1

Requested changes to Council assessment report recommended conditions:

REQUEST 1 (gate to Undercliff Road)

Current recommended condition (page 40 of agenda)

Condition 23. Undercliff Entrance

The existing entranceway/gate fronting Undercliff Road is not to be used by restaurant patrons for access.

Reason: In order to maintain privacy to the adjoining / nearby property.

Requested (amended) condition (marked up below)

Condition 23. Undercliff Entrance

The existing entranceway/gate fronting Undercliff Road is not to be used ~~by restaurant patrons~~ for any access.

Reason: In order to maintain privacy to the adjoining / nearby property and to keep the (no parking) turning bay in Undercliff Road safe and clear of loading and unloading vehicles.

NOTE 1 – there is a loading bay on the western side of the site in the reserve, which can and should be used for all deliveries and loading and unloading.

NOTE 2 – a major disturbance (and safety issue) to neighbours, pedestrians and motorists is the parking wedding vans and delivery vans in the turning circle of Undercliff Road where there is no footpath for pedestrians. This is a very busy area. Turning cars are forced to undertake 3-point turns. All of this is dangerous for pedestrians.

Council have been more than accommodating in providing a dedicated loading bay in the reserve for Pulu (actually beyond its powers given limited permitted uses for the public reserve) and accordingly there is no need for wedding vans (flowers, DJs) and delivery vans to illegally park in the Undercliff Road turning circle (see photo) and to use the gate to Undercliff Road.

There should be no access at all allowed for the gate in Undercliff Road, consistent with previous consent conditions.

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SCHEDULE, Page 2

Requested changes to Council assessment report recommended conditions:

REQUEST 2 (amplified sound)

Current recommended condition (page 40 of agenda)

24.Noise management

The restaurant is to be operated in accordance with the following:

Any amplified music (assumed to be vocal and acoustic) must be restricted during the hours of 10:00am and 10:00pm. Noise levels to be limited to 90 dBA Sound Power Level (or equal to 73 dBA @ 3m) when measured as a sound pressure level.

Reason: To maintain reasonable levels of amenity to residential neighbouring properties.

Requested (amended) condition **(marked up below)**

24.Noise management

The restaurant is to be operated in accordance with the following:

Any amplified music (**vocal, acoustic, DJ, etc** ~~assumed to be vocal and acoustic~~) must be **limited to, and** restricted during, the hours of 10:00am and 10:00pm. Noise levels to be limited to 90 dBA Sound Power Level (or equal to 73 dBA @ 3m) when measured as a sound pressure level. **No amplified music outside.**

Reason: To maintain reasonable levels of amenity to residential neighbouring properties, **including limiting amplified music (including DJ, etc) to indoors and to between 10am and 10pm.**

NOTE 1: Major disturbances to neighbours are (a) the frequent use of DJs for weddings in particular, typically late at night and (b) outside use of amplified sound.

NOTE 2: Use of PA and amplified music is not consistent with a restaurant permitted use (it is consistent with function centre – not a permitted use) and should be restricted accordingly.

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SCHEDULE, Page 3

Requested changes to Council assessment report recommended conditions:

REQUEST 3 (waste collection hours)

Current recommended condition (page 41 of agenda)

28. Commercial Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties

Requested (amended) condition **(marked up below)**

28. Commercial Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and ~~7am~~~~6am~~ on any day **except Sunday then not before 09:00 am.**

Reason: To protect the acoustic amenity of surrounding properties **and for consistency with following Pulu liquor licence condition:**

“Undertake that licensee or permit holder will make every endeavour to ensure that bottles, garbage or refuse is collected from the premises not before 07:00 am on any day except Sunday then not before 09:00 am”

NOTE: Garbage trucks beeping while reversing up the public reserve at 6am in the morning, including on a Sunday morning, to collect bottles in particular (very noisy) is not reasonable and should be restricted/limited.

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SCHEDULE, Page 4

Requested additional condition to Council assessment report recommended conditions:

REQUEST 4 – unauthorized works – new condition

See current note in report:

Alleged Unauthorised works (page 13 of agenda)

Concern has been raised in the submissions, noting unauthorised works that have occurred on site.

Comment:

A request for investigation has been sent to building control team (compliance) to investigate this matter.

Requested new condition 29

29. No use of Attic or Garden Room

No approval is given for the use of the (unauthorised) attic or (unauthorised) garden room or the use of other unauthorised building work prior to the conclusion of the investigation by the building control team (compliance) and the issue of a construction certificate.

Reason: To prevent the use of unauthorised building work and to ensure adequate provision is made for Health, Amenity, Access & Fire Safety for building occupant health & safety.

NOTE: The unauthorised conversion of the upper floor of the building into an attic by the current lessee, Pilu, contrary to express conditions of previous consent is a fire safety issue for staff and the public. The unauthorised extension to the southern boundary of the site to create the “Garden Room” has added and will add to the adverse impact on neighbours in terms of noise. The extension is also unsightly and a breach of the heritage controls on the property.

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SCHEDULE, Pages 5-11

SUPPORTING PHOTOS



Council have (generously) provided a loading zone for the use of Pilu in the public reserve.

This is actually beyond the powers of Council given the reserve's restricted uses.

In any event, deliveries should be made via this loading zone and not via the steep entrance gate and the (not parking) turning circle in Undercliff Road.

Collection of rubbish etc should not occur before 7am, 9am on Sundays.





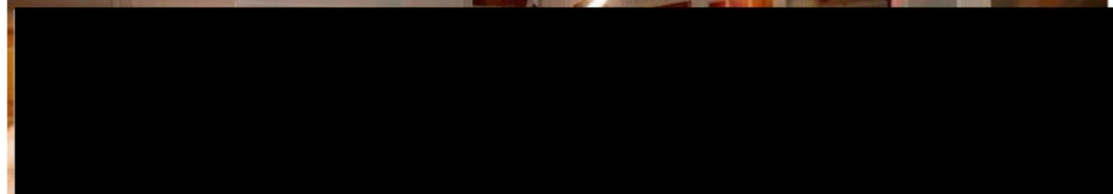
UNAUTHORISED AND USAFE USE OF GATE TO UNDERCLIFF ROAD



UNAUTHORISED GARDEN ROOM TO BOUNDARY ADDS TO NOISE



POOR MAINTENANCE OF FRESHWATER'S MOST HISTORIC BUILDING



LATE NIGHT WEDDING DJ AND AMPLIFIED MUSIC IS A MAJOR SOURCE OF NOISE



UNAUTHORISED CONVERSION OF ATTIC IS A FIRE RISK