

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

Application number:	DA19/0604.01
Description of development:	Modification to Extend McDonald's Restaurant Trading Hours to 24/7 Operations on Permanent Basis
Classification of development:	Class 6

### DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 2 DP 1018519
Property address:	4 Endeavour Avenue, ST CLAIR NSW 2759

### DETAILS OF THE APPLICANT

Name & Address:	Cambooya Properties Pty Ltd, Mcdonalds Australia C/- KDC Pty Ltd SUITE 2 B/ 125 BULL STREET NEWCASTLE WE NSW 2302
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### DECISION OF CONSENT AUTHORITY

In accordance with Sections 4.18(1) (a) and 4.55 of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

Date from which consent operates	18 November 2019
Date the consent expires	18 November 2024
Date of this decision	15 November 2019 as amended on 21 May 2021 under Section 4.55 of the Environmental Planning and Assessment Act.

## POINT OF CONTACT

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If you have any questions regarding this determination you should contact:

Assessing Officer:	Jacqueline Klincke
Contact telephone number:	+612 4732 8391

## NOTES

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### **Reasons**

The conditions in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended.

### **Conditions**

Your attention is drawn to the attached conditions of consent in attachment 1.

### **Certification and advisory notes**

You should also check if this type of development requires a construction certificate in addition to this development consent.

It is recommended that you read any Advisory Note enclosed with this notice of determination.

### **Review of determination**

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within twelve months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

### **Appeals in the Land and Environment Court**

The applicant can appeal against this decision in the Land and Environment Court within twelve months of receiving this Notice of Determination.

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

### **Designated development**

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 56 days after the date of this notice.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 56 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

### **Sydney Western City Planning Panels**

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

# ATTACHMENT 1: CONDITIONS OF CONSENT

## General

1 The development must be implemented substantially in accordance with the following stamped approved documents issued by Council, the application form, any other supporting documentation and the following conditions:

- Noise Impact Assessment, prepared by Muller Acoustic Consulting Pty Ltd, Document ID: MAC190847RP1, dated 14 June 2019
- Plan of Management, prepared by McDonald's Australia Ltd, dated February 2021
- Crime Prevention Through Environmental Design, prepared by KDC, ref: 631.30063-St Claire CPTED-v0.1, dated February 2021

***As amended on 21 May 2021 under Section 4.55(2) of the Environmental Planning and Assessment Act 1979.***

2 The approved hours of operation for the McDonald's restaurant are as follows:

- 24 hours, Mondays to Sundays.

***As amended on 21 May 2021 under Section 4.55(2) of the Environmental Planning and Assessment Act 1979.***

3 Store management shall be available at a mutually convenient time, at the invitation of Penrith City Council and/or the NSW Police, to discuss and action agreed community safety, security or other issues in conjunction with other local stakeholders in the area should the need arise.

4 The policies, procedures and mitigation measures outlined in the Plan of Management, prepared by McDonald's Australia Limited, dated February 2021 must be adhered to in perpetuity.

***As amended on 21 May 2021 under Section 4.55(2) of the Environmental Planning and Assessment Act 1979.***

## Environmental Matters

5 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Noise Assessment Report (Reference:MAC190847RP1) prepared by Muller Acoustic Consulting and dated June 2019. The provisions of the *Protection of the Environment Operations Act 1997* apply to the development, in terms of regulating offensive noise.

6 In the event of noise complaints relating to the development being received by Council, the owner and/or occupier of the development may be required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community.

The noise impact assessment report is to be prepared and provided to Council for approval within forty-five (45) days of being requires. Any mitigation works are to be undertaken within (30) days from the date of notice from Council, unless otherwise specified.

## Engineering

7 The external lighting of the premises and adjacent pedestrian areas shall be in accordance with the approved Plan of Management, prepared by McDonald's Australia, dated February 2021, and the approved Crime Prevention Through Environmental Design statement, prepared by KDC, dated February 2021.

***As amended on 21 May 2021 under Section 4.55(2) of the Environmental Planning and Assessment Act 1979.***

## SIGNATURE

Name:	Jacqueline Klincke
Signature:	

For the Development Services Manager