

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA19/0604
Description of development:	Extension of Operating Hours to 24hours per day, 7 days per week for an Existing McDonald's
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:	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 Section 4.18(1) (a) 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

POINT OF CONTACT

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

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

NOTES

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 six 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 six 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 28 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 28 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 by 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 August 2019

2 The approved **base** hours of operation for the McDonald's Restaurant is as follows:

6:00am - 11:00pm Mondays to Sundays

In addition to the above, approval is granted for extended hours of operation, for a period of 18 months from the date of this consent as follows:

11:00pm - 6:00am Mondays to Sundays

A modification application is to be lodged with Council, a minimum of 3 months prior to the completion of 18 months, for the extension of, or incorporation (into the base hours) of the extended operating hours.

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 August 2019 must be adhered to in perpetuity.

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 **Prior to the commencement of the extended operating hours**, the applicant shall engage a suitably qualified person to undertake a lighting assessment of pedestrian areas adjacent to the restaurant (particularly where pedestrians are directed to cross the drive-thru entry), and implement the recommendations of the assessment, which may include (but not limited to) upgrading the lighting of pedestrian access and crossing points within the immediate private car parking and associated areas.

SIGNATURE

Name:	Kathryn Saunders Acting Principal Planner
Signature:	

For the Development Services Manager