

26 August 2019



PLANNING DEVELOPMENT PROPERTY

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The General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2751

Dear Sir/Madam,

STATEMENT OF ENVIRONMENTAL EFFECTS

RE: Proposed Extension of Hours at St Clair McDonald's to Allow for 24-Hour Trading, 7 days a week

Our Ref: 19160

1 Introduction

KDC Pty Ltd (KDC) acts on behalf of its client McDonald's Australia Limited (McDonald's) in preparing this supporting Statement of Environmental Effects (SEE) for the proposed extension of trading hours at the existing McDonald's operation located at 4 Endeavour Avenue, St Clair NSW 2759.

This SEE describes the site, its environment, and an assessment of the proposal in terms of the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).

1.1 McDonald's Australia and the Community

There are approximately 985 McDonald's operations Australia wide, the vast majority of which are either owned or operated by members of the local business community. McDonald's Australia serves approximately 1.2 million people a day and provides job opportunities for over 90,000 people Australia wide.

Since 2002, McDonald's Australia has implemented a number of alternative healthy eating options and choices. McDonald's Australia is a well-known and respected company across Australia, known for its food product, well trained staff and new and improved designs.

McDonald's Australia not only provides employment opportunities and a high standard of food and service, it also works closely with and supports a number of charities and local groups. This is mainly through major sponsorship, supporting local teams, providing educational, environmental, artistic and sporting programs and charity work (i.e. Ronald McDonald House charity, 'Clean up Australia Day').

1.2 Consultation

Council

On 16 July 2019, informal consultation was held with Penrith City Council's Duty Planner. The scope and nature of works proposed, including documentation to be submitted to Council were discussed. It was recommended that a Noise Impact Assessment, Plan of Management, and a Traffic Impact Statement accompany the application. It was also confirmed that Police consultation would be undertaken formally during the assessment process. Requested documentation including a Noise Assessment and Plan of Management are appended to this Report. A Traffic Impact Statement is made within this SEE.

2 Background

2.1 Site Analysis

The site is located at 4 Endeavour Avenue, St Clair 2759, and forms part of the St. Clair Shopping Centre (Refer to Figure 1 and 2) and is legally identified as Lot 2 in DP 1018519.

The site has a frontage to Bennett Road to the east of approximately 47m. Access to the site is provided via a private internal road within the adjacent Lot 1 in DP 1018519 (Refer Figure 3 and 4). Tenancies adjacent to the store include two (2) take away food and drink premises, a gymnasium, and an Australia Post.

The McDonald's building is setback from Bennett Road and is bounded on the northern and eastern boundary by car parking associated with the St. Clair Shopping Centre. The existing McDonald's operation including drive-thru, carparking, and landscaping currently occupies the entire site.

The land within the vicinity of the site is characterized by the commercial uses associated with the shopping centre and residential land uses. Neighbouring land uses to the south include a pre-school and freestanding residences occur to the east.

Figure 1 – Locality Map (Source: Six Maps)



Figure 2 – Cadastre Plan (Source: Six Maps)



Photograph 1 – View of existing McDonalds operation from Bennett Road (Source: Google Maps)



Photograph 2 – View of existing McDonalds operation from Lot1 DP1018519 (Source: Google Maps)



3 Proposal

The proposed development application involves the extension of trading hours. This development application seeks 24 hour 7 days a week operation for the existing use, including the internal operation and drive-thru operation.

Reason for the Proposal

St Clair McDonald's is responding to customer demand and public need. Currently, there is a demand for McDonald's food and drink services 24-hours, 7 days at the site and this application attempts to directly address this demand.

Specifically, the purpose of the trading extension is to provide key services to the community during the late night and early morning trade. The proposal will provide a convenient service for local residents, visitors and passing traffic to access a food premise at any time of the day or night.

The proposal including the ongoing adoption of mitigation measures implemented at the site, is expected to cause minimal adverse impacts on the environment or amenity of the surrounding area as detailed in Chapter 5 of this Report.

4 Legislation and Planning Controls

The following legislation, Environmental Planning Instruments (EPI's) and Development Control Plan (DCP) are relevant to the proposed application and have been addressed below:

- Environmental Planning and Assessment Act 1979;
- Penrith Local Environmental Plan 2010; and
- Penrith Development Control Plan 2014.

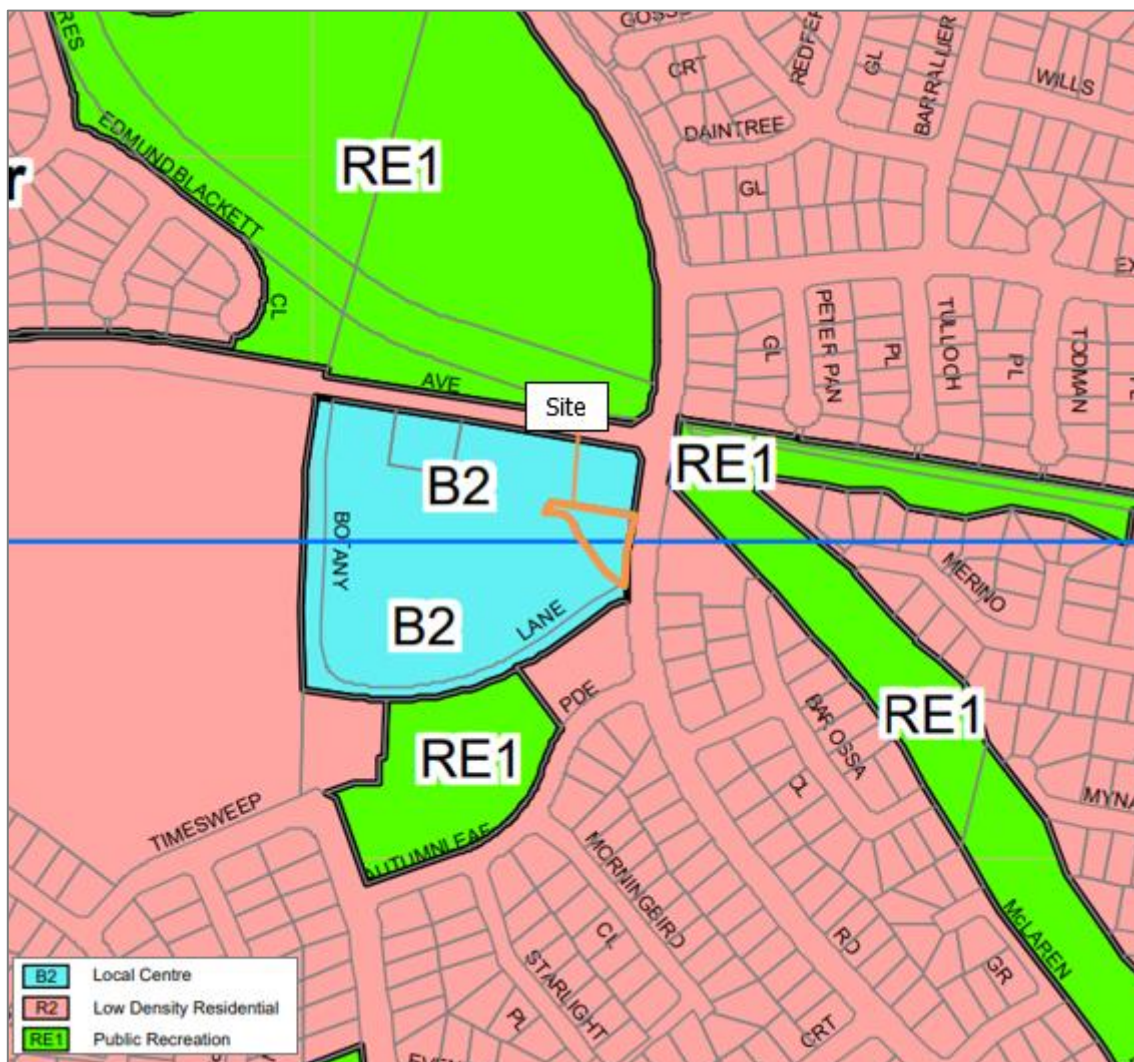
4.1 Environmental Planning and Assessment Act 1979 (EP&A Act 1979)

The proposal is subject to the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). Section 4.15 of the EP&A Act 1979 provides criteria which a consent authority is to take into consideration, where relevant, when considering a DA. An assessment of the subject DA, in accordance with the relevant matters prescribed under Section 4.15 (1), is provided within this SEE.

4.2 Penrith Local Environmental Plan (LEP) 2010

Under the provisions of the Penrith LEP 2010, the site is zoned B2 Local Centre. Refer to Figure 3.

Figure 3 – Zoning Map Extract (LZN_019 & 020)



Commercial premises are permissible with consent within in the B2 zone under the Penrith LEP 2010. The proposal will therefore remain consistent with the current and ongoing use of the site as a McDonald's operation.

4.3 Penrith Development Control Plan (DCP) 2014

The proposal has been prepared having due regard for the provisions of Penrith DCP 2014. The proposal meets all of the relevant controls contained with the DCP. An assessment of the development controls has been carried out and a table of compliance can be located at Appendix B of this SEE.

It is noted that the overall building design, including signage, remains unchanged and the operational arrangements on site in regard to waste management, deliveries, access and car parking also remain generally unchanged by this application.

5 Assessment of Planning Issues

The proposed 24-hour trading, 7 days a week is in response to specific demand at the St Clair McDonald's operation. The site is located adjacent within the St. Clair Shopping Centre which receives high volumes of traffic throughout the late evening and early morning hours. This application seeks to satisfy demand for 24/7 service, primarily for the traveling public in the very early morning hours.

5.1 Noise

A Noise Assessment (NA) has been prepared by Muller Acoustic Consultants (MAC) and attached at Appendix A of this report. The results of the NA demonstrate that noise emissions from the project would satisfy the relevant Project Noise Trigger Levels (PNTLs) at all assessed receivers for the extension of operation hours based on the current designs and noise controls that have been established at the site. Furthermore, sleep disturbance is not anticipated, as emissions from impact noise are predicted to remain below the EPA requirements for maximum noise level screening criteria.

It is noted that the nearest residential receivers are located on the opposite side of Bennett Road approximately 60m (boundary to boundary) from the McDonald's operation and separated by a relatively busy connector road. The adjoining commercial receivers to the west are not anticipated to be affected as a result of the project as they will be unoccupied during the nighttime assessment period. Receiver locations were placed near the residences located toward the north-east and south-east of the site, as demonstrated in the NA.

The proposed 24 hour operation has been assessed as compliant with current noise policy and EPA guidelines, as demonstrated in the NA.

5.2 Odour

The proposal will have minimal impact on surrounding premises from the potential night time odours or air emissions associated with cooking and waste storage on the premises. The McDonald's will continue to operate in accordance with the Food Standards Code and relevant Australian Standards.

5.3 Traffic, Parking and Access

The proposed extension to trading hours is not likely to comprise any significant impacts on traffic movements on the surrounding road network, as it would not be considered a predetermined 'destination' for food during the extended hours, instead capturing passing trade. The surrounding road network has the capacity to accommodate traffic movements associated with the proposal given they are outside peak times.

Noting that there are no changes proposed to the existing access or parking arrangements on site, the proposal is considered to be minor in nature with regard to impacts on traffic flows, circulation, and vehicle volume

movements to and from the site. The proposal therefore does not impact on the existing approved conditions regarding traffic, parking and access

5.4 Lighting

The existing external lighting will be utilised during the extended trading hours, and therefore the site will be lit from dusk to dawn. The existing lighting will enable clear surveillance and has been designed to prevent concealment and shadowing.

The standard of lighting is designed to not only reduce the fear of crime in accordance with Australian lighting standards, but also serves to provide clear identification of activity using the high technology CCTV cameras.

Lighting is generally directed internally within the site to prevent light spill on nearby land uses. The orientation and screening of the drive thru, as well as carpark ensures minimal adverse impacts on adjoining properties and roads.

5.5 Safety and Security

The extended hours will have minimal impact on the existing safety of the McDonald's operation. McDonald's will ensure the safety and security of the site through the existing Plan of Management (which has been updated to include 24/7 trade - refer to Appendix C), which deals with such matters as the amenity of the neighbourhood, lighting, surveillance equipment, vandalism, noise, anti-social behaviour and security. A litter management plan and map, operational procedures, CPTED principles, and space management considerations are included with the POM.

A number of measures are already used to ensure the safety and security of the site, including:

- surveillance;
- control and monitoring of access;
- activity and space management; and
- training in emergency situations and on cash handling.

By continuing to utilise these measures throughout the operation 24/7, the premises will upkeep the safety of the site. Should any issues arise during the extended hours, the operation will be managed efficiently by the store manager in accordance with the POM.

5.6 The Public Interest

The proposal is considered to be in the public interest as it will deliver a number of public, social and economic benefits with minimal adverse impacts. The proposal will continue to provide a low cost, convenient fast-food service to serve the needs of neighbouring businesses as well as the local community, with 24/7 trade proposed primarily to service the traveling public.

There will be increased employment opportunities for existing and new staff created by extended trading hours.

6 Conclusion

The proposed extension to trading hours (24/7) will not result in detrimental amenity impacts to surrounding commercial and residential uses and will not change the overall design, use or function of the approved McDonald's operation. It is considered that the proposed extension to the trading hours of the operation to 24 hours is appropriate given the demand for a late-night/ early morning food and beverage facility in the area and the operators compliance with the relevant legislation and Australian Standards.

It has been established through the Noise Impact Assessment acoustic modeling that the proposal will not result in unacceptable impact to the nearest residential noise receptors and the emissions will comply with current noise policy.

The impact on traffic and the surrounding road network is likely to be minimal given the hours are outside peak trading/commuting and the proposal is likely to appeal to existing passing trade.

The safety and security of the site will be maintained through continued implementation of the Plan of Management for the St Clair operation which has been updated to reflect 24/7 trade.

Overall, it is considered that the proposed extension to hours will not result in any unreasonable impacts to the surrounding area and provides community benefit by responding to the increased demand for convenient access to a food premises. The proposed hours are considered to be appropriate in the context of the site and to bode well from an economic and social perspective through increased employment opportunities.

Given the merit of the proposal and the absence of any significant adverse impacts, the extension of hours is considered to be worthy of Council's support.

Yours sincerely



Logan Rigby
Town Planner
KDC Pty Ltd

Appendices

Appendix A – Noise Assessment

Appendix B – DCP Compliance Table

Appendix C – Plan of Management

Appendix A – Noise Assessment

Muller Acoustic Consultants (MAC)

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Appendix B – DCP Compliance Table

KDC Pty Ltd

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Appendix C – Plan of Management

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