

MEMO



To: Hunter and Central Coast Regional Planning Panel (HCCRPP)
From: Georgie Williams, Senior Development Planner
Application No: DA/419/2018 **Date:** 10 December 2019
Panel reference: 2018HCC010
Proposal: Mixed use development with commercial premises and residential flat building
Address: 114-120 Cary Street, 1, 2, 3, 5 Bath Street and 3 Arnott Avenue, Toronto

This memorandum is to advise the HCCRPP that Council received a late submission on 2 December 2019 from the adjoining property owner to the north, McDonalds Australia Limited, at 12 Bay Street, Toronto, regarding the above-mentioned application.

Summary of Further Submission

The table below sets out a summary of issues raised in the late submission that has been received since finalisation of the Council Assessment Report, dated 25 November 2019, and should be read in conjunction with *Attachment G: Summary of Submissions*.

A copy of the additional submission has been sent to the Panel under separate cover.

Issues	Comment
McDonalds have operated at this location since 1995.	Noted
McDonalds have only just been made aware of the development application.	Council's notification records indicate that McDonalds were notified in accordance with Section 1.15 of Development Control Plan (DCP) 2014.
McDonalds do not object to the development but would like Council to consider the following issues (discussed below).	Noted
Noise and Operation of McDonalds Acoustic concerns to north facing windows and balconies given the location of McDonalds existing drive thru on the southern boundary from vehicles and customer order display units. Will acoustic privacy to future residents be adequate? Adequacy of acoustic report not considering drive thru	Relevant history pertaining to McDonalds, Toronto is discussed below: DA/873/1994: Approval was granted for the construction and operation of McDonald's with the following hours of operation: <ul style="list-style-type: none">• 6am to 10pm, Sunday to Thursday;• 6am to midnight, Friday and Saturday.

<p>The submitted plans reveal that the proposed development will incorporate balconies and a large amount of glazing on the northern elevation of the proposal, facing McDonald's.</p> <p>Adequate mitigation measures need to be incorporated into the building design. It is requested the design of the building be amended to reduce the private open space and glazing on the northern elevations to ensure the acoustic amenity of future residents is protected.</p>	<p>DA/630/2009: Approval was granted on 11 January 2009 for an extension of trading hours to the existing drive-thru facility to operate 24 hours, 7 days a week subject to a trial period of 2 years.</p> <p>The internal hours of operation remained as previously approved.</p> <p>The erection of a Hebel panel acoustic barrier along the southern boundary fence was required as a condition of consent.</p> <p>After a two year trial period, the operation of the drive-thru reverted back to the originally approved hours of operation. However, it is understood McDonalds never acted upon the 24 hour trading of the drive thru.</p> <p>DA/691/2016: Approval was granted on 8 June 2016 for alterations and additions to McDonald's. There were no changes to the existing hours of operation.</p> <p>DA/691/2016/A: A modified consent was granted on 3 August 2017 for an extension to the approved hours of operation, which included a one year trial period for trade 24-hours a day, 7 days per week. Appropriate conditions were also imposed limiting delivery and waste hours between 6am and 10pm, safety and security measures, acoustic screening of rooftop plant, acoustic certification and noise levels to ensure compliance with the acoustic report.</p> <p>It is understood McDonald's did not commence this one year trial period and currently operates as follows:</p> <p>6:00am to 10:00pm, Sunday to Thursday; 6:00am to midnight, Friday and Saturday.</p> <p>DA/1557/2019 proposing to extend McDonalds hours of operation to 5am to midnight, seven days a week, was submitted to Council on 24 October 2019 and is currently under assessment.</p> <p>Council's Environmental Management Section have reviewed the submitted Acoustic Report, dated October 2019, prepared by Muller Acoustic Consulting, supporting the above application and advised the report addresses the proposed operation to extend existing trading hours to midnight and its potential impacts on the existing</p>
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	<p>and future residential areas, including the subject site.</p> <p>The report indicates that McDonalds operational activities would be compliant at all locations, including the subject property. Appropriate conditions have been recommended for imposition should DA/1557/2019 be approved.</p> <p>In regard to DA/419/2018, Council's Environmental Health Officer is satisfied that subject to the imposition of appropriate conditions the design shall ensure that the development can achieve Internal acoustic comfort levels in accordance with AS 2107-2000 Acoustics - Recommended design sound levels and reverberation times for building interiors. Acoustic certification will be required.</p>
<p>Traffic and Site Access</p> <p>Traffic impact on the local road network, in particular at critical peak times each day.</p>	<p>The level of traffic generation has been assessed to have no noticeable impact on the surrounding road network. The issue of traffic generation has been discussed under SEPP (Infrastructure) and Section 5.1 (Traffic and Vehicle Access) of DCP 2014 as acceptable.</p>
<p>Rooftop Communal Space</p> <p>The location of the proposed roof top communal space will directly overlook our operation including plant and equipment and drive-thru.</p> <p>Request an alternate location be integrated to ensure the amenity is protected for the intended use of this space.</p>	<p>The main communal outdoor area is located at podium level on level 2.</p> <p>The proposed rooftop communal space above Level 6 on the Cary Street block, is setback approximately 15 metres from the northern boundary and given the height difference and sight lines, will not directly overlook McDonalds drive thru or plant and equipment. No concern is raised.</p>



Georgie Williams
Senior Development Planner