

Item 8: Development

8.1 DA0309/2021 - Proposed Extension to Trading Hours for Existing Drive-thru at McDonalds Restaurant - 91-93 Horatio Street Mudgee

REPORT BY THE TOWN PLANNER
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, DA0309/2021

RECOMMENDATION

That Council:

- A. receive the report by the Town Planner on the DA0309/2021 - Proposed Extension to Trading Hours for Existing Drive-thru at McDonalds Restaurant - 91-93 Horatio Street Mudgee;
- B. approve DA0309/2021 - Proposed Extension to Trading Hours for Existing Drive-thru at McDonalds Restaurant - 91-93 Horatio Street Mudgee subject to the following conditions:

CONDITIONS

PARAMETERS OF CONSENT

- 1. This development consent provides approval for the 24 hour operation of the existing drive-thru only. No persons, other than staff are permitted in the restaurant building, outside the regular 6am to 12am trading hours.
- 2. The development must comply with all previous development consents, except where expressly conditioned by this consent.
- 3. No customers are permitted to use the drive-thru between the hours of 12am and 6am the following morning, unless they are in a vehicle or on a motorcycle.
- 4. To limit anti-social behaviour and to reduce impacts to adjoining residential properties, access to the car park is to be restricted between the hours of 12 midnight and 6am - whilst the drive-thru is operational. During this time, the carpark is to be cordoned off with suitable barriers that prevent the public from parking in the car park. No food and/ or drink is to be consumed from within the car park.

Note – Designated waiting bays, where cars can wait while food is cooked/prepared and made available, is permitted. Once meals are received, vehicles are to depart the site.

NOISE CONDITIONS

5. The development must comply with the following controls from the Noise Assessment Report submitted with the application.
 - (a) the mechanical cooling plant is located in the refuse coral of the operation and is blocked to surrounding receivers by the coral wall which extends a height of 2.5m above relative ground level;
 - (b) the existing 2.0m boundary fences are retained;
 - (c) the operation extractor fans are located on the rooftop of the operation and are shielded by the deck parapet which extends 300mm above the top of the highest plant;
 - (d) the Customer Ordering Displays must be set at the lowest volume setting between the hours of 12am and 6am the following morning;
 - (e) the exhaust fans on the rooftop of the operation are serviced, repaired or replaced to ensure they are operating at their specified noise level of 71dBA;
 - (f) signage is to be installed at the collection window of the drive-thru and within the carpark to discourage antisocial behaviour such as shouting, music, alcohol consumption and engine revving;
 - (g) the car park is to be regularly patrolled by the restaurant shift manager to discourage and manage antisocial behaviour.
6. The restaurant shift manager must be available on-site at all times during the night time and early morning trade periods to ensure the development complies with the Crime Prevention Through Environmental Design Statement, Operational Management Plan and mitigation measures contained within the Noise Assessment Report.
7. All loading and unloading of delivery vehicles must be carried out on-site and is not permitted between the hours of 7pm and 6am.

STATEMENT OF REASONS –

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
3. The matters raised within submissions have been addressed in the following manner:
 - a) Sufficient detail has been provided to enable an assessment of the application.
 - b) The proposed development will not have an adverse noise impact, subject to conditions recommended by the Noise Assessment Report.
 - c) The traffic and parking impacts of the development are acceptable, the development has been conditioned to minimise noise impact.

- d) **The proposed development will not have an adverse impact on the visual amenity of the area.**
- e) **The proposed development will not have an adverse social impact on the amenity of the area, subject to conditions requiring compliance with the Crime Prevention Through Environmental Design Statement, Operational Management Plan and mitigation measures contained within the Noise Assessment Report.**
- f) **The proposed development is suitable for the site.**

Executive summary

OWNER/S	McDonalds Properties Aust Pty Ltd
APPLICANT:	KDC Pty Ltd
PROPERTY DESCRIPTION	91-93 Horatio Street MUDGEE NSW 2850
PROPOSED DEVELOPMENT	Extension to trading hours of the existing drive-thru at the McDonalds Restaurant
ESTIMATED COST OF DEVELOPMENT:	Nil
REASON FOR REPORTING TO COUNCIL:	9 public submissions were received during the assessment period
PUBLIC SUBMISSIONS:	9

Council is in receipt of Development Application DA0309/2021 that seeks approval to extend the trading hours of the existing drive-thru at the McDonalds Restaurant, located at 91-93 Horatio Street Mudgee NSW 2850, Lot 109 DP 861600, received by Council on 22 March 2021.

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 21 April 2021. The application was re-notified for another 14 days, at the request of a neighbour, ending 5 May 2021. During the notification period, nine (9) submissions were received from residents and property owners in the surrounding area.

The application has been referred to Council for determination as it exceeds staff's *Delegation of Authority*, in that more than seven (7) objections have been made against the development.

The application is recommended for Approval.

BACKGROUND

SUBJECT SITE DESCRIPTION AND LOCALITY

The subject site is located on the corner of Church Street and Horatio Street in Mudgee and is currently occupied by a McDonald's restaurant, associated car park and drive-thru facility. The site totals 2,023m², is located within the SP3 Tourist zone and is adjacent to Mixed Use, Light Industrial, Public Recreation and Medium Density Residential zones.

Diagonally opposite the development site is Victoria Park, bounded by Perry, Denison, Church and Horatio Streets. This area is zoned Public Recreation. Directly opposite the site and fronting Church Street is a variety of commercial business, including a recently established Patisserie, a surveying company and an accounting firm. This area is zoned B4 Mixed Use. Northeast of the site, and fronting Horatio Street are residential dwellings. This area is zoned R3 Medium Density Residential.

Directly east of the development site are residential dwellings, beyond which sits a church. This area is zoned SP3 Tourist.

South of the development site are residential dwellings, a motor bike and lawnmower sales store and a repair workshop. The next block to the south consists of the Mudgee Railway Station. This area is zoned B4 Mixed Use zone.

West of the development site is the Mudgee Fire Station and a second hand furniture store, this area is zoned SP3 Tourist. South of the fire station is a commercial building that includes a beauty salon, hair salon, retail store, dance academy and not-for profit community organisation. This area is zoned B4 Mixed Use.

The surrounding properties are characterised by the following development, with details provided on the zoning relevant to the land.

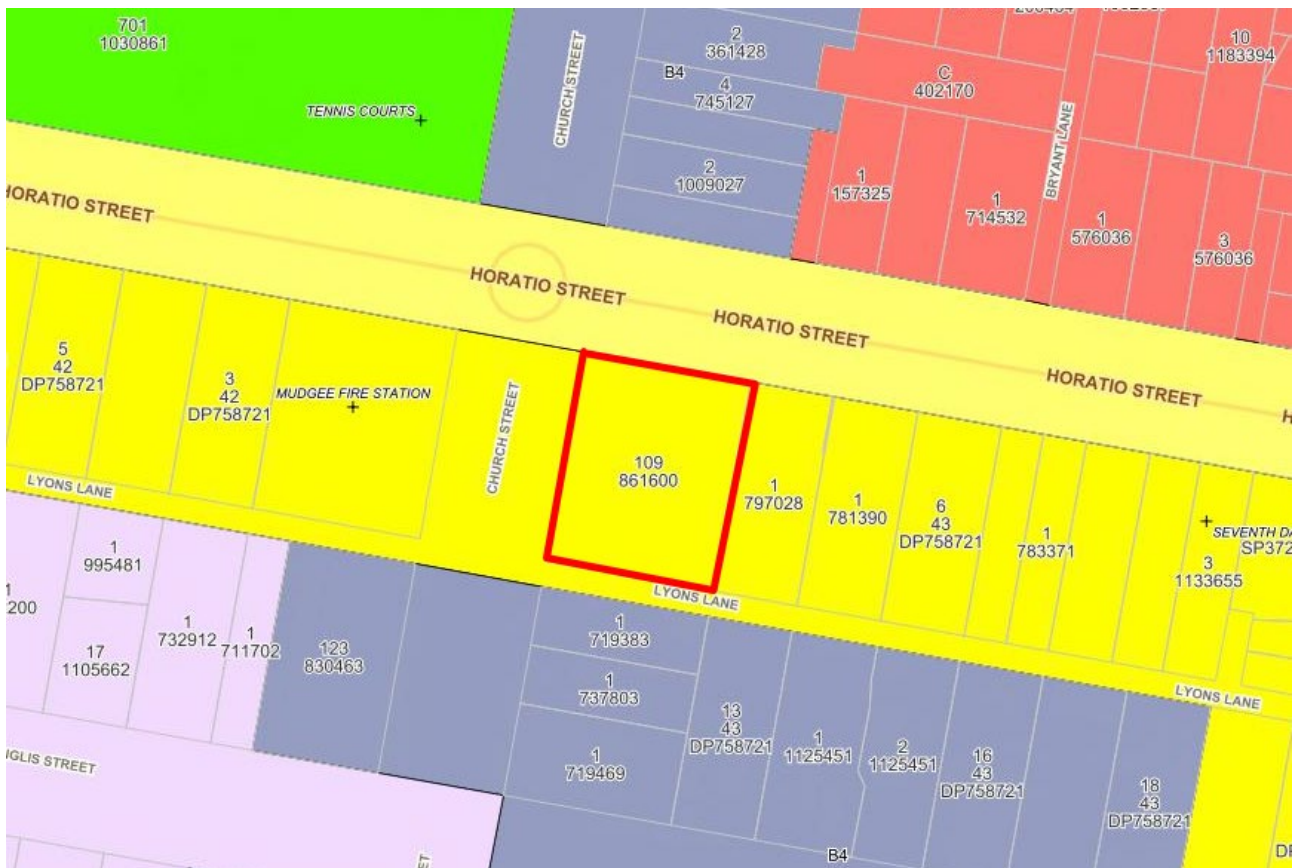


Figure 1: Location/Site Plan

HISTORY OF THE SITE AND PREVIOUS APPROVALS

The land has been zoned SP3 Tourist since the adoption of the Mid-Western Regional Local Environmental Plan in 2012. Prior to this, the development site was zoned Mixed Use under the Mudgee Interim Local Environmental Plan adopted in 2008.

Council granted consent to the construction of a McDonalds Restaurant on 11 October 1994, which commenced trading in 1996. Subsequent amendments and improvements have been granted consent over the years with the most recent approval being the construction of a dual lane-ordering bay for the existing drive-thru in 2020.

The current trading hours permitted by the original development consent are from 6am - 12 midnight, seven days a week (and includes the drive thru).

PROPOSED DEVELOPMENT

The proposed development involves:

- The extension of trading hours for the drive-thru component of the existing McDonalds Restaurant to 24 hour trading, seven days a week.

It is important to note, only those matters directly related to the subject DA for the expanded trading hours of the drive thru (12am-6am) can be considered, and or addressed in the application. General operational matters of the restaurant cannot be re-considered / conditioned as part of this application.

Disclosure of Interest

Nil

Detailed report

LEGISLATIVE REQUIREMENTS

Environmental Planning and Assessment Act 1979

Designated Development

The proposed development is not identified as designated development, in accordance with Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regs).

Integrated Development

The development proposal is not considered to be Integrated Development, in accordance with section 4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Environmental Planning and Assessment (COVID-19 Development Extended Operation) Order 2020

On 25 March 2020, the NSW Government introduced temporary measures to allow existing approved retail premises to operate trading hours as required. The measures were introduced under the *Environmental Planning and Assessment (COVID-19 Development Extended Operation) Order 2020*. This Order allowed the use of any retail premises to trade at any time – provided a Development Consent was in place. The extension to trading hours is part of the NSW Government's efforts to support the State's economic recovery, protect the health and safety of the community and ensure businesses are able to adapt and respond to changing needs, during COVID. On 25 March 2021, the NSW Government extended the prescribed period for temporary measures until 31 March 2022.

Following the above Order being introduced, McDonald's moved to operate a number of their stores, including Mudgee, beyond their traditional trading hours, allowing people to safely and quickly access food at all hours of the day (i.e. 24hrs trading). The extended trade provided benefits to the broader community, with the public able to access a meal safely as well as pantry staples such as muffins and milk via their no-contact Drive Thru.

Based on the successful operation of the extended 24 hour trading on a Friday and Saturday, permitted under the *Environmental Planning and Assessment (COVID-19 Development - Extended Operation) Order 2020*, the owner of the McDonalds Restaurant Mudgee lodged an application to

extend their current trading hours from 18 hours, seven days a week, to 24 hours, seven days a week. This application relates only to the drive-thru component of the restaurant and **does not** include internal servicing or seating.

SECTION 4.15(1) – MATTERS FOR CONSIDERATION – GENERAL

The application has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. The main issues are addressed below as follows.

(a) Provision of any Environmental Planning Instrument and any draft EPI – 4.15(1)(a)(i) and (ii)

State Environmental Planning Policy (Infrastructure) 2007 (SEPP)

The following clauses of the *State Environmental Planning Policy (Infrastructure) 2007* have been assessed as being relevant and matters for consideration in assessment of the Development Application.

Clause 101 - Development with frontage to classified road

The subject site is located with frontage to a classified road. Clause 101 of the SEPP states that a consent authority must not grant consent to an application unless it is satisfied in relation to a number of nominated considerations.

The proposed extension to the trading hours for the existing drive-thru at the McDonalds Restaurant does not raise any issues in relation to the considerations under cl.101. The development is not expected to have an impact on the safety, efficiency and ongoing operation of a classified road, as it does not require any change to existing vehicular accesses, and where traffic movements are reduced through the evenings and night-time trade compared to that during the day. Furthermore, it is considered there will be no impact on the road from emissions of smoke or dust, and the proposed development is not sensitive to traffic noise or emissions arising from the classified road.

Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012)

The following clauses of MWRLEP 2012 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

Clause 1.2 Aims of Plan

The application is not contrary to the relevant aims and objectives of the plan.

Clause 1.4 Definitions

The proposal is for the extension of trading hours to the drive-thru of an existing approved/lawful business defined in accordance with the MWRLEP 2012, as a:

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note—Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

As per the Dictionary, *food and drink premises* are defined as:

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note—Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned SP3 Tourist and is therefore subject to the Plan.

Clause 2.3 Zone objectives and Land Use table

The land is zoned SP3 Tourist pursuant to MWRLEP 2012. The proposal, being the extension to the trading hours of the existing drive-thru at the McDonalds Restaurant is permissible with consent in the zone and complies with the relevant objectives.

The objectives of the zone and how the proposal satisfies the objectives is addressed below:

- *To provide for a variety of tourist-oriented development and related uses.*

Comment: The proposed extension to the trading hours for the existing drive-thru at the McDonalds Restaurant will provide a key service to the community, essential workers and tourists staying in or travelling through the area.

Clause 5.10 Heritage Conservation

The subject site is located within the Heritage Conservation Area of Mudgee. As there are no works proposed by the development, there will be no impact on the heritage significance of the heritage conservation area.

Draft Environmental Planning Instruments

No draft Environmental Planning Instruments apply to the land to which the Development Application relates.

(b) The provisions of any Development Control Plan or Council Policy – 4.15(1)(a)(iii)

Mid-Western Regional Development Control Plan 2013 (DCP)

An assessment is made of the relevant chapters and sections of this DCP. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

Part 4.4 Signs

No new signage proposed.

Part 5.1 Car Parking

No changes proposed, or deemed necessary, to existing car parking numbers, car park layout, or vehicle movements, as a result of extended trading hours to the drive-thru component.

There are 25 existing off-street car parks and 15 spaces are available within the existing drive-thru lane at a time.

(c) Provisions of any Planning Agreement or Draft Planning Agreement – 4.15(1)(a)(iii)

No planning agreement applicable.

(d) Regulations – 4.15(1)(a)(iv)

No matters prescribed by the Regulations impact determination of the Development Application.

(e) The likely impacts of development – 4.15(1)(b)

Context and Setting

The site supports an existing McDonalds Restaurant, associated car park and drive-thru, which commenced trading in 1996, and has operated continuously since that time. No works are proposed as part of the application, and it is expected that the change to business hours, for the drive-thru component of the business only, from 18hrs to 24hrs a day, will not have an impact on the context or setting of the locality.

Access, transport and traffic

No works are proposed as part of the application. The existing access, parking credits, and car parking layout/manoeuvring areas will accommodate the extended trading hours of the drive-thru.

Public domain

The development will not impact the public domain in terms of recreation opportunities, the amount, location, design, use and management of public spaces, or pedestrian linkages between public spaces.

Utilities

All relevant utilities are already connected to the site.

Heritage

The subject site is located within the Heritage Conservation Area of Mudgee. No works are proposed as part of the application, and for that reason, there will be no impact on the heritage significance of the heritage conservation area.

Other land resources

Not applicable.

Water

No significant impact expected.

Soils

No significant impact expected. The land is not known to be affected by subsidence, slip or mass movement, subject to contamination.

Air and Microclimate

The development is not expected to impact air quality or microclimatic conditions.

Flora & fauna

Not applicable.

Waste

The proposed expanded trading hours (12am-6am) will not give rise to any specific waste matters requiring specific assessment and or conditions. Any waste generated will be disposed and collected as per the existing practices.

Notwithstanding the above, the applicant has submitted a Plan of Management, which has given an undertaking that litter patrols within the development site and around the surrounding land will occur on a regular basis, after sunrise, after breakfast, after lunch and prior to sunset. A patrol of the path directly outside the restaurant and within the development site will occur every 30 minutes to manage litter.

It should be noted, the collection of waste from the development site for disposal at the Mudgee Waste Depot is permitted to occur at any time under the Ministers COVID-19 Order provided they take steps to reduce noise.

Energy

Not applicable.

Noise & vibration

The applicant engaged the services of Muller Acoustic Consulting Pty Ltd (MAC) to complete a Noise Assessment for the proposed extended trading hours.

The assessment was undertaken in accordance with the NSW Environment Protection Authority (EPA); Noise Policy for Industry (NPI) 2017; Australian Standard AS 1055:2018 - Acoustics - Description and measurement of environmental noise - General Procedures; and International Standard ISO 9613:1993 - Acoustics - Attenuation of sound during propagation outdoors.

The Noise Assessment has quantified potential operational noise emissions pertaining to customer vehicles using the drive-thru and carpark, the customer ordering displays (CODs) and mechanical plant to surrounding residential receivers during the night assessment period. Figure 2 below provides the receiver locations and attended monitoring locations in connection with nearby residential dwellings.



Figure 2 – Receiver and site location plan prepared by MAC

The Noise Assessment found that *Attended noise monitoring* was completed during the temporary extension of trading hours under the COVID-19 Health Directive. The results of the attended noise monitoring demonstrated that the night time operation noise emission were above the applicable noise criteria at the monitoring locations. This is consistent with the results of the predictive noise modelling with the site predicted to be audible at several surrounding receivers and also predicted to be above the noise criteria at one receiver.

To ameliorate the noise emissions further predictive modelling was undertaken incorporating two additional noise mitigation measures as outlined...in the Report, and noted below.

- Service, repair or replace the exhaust fans to maintain an operational noise level of 71 dBA; and
- Discourage antisocial behaviour by installing signage and regular patrol by the shift manager.

The results of the additional noise modelling demonstrate that emissions from the operation with the incorporation of the proposed mitigation measures and with additional staff training would satisfy the relevant Project Noise Trigger Levels at all assessed receivers for the proposed extension of operational hours based on the recommended noise measures.

Furthermore, sleep disturbance is not anticipated, as emissions from impact noise are anticipated to remain below the EPA Guideline for maximum noise events trigger levels with the incorporation of proposed mitigation measures.

Conditions will be imposed on the development, as recommended in the Noise Assessment, to ensure compliance. Signage is also to be installed at the collection area of the drive-thru and within the carpark to discourage anti-social behaviour such as shouting, fighting and key banging.

The presence of staff on site due to the extended trading hours, means any anti-social behaviour can now be managed by the shift manager.

Natural Hazards

The development site is not identified as bushfire prone or flood prone and there are no known subsidence, slip or mass movement issues.

Technological hazards

There are no known risks to people, property or the biophysical environment, resulting from technological or industrial hazards, or building fire risk.

Safety, security and crime prevention

A Crime Prevention Through Environmental Design Statement and a Plan of Management have been prepared by the applicant KDC Pty Ltd to identify and assess the risks associated with the proposed extended trading hours of the drive-thru for the McDonald's Restaurant.

Shift managers will be required to complete thorough training in dispute resolution tactics and understanding how to de-escalate nuisance behaviour. The shift manager will be responsible to ensure compliance of the Crime Prevention Through Environmental Design Statement and Plan of Management. As the application for the extended trading hours pertains solely to the drive-thru, the potential for loitering and anti-social behaviour will be somewhat limited as patrons can only be served in their cars.

In addition, the application was referred to the NSW Police for comment, who provided support for the proposal. Furthermore, it should be noted that checks were carried out with the local police regarding anti-social behaviour on the site. No historical issues were known to have been reported, including the recent periods of 24 hour trading on Friday and Saturday nights.

Social impact in the locality

Development conditioned, requiring that the restaurant shift manager must be available on-site at all times during the night time and early morning trade periods to ensure the development complies with the Crime Prevention Through Environmental Design Statement, Operational Management Plan and mitigation measures contained within the Noise Assessment Report.

Any anti-social behaviour will be dealt with by the shift manager and local police.

Economic impact in the locality

The extended trading hours will increase employment opportunities for the community.

Site design and internal design

No changes to the existing design, no further consideration is required.

Construction

No changes to the existing design, no further consideration is required.

Cumulative Impacts

Nil. There are no known impacts that have the potential to act in unison, in terms of space or time, or owing to their repetitive nature, that would produce an effect greater or different than the sum of the separate parts.

(f) The Suitability of the Site for the Development – 4.15(1)(c)

Does the proposal fit in the locality

Yes. There are no hazardous land uses or activities nearby, there are no constraints posed by adjacent developments and there are adequate utilities and transport facilities in the area available for the development.

Are the site attributes conducive to development

Yes. The site is not subjected to any natural hazards, and the project will not impact any critical habitat, threatened species, populations, ecological communities or endangered habitats on the site.

(g) Submissions made in accordance with Act or Regulations – 4.15(1)(d)

Public Submissions

The application was notified in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 21 April 2021. The application was re-notified, at the request of neighbours, for another 14 days; ending 5 May 2021. During the notification periods, nine (9) submissions were received from the community, in objection. The location of submissions in relation to the McDonalds Restaurant are identified in Figure 3 below.



Figure 3 showing location of submissions

The issues raised in the submissions, with relevant planning considerations, are summarised and addressed as follows:

Noise

The Noise Assessment Report found that there are no noise related issues that would prevent Council approving the application, once the noise controls/recommendations and mitigation measures provided in the assessment report have been implemented. It should be noted that the results pertaining to the validation attended noise monitoring should be considered worst case as they are situated closer to the McDonald's operation than the surrounding noise sensitive receivers and do not take into account any intervening boundary fences. All noise criteria will be satisfied.

The development has been conditioned to ensure the controls and mitigation measures of the Noise Assessment Report are implemented.

Anti-Social Behaviour

On the basis that the application is for the drive-thru service only, patrons are required to be in their cars in order to be served, therefore, eliminating any on-foot traffic through the drive-thru, from nearby licensed premises.

A condition will be imposed requiring the shift manager is on-site at all times during the late night and early morning trade to enforce compliance of the Operational Management Plan and the Crime Prevention Through Environmental Design Statement submitted to Council with this application. It is expected that any anti-social behaviour that cannot be managed by the shift manager, will be referred to the police.

Pollution

McDonald's Mudgee engages the services of The Super Flue Man to carry out flue and exhaust system cleaning in accordance with the Australia Standards (AS) 1668-1-1998 - The use of Ventilation and Air Conditioning in Buildings. A certificate is provided to McDonalds at the end of the cleaning service with advice of any recommendations in accordance with the AS.

McDonald's will continue to operate in accordance with the Food Standards Code and relevant Australian Standards.

It is not expected that the additional 6 hours trading per day, will cause any additional pollution.

Waste

Concerns were raised regarding the early hours that waste collection vehicles access the site, littering by patrons, and littering by staff using Lyons Lane for meal breaks, with smoke butts, and rubbish being discarded. These existing issues relate to the operation of the restaurant and existing drive-thru, and are not matters for the subject application to re-consider/address.

Notwithstanding the above, compliance action can be taken regarding the collection times of waste vehicles accessing the site, if found to be causing offensive noise, or in contradiction of an existing condition of consent. In this regard, it should be noted, that the collection of waste from the development site for disposal at the Mudgee Waste Depot is permitted to occur at any time under the Ministers COVID-19 Order provided they take steps to reduce noise, and can continue to do so until March 2022.

Regarding littering, the applicant has given an undertaking in the Plan of Management that regular litter patrols will be performed within the development site and surrounding area, as depicted on the Litter Path Patrol map. These will include, after sunrise, after breakfast, after lunch and prior to

sunset. Patrols of the path directly outside the restaurant in Church and Horatio Streets and within the development site will occur every 30 minutes to manage litter.

The disposal of litter in Lyons Lane by staff was also a concern raised in the submissions, but this does not directly relate to, or will not be compounded by the additional 6hrs trading of the Drive-Thru. The laneway is a public road and therefore staff are within their rights to be on the road. Notwithstanding this, Council will write to management advising of adjoining neighbours' concerns to see if internal management practices can be put in place to address this issue.

Parking

Concerns were raised about patrons parking in the car park after obtaining their orders.

In this regard, to limit anti-social behaviour and to reduce impacts to adjoining residential properties, an appropriate condition has been imposed requiring that access to the car park be restricted between the hours of 12 midnight and 6am - whilst the drive-thru is operational. During this time, the carpark is to be cordoned off with suitable barriers that prevent the public from parking in the car park. No food and/ or drink is to be consumed from within the car park. Designated waiting bays, where cars can wait while food is cooked/prepared and made available, will be permitted. Once meals are received, vehicles are to depart the site.

The shift manager will enforce compliance of the Operational Management Plan and the Crime Prevention Through Environmental Design Statement submitted to Council with this application. It is expected that any anti-social behaviour that cannot be managed by the shift manager, will be referred to the police.

The parking of large trucks on Horatio Street is not a matter for consideration for the extended trading hours, as foot traffic will not be served through the drive-thru. The current parking of large trucks on Horatio Street is permissible under the Roads Act 1993 as a public road. The restaurant is providing a key service to truck drivers who drive through the night.

Other concerns

Concerns were raised in the submissions, relating to the original consent/ previous approvals, benefiting the subject site. These matters are not relevant to the assessment of the subject application, and are better dealt with as compliance matters. In considering this, it should be noted that a search of Council's works request system only revealed one report of non-compliance associated with the subject site.

Other concerns raised in the submissions, refuted comments/statements made in the development application and supporting documents. The matters raised, were not considered pertinent to the determination of the development application, and or, are not matters relevant for consideration under Section 4.15 of the EP&A Act 1979, and accordingly have not been considered/addressed.

Submissions from public authorities

The development was notified to the NSW Police for comment. NSW Police did not object to the proposal, provided the approval was for the drive-thru only. The NSW Police submission can be found in the Attachments.

(h) The Public Interest – 4.15(1)(e)

Federal, State and local government interests and community interests

No significant issues in the interests of the public are expected as a result of the proposed development.

CONSULTATIONS

Health & Building

No consultation necessary

Development Engineer

No consultation necessary

Heritage Advisor

No consultation necessary

Access Committee

No consultation necessary

DEVELOPER CONTRIBUTIONS

Section 64 - Water/Sewer Developer Services Charges

Seeking consent for change of business hours only, no charges applicable.

Section 7.11 or 7.12 Developer Charges

Seeking consent for change of business hours only, no charges applicable.

Community Plan implications

Theme	Protecting Our Natural Environment
Goal	Protect and enhance our natural environment
Strategy	Ensure land use planning and management enhances and protects biodiversity and natural heritage

Strategic implications

Council Strategies

Mid-Western Regional Local Environmental Plan 2012
Mid-Western Regional Development Control Plan 2013
Mid-Western Regional Contributions Plan 2019
Mid-Western Regional Development Servicing Plan
Mid-Western Community Participation Plan 2019

Council Policies

Not Applicable

Legislation

Environmental Planning & Assessment Act 1979
Environmental Planning & Assessment Regulation 2000

Financial implications

Not Applicable.

Associated Risks

Should Council refuse the Development Application, the applicant may seek a further review of this decision or appeal through the Land & Environment Court.

KIM ORTH
TOWN PLANNER

LINDSAY DUNSTAN
MANAGER, PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

12 July 2021

- Attachments:*
1. DA0309_2021 Statement of Environmental Effects. (separately attached)
 2. DA0309_2021 Plan of Management. (separately attached)
 3. DA0309_2021 Acoustic Report. (separately attached)
 4. DA0309_2021 Crime Risk Assessment. (separately attached)
 5. DA0309_2021 - Police Submissions. (separately attached)
 6. DA0309_2021 - Public Submission Binder. (separately attached)
 7. DA0309_2021 - Environmental Planning and Assessment (COVID-19 Development - Extended Operation) Order 2020. (separately attached)
 8. DA0309_2021 - Litter Patrol Path Map. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER