

Item 3.**Development Application: 212-214 King Street, Newtown - D/2025/585**

File Number: D/2025/585

Summary

Date of Submission:	8 July 2025
Applicant:	SLR Consulting
Architect/Designer:	Richmond + Ross Consulting
Developer:	McDonald's Australia
Planning Consultant:	SLR Consulting
Heritage Consultant:	NRBS & Partners Pty Ltd
Cost of Works:	1,751,791.00
Zoning:	E1 Local Centre
Proposal Summary:	<p>The subject Development Application (DA) D/2025/585 seeks development consent for the use and fitout for a takeaway food and drink premises known as 'McDonald's' with associated signage and hours of operation for 24 hours a day, 7 days a week.</p>

The application is referred to the Local Planning Panel for determination as it represents contentious development, with receipt of over 25 unique submissions by way of objection.

Notification and exhibition

In accordance with the City of Sydney Engagement Strategy and Community Participation Plan 2024, the proposed development was notified and exhibited for a period of 21 days between 11 July and 7 August 2025. A total of 1,433 submissions were received, with majority of the submissions in objection.

Many of the objections received relate to the impacts of the proposed development on the local character of Newtown. Other issues raised include traffic and parking, amenity

concerns, social impacts and concerns relating to the proposed operation of 24 hours, 7 days a week.

Assessment

The proposed use is likely to generate a high volume of turnover given the scale of the kitchen and back of house area (approximately 225 sqm equating to 90% of the floor area). The proposal is not considered suitable for the site as it would be solely reliant upon an on-street loading zone on King Street for stock deliveries and the footpath for take-away food delivery operators. These issues cannot be addressed through the imposition of conditions or amendments to this application.

The proposed 24 hours a day, 7 days a week operation is also not consistent with the operational hours of late-night trading premises along King Street and would likely have a significant detrimental impact on the amenity of the locality.

Summary Recommendation: This proposal is recommended for refusal.

Development Controls:

- (i) SEPP (Industry and Employment) 2021
- (ii) SEPP (Transport and Infrastructure) 2021
- (iii) Sydney Local Environmental Plan 2012
- (iv) Sydney Development Control Plan 2012

Attachments:

- A. Selected Drawings
- B. Submissions

Recommendation

It is resolved that consent be refused for Development Application Number D/2025/585.

Reasons for Recommendation

The application is recommended for refusal for the following reasons:

- (A) The application has been assessed in accordance with Section 4.15(1)(c) of the Environmental Planning and Assessment Act, 1979 ('the Act') and it is considered the proposed takeaway food and drink premises is not suitable for the site for the following reasons:
 - (i) The proposal does not adequately demonstrate safe and practical pedestrian access to the site and along the footway, particularly considering the proposed servicing arrangements and food delivery riders expected to use the premises that will conflict with pedestrian flow on the footpath. The proposal does not provide on site parking spaces for delivery riders, which will likely result in parked bicycles or motorcycles obstructing the public domain.
 - (ii) The proposal to operate 24 hours a day, 7 days a week does not comply with the late-night trading management objectives and provisions under section 3.15 of the Sydney Development Control Plan 2012 and would likely have a significant impact on the locality.
- (B) The proposal does not comply with the design excellence provisions under Clause 6.21C of the Sydney Local Environmental Plan 2012 as it does not sufficiently respond to the suitability of the land for development, impact on the public domain and the pedestrian, cycle, service access and circulation requirements.
- (C) The proposal does not comply with the relevant objectives and provisions of the Sydney Development Control Plan 2012, including controls relating to waste management, hours of operation, transport and parking, and the public domain.
- (D) The proposal does not demonstrate proper management relating to public safety risks, crime prevention and other concerns raised by the NSW Police in their comment on the proposed development.
- (E) Matters raised by internal and external referrals have not been addressed and are unresolved, particularly that the proposal does not provide onsite bicycle parking spaces and a loading zone. It is not possible to mitigate or minimise the unresolved impacts through conditions of approval.
- (F) The development is unsatisfactory when assessed pursuant to the matters for consideration at section 4.15(1),(b),(c) and (e) of the Environmental Planning & Assessment Act, including that the proposed development is not in the public interest.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 2 and Lot 3 DP 65247, known as 212-214 King Street, Newtown. It is rectangular in shape with an area of approximately 275 square metres. It has a primary street frontage of 8.99 metres to King Street and a rear street frontage of 9.03 metres to Brown Lane. The site is located close to the intersection of King Street and Brown Street.
2. The site contains a two-storey building. A real estate office is currently occupying the ground floor premises on Lot 2, and a retail shop is currently occupying the ground floor premises on Lot 3. The upper floor office premises is currently vacant, as observed during a site inspection. The upper floor on Lot 2 and Lot 3 can be accessed through internal stairs off King Street or the external stairs along northern boundary at rear. Three carparking spaces are located at the rear of the site accessed via Brown Lane. Brown Lane provides rear access and is a no parking and no stopping area.
3. The surrounding area is characterised by a mixture of land uses, primarily being commercial uses including retail and food premises on ground floor along King Street, and residential uses including single to two storey terrace houses along Brown Street.
4. The site is not a heritage item but is identified as containing a contributory building located within the King Street heritage conservation area.
5. The site is located within the North Newtown locality.
6. A site visit was carried out on 14 August 2025. Photos of the site and surrounds are provided below.

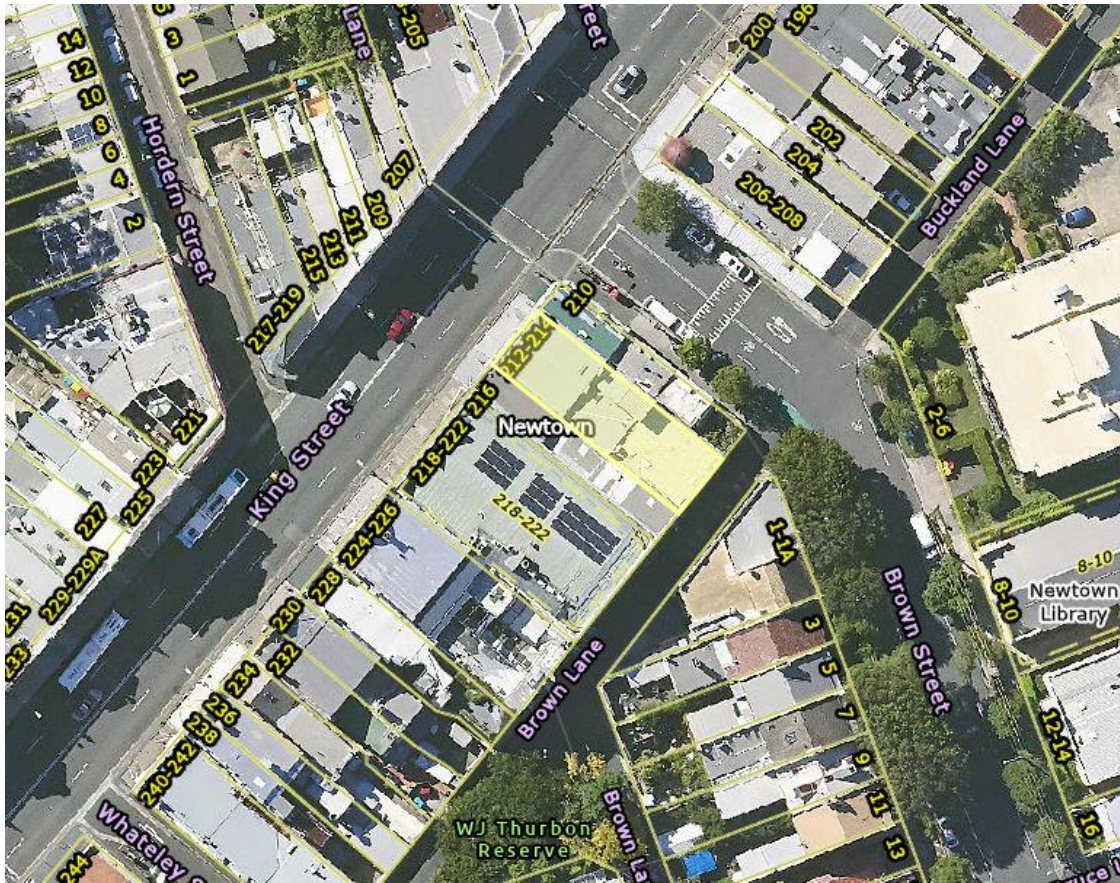


Figure 1: Aerial view of site and surrounds (site indicated in yellow)



Figure 2: Site viewed from King Street. Parking restrictions apply - times vary (subject premises outlined in red)



Figure 3: Site viewed from Brown Lane. No parking and no stopping restrictions apply at all times (subject premises outlined in red).

History Relevant to the Development Application

Amendments

7. Following a preliminary assessment of the proposed development by Council Officers, requests for additional information and clarification were sent to the applicant on 11, 14 and 16 July 2025.
8. The applicant was requested to submit floor space ratio (FSR) calculation drawings, detailed facade signage drawings and to clarify the future operator of the take-away food and drink premises.
9. It was confirmed on 17 July 2025 that McDonald's is the proposed operator.
10. The requested FSR drawings and signage drawings were submitted on 30 July 2025.

Proposed Development

11. The application seeks development consent for the following works:
 - use of the ground floor premises as a take-away food and drink premises
 - associated internal fitout works to include indoor service and dining area (approximately 25 sqm) with booth seating for approximately 12 persons, a large kitchen and back of house area (approximately 225 sqm) and a mechanical ventilation system
 - facade signage including:
 - one awning fascia sign (non-illuminated)
 - one internal window sign (illuminated)
 - replacement of an existing projecting wall sign (illuminated) on first floor
 - replacement of two existing under awning lightbox signs
 - proposed 24 hours' operation, 7 days a week



Figure 6: Existing and proposed front and rear elevations

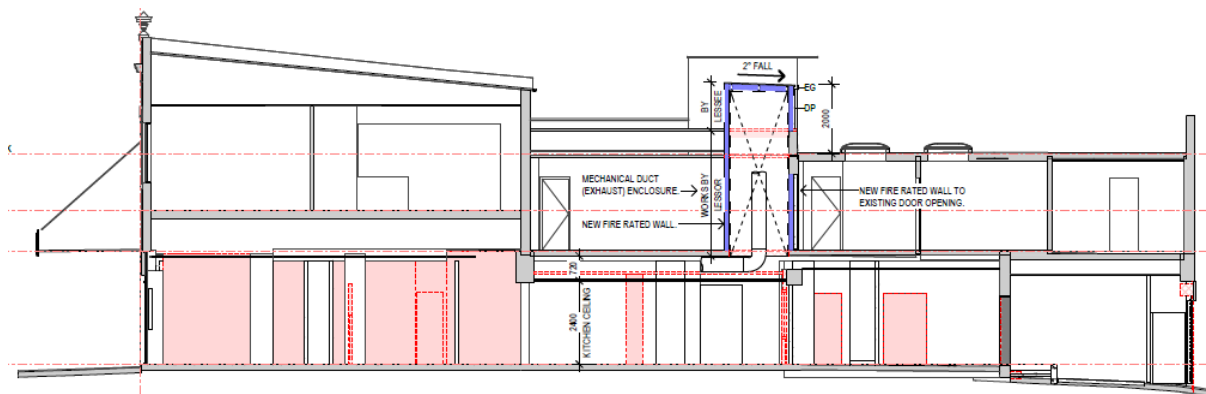
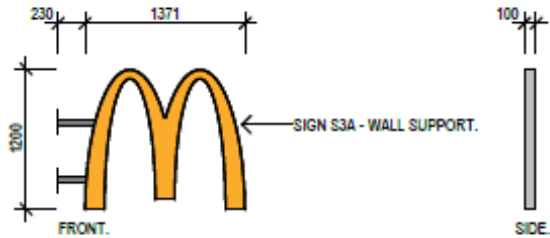


Figure 7: Proposed section



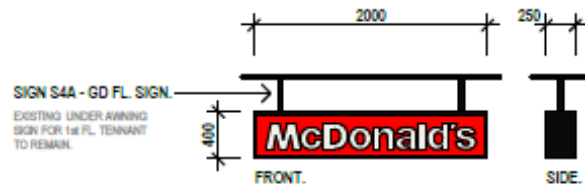
S1A AWNING SIGN

NON-ILLUMINATED LETTERING (FLAT / PAINT).



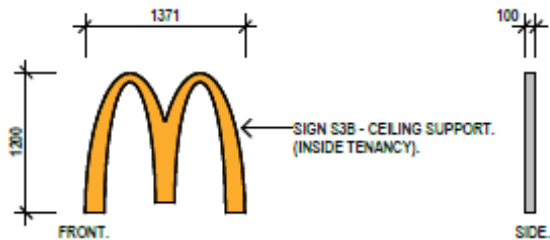
S3A WALL SIGN

INTERNALLY ILLUMINATED LOGO.



S4A UNDER AWNING SIGN

FABRICATED METAL SIGN. GRAPHICS. LED ILLUMINATION.



S3B INTERNAL WINDOW SIGN

INTERNALLY ILLUMINATED LOGO.

Figure 8: Proposed detailed facade signage



Figure 9: Photomontage

Assessment

13. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3

Advertising and Signage

14. The aim of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage is to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish.
15. The proposed signage has been considered against the objectives of the policy and an assessment against the provisions within the assessment criteria set out in Schedule 1 is provided in the table below.

Provision	Compliance	Comment
1. Character of the area	Yes	The proposed signage is generally consistent with the character of the area. North Newtown's character is defined by King Street as a retail and entertainment centre. King Street being the main street in Newtown is notably busy, given the high number and range of retail and professional services.
2. Special areas	Yes	The proposed signage does not detract from the amenity or visual quality of the locality or the heritage conservation area.
3. Views and vistas	Yes	The proposed signage does not obscure or compromise any important views. It does not dominate the skyline and has no impact on the viewing rights of other advertisers.
4. Streetscape, setting or landscape	Yes	The proposed signage is of an appropriate scale, proportion and form to the streetscape.
5. Site and building	Yes	The signage materiality is compatible with the finishes and colours of the building.
6. Associated devices and logos	N/A	Not applicable.
7. Illumination	N/A	If the application were to be supported, conditions of consent would be recommended to ensure that the illumination does not result in unacceptable impacts.
8. Safety	Yes	The proposed signage will not reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

16. The proposed signage is consistent with the objectives of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage as set out in Clause 3.1 and satisfies the assessment criteria specified in Schedule 5.

State Environmental Planning Policy (Transport and Infrastructure) 2021

17. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations**Clause 2.119 – Development with frontage to classified road**

18. The application is subject to Clause 2.119 of the SEPP as the site has frontage to King Street which is a classified road.
19. The proposed development does not demonstrate that safety, efficiency, and ongoing operation of the classified road will not be adversely affected by the development.
20. See further details in the 'Discussion' section below.

Local Environmental Plans**Sydney Local Environmental Plan 2012**

21. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located within the E1 Local Centre zone. The proposed development is defined as a 'take-away food and drink premises' and is permissible with consent in the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.4 Floor space ratio	Yes	A maximum floor space ratio of 1.75:1 or 481 sqm is permitted. A floor space ratio of 1.57:1 or 432.6 sqm is proposed and therefore complies with the maximum floor space ratio development standard.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The site is located within a heritage conservation area. The proposed appearance of the development will not

Provision	Compliance	Comment
		have a detrimental impact on the significance of the heritage conservation area.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	No	The proposed development does not demonstrate design excellence. See further details in the 'Discussion' section below.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.7 Retail premises	Yes	Currently the site provides three rear parking spaces for ground floor and first floor tenants. One parking space for the first-floor tenant is proposed to be retained and the two parking spaces for the subject premises are proposed to be converted for waste management and storage. The proposal is to occupy the ground floor only and provides no onsite car parking for loading, deliveries and other users of the proposed use. This complies with the maximum parking spaces development standard. Refer below for discussion on servicing of the premises.

Development Control Plans

Sydney Development Control Plan 2012

22. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

23. The site is located within the North Newtown locality. The proposed development is in keeping with the unique character and the design principles of the locality.

Section 3 – General Provisions

Provision	Compliance	Comment
3.2. Defining the Public Domain	No	<p>King Street, being the main street in Newtown is notably busy, with a high number and range of retail and professional services generating high pedestrian volumes. It is a significant public transport corridor within easy walking distance of Newtown train station and numerous bus stops servicing many bus routes. King Street also carries high vehicle traffic volumes for private and service vehicles including high volumes of point to point trips.</p> <p>At night time King Street is a recognised entertainment precinct due to a range of premises offering food and drink and entertainment services, which rely on safe and convenient pedestrian flows along King Street. Safe and convenient pedestrian flows are critical in underpinning a perception of safety at night.</p> <p>The proposal does not provide bicycle or motorbike parking spaces, racks or rails for visitors or delivery riders.</p> <p>The generation of high volumes of delivery rider traffic on the footpath in this location is likely to exacerbate pedestrian congestion on the footpath and be detrimental to pedestrian safety and the perception of safety for pedestrians. These issues cannot be addressed through the imposition of conditions or amendments to this application.</p> <p>See further details in the 'Discussion' section below.</p>
3.9 Heritage	Yes	<p>The site is located within a heritage conservation area. The proposed development will not have any</p>

Provision	Compliance	Comment
		detrimental impact on the significance of the heritage conservation area.
3.11 Transport and Parking	No	<p>The proposal does not provide bicycle or motorcycle parking space, racks or rails for visitors or delivery riders.</p> <p>No onsite loading is possible or provided under the proposed arrangement. The nearest loading zone on King Street is time limited and cannot guarantee consistent or reliable access for servicing vehicles.</p> <p>The proposal is reliant upon an on-street loading zone on King Street for stock deliveries and the footpath for take-away food delivery operators which is inadequate to safely service the site. No parking and no stopping restrictions apply to Browns Lane (at all times) and King Street (various).</p> <p>See further details in the 'Discussion' section below.</p>
3.12 Accessible Design	Yes	<p>The access report submitted with the application concluded that access requirements can be achieved, subject to further design development of the principal pedestrian entry to provide a compliant level transition from the street into the dining area.</p> <p>If the application were to be supported, conditions of consent would be recommended to ensure compliance with the relevant BCA accessibility requirements.</p>
3.13 Social and Environmental Responsibilities	No	<p>Several concerns have been raised by NSW Police in their comment on the development. Refer to further discussion under the 'External Referrals' section below.</p> <p>In addition, the proposed 24 hours' trading may result in increased noise and anti-social behaviour which would negatively impact the neighbourhood.</p>

Provision	Compliance	Comment
3.14 Waste	No	<p>The application proposes 2 bins within the back of house area.</p> <p>This is insufficient for the size and scale of the premises. No bulky waste storage area is indicated on the plans or in the Waste Management Plan.</p> <p>If this application were to be supported, condition of consent for additional waste storage areas would be recommended.</p>
3.15 Late Night Trading Management	No	<p>The premises is located in a Local Centre Area and the use is defined as a category B premises.</p> <p>The permitted indoor base trading hours are between 7am to 11pm, with possible extended trading hours between 11pm to midnight, subject to a trial period.</p> <p>The proposed trading hours of 24 hours a day, 7 days a week do not comply with the controls and would likely have a significant impact on the locality.</p> <p>See further details in the 'Discussion' section below.</p>
3.16 Signage and Advertising	Yes	<p>The proposed development includes the following façade signage:</p> <ul style="list-style-type: none"> • one awning fascia sign (non-illuminated) • one internal window sign (illuminated) • replacement of an existing projecting wall sign (illuminated) on first floor • replacement of two existing under awning lightbox <p>The proposed signage generally satisfies the objectives and provisions of the development standards.</p>

Discussion

Design Excellence

24. In accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012 (LEP), the proposed development is required to exhibit design excellence.
25. The proposed development does not adequately address or respond to the below matters, as discussed further in the following sections:
 - (a) Clause 6.21C(2)(d)(i) the suitability of the land for development
 - (b) Clause 6.21C(2)(ix) pedestrian, cycle, vehicle and services access and circulation requirements, including permeability of any pedestrian network
 - (c) Clause 6.21C(2)(x) impact on public domain.

Transport and access

Large kitchen with limited indoor seating

26. The proposed floor plan below shows an indoor dining area with booth seating for approximately 12 persons (outlined in red) and the rest of the floor area being a large kitchen and back of house (approximately 225 sqm or 90% of the premise's floor area). No toilets are provided for customers using the indoor dining area. Toilets are required under the NCC when there are more than 20 patrons. Only one toilet is provided for staff use which is located within the office beyond the café and kitchen. It is not clear if the toilet would be made available to delivery riders who will be regularly servicing the site.
27. The predominant service kitchen and food preparation areas compared to the dining area signifies that the majority of food and drink will be consumed away from the site. This issue cannot be addressed through the imposition of conditions or amendments to this application.

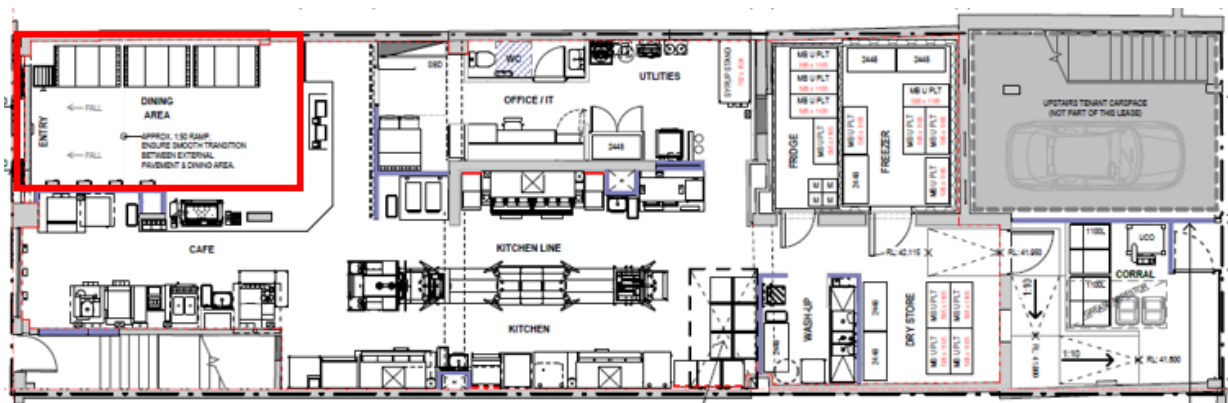


Figure 10: Proposed floor plan (indoor dining seating area outlined in red)

No onsite bicycle parking area

28. The proposed use is likely to generate a high volume of turnover given the scale of the kitchen with limited indoor seating. In this regard a high volume of take-away food delivery riders are expected to service the premises.

29. Two existing rear parking spaces on ground floor, which could be repurposed for servicing, are proposed to be removed. Access to and from the site for delivery riders is proposed via the King Street pedestrian footpath, which is approximately 3.48 metres wide in this location.
30. The proposal does not provide onsite bicycle or motorcycle parking spaces for food delivery riders, and no racks or rails are provided for visitors. This lack of bicycle parking will result in parked bicycles or motorcycles on King Street that would obstruct the public domain.
31. Under the Road Rules (Clause 197, Part 12), bicycles must be parked at designated racks or rails. Parking bicycles directly in front of the building entry on the footpath is unlawful and unsafe, obstructing pedestrian movement and impeding the public domain.
32. Whilst there are bike hoops on King Street in proximity to the subject premises, these racks are for general use and should not be relied upon to support the operational needs of one business.
33. This part of King Street is identified as a cycle conflict hotspot. In recognition of current conflicts between pedestrians and food delivery riders, the City's Transport and Access Unit has installed 'Walk Your Bike' signage along the King Street footpath to encourage riders to dismount (see Figure 11 below).



Figure 11: 'Walk Your Bike' signage installed on King Street 110m (one minute's walk) from the subject site, to encourage delivery riders to dismount

34. The application does not demonstrate that bike hoops on King Street are to be used appropriately or are sufficient to service the expected capacity. The lack of on-site bicycle parking will increase pedestrian and food delivery rider conflicts and diminish pedestrian safety. The lack of on-site bicycle parking contributes to the unsuitability of the site for the proposed development. This issue cannot be addressed through the imposition of conditions or amendments to this application.

No onsite loading area

35. The proposal is not considered suitable for the site as no onsite loading is provided. The proposal will generate daily deliveries, to ensure a supply of fresh food, and seeks to rely on an existing on-street loading zone on King Street and the footpath for stock deliveries between 7am and 3pm, Mondays to Fridays. Outside of these hours, stock deliveries are to occur at the rear of the building on Brown Lane or on Brown Street.
36. Use of the loading zone at the front of the subject premises on King Street is not ideal as it will conflict with high volumes of pedestrians on the footway. Further, the loading zone on King Street and the on-street parking area on Brown Street are time limited. The loading zone on King Street allows for short-term stops between 8.30am and 3pm, Mondays to Friday. The loading zone is also shared with other premises (being public access), and as such consistent or reliable access for servicing vehicles cannot be provided.
37. Transport for NSW have reviewed the application and advise that the use of on-street parking for loading purposes is generally not supported. Developments should be designed to be self-sufficient in terms of servicing and loading arrangements. Reliance on on-street loading zones further indicate that the site is unsuitable for the proposed use.
38. The proposed development does not demonstrate that stock deliveries at the rear of the building on Brown Lane is practical. Two existing parking spaces accessed off Brown Lane, which could be repurposed for servicing, are proposed to be removed and converted for waste management and storage. Further, the area of Brown Lane directly adjacent to the site is currently signposted as 'No Stopping'.



Figure 12: No Stopping and No Parking signage along Brown Lane adjacent to the subject site (outlined in red)

39. The proposed development does not provide an appropriate or safe servicing solution and the application has not demonstrated that the site is suitable for the proposed use. This issue cannot be addressed through the imposition of conditions or amendments to this application.

Hours of Operation

40. The premises is located in a Local Centre Area and the use is defined as a category B premises.
41. The DCP permitted base indoor trading hours are between 7am to 11pm, with possible extended trading hours between 11pm to midnight, subject to a trial period.
42. The proposed 24 hours' trading may create unacceptable noise impacts to the surrounding streets that are predominantly residential area, especially when patrons entering or leaving the premises in midnight or early hours in the morning.
43. The submitted Plan of Management does not adequately outline how the operation of the business could be effectively managed.
44. Several concerns have been raised by NSW Police in their comment to the development. Refer to further discussion under the 'External Referrals' section below.

Fire Safety Compliance

45. The submitted documentation does not adequately address fire safety related upgrades that may be required as a result of the proposed change of use.

Consultation

Internal Referrals

46. The application was discussed with Council's:
 - (a) Heritage and Urban Design Unit;
 - (b) Construction and Building Unit;
 - (c) Transport and Access Unit;
 - (d) Waste Management Unit;
 - (e) Environmental Health Unit.
47. Matters raised by internal referrals have not been addressed and are unresolved. These issues are further explored in the 'Discussion' section above.

External Referrals

NSW Police

48. The application was referred to NSW Police for comment.
49. A response was received raising the following concerns to the proposed development:
 - There is documented evidence of anti-social behaviour occurring in and around 24-hour food outlets, particularly those situated near transport hubs and licensed premises.
 - The area surrounding the proposed site has limited parking availability, which may exacerbate congestion and accessibility issues, and raises significant concerns regarding pedestrian and road safety.
 - The proposed venue is likely to result in increased crime reports, including traffic-related incidents.
50. These concerns are acknowledged by the City and we note the application does not demonstrate these concerns can be addressed.

Transport for NSW

51. Pursuant to Clause 2.119 of the SEPP (Transport and infrastructure) 2021, the application was referred to Transport for NSW for comment.
52. Comments were received on 15 September 2025.

53. Matters raised are further explored in the Transport and Access 'Discussion' section above.

Advertising and Notification

54. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 21 days between 8 July 2025 and 7 August 2025.

55. A total of 193 properties were notified and 1,432 submissions were received, with majority of the submissions in objection.

56. The submissions raised the following issues:

- (a) **Issue:** McDonald's seen as incompatible with Newtown's unique character and impact on small and independent local businesses.

Response: The proposed takeaway food and drink premises is permissible with consent in the E1 Local Centre Zone and generally meets the objectives of the zone. However, the proposal does not comply with the design excellence provisions under Clause 6.21C of the LEP, as it does not sufficiently respond to the suitability of the land for development and the impact on public domain.

- (b) **Issue:** The proposed 24/7 operation will create noise and encourage anti-social behaviour.

Response: The proposed 24/7 hours of operation do not comply with the DCP and are not supported. In addition, several concerns have been raised by NSW Police in their submission to the development, including concerns related to anti-social behaviour occurring around 24-hour food outlets, pedestrian and road safety and the potential increase in crime reports and traffic related incidents. The submitted Plan of Management does not adequately outline how the operation of the business could be effectively managed.

- (c) **Issue:** The traffic from delivery riders and short-stay parking will create footpath crowding and impact traffic flows on King Street.

Response: The proposal does not provide bicycle or motorbike parking spaces, racks or rails for visitors or delivery riders. As outlined elsewhere in this report King Street being the main street in Newtown is notably busy and serves as a nighttime entertainment precinct for metropolitan Sydney. As an entertainment precinct it relies on safe and efficient pedestrian movements to connect patrons to from various private and public transport modes and venues. The proposed additional delivery riders would negatively impact on pedestrian safety and access.

- (d) **Issue:** The proposal will create environmental impacts including the increase in littering, attraction of vermin and odour from cooking.

Response: The proposed waste storage provision is considered insufficient for the proposed size, scale and use of the premises. No bulky waste area is indicated on the plans or in the Waste Management Plan. The submitted Waste Management Plan is inadequate and does not provide sufficient detail to demonstrate that waste can be appropriately stored, collected, or managed on the site. The proposed mechanical ventilation system has been assessed and considered acceptable.

- (e) **Issue:** The proposed operator (McDonald's) was not disclosed in the development description during the public notification period.

Response: The development application has been notified in accordance with the requirements of the City's Engagement Strategy and Community Participation Plan 2024. If this application were to be supported, the development consent would be associated with the subject premises and use, and would not be limited to an individual take-away food and drink operator.

- (f) **Issue:** The development will have negative impacts on local small business and there are existing McDonald's outlets nearby.

Response: The proposed 'take away food and drink premises' is a type of retail premises, which is permissible in the zones that front King Street. There is no planning legislation that can limit the concentration of take away food and drinks premises. Market forces dictate the type and success of individual businesses.

- (g) **Issue:** The development does not provide public toilet facilities.

Response: As the development is defined as a 'take away food and drink premises' and has limited seating, the provision of toilets within the premises is not required under the National Construction Code.

- (h) **Issue:** Light pollution and visual clutter from proposed signage.

Response: The proposed facade signage complies with the relevant provisions and development controls under the State Environmental Planning Policy (Industry and Employment) 2021 and Sydney DCP 2012. If this application were to be supported, conditions of consent would be recommended to ensure that the signage illumination does not result in unacceptable glare and affect safety.

Relevant Legislation

57. Environmental Planning and Assessment Act 1979.

Conclusion

58. The application has been assessed in accordance with section 4.15(1) of the Act. The proposed takeaway food and drink premises is not suitable for the site for the following reasons:
- (a) The proposal does not adequately demonstrate safe and practical pedestrian access to the site and along the footway, particularly considering the proposed servicing arrangements and food delivery riders expected to use the premises that will conflict with pedestrian flow on the footpath. The proposal does not provide on-site parking or loading spaces for delivery riders, which will likely result in parked bicycles or motorcycles obstructing the public domain.
 - (b) The proposal is not considered suitable for the site as it would be reliant upon on-street loading zone on King Street and the footpath for stock deliveries and take-away food delivery operators. Use of the loading zone at the front of the subject premises on King Street will conflict with high volumes of pedestrians on the footway and be detrimental to pedestrian safety.
 - (c) The proposal to operate 24 hours a day, 7 days a week does not comply with the late-night trading management objectives and provisions of the DCP and would likely have a significant impact on the locality.
 - (d) The submitted documentation does not adequately address fire safety related upgrades that may be required as a result of the proposed change of use.
59. The proposal does not comply with the design excellence provisions under Clause 6.21C of the LEP as it does not sufficiently respond to the suitability of the land for development, the impact on public domain, and the pedestrian, cycle, service access and circulation requirements.
60. The proposal does not comply with the relevant objectives and provisions of the DCP, including controls relating to waste management, hours of operation, transport and parking, and the public domain.
61. The proposal does not demonstrate proper management relating to public safety risks, crime prevention and other concerns raised by the NSW Police in their comment on the proposed development.
62. Matters raised by internal and external referrals have not been addressed and are unresolved, particularly that the proposal does not provide onsite bicycle parking spaces and loading zone.
63. It is not possible to mitigate or minimise the unresolved impacts from inadequate on-site loading space and delivery bike/motor scooter access space through conditions of approval.
64. The application was notified in accordance with the requirements of City of Sydney Engagement Strategy and Community Participation Plan 2024. A total of 1,432 submissions were received, with the majority of submissions in objection.

- 65. It is therefore concluded that the proposal is not suitable for the site and is not in the public interest.
- 66. The application is recommended for refusal.

ANDREW THOMAS

Executive Manager Planning and Development

Cissy Li, Planner