

3 September 2025

SLR Ref No.: 630.032216.00001-L0.1-v0.2-s4.55-20250903.docx

Attention: The General Manager
Northern Beaches Council
725 Pittwater Road,
Dee Why NSW 2099

SLR Project No.: 630.032216.00001

**RE: Proposed s4.55(2) to Modify DA No. DA2023/1255
2 Vuko Place, Warriewood NSW 2102**

1.0 Introduction

SLR Consulting Australia Pty Ltd (SLR) acts on behalf of its client McDonald's Australia Limited (McDonald's) in preparing this supporting Statement of Environmental Effects (SEE) for the proposed s4.55(2) modification to DA No. DA2023/1255 – modification of consent to amend the approved trading hours for the Warriewood McDonald's operation located at 2 Vuko Place, Warriewood NSW 2102.

This modification seeks approval to extend operating hours on Friday and Saturday nights to allow 24-hour trade for drive-thru and food delivery services only. This SEE describes the site, its environment, the proposed modification and an assessment of the proposal in terms of the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act.

1.1 McDonald's Australia and the Community

There is approximately 1030 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 115,000 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 Background

A Development Application DA2021/0156 was lodged with Northern Beaches Council on 3 March 2021, seeking approval to extend the trading hours to operate from 5:00am to 12:00am (midnight). The application was approved on 26 May 2021.

Between August 2020 and March 2021, prior to the approval, the McDonald's operated from 5:00am to 12:00am, seven days a week, under the COVID-19 Ministerial Order. Subsequently, from September 2021 to 31 March 2022, the store continued trading until 1:00am on Friday and Saturday nights under the same Order. During this period, the extended trading hours were implemented without incident, and no complaints were received from the community. Following the expiry of the Ministerial Order in March 2022, the store reverted to its approved trading hours of 5:00am to 12:00am, seven days a week.

A further Development Application for 'Alterations and additions to a food and drink premises' was submitted to Northern Beaches Council on 20 June 2023, seeking approval for changes to the internal layout and minor external alterations. The DA was approved by on 11 August 2023.

A DA (DA2023/1255) was submitted to Council in September 2023 seeking approval for one additional hour of trade a Friday and Saturday night for drive-thru and delivery service providers only, in line with how McDonald's previously traded under the COVID Order. The DA was approved on 06 October 2023.

This modification application seeks an additional extension of the drive-thru and delivery hours under DA2023/1255, being 24 hours on Friday and Saturday nights only. Details of the proposal are provided in **Section 3** of this report.

1.3 Site Analysis

The subject site is located at the intersection of Pittwater Road, Warriewood Road and Vuko Place within the suburb of Warriewood. The site is legally identified as Lot 5, DP737137 and is generally referred to as 2 Vuko Place Warriewood. The total site area is approximately 8,909m².

Currently occupying the site is the existing McDonald's operation, accompanied by the associated dual lane drive-thru, on-site car parking and landscaping. Located at the north of the site is an existing childcare centre, namely 'Kiddiewinks Childcare Centre', with the McDonald's operation located in the southern portion of the site.

Ingress to the site is provided via Warriewood Road, with a separate egress driveway provided via Vuko Place. Surrounding land uses comprise of commercial, residential and public recreation land uses. Located immediately west of the site is a mixed-use commercial building. Public recreation land is located directly east of the site. Located immediately south of the site is Warriewood Business Centre, containing various commercial uses. One and two storey residential dwellings are located to the north of the site.

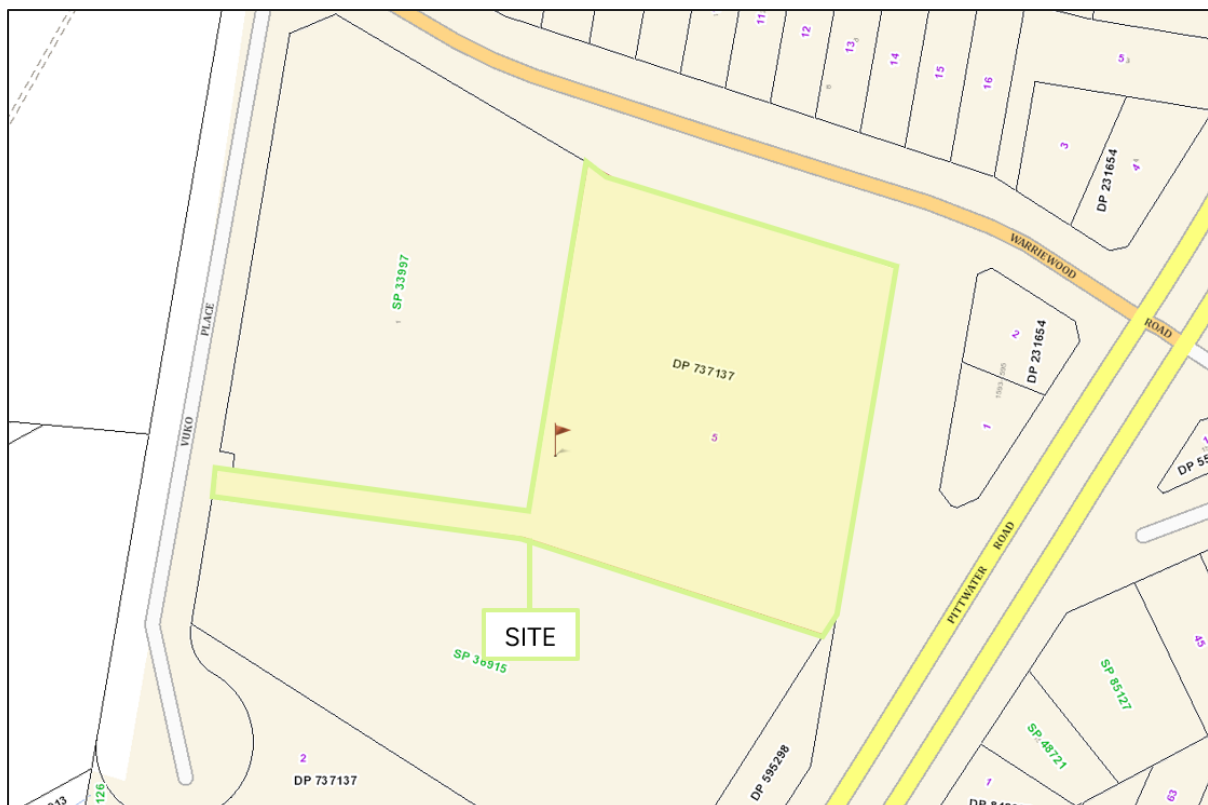
Refer to **Figure 1** and **Figure 2** for the site aerial and cadastral plan.



Figure 1 Site Aerial (Source: Near Maps)



Figure 2 Cadastral Plan (Source: Six Maps)



2.0 Proposal

This section of the SEE provides a detailed description of the proposal, including an extension of trading hours at the existing Warriewood McD operation.

The proposed modification seeks to amend *Condition 2 Hours of Operation* of consent DA2023/1255. The approved and proposed hours are summarised in **Table 1**, with the proposed change provided in red and deletions shown in strikethrough.

Table 1 Proposed Trading Hours

	Approved Hours	Proposed Hours
Indoor/Outdoor Seating	5am to 12am, 7 days a week	5am to 12am, 7 days a week.
Drive-Thru and Delivery Service Providers	5am to 12am, Sunday to Thursday 5am to 1am, Friday and Saturday	5am to 12am, Sunday to Thursday. 24 hours, Friday and Saturday

The additional trading hours sought relate to the drive-thru facility and the food delivery service providers only, which is inclusive of food delivery pickups by food delivery service providers (i.e. UberEats DoorDash, MenuLog, Deliveroo). Trading hours for Sunday through to Thursday would continue to operate as per the approved trading hours under DA2021/0156. Under DA2023/0758, a dedicated access and waiting room was approved to be utilised by the food delivery service providers during all trading hours, however particularly during the proposed extended trading hours (12am-5am on Fridays and Saturdays) during the closure of the dining area.

2.1 Modifications to Conditions of Consent

The modifications to conditions of consent are summarised below:

Existing Condition 2

2. Hours of Operation

Under Clause 4.17(10B) of Environmental Planning and Assessment Act 1979 this application is subject to a reviewable condition as a result of the extended hours of operation on Friday and Saturday at 12am-1am.

The hours of operation are to be restricted to:

- *5am to 12am - Sunday to Thursday*
- *5am to 1am - Friday and Saturday (12am-1am for drive-thru and delivery service providers only).*

All drive-thru and delivery service orders are to be received, processed, and distributed prior to 1am. Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 15 minutes.

The extended hours of operation to 12am-1am for drive-thru and delivery service providers on Friday and Saturday are subject to a reviewable period of 12 months from the date of this consent. At any time during the review period, or upon its completion, Council may advise the site operator of any required changes to the



hours of operations that must be implemented. Council can require these changes to be implemented immediately, pursuant of written instructions from Council.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

Proposed Condition 2

2. Hours of Operation

Under Clause 4.17(10B) of Environmental Planning and Assessment Act 1979 this application is subject to a reviewable condition as a result of the extended hours of operation on Friday and Saturday at 12am-1am.

The hours of operation are to be restricted to:

- *5am to 12am - Sunday to Thursday*
- *5am to 1am 24 hours - Friday and Saturday (12am-1am 5am for drive-thru and delivery service providers only).*

All drive-thru and delivery service orders are to be received, processed, and distributed prior to 1am. Upon expiration of the permitted hours for internal dining, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 15 minutes.

The extended hours of operation to 12am-1am for drive-thru and delivery service providers on Friday and Saturday are subject to a reviewable period of 12 months from the date of this consent. At any time during the review period, or upon its completion, Council may advise the site operator of any required changes to the hours of operations that must be implemented. Council can require these changes to be implemented immediately, pursuant of written instructions from Council.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

2.2 Justification

The extension of drive-thru and food delivery service hours to 24 hours on Fridays and Saturdays is in response to increased customer demand during peak weekend periods. Consumer trends and industry data demonstrate a high volume of takeaway and delivery activity during late-night and early-morning hours on weekends. The proposed amendment will enable the business to adequately service this demand and remain competitive in the fast food and quick-service market.

By confining the extended hours solely to drive-thru and food delivery service operators, the potential for noise or patron congregation is minimised, thereby preserving the existing amenity of the surrounding area. There will be no changes to dine-in or outdoor seating hours, and as such, the potential for noise, congregation, or loitering on-site will be minimal. Drive-thru and delivery services are generally low impact in nature, involving limited time for customers to linger on site due to no on-site consumption of food or drink. Customers remain within their vehicles or orders are dispatched off-site through third-party delivery providers, reducing the likelihood of adverse amenity impacts.



In addition, the proposal supports the growth of third-party delivery service providers. These services have become an integral component of the food and beverage industry, responding to strong consumer demand for convenience and flexible dining options. Facilitating extended access to food and drink services through delivery contributes to the broader economy and allows the operation to be in a position to meet peak delivery demand periods on Friday and Saturday nights.

The purpose of the trading extension is to provide a convenient service to the community for local residents, visitors and passing traffic to seek late night food and beverage options. The key location of the site at the intersection of Warriewood Road and Pittwater Road, being both state and regional classified road, sees constant traffic bypassing the site during all hours of day and night. This further justifies the demand extended trade, as it will provide the opportunity to cater to the passing traffic during late night hours.

The Warriewood McDonald's operation is diligent in compliance with the Plan of Management (**Appendix C**) which ensures a safe and secure environment for the community during late night trading hours. The Plan of Management will continue to be enacted throughout the proposed extended hour of operation to maintain a safe late night trading environment. Furthermore, the proposal is in keeping with the objectives of the land use zone and is considered compatible with surround land uses.

The proposal, along with the ongoing adoption of existing mitigation measures contained within this report and appended documents, is expected to cause minimal adverse impact on the environment and the surrounding amenity of the area. This is further assessed within Chapter 5 of this report.



3.0 Legislation and Planning Controls

Compliance with all legislative requirements under various Environmental Planning Instruments (EPIs) remains unchanged under this application. The proposed amendments do not change the overall design, function or impact of the development (as approved).

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

- *Environmental Planning and Assessment Act 1979*;
- *Pittwater Local Environmental Plan 2014 (LEP 2014)*; and
- *Pittwater 21 Development Control Plan (DCP)*.

3.1 Environmental Planning and Assessment 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.

Accordingly, the approval path for the proposed modification is s4.55(2) *Other Modifications* under the EP&A Act 1979:

Section 4.55 Modification of consents - generally

(2) Other Modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.



Subsections (1) and (1A) do not apply to such a modification.

Condition 2 of DA2023/1255 was a reviewable condition for 12 months from the date of approval, being 6 October 2023. The reviewable period has since concluded, with no complaints requiring Council to advise the operations to cease the extended hour of trade. As such, this modification seeks to further extend the operating hours allowable under Condition 2 of DA2023/1255 for drive-thru and delivery to allow 24-hour trade on Friday and Saturday nights only.

The relevant matters for consideration are addressed throughout this SEE. This application is made pursuant to Section 4.55(2) of the EP&A Act 1979 and the proposed modification is 'substantially the same' as the approved development, for the following reasons:

- The proposal retains the approved use.
- The proposal is seeking to extend drive-thru and delivery service hours only, to allow 24-hour operations. The dine-in operating hours are to remain as approved.
- The proposal does not result in any environmental or amenity impacts in addition to those already considered and assessed under the original application. The additional hours will be appropriate from an acoustic perspective.
- The proposal maintains consistency with the objectives of the applicable planning controls, including the relevant zone objectives (SP4 zone).
- The proposal does not alter any approved built elements on site.

The proposed modifications are therefore considered reasonable in accordance with s4.55(2).

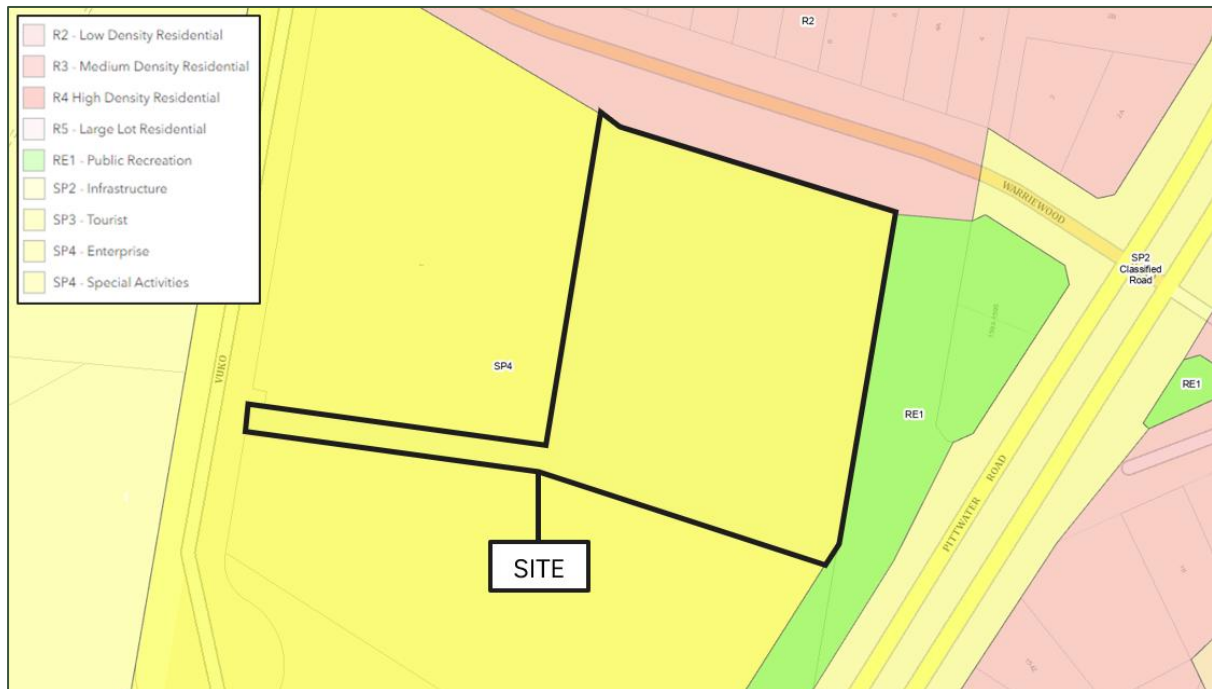
3.2 Pittwater Local Environmental Plan (LEP) 2014

3.2.1 Land Zoning

The site is subject to the provisions of Pittwater LEP 2014 and is situated on land zoned SP4 Enterprise – refer to **Figure 3**.



Figure 3 Zoning Map Extract (Source: NSW Spatial Viewer)



Zone SP4 Enterprise

1 Objectives of zone

- To provide for development and land uses that support enterprise and productivity.
- To provide healthy, attractive, functional and safe business areas.
- To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses.
- To create business park employment environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.
- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide opportunities for new and emerging light industries.
- To restrict retail uses to ensure sufficient land is available for industrial and light industrial uses to meet future demands.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Boat building and repair facilities; Community facilities; Early education and care facilities; Educational establishments; Electricity generating works; Emergency services facilities; Environmental protection works; Flood mitigation works; Garden centres; Goods repair and reuse premises; Hardware and building supplies; Health services facilities; Industrial retail outlets; Industrial training facilities; Kiosks; Light industries; Mortuaries;



*Neighbourhood shops; Office premises; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Self-storage units; Service stations; Sewerage systems; Signage; **Take away food and drink premises**; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Water reticulation systems; Water treatment facilities*

4 Prohibited

Home industries; Any development not specified in item 2 or 3

A McDonald's operation is defined under the LEP as a 'take away food and drink premises' and is therefore permitted with consent within the SP4 Enterprise zone. The proposed trading hours will not alter the approved use of the premises

No material or built form modifications are proposed as part of this application. Therefore, the site will remain consistent with the provisions of the Pittwater LEP 2014.

3.3 Pittwater 21 Development Control Plan (DCP)

Development of the site is subject to the controls of the Pittwater 21 Development Control Plan (DCP), which applies to all land also subject to the Pittwater Local Environmental Plan 2014.

The relevant sections of the DCP are as follows:

- Section C Development Type Controls

This proposal has been prepared with consideration to the provisions of the DCP. It is considered the proposal will continue to meet all applicable development controls. An assessment of the applicable development controls is provided within the DCP Compliance Table at **Appendix B** of this SEE.

No change to the built form, signage, landscaping, waste management or car parking is proposed under this DA.



4.0 Assessment of Planning Issues

As discussed in Section 3, the proposed extension of trading hours is in direct response to continued customer demand at the Warriewood McDonald's during peak periods on Friday and Saturday nights. The location of the site at the intersection of a state and regionally classified road further increases the demand for late night and early morning trade. Given the limited opportunity for late night food and beverage options in the community surrounding the Warriewood McDonald's operation, there is considered a high demand for takeaway food and beverage services for the local community and bypassing traffic. The proposal will provide a convenient service for local residents, visitors and passing traffic to access its services throughout the day and night.

The following provides an assessment of the environmental effects of the proposed development as described in the preceding sections of this report.

4.1 Noise

A Noise Impact Assessment (NIA) was previously prepared for the site by Muller Acoustic Consultants (MAC) in August 2023 (Report Ref: MAC170498-03RP1). For the purposes of this development application, MAC has undertaken a review of the historic assessment to determine its continued relevance and applicability in a contemporary context. The review of the historic report demonstrates that due to anticipated increase in background noise level since the completion of the historic report, the criteria adopted for the historic report are considered conservative in the contemporary context.

Furthermore, the results of the predictive noise modelling included in the historic report demonstrates that the operational noise levels are predicted to meet the relevant NSW Noise Policy for Industry (NPI) trigger levels at all assessed receiver locations including for extended operating hours. The results of the attended noise monitoring conducted at the nearest residential receivers surrounding the operation in December 2020 and March 2022 as part of the validation assessment, demonstrates that the operation was trading in compliance with the applicable noise trigger levels. Relevant mapping for the site identifies the previously assessed sensitive receivers remain the relevant assessable receivers.

The Review concludes the operation has continually traded in compliance with the applicable noise trigger levels and the findings are supportive of the extended trading hours. For further information regarding the noise impact refer to **Appendix A**.

4.2 Odour

The proposal is not considered to have any additional impact on surrounding premises that may be associated with cooking and waste storage. The McDonald's will continue to operate in accordance with the Food Standards Code and relevant Australian Standards.



4.3 Traffic, Parking and Access

The proposed extension to trading hours is not likely to result in any significant impact 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 traffic generated to allow for food delivery providers will be marginal. Third-party food delivery service providers are likely to be active on the road network during these hours regardless, servicing a range of food and drink businesses across the area. As such, the additional traffic generated by the operation is expected to be minimal and unlikely to result in any noticeable cumulative impact.

Given the sites location at the intersection of a regionally classified road (Warriewood Road) and a state classified road (Pittwater Road), the proposed impact to surrounding traffic will be minimal. The surrounding road network has the capacity to accommodate traffic movements associated with the proposal given the extension of trade relates to periods outside of peak times.

There is no proposed change to the existing access arrangements to the site, nor is there any alteration to car parking and manoeuvring within the site. On-site parking provisions remain adequate to accommodate staff and delivery drivers during the extended hours. Therefore, impact to the traffic flow, circulation and vehicle movements to the surrounding road network are expected to be minimal. Given the minor nature of the extension to trading hours, the proposal will not impact on the existing approved conditions regarding traffic, parking and access.

4.4 Lighting

The existing external lighting will be utilised during the extended trading hours. 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 Australia 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 the carpark ensures minimal adverse impacts on adjoining properties and roads.

4.5 Waste

The proposed extension of hours will not result in a significant increase to the waste creation of the operation. No additional customer waste is anticipated to be generated, as the proposed extended hours relates to the drive-thru and delivery service providers aspects of the operation only.

Additional operational waste is anticipated to be minimal and can be absorbed into the existing waste collection program. Accordingly, no additional waste disposal service trucks are anticipated as a result of the proposed changes to the operational hours.



4.6 Safety and security

The proposal will have minimal impact on the existing safety and security of the McDonald's operation. McDonald's will ensure the safety and security of the site through the Plan of Management (POM) at **Appendix C**, which deals with such matters as the amenity of the neighbourhood, lighting, surveillance equipment, vandalism, noise, anti-social behaviour and security.

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 extended operation, it is considered that the premises will upkeep the safety of the site. Any issues that may arise during the extended trade will be effectively managed by the store manager in accordance with the POM. A Crime Risk Assessment has been completed for the site, incorporating the CPTED principles. Refer to Appendix D.

4.7 The Public Interest

The proposal, albeit minor in nature, is considered to be in the public interest as it will deliver a number of public, social and economic benefits with minimal adverse impact. 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 extended trading proposed primarily to service the travelling public. Given the key location of the site at the intersection of regional and state classified road, it is considered to provide convenience and overall community benefit in regard to late night food and beverage options. Furthermore, the McDonald's operation will generate increased employment opportunities for existing and new staff.



5.0 Conclusion

This proposal seeks the extension of trading hours on Friday and Saturday nights to allow 24-hour operations of the drive-thru and food delivery service providers at the existing Warriewood McDonald's operation, located at 2 Vuko Place, Warriewood NSW 2102. The proposal will not result in any change to the built form or additional operational aspects of the premises.

This report has provided consideration towards all amenity impacts and it is concluded the minor change to operating hours on Friday and Saturday nights will not result in any detrimental impact to the site or immediately surrounding land uses. The demand for late night/ early morning food and beverage facilities in the area in conjunction with the operator's compliance with relevant legislation and Australian Standards thereby justifies the need for the proposal.

The Historical Noise Review has established the proposal will not result in unacceptable impact to the nearest residential noise receptors and the emissions will comply with the current noise policy.

Furthermore, it has been concluded the proposal will not result in any excess traffic impact, nor will there be significant impact to the surrounding road network. No unreasonable social or environmental impact are expected to be encountered. The operation will operate in accordance with the appended Plan of Management to ensure the safety and security of the site is maintained.

Overall, it is considered that the proposed additional hours of trade will provide 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 will bode well from an economic and social perspective through increase 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.

Regards,

SLR Consulting Australia



Grace Moses

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Appendices:

Appendix A – Noise Impact Assessment

Appendix B – DCP Compliance Table

Appendix C – Plan of Management

Appendix D – Crime Risk Assessment

