

May 13, 2025

Northern Beaches Council  
PO Box 82  
Manly NSW 1655**RE: Request for Further Information (DA2025/0132)**  
**Demolition works and construction of a restaurant (McDonalds) including signage**  
**37 Roseberry Street, Balgowlah**

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**Introduction**

This correspondence has been prepared by SLR Consulting Australia Pty Ltd (SLR) on behalf of McDonald's Australia Limited (McDonald's) in relation to the proposed *Takeaway Food and Drink Premises with Drive Thru Facilities, Signage and 24 Hour Trading* at 37 Roseberry Street, Balgowlah.

SLR and McDonald's appreciated the opportunity to meet with Council on 10 April 2025 to discuss the Request for Additional Information issued 13 March 2025. A summary of this meeting's outcomes was provided via email by Claire Ryan (Principal Planner, Northern Beaches Council) and is attached as Attachment A.

This letter provides a formal response to the RFI to assist in the assessment of application DA2025/0132.

Please see responses to each of the items raised below.

**Table 1 – Request for Additional Information (dated 13 March 2025)**

RFI Item	Comment
<u>Manly Local Environmental Plan 2013 (LEP)</u> <b>1. Zone E3 Productivity Support</b> <i>With respect to the objectives of the E3 zone, concern is raised that:</i> <ul style="list-style-type: none"><li><i>The proposed signage does not relate favourably in architectural treatment to the nearby residential land uses.</i></li><li><i>The proposed signage and hours of operation does not minimise conflict between the proposed land use and the amenity of the nearby residential land uses</i></li></ul>	<p>Please refer to updated Architectural Drawings (Attachment B) which illustrates an overall reduction in the scale and amount of signage. The changes are detailed in the Item 4 response below.</p> <p>The proposed hours of operation have also been reduced from 24/7 to 5am-12pm (Mon-Sun). This response is detailed further in the Item 7 response below.</p> <p>The abovementioned amendments will mitigate perceived conflicts with surrounding residential land uses and ensures consistency with the objectives of the E3 zone.</p>
<u>Manly Development Control Plan 2013 (MDCP)</u> <b>2. Clause 3.1.2 Streetscape Improvement in LEP Zone B6 Enterprise Corridor</b> <i>It is acknowledged the subject site is zoned E3 Productivity Support. The reference to B6 Enterprise Corridor is an outdated reference and is taken to refer to</i>	<p>The proposed reduction in the number and scale of signage combined with the proposed architectural treatment and landscaping will ensure a high level of visual quality and integration is achieved at the corner of Roseberry Street and Kenneth Road and their respective road frontages.</p>

RFI Item	Comment
<p><i>E3 Productivity Support, per the Department of Planning and Environment's Equivalent Zone Tables.</i></p> <p><i>Clause 3.1.2.1 Streetscape of the MDCP provides that development is to be of a high visual quality, particularly at corner locations, such as the subject site. Concern is raised that the proposed signage is of unreasonable visual intrusion in the Kenneth Road and Roseberry Street frontages.</i></p>	<p>A summary of the signage changes is included in Item 4 below. The outcome of these changes is to ensure a less visually dominant outcome. The amended plans (enclosed at Attachment B) are considered to satisfy Clause 3.1.2 of the DCP.</p>
<p><b>3. Clause 4.3.5 Setbacks</b></p> <p><i>Clause 4.3.5 of the MDCP requires setbacks at least 4.5m from any street frontage. The proposed development includes the following structures within the northern (Kenneth Road) front setback areas:</i></p> <ul style="list-style-type: none"> <li><i>1.1m to the pylon sign, flagpoles and banner</i></li> <li><i>1.9m to the retaining wall and fence</i></li> <li><i>2.9m to the drive-thru driveway</i></li> </ul> <p><i>A 'blade' wall is shown to be 6 metres from the eastern (Roseberry Street) front boundary on the site plan (DA005), but 3.5 metres from that boundary on southern elevation plan (DA204). This discrepancy requires correction.</i></p> <p><i>The proposed pylon sign, flagpoles and banner, and blade wall (sign) are not supported for the reasons detailed below.</i></p>	<p>As noted in the response to Item 4 below, the proposed flagpoles, banner and blade wall sign have been removed from the proposed signage scheme. The proposed pylon sign has also been reduced in size from 9m to 5.725m.</p> <p>The proposed signage amendments, in addition to the proposed landscaping, will ensure an appropriate level of streetscape amenity will be achieved.</p>
<p><b>4. Clause 4.4.3 Signage</b></p> <p><i>Advice provided by Council in the pre-lodgement advice (per PLM2024/0130) specified that only human scale signage will be supported, up to 3 metres in height.</i></p> <p><i>The proposed development includes excessive (in both number and scale) signage as follows:</i></p> <ul style="list-style-type: none"> <li><i>Pylon sign 9 metres in height and 4.343 metres in width</i></li> <li><i>Two flagpoles 8.5 metres in height, with banner between</i></li> <li><i>Blade wall sign 7.2 metres in height and 2 metres in width (not included on signage plan)</i></li> <li><i>12 fascia and wall signs</i></li> </ul> <p><i>The proposed signage is not supported, with reference to the following controls of the MDCP:</i></p> <ul style="list-style-type: none"> <li><i>4.4.3.1(a): A maximum of 2 identification signs is permitted per frontage.</i></li> </ul>	<p>The following amendments to the signage scheme are proposed:</p> <ol style="list-style-type: none"> <li><b>Pylon sign</b> – reduced from 9m to 5.725m in height (extends 3m above proposed fence line) and from 4.343m to 2.46m in width. The overall scale of the sign has been reduced to ensure a visually balanced outcome.</li> <li><b>Flagpoles</b> – removed from signage scheme</li> <li><b>Banner</b> – removed from signage scheme.</li> <li><b>Red Blade</b> – incorporated into southern façade of the building (fronting the internal car park) and is no longer a standalone sign.</li> <li><b>Fascia sign ('Red clip' sign)</b> – aligned flush with the façade so it no longer projects above or below the awning.</li> <li><b>Wall Signs</b> – removal of two 'M' signs on the southern and western elevations and removal of the 'PlayPlace' sign on the southern elevation. The red blade (including an 'M' and 'McCafe' has been incorporated into the southern (internally facing) elevation.</li> </ol>



RFI Item	Comment
<ul style="list-style-type: none"> <li>4.4.3.1(b): The number and scale of signage is excessive.</li> <li>4.4.3.1(e): Signs must not have an adverse impact on the streetscape in terms of unobtrusive design, colour, height, size and scale in proportion to building and other urban elements.</li> <li>4.4.3.3(c) and (d): Above awning signs are generally not supported. The above awning signs are not supported on merit in this instance given number of signs proposed across the site, and the scale of those signs.</li> <li>4.4.3.3(i): Fascia signs must not project above or below the fascia to which it is attached. The fascia sign on the southern elevation (S4) extends both above and below the awning to which it is attached.</li> <li>4.4.3.3(k): Pylon signage size and shape will be considered on merit. The proposed pylon signage is of excessive height and scale in the two street frontages of the site, where no other such signage exists.</li> </ul> <p>Note: Drawings DA202 East Elevation, DA203 West Elevation, DA204 South Elevation and DA205 North Elevation do not depict the pylon sign and require updating accordingly.</p>	<p>It is acknowledged that more than 2 identification signs are still proposed. However, the proposed amendments will ensure the signage will not be viewed as excessive or obtrusive to the streetscape and will suitably complement the proposed building design. Given the design merit and absence of amenity impact, support from Council for this variation is requested.</p>
<p><b>Referrals</b></p> <p><b>5. Traffic Engineer</b></p> <p>Council's Traffic Engineer has raised the following concerns with the proposed development.</p> <ul style="list-style-type: none"> <li>The internal carpark layout and car spaces are to be dimensioned on plans in accordance with the requirements of Australian Standards AS2890.1:2004 Off-Street Parking.</li> <li>The submitted traffic report indicates that there is insufficient space to accommodate a roundabout at the intersection of Roseberry Street and Hayes Street (as suggested by Council at pre-lodgement stage), and that implementing this suggestion may lead to increased travel times. The traffic report requires amendment to further detail this matter, including supporting materials such as figures that illustrate the challenges of installing a mountable roundabout at that intersection and a turning path analysis.</li> <li>The traffic generation rates outlined in the Transport for NSW Guide to Transport Impact Assessment are higher than those used in the traffic report. A further review of the development's traffic impacts is to be conducted, and the traffic generation, distribution,</li> </ul>	<p>These matters have been addressed in the Traffic Response (Attachment C). In summary:</p> <ol style="list-style-type: none"> <li>1. Car parking layout and spaces in accordance with Australian Standards AS2890.1:2004 Off-Street Parking are shown on the updated Architectural Drawings (Attachment A).</li> <li>2. A design for a proposed round-a-bout at Roseberry Street and Hayes Street is provided. Detailed designs of the round-a-bout will be provided to Council post consent.</li> <li>3. The Traffic Response confirms the correct rates have been used.</li> <li>4. The Traffic Response confirms the correct vehicle traffic generation rates have been used.</li> <li>5. The SIDRA model is attached.</li> </ol>



RFI Item	Comment
<p><i>and model inputs and outputs are to be revised accordingly.</i></p> <ul style="list-style-type: none"> <li><i>The additional traffic generated by the development appears to be inaccurate, as follows:</i> <ul style="list-style-type: none"> <li><i>In Figure 2 (weekday afternoons), 55 vehicles are shown turning north onto Roseberry Street from the site, but only 40 of those vehicles are accounted for as heading northbound. This indicates that 15 vehicles were overlooked in the analysis.</i></li> <li><i>In Figure 3 (Saturday midday), 70 vehicles are shown turning north onto Roseberry Street from the site, but only 50 of those vehicles are accounted for as heading northbound. This indicates that 20 vehicles were overlooked in the analysis.</i></li> </ul> </li> <li><i>Council requires submission of the Sidra model for the proposed development. The Sidra model for the development is to demonstrate analysis of the site access and all proposed layout changes, given the proposed driveway is approximately 30 metres from the roundabout at the intersection of Kenneth Road and Roseberry Street, and due to frequent traffic queues along the entire frontage of the site.</i></li> </ul>	
<p><u>Other Matters</u></p> <p><b>6. Acoustic Report</b></p> <p><i>The submitted acoustic report details recommendations and noise controls for the operation of the development. Clarification is sought about the following:</i></p> <ul style="list-style-type: none"> <li><i>The “barrier attenuation” relied upon, or whether this simply refers to the orientation and design of the building itself, and</i></li> <li><i>The reasons for the assumed 50% reduction of cars during the night</i></li> </ul>	<p>A Response to Request for Further Information has been prepared by Muller Acoustic Consulting (MAC) and is attached as Attachment D.</p> <p>Notwithstanding the findings of the submitted Acoustic report (dated 21 March 2025) which found the proposed site to be fully compliant with the Noise Policy for Industry (NPI), an additional acoustic screen has been added, at Council’s request, to the roof to further minimise any potential noise impacts on surrounding receivers (refer Architectural Drawings at Attachment B).</p>
<p><b>7. Hours of Operation</b></p> <p><i>The proposed hours of operation, being 24 hours a day, seven days a week, are not supported in the surrounding context, adjoining residential development.</i></p> <p><i>Concern is raised that, of the developments in the surrounding E1 Local Centre and E3 Productivity Support zones, the proposed development is in the closest proximity to a high number of residential dwellings, and has the greatest potential for unreasonable acoustic impact, given a substantial proportion of the operation of the premises is conducted outdoors.</i></p>	<p>The hours of operation are now proposed to be reduced from 24/7 to 5:00am-12:00am (Mon-Sun) to further minimise any potential acoustic and associated amenity impacts on residential receivers.</p> <p>It is noted that McDonald’s initially tabled a reduction to 2am, however given Council’s concerns that anti-social behaviour is considered more likely between 12 and 2am, a further reduction (5am – 12am) is now proposed. These operating hours seek to minimise any crime or anti-social behaviour while also providing food and drink services for tradesmen and shift</p>



RFI Item	Comment
<i>Approved hours of operation of surrounding larger-scale developments (such as supermarkets, food and drink premises, and large-scale retail premises), commence no earlier than 6.00am and conclude no later than 11.00pm.</i>	workers outside of typical trading and daytime hours (i.e. between 5am and 6am).
<b>8. Submissions</b> <i>You are encouraged to review the objections that have been lodged on Council's website and consider any design solutions that may resolve relevant concerns.</i>	<p>SLR has undertaken a review of the submissions received on Council's website. A response to the issues raised in these submissions is provided in Table 2 below.</p> <p>McDonald's have considered these matters and, where appropriate, sought to address these issues through the changes identified in this RFI response.</p>

**Table 2 – Response to Submissions**

Concern Raised	Response
<i>Traffic and Congestion</i>	The submitted Traffic Impact Assessment (TIA) and supporting Traffic Response (Attachment C) demonstrate that the proposed development will not generate any unacceptable traffic or congestion issues. Further, a compliant level of car parking will be provided on site that is designed in accordance with <i>Australian Standards AS2890.1:2004 Off-Street Parking</i> .
<i>Litter and Waste</i>	Litter and waste will be managed in accordance with the submitted Waste Management Plan (WMP) and Plan of Management (POM), noting that on-site waste facilities are provided in accordance with Manly's Waste Management Guidelines. Waste will be collected twice weekly.
<i>24/7 Operation</i>	The proposed hours of operation have been reduced to 5am to 12am, as discussed under Item 7 of the above table.
<i>Noise Pollution</i>	A Noise Assessment was prepared by Muller Acoustic Consultants and included with the DA provided to Council. This Assessment deems the development suitable for the location. It is also highlighted that an additional acoustic screen has been added, at Council's request, to the roof to further minimise any potential noise impacts on surrounding receivers (refer Architectural Drawings at Attachment B).
<i>Odour/Air Quality</i>	An Odour Amenity Assessment was prepared by SLR Consulting and included with the DA provided to Council. This Assessment deems the development suitable for the location.
<i>Health and Nutrition</i>	While food choice is not a planning matter for consideration under the EP&A Act, it is noted that the McDonald's healthy choice range, as endorsed by the



Concern Raised	Response
	Heart Foundation of Australia, does provide customers healthy meal options should they choose.
<i>Lights and Signage</i>	The overall signage design has been amended and substantially reduced within this RFI response. All lighting will be in accordance with AS/NZS 4282:2023 - Control of the obtrusive effects of outdoor lighting.
<i>Security and Crime</i>	<p>The submitted POM details operational measures that addresses potential security and crime issues. In addition, a Crime Risk Assessment has also been provided and confirmed the proposal has been designed in consideration with CPTED strategies. It is understood that no security or crime concerns have been raised by NSW Police.</p> <p>The reduction in operating hours from 24/7 to 5:00am-12:00am (Mon-Sun) will also further minimise any potential crime or antisocial behaviour.</p>
<i>Proximity to Other McDonald's</i>	The proposed land use is permitted with consent on this site. Proximity to other McDonald's Operations is not a matter for consideration under the EP&A Act.

## Closure

We trust that the information provided is sufficient however, if any clarification is needed or further information is required, please do not hesitate to contact the undersigned.

Yours sincerely,



**Jarrod Dixon**

Senior Consultant - Planning

[jarrod.dixon@slrconsulting.com](mailto:jarrod.dixon@slrconsulting.com)

**SLR Consulting Australia Pty Ltd**

## Attachments:

Attachment A – Summary of Meeting outcomes

Attachment B – Architectural Drawings

Attachment C – Traffic Response

Attachment D – Acoustic Response

