
From: Ollie Booth
Sent: 13/03/2025 11:45:48 PM
To: Council Northernbeaches Mailbox
Cc: Gaby Holdgate
Subject: TRIMMED: DA2025/0132 - Submission on behalf of Oliver Booth
Attachments: DA20250132 - Submission on behalf of Oliver Booth.pdf;

FAO: Claire Ryan,

Please find attached my submission of objection against the McDonald's DA2025/0132.

Please keep me updated with this DA as it progresses and please share an invite to any panel meetings that are open to public. My partner or I would be interested in speaking at the panel.

Many thanks,

Ollie


13th March 2025

General Manager
Northern Beaches Council
PO Box 82
Manly NSW 1655

Att: Claire Ryan

Dear Claire,

Submission in Objection to DA2025/0132 – McDonald's at 37 Roseberry Street, Balgowlah

We write to formally object to Development Application DA2025/0132 for a McDonald's fast food outlet to be established at 37 Roseberry Street, Balgowlah. As owners and residents of an apartment located at 76-80 Kenneth Road / 41 Roseberry Street, Manly Vale, we have a direct interest in this application. Our home directly overlooks the proposed McDonald's site. We are young family with a small baby and the McDonald's site would look directly into our bedroom and our son's bedroom, severely impacting our privacy, quality of life and our right to the quiet enjoyment of our property.

This proposal is completely inappropriate for this location, and we strongly oppose it on the grounds of fundamental zoning conflicts, unmanageable traffic congestion, unacceptable noise and odour impacts, increased crime risk, and direct harm to residential amenity.

Despite the direct and significant impact on local residents, McDonald's has entirely ignored the residents already living in this community. Their application fails to acknowledge the immediate disruption to families, children, and long-term residents who have built their lives here. The submission only highlights their own financial investment in the area but this is purely self-serving.

McDonald's argues that their presence will bring economic growth however they will not be supporting local businesses as they rely on standardised corporate supply chains rather than sourcing from small businesses within the area. Meanwhile, their presence will directly impact property values, unfairly affecting the hardworking individuals who have invested in their homes and contribute to the local economy.

Approving this DA would be a clear decision to prioritise the interests of a multinational corporation over the people who actually live here. This sets a dangerous precedent, where the residents' rights, wellbeing, and financial security are sacrificed in favour of corporate expansion.

1. Fundamental Zoning Conflicts – McDonald's has failed to meet the objectives of the E3 Zone

The E3 Productivity Support zone requires developments to consider the amenity of the neighbouring residential zones and minimise land-use conflicts. This proposal directly

conflicts with these objectives, and no amount of modifications or amendments can resolve this incompatibility.

- McDonald's locations are typically situated on SP2-classified arterial roads, where high-traffic volumes can be safely accommodated.
- This site is bordered by residential properties and relies on congested local roads, making it entirely unsuitable for a high-turnover 24/7 drive-thru operation.
- Even if McDonald's reduced its operating hours, it would still cause major disruption to residential amenity.
- Our baby is five months old and goes to sleep at 7 pm, as do many other young children, not only in our building but in other adjacent residences along Kenneth Road and Roseberry Street.
- Why should local families have to endure noise, odour, and disruption when there are far more suitable locations that do not directly border a residential zone?

Conclusion: This DA must be refused outright due to its fundamental incompatibility with the zoning objectives and its unavoidable impact on residential amenity.

2. Traffic & Parking Failures – Applicant's traffic impact assessment is based on outdated data

The Applicant's Traffic Impact Assessment underestimates vehicle generation and fails to reflect real-world conditions.

- The Applicant incorrectly based its traffic analysis on 140 vehicle trips per hour during weekday peak and 180 per hour on weekends.
- The actual figure, based on up-to-date Transport for NSW (TfNSW) guidelines, is 183 per hour on weekdays and 267 per hour on weekends - an underestimation of 87 vehicles per hour.
- The Kenneth Rd / Condamine St intersection is already failing (LoS F/Level of Service Failure) and cannot sustain additional traffic from this development without substantive improvements to existing roading networks which have not been proposed.
- Queuing from the drive-thru will cause gridlock along Roseberry Street, blocking access for residents, emergency vehicles, and local businesses.

Our Personal Impact: Our only vehicle access to our home is via Kenneth Road, and this development will directly affect our ability to enter and exit our own residence due to increased congestion and queuing.

Conclusion: The DA must be rejected on traffic grounds alone, as the Applicant's outdated figures mask the true impact of this development.

3. Unacceptable Noise Impacts – No site-specific assessment has been conducted

The Applicant's Acoustic Report does not directly assess noise impacts for this site. Instead, it provides a generic assessment that references a different location and lacks supporting evidence.

- The Applicant states that sleep disturbance is "not anticipated," despite failing to provide any noise modelling to justify this claim.

- The current use of the site by Seven Miles Coffee does not generate any late-night noise disturbances. Further any vehicle noise in the area is from passing traffic, not from cars idling in a drive-thru queue for 10–15 minutes at a time.
- This development will introduce constant late-night noise from drive-thru speakers, idling engines, revving vehicles, slamming car doors and customer activity.

Our Personal Impact: Our baby's bedroom directly overlooks the proposed site, meaning we will face constant disruption from drive-thru traffic and customer noise throughout the night.

Conclusion: The DA must be rejected as the Applicant has failed to provide a legitimate noise impact assessment.

4. Increased Crime Risk – McDonald's does not have direct control over the actions of its patrons

The Applicant fails to acknowledge the crime history at McDonald's Brookvale (only 3kms from the proposed site), which has been documented in multiple news reports. See link: <https://www.northernbeachesadvocate.com.au/2024/10/07/mayhem-at-brookie-maccas/>

The fundamental issue is that McDonald's has no control over its patrons. No modifications to proposed plans can prevent:

- Boy racers and motorcycles idling or revving their engines late at night.
- Customers loitering, yelling, or playing loud music from their vehicles.
- Drunken disturbances from patrons leaving nearby venues.
- Antisocial behaviour and violence as outlined and clearly evident in the previously mentioned article regarding Brookvale McDonalds

Our Personal Impact: As a young family, we should not have to deal with an increase in crime, anti-social behaviour, and late-night disturbances outside our home.

Conclusion: The DA must be rejected due to an inadequate crime risk assessment and the Applicant's failure to mitigate known issues.

5. Unavoidable Odour Impacts – Ventilation is critical for the health of our family

McDonald's has not even selected an exhaust system for its kitchen yet is asking the Council to trust that it will comply with regulations. Without knowing the exact exhaust system, the Applicant cannot demonstrate that odour levels will be acceptable. Grease, smoke, and cooking odours will be an unavoidable issue, affecting air quality for nearby apartments.

Residents, including our family, need to air out their apartments for their health and wellbeing. It is impossible to prevent odours from entering nearby residential properties. Approving this DA would force residents to choose between proper ventilation and living with the constant smell of grease and fast food.

Our Personal Impact: We will be forced to keep our windows closed to avoid the unpleasant smells from McDonald's exhausts, affecting our comfort and wellbeing. Our

baby's room requires fresh air circulation for their health and wellbeing, yet this development will make that impossible.

Conclusion: The Council must reject the DA as the Applicant has failed to provide certainty about odour control systems and air quality impacts.

6. Overwhelming Public Objection - Approval would not serve the public interest

A significant number of objections have been lodged against this development alongside a petition signed by 3,000 concerned residents. Granting approval despite this overwhelming community opposition would be inconsistent with the public interest considerations outlined in Clause 4.15(1)(e) of the Environmental Planning and Assessment Act 1979. Furthermore, it would conflict with the objectives of the Act under Part 1, Clause 1.3, which emphasise sustainable development, community well-being, and the protection of residential amenity.

7. Conclusion

The DA must be rejected as the Applicant has failed to:

- Demonstrate compliance with E3 zoning objectives
- Provide an accurate traffic impact assessment
- Conduct a site-specific noise analysis
- Address crime risks with real-world data
- Ensure adequate odour control measures, impacting residents' ability to ventilate their homes

This submission is supported by Annex 1, which outlines multiple planning decisions across Australia where councils and courts have refused McDonald's applications due to traffic congestion, zoning conflicts, noise, crime risk, and property devaluation. These precedents have direct application to this DA and further support its rejection.

The Council has a responsibility to protect its local community. This is not a case of community progress - this is a multinational corporation forcing its way into a space that does not suit its operations. It's a square peg in a round hole and no amount of modifications to the application can ensure the amenity of the neighbouring residential properties is maintained. Residents should not have to fight to maintain their quality of life, their community and basic residential amenity.

We urge the Northern Beaches Council to reject DA2025/0132 outright.

Sincerely,

Oliver Booth
76-80 Kenneth Road, Manly Vale, 2093

ANNEX 1 – COMPARABLE DEVELOPMENT APPLICATION REJECTIONS & SUPPORTING EVIDENCE

1. Comparable Fast-Food DA Rejections in Australia

1.1 Zoning Conflicts and Precedents for Rejection

- Minyama, QLD (2008) – Sunshine Coast Regional Council refused a McDonald's DA due to its proximity to residential estates, stating that fast-food drive-through operations were inherently disruptive to local residents.
- Bayside, NSW (2021) – The Bayside Local Planning Panel rejected a 24-hour McDonald's citing direct conflicts with zoning objectives, significant amenity impacts, and overwhelming community opposition.
- Mt Evelyn, VIC (2024) – Yarra Ranges Council rejected McDonald's due to its location in a residential zone and failure to align with local planning policies.

1.2 Traffic & Road Safety Concerns Leading to Rejection

- Botany, NSW (2021) – Rejected due to excessive traffic congestion concerns and queuing impacts on local roads.
- Rosebery, NSW (2011) – Rejected for similar reasons, with community opposition highlighting existing congestion issues that would be worsened by a high-traffic drive-through restaurant.
- Mt Evelyn, VIC (2024) – Rejected following Transport Victoria's expert objection, which highlighted the site's existing road safety issues that would be exacerbated by a McDonald's outlet.

1.3 Noise and Odour Impacts – Planning Precedents for Refusal

- Minyama, QLD (2008) – Rejected due to noise from idling cars, drive-thru operations, and odour impacts affecting adjacent residences.
- Bayside, NSW (2021) – Over 300 submissions opposed the McDonald's, citing unacceptable late-night noise pollution and odours from constant cooking emissions.
- Sunshine Coast, QLD – Refused on the basis of the cumulative impact of odour infiltration into homes, making it impossible for residents to ventilate their living spaces.

1.4 Police Warnings & Crime Risks Near 24/7 Fast-Food Outlets

- Forster, NSW – NSW Police opposed the DA, warning that 24-hour operations present an increased crime risk, particularly incidents of vandalism and assault.
- Muswellbrook, NSW (2022) – A CPTED (Crime Prevention Through Environmental Design) report identified McDonald's as a potential hotspot for anti-social behaviour.
- Sunshine Coast, QLD – Rejection was partly based on existing crime problems at a nearby 24-hour McDonald's, which experienced frequent police callouts for loitering, drink-driving, and disorderly conduct.

1.5 Negative Economic Impact on Local Businesses

- Tecoma, VIC (2013) – Local small businesses opposed the McDonald's, stating that the corporate fast-food chain would divert foot traffic from independent cafes and restaurants.