

Item 3.**Section 8.2 Review of Determination: 212-214 King Street, Newtown - RD/2025/585/B****File Number:** RD/2025/585/B**Summary****Date of Lodgement:** 21 January 2025**Application Type:** Division 8.2 review application**Date of original determination:** 15 October 2025**Required determination date:** 15 April 2026**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:** A request for a review of the determination of the development application D/2025/585 under the provisions of Section 8.2(1)(a) of the Environmental Planning and Assessment Act (EP&A Act) has been submitted.

The original development application was refused by the Local Planning Panel at its meeting on 15 October 2025. In accordance with the provisions under Section 8.2 of the Environmental Planning and Assessment Act 1979, the review of determination must also be determined by the Local Planning Panel.

The original development application sought consent for alterations and additions for use as a takeaway food and drink premises with associated signage, and operation for 24 hours, 7 days a week.

The application was refused for the following reasons:

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.

The applicant is requesting the Panel review the decision to refuse D/2025/585.

Notification and exhibition

The review application was notified and exhibited for a period of 21 days between 22 January and 13 February 2026. A total of 191 submissions were received, with the majority of the submissions in objection.

Assessment

The review application provides minor amendments and additional justification, including reduced trading hours and submission of a traffic impact assessment, amended crime prevention through environmental design assessment and a BCA compliance statement to address the reasons for refusal of original application.

The amendments and additional information is considered inadequate to address all the reasons for refusal and issues relating to waste management and adverse traffic impacts remain.

The proposed waste management arrangement does not comply with City's Guidelines for Waste Management in New Developments and the reliance on a 'no stopping' lane for daily waste collection is not supported under the NSW Road Rule 313A.

The site remains unsuitable for the proposed use as no data is provided to demonstrate that the existing public bike racks can accommodate food delivery demands during peak hours, and the proposed use of the time-limited, shared on-street loading zone does not guarantee consistent or reliable access for servicing vehicles, and will conflict with pedestrian flow on the footpath.

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
- C. Original Notice of Determination
- D. Original Development Assessment Report
- E. Original Drawings

Recommendation

It is resolved that consent be refused for Review of Determination Application number RD/2025/585/B.

Reasons for Recommendation

The review application is recommended for refusal for the following reasons:

- (A) The proposal does not demonstrate site suitability in accordance with section 4.15(1)(c) of the Environmental Planning and Assessment Act, 1979, as it 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.
- (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, transport and parking, and the public domain.
- (D) The proposal does not demonstrate proper management relating to pedestrian and road safety, and traffic related concerns raised by the NSW Police in their comment on the original proposed development.
- (E) Matters raised by internal and external referrals on the original development application are unresolved, particularly that the proposal does not provide onsite visitor bicycle parking spaces or onsite loading. 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 and Assessment Act, 1979 including that the proposed development is not in the public interest.

Background

The Reason the Application is Reported to the Local Planning Panel

1. The application is reported to the Local Planning Panel for determination as it is identified in Schedule 3 of the Local Planning Panels Direction of 3 March 2024 as being within the following category:
 - (a) Contentious Development
2. The review application falls within the category of Contentious Development as a total of 191 submissions were received, with most of the submissions in objection.
3. The original development application (D/2025/585) received a total number of 1,432 submissions with the majority of submissions in objection. It was refused by the Local Planning Panel at its meeting on 15 October 2025.
4. Also in accordance with the provisions under Section 8.2 of the Environmental Planning and Assessment Act 1979, the review of determination must also be determined by the Local Planning Panel.
5. Section 8.3(2) of the Act specifies that a determination or decision cannot be reviewed after the period within which any appeal may be made to the Court has expired if no appeal was made. That is, the subject application must be determined within 6 months of the date of the original decision (by 15 April 2026).

The Site and Surrounding Development

6. 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 sqm. 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.
7. The site contains a 2-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.
8. 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 2-storey terrace houses along Brown Street.
9. The site is not a heritage item but is identified as containing a contributory building located within the King Street heritage conservation area.
10. The site is located within the North Newtown locality.
11. A site visit was carried out during the assessment of the original development application. Photos of the site and surrounds are provided below.

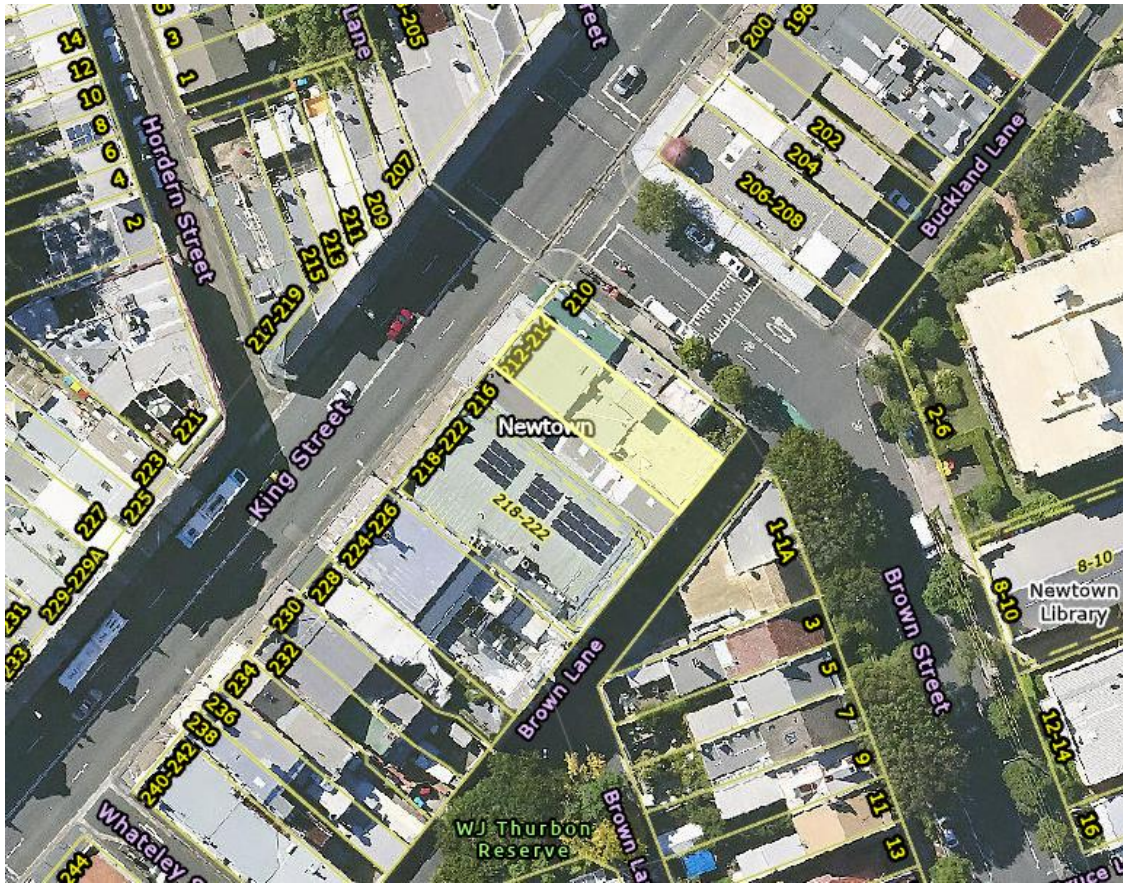


Figure 1: Aerial view of site and surrounds (site indicated in yellow)



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 Review Application

Development Application

12. The following application is relevant to the current proposal:

- **D/2025/585** – Development application was refused by the Local Planning Panel at its meeting on 15 October 2025 for the alterations and additions for use as takeaway food and drink premises with associated signage, trading for 24 hours, 7 days a week.

Proposed Review

13. The review application seeks development consent for the following:

- 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 kitchen and back of house area (approximately 225 sqm) and a mechanical ventilation system
- facade signage including:
 - one awning fascia sign (non-illuminated)
 - one shopfront decal (non-illuminated)
 - replacement of an existing projecting wall sign (illuminated) on first floor
 - replacement of 2 existing under-awning lightbox signs
- proposed trading hours between:
 - 7am and 11pm, Sundays to Thursdays
 - 7am and 2am, Fridays and Saturdays

14. Plans and elevations of the proposed development are provided below.

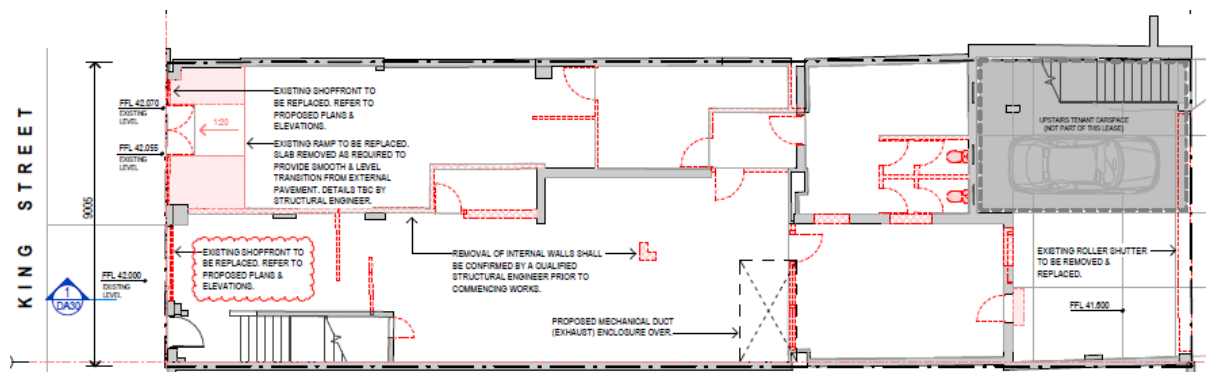


Figure 4: Proposed demolition floor plan

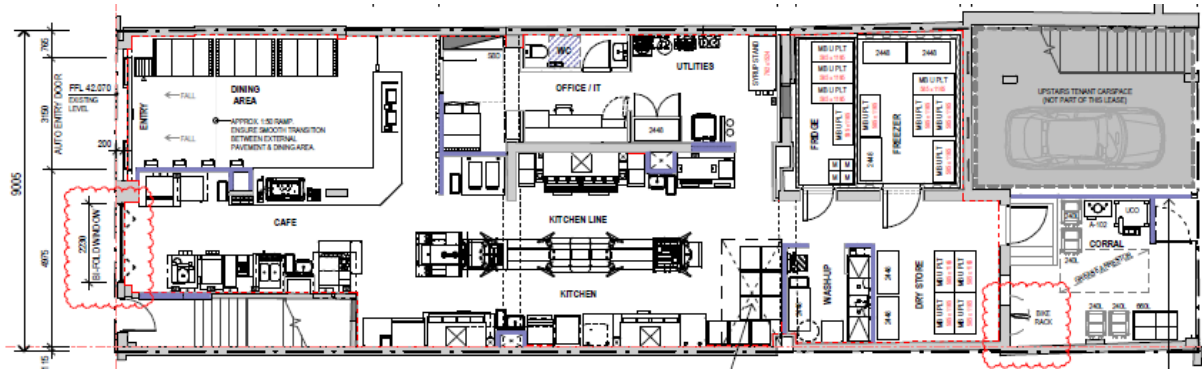


Figure 5: Proposed ground floor plan



Figure 6: Existing and proposed front and rear elevations

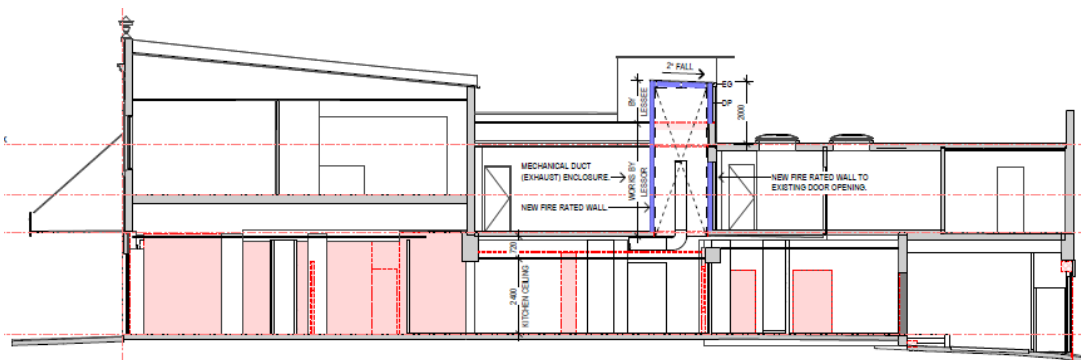


Figure 7: Proposed section

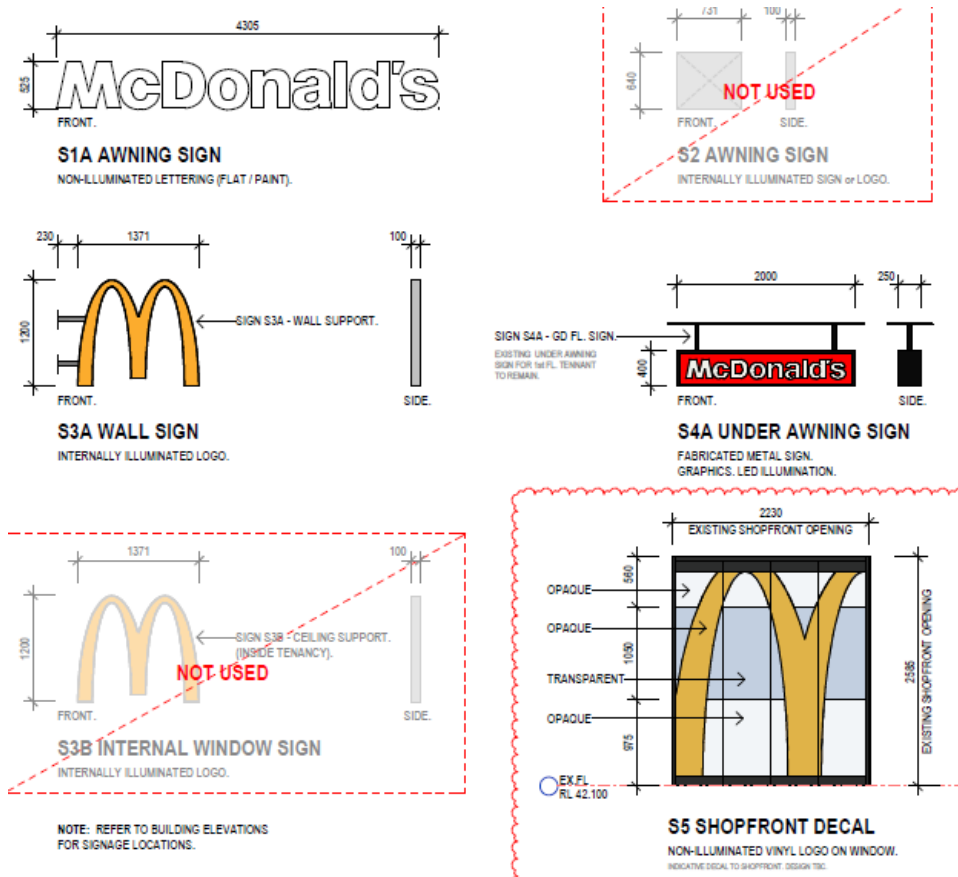


Figure 8: Proposed detailed facade signage

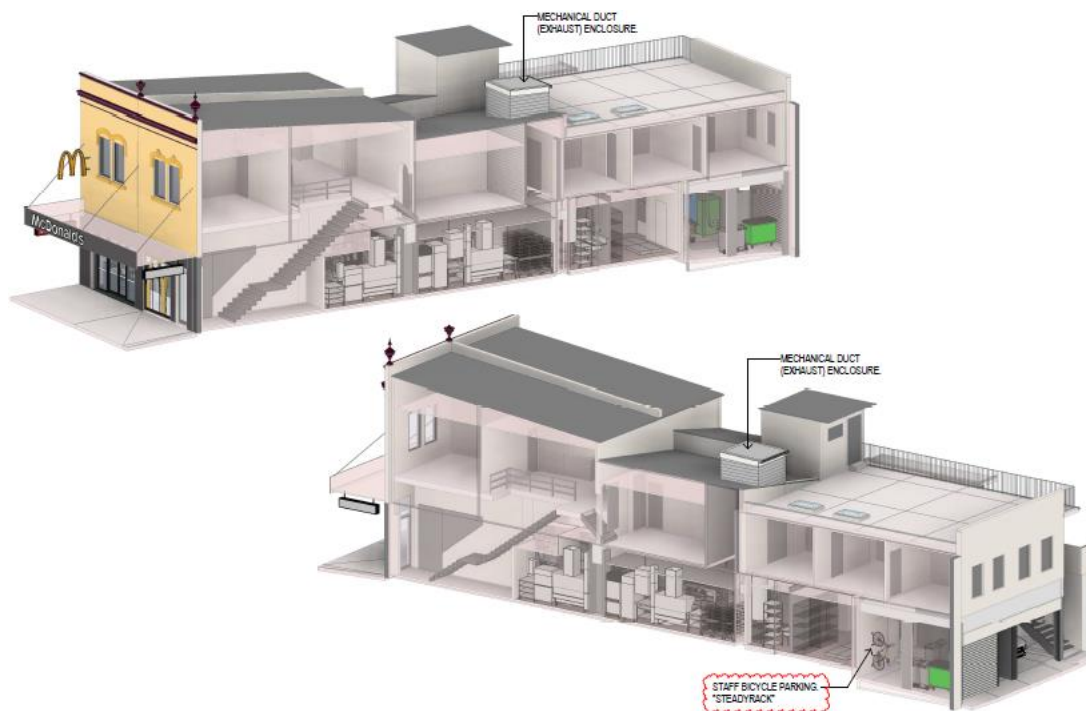


Figure 9: Photomontage

Assessment

15. A review of the 8.2(1)(a) application under Section 4.15 of the EP&A Act has been made, including consideration of the following matters.

State Environmental Planning Policies

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

16. 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.
17. 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 5 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.

Provision	Compliance	Comment
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.

18. 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

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

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations

Clause 2.119 – Development with frontage to classified road

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

Local Environmental Plans

Sydney Local Environmental Plan 2012

23. 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

Provision	Compliance	Comment
		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 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 3 rear parking spaces for ground floor and first floor tenants.

Provision	Compliance	Comment
		One parking space for the first-floor tenant is proposed to be retained and the 2 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 to the Discussion section below for servicing of the premises.

Development Control Plans

Sydney Development Control Plan 2012

24. 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

25. 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	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. 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

Provision	Compliance	Comment
		pedestrian flows are critical in underpinning a perception of safety at night. The proposal does not provide bicycle or motorbike parking spaces, racks or rails for visitors or delivery riders. 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. See further details in the Discussion section below.
3.9 Heritage	Yes	The site is located within a heritage conservation area. The proposed development will not have any detrimental impact on the significance of the heritage conservation area
3.11 Transport and Parking	No	The review application continues to rely on existing public bike racks and the time-limited, shared on-street loading zone, and does not provide any onsite bicycle or motorcycle parking space, additional racks or rails for visitors or delivery riders. No parking and no stopping restrictions apply to Browns Lane (at all times) and King Street (various). See further details in the Discussion section below.
3.12 Accessible Design	Yes	The access report submitted with the application concludes 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. If the application were to be supported, conditions of consent would be recommended to ensure compliance

Provision	Compliance	Comment
		with the relevant BCA accessibility requirements.
3.13 Social and Environmental Responsibilities	No	Several concerns have been raised by NSW Police in their comment on the original development application. The review application provides additional justifications to address traffic impacts. However, the submitted information does not adequately address issues relating to pedestrian and road safety. Refer to further discussion under the External Referrals section below.
3.14 Waste	No	The proposed waste management arrangement does not comply with the City's Guidelines for Waste Management in New Developments. The reliance on a 'no stopping' lane for daily waste collection is not supported under the NSW Road Rule 313A. Refer to further discussion under the Discussion section below.
3.15 Late Night Trading Management	Yes	The premises is located in a Local Centre Area and the use is defined as a category B premises. 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. Proposals for extended indoor trading hours up to 2am can be supported if entry and egress of all patrons will be onto a main street and not onto a laneway which abuts residential properties, or into a predominantly residential area. As part of the review application, the proposed trading hours have been reduced from 24 hour trading to between 7am and 11pm, Sundays to Thursdays, and between 7am and 2am, Fridays and

Provision	Compliance	Comment
		Saturdays. The amended application complies with the permitted indoor base and extended hours of operation. If this application were to be supported, condition of consent for extended trading hours subject to a trial period would be recommended.
3.16 Signage and Advertising	Yes	The proposed development includes the following façade signage: • one awning fascia sign (non-illuminated) • one shopfront decal (non-illuminated) • replacement of an existing projecting wall sign (illuminated) on first floor • replacement of 2 existing under-awning lightboxes The proposed signage generally satisfies the objectives and provisions of the development standards.

Review Test

26. The development is substantially the same as the development described in the original application.

Time Lapsing of Review Request

27. Section 8.3(2) of the Environmental Planning and Assessment Act 1979 specifies that a determination or decision cannot be reviewed after the period within which any appeal may be made to the Court has expired if no appeal was made. That is, the subject application must be determined within 6 months of the date of the original decision (by 15 April 2026).
28. As requested by the applicant, a meeting was held on 26 February 2026 between the applicant and Council officers for a discussion of the review application. The applicant was advised by Council officers that issues in relation to waste management, delivery riders and site servicing remain unresolved. The applicant was also been advised that the last opportunity for the Local Planning Panel to determine the review application

will be at its meeting on Wednesday 8 April 2026, and Council's internal report deadline is on 9 March 2026.

29. As requested by the applicant, a summary letter was issued on 27 February 2026 which outlines unresolved issues in relation to waste storage and collection, site servicing and parking for delivery riders. The letter also clearly stated that the review application will be assessed based on the information submitted to date, as insufficient time is available for Council officers to assess an amended application.
30. The applicant submitted some additional information on 5 March 2026, which is 3 days before Council's internal report deadline for the LPP meeting on 8 April 2026. Due to insufficient time for Council officers to review and assess the amended application, the review application has been assessed based on the information submitted with the application at the time of lodgement.

Discussion

Transport and access

31. The original development application was refused for the following reasons in relation to transport and access:
 - (a) failure to adequately demonstrate safe and practical pedestrian access to the site and along the footway, with particular concern raised in relation to servicing arrangements and food delivery riders
 - (b) lack of on-site bicycle parking spaces for delivery riders and staff
32. This review application does not change the internal layout as proposed under the original development application, except for the inclusion of one onsite staff bicycle parking space. Importantly, the review application does not provide an onsite loading area or visitor bicycle parking area.
33. The proposed floor plan shows an indoor dining area with booth seating for approximately 12 persons, 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). 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.
34. 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 is expected to service the premises.
35. To address the reasons for refusal of original application, a Traffic Review Report and a Loading Service Management Plan have been submitted. These documents seek to justify the lack of onsite loading area, bicycle parking, and conflicts between delivery riders and pedestrian movements on King Street.

Site servicing / onsite loading

36. The submitted Traffic Review Report and Loading Service Management Plan provide that the proposal continues to rely on the time-limited, shared on-street loading zone on King Street. This loading zone is available between 8.00am and 3.00pm Monday to Friday and can accommodate an 8.8 metre long medium rigid truck. It is noted that the site has access to a rear lane and currently provides vehicle access, however site servicing is not proposed via the laneway under the review application.
37. The Traffic Review Report includes survey results of usage of the loading zone and concludes that the site can be practically serviced via the loading zone.
38. However, concerns remain that servicing for the site via the King Street loading zone will conflict with high volume of pedestrians. Further, as King Street is a State road, Council cannot guarantee that consistent or reliable access for servicing vehicles will continue to be provided in the future. As the site has access to a rear lane, the proposal should be designed to be self-sufficient in terms of servicing and loading arrangements.
39. Currently the site offers 2 rear parking spaces for the ground floor tenant, which could be utilised for servicing and loading for the proposed takeaway premises. However these 2 parking spaces are to be removed and converted into internal waste management and storage area.
40. Reliance on on-street loading zones indicates that the site cannot accommodate the operational needs of the proposed use and is unsuitable for the proposed use.

Bicycle parking and delivery riders

41. The amended review application includes one onsite bicycle parking space for staff, which complies with the DCP requirement for staff.
42. In accordance with the DCP, 4 onsite visitor bicycle parking spaces are required to be provided to accommodate visitors to the site. The review application does not incorporate any onsite visitor bicycle parking spaces and instead, seeks to rely on existing bicycle racks (8 spaces in 4 x 2 racks) located within the public domain along King Street within 20m of the premises.
43. The submitted Traffic Review Report notes that the existing 4 bicycle racks within the public domain have low utilisation, when observed for a one day period on a Monday (date not specified). The report also states that an additional bicycle rack could be provided next to the single rack located at the corner of King Street and Brown Street.
44. However, the Traffic Review Report does not provide any data to support the projected number of food orders and delivery riders expected to service the takeaway premises. Without the data, it cannot be demonstrated that the existing bike racks on King Street would be sufficient for the expected delivery demand during peaking dining hours, including evenings and weekends.
45. Further, whilst there are bike racks 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. This lack of onsite bicycle parking will result in parked bicycles on the King Street footpath that would obstruct the public domain, which contributes to the unsuitability of the site for the proposed development.

46. The proposal also does not explain how delivery bike parking would be appropriately managed in a worst-case scenario, such as when all existing bike racks are fully occupied during peak dining hours, and any alternative measures that can avoid obstructions to pedestrian safety and access on King Street.
47. The review application provides inadequate information to address the unresolved impacts from the lack of onsite bicycle parking and fails to demonstrate that pedestrian safety on the footpath would not be compromised by the high volumes of delivery rider traffic on the footpath during peak dining hours.

Waste Storage and Collection

48. The current waste storage room design and waste collection arrangement do not comply with the following requirements under the City's Guidelines for waste management in new developments ('waste requirements'):
 - (a) The proposed takeaway premises is a high intensity waste generator. The reliance on a narrow 'No Stopping' laneway for daily collection as currently proposed is not supported as NSW Road Rule 313A does not allow waste collection to be undertaken from a 'No Stopping' zone. Inadequate information has been provided to demonstrate how the waste will be collected as there is no space on Brown Lane to stop and empty the bins.
 - (b) The proposal does not provide an onsite bulky waste storage area, which is required based on the scale of development.
 - (c) Any food premises that generates more than 50L of meat/seafood waste per day to provide a refrigerated waste room, unless waste is removed daily. The proposal relies on 6 times a week collection strategy instead of providing a cold room. While daily collection is an alternative, the proposal does not show any contingency space for a refrigerator should collection frequency decrease.
 - (d) The proposal lacks details to provide waste storage area with 1.5m wide aisle for bin manoeuvring, 10cm gap between all bins, and bins to be stored no more than 2m deep.
 - (e) Any doorways, corridors, and gates used to transport bins must have a minimum clear width of 1800 mm to allow for the passage of large bins and staff. However, the proposal provides a waste access door that is significantly narrower than 1800 mm.
 - (f) The proposal does not demonstrate that it will not affect the waste storage and collection of the existing residential unit on the site.
 - (g) The proposal does not identify the location of skip bins, material storage areas (segregation), and the truck standing position during the demolition phase. There is no internal space for a skip, and Brown Lane is a 'No Stopping' zone. Without a designated loading area or internal waste room for demolition, the proposal cannot ensure safe and efficient management/collection of waste generated onsite.
49. The proposal fails to comply with City's waste requirements. These issues cannot be addressed through the imposition of conditions to this review application.

Design excellence

50. In accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012 (LEP), the proposed development is required to exhibit design excellence.
51. As noted above, the proposed development does not adequately address or respond to the below matters:
 - (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.

Consultation**Internal Referrals**

52. The review application was discussed with Council's:
 - (a) Construction and Building Unit
 - (b) Environmental Health Unit
 - (c) Late Night Management Unit
 - (d) Heritage and Urban Design Unit
 - (e) Transport and Access Unit
 - (f) Waste Management Unit
53. 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**

54. The review application was referred to NSW Police for comment.
55. No response was received.
56. However, the following concerns raised by the NSW Police on the original application have not been adequately addressed in the review application:
 - 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.
57. These concerns are acknowledged by the City, and it is noted the application does not demonstrate these concerns can be addressed.

Transport for NSW

58. Pursuant to Section 2.119 of the SEPP (Transport and infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for comment.
59. Comments were received on 17 February 2026.
60. TfNSW advised that the proposed loading and servicing arrangements, including the implementation of the proposed Loading Service Management Plan, should be to the satisfaction of Council.
61. Under the original assessment, TfNSW raised concerns and advised 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.
62. Matters raised are further explored in the Transport and Access Discussion section above.

Advertising and Notification

63. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 21 days between 22 January 2026 and 13 February 2026.
64. A total of 193 properties were notified and 191 submissions were received, with majority of the submissions in objection.
65. The submissions raised the following issues:

- (a) **Issue:** The proposal will have negative impacts on residential amenity as the late trading hours will create noise and encourage anti-social behaviour.

Response: The review application has been amended to reduce the proposed hours of operation inline with DCP requirements. As assessed against the relevant late night trading provisions of the DCP, the proposed hours of operation are supportable. Condition of consent for extended trading hours subject to a trial period would be recommended if this application were to be recommended for approval.

- (b) **Issue:** The high volumes of delivery rider traffic on the footpath will negatively impact on pedestrian safety and access 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.

- (c) **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.

- (d) **Issue:** The site is not suitable for McDonald's and is seen as incompatible with Newtown's unique character and impact on small and independent local businesses, and there are existing McDonald's outlets nearby.

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.

- (e) **Issue:** The proposal fails to comply with relevant provisions under the DCP and is not in public interest.

Response: As assessed and discussed elsewhere in this report, the additional information is inadequate and the issues relating to waste management and traffic impacts remain, the site is not considered suitable for the proposed use.

- (f) **Issue:** McDonald's encourages increased access to unhealthy fast food and result in negative health impacts.

Response: These concerns are acknowledged by the City, however the proposed takeaway food and drink premises is a permitted use with consent in the E1 Local Centre zone under the Sydney Local Environmental Plan 2012. There is no development provision under the current planning instruments that restrict the number or density of fast-food premises in a locality.

Relevant Legislation

66. Environmental Planning and Assessment Act 1979.

Conclusion

67. 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.
68. 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.
69. The proposal does not comply with the relevant objectives and provisions of the DCP, including controls relating to waste management, transport and parking, and the public domain.
70. The proposal does not demonstrate proper management relating to public safety risks and other concerns raised by the NSW Police in their comment on the original proposed development.
71. 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.
72. 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.
73. The application was notified in accordance with the requirements of City of Sydney Engagement Strategy and Community Participation Plan 2024. A total of 191 submissions were received, with the majority of submissions in objection.

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