



DEVELOPMENT ASSESSMENT PANEL REPORT

Application No.	DA/2023/1064
Address	314 Canterbury Road, Hurlstone Park
Proposal	Extension of trading hours at the existing Hurlstone Park McDonald's to operate 24 hours, 7 days a week
Date of Lodgement	12 December 2023
Applicant	Mc Donalds Australia Ltd
Owner	McDonald's Properties (Australia) Pty Ltd
Number of Submissions	Initial: 13 unique (12 opposing, 1 in support)
Cost of works	Nil
Reason for determination at Planning Panel	Number of submissions
Main Issues	Community safety Neighbourhood amenity Impacts
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plan of Management of the proposed development
Attachment C	Crime Risk Assessment of the proposed development



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

Note: Due to scale of map, the supporter could not be shown.

1. Executive Summary

This report is an assessment of the application submitted to Council for extension of trading hours at the existing Hurlstone Park McDonald's to operate 24 hours, 7 days a week at 314 Canterbury Road Hurlstone Park.

The application was notified to surrounding properties and 13 submissions were received in response to the notification.

The main concerns that have arisen from the application include:

- Impacts on neighbourhood amenity including noise, odour, pollution, light spill, and traffic.
- Late night trading impacts on community safety

In response to COVID19, the NSW Government implemented temporary measures to extend opening hours for businesses in certain circumstances. As a result, the premises has previously been operating for 24 hours, 7 days a week. Subject to the recommended conditions including a 24-month trial period, the application is recommended for approval.

2. Proposal

The current approved operational hours of the premises under 005.1994.00000038.001 dated 8 April 1994, are as follows:

- Monday to Thursday and Sundays 6:00am to 12:00 Midnight
- Friday and Saturday 6:00am to 2:00am

The proposal involves the extension of trading hours at the existing McDonalds restaurant on the subject site. Specifically, the development application seeks:

- 24 hour, 7 days a week operation, including the internal dining and drive-through operation.

It is noted that no physical works are proposed.

3. Site Description

The subject site is located on the western side of Canterbury Road between Griffiths Street and Queen Street, Hurlstone Park. The site consists of a corner allotment with a total area of 1,866sqm and is legally described as Lot 31 in DP 667463, Lot 32 in DP 4170, and Lot 1 in DP 302900 – see figure 1.

The site has a frontage to Canterbury Road of 45 metres and a secondary frontage of approximate 52 metres to Griffiths Street.

The site supports a single storey food and drink premises with associated parking. The adjoining properties are predominantly single storey dwelling houses, with some commercial premises along Canterbury Road.

The site is zoned E3 Productivity Support under the *Inner West Local Environmental Plan 2022 (IWLEP 2022)* – see figure 1.



Figure 1: Zoning Map



Figure 2: View to site from North

4. Background

Site history

In response to the COVID-19 pandemic, the NSW Government introduced the COVID-19 Legislation Amendment (Emergency Measures) Bill 2020, which made temporary changes to the *EP and A Act 1979* which (amongst other things) permitted 24 hour trading for some types of commercial premises.

The temporary changes to the *EP and A Act 1979* ended March 2022 and as such any temporary Orders that were made during this period no longer apply to the site.

In January 2024, Council's regulatory team responded to a complaint in relation to the 24-hour operations of the subject premises. The operator advised Council's regulatory team it was not aware that the temporary order had ceased on March 2022. This matter resolved with McDonalds ceasing the 24hr use within 14 days of Council's correspondence and removing signage. No Warnings, Notices, Orders and or Penalty Infringement Notices (PINS) were issued. It was advised that a Development Application would be required in order to seek continued 24-hour trading.

Application history

The following table outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision & Date
MOD/2022/0228	Modification to approved drive through associated with existing McDonalds to amend tree conditions	Approved 22/08/2022
MOD/2021/1099	Modifications to existing McDonalds's drive through, restaurant and car parking	Approved 24/02/2022
010.2015.00000113.001	Alterations and additions - Alterations and additions to an existing McDonalds premises	Approved 30/09/2022
009.2015.00000005.001	Minor alterations and additions to an existing McDonalds operation	Approved 20/04/2015
010.2009.00000097.001	Other- Extend the hours of operation of the McDonald's restaurant	Refused 11/08/2009
010.2007.00000117.001	Alterations to restaurant- Alteration to an existing McDonald's restaurant including drive through customer display and an awning.	Approved 15/06/2007

010.2003.00000343.001	New (Building Work) Commercial Fit out (Internal) - Alterations to existing McDonalds Restaurant.	Approved 24/02/2004
010.2000.00000335.001	Modifications to existing mcdonalds restaurant to allow access for persons with disabilities, and provisions of new toilet and disable car parking space.	Approved 12/12/2000
005.1994.00000038.001	Extend Existing Trading Hours	Approved 08/04/1994

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EPA Act 1979)*.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Development with frontage to classified road

In considering Section 2.119(2) of *SEPP (Transport and Infrastructure) 2021*, vehicular access to the land is provided via Griffiths Street and this is considered practical and safe. There is no change to this arrangement and the extension of hours, will not adversely impact the safety, efficiency, and ongoing operation of the classified road.

The impacts of traffic noise or vehicle emissions have been considered and the development is not of a type that is sensitive and suitable measures to ameliorate potential traffic noise or vehicle emissions have been included within the development.

A. Environmental Planning Instruments

The application has been assessed and the following provides a summary of the relevant Environmental Planning Instruments.

Inner West Local Environmental Plan 2022

The application was assessed against the following relevant sections of the *IWLEP 2022*.

Part 1 – Preliminary

Section	Proposed	Compliance
Section 1.2 Aims of Plan	The proposal satisfies the section as follows: <ul style="list-style-type: none"> The proposal facilitates economic growth and employment opportunities within Inner West. 	Yes

Part 2 – Permitted or prohibited development

Section	Proposed	Compliance
Section 2.3 Zone objectives and Land Use Table E3 Productivity Support	<ul style="list-style-type: none"> The application proposes amendments to the hours of operation of a 'restaurant or café' with a 'takeaway food and drink premises' component. Restaurant or café and Takeaway food and drink premises are permissible with consent in the E3 zone. The proposal is consistent with the relevant objectives of the zone, as it provides a land use that is compatible with, but doesn't compete with, land uses in surrounding centres, and it maintains the economic viability of the commercial centre. 	Yes

Part 4 – Principal development standards

Control	Proposed	Compliance
Clause 4.3 Height of building (maximum 13 metres)	The proposal does not alter existing building height.	Yes
Clause 4.4 Floor space ratio (FSR)	The proposal does not alter existing FSR.	Yes

B. Development Control Plans**Summary**

The application has been assessed and the following provides a summary of the relevant provisions of Comprehensive Inner West Development Control Plan 2016 (CIWDCP 2016) for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

CIWDCP2016	Compliance
Section 1 – Preliminary	
B – Notification and Advertising	Yes
Section 2 – General Guidelines	
A – Miscellaneous	
1 - Site and Context Analysis	Yes
6 - Safety by Design	Yes

B – Public Domain	
D – Precinct Guidelines	
7 – Enterprise Zone (B6) – Hurlstone Park	Yes
F – Development Category Guidelines	
9 – Drive-in Take Away Food Premises	Yes

The following provides discussion of the relevant issues:

Hours of operations

The CIWDCP 2016 prescribes the following relevant performance criteria when considering the impacts of extended hours of operation:

Chapter D, Part 7 PC4. *To ensure that amenity considerations for residents include impacts on adjacent and nearby residential properties including consideration of: traffic generation and vehicle access reducing traffic noise penetration to apartments from Old Canterbury Road (a regional road).*

Chapter F, Part 9 PC5. *Development minimises noise intrusion and loss of privacy to adjoining properties*

The approved hours of operation granted by Determination No 005.1994.00000038.001 are as follows:

- Monday to Thursday and Sundays 6:00am to 12:00 Midnight
- Friday and Saturday 6:00am to 2:00am

The proposal seeks approval for the extended hours of operation on a permanent basis to 24 hours, 7 days a week.

The proposed hours of operation are considered reasonable as follows:

- The site's location on an intersection on Canterbury Road, which is a State Classified Road, results in the premises experiencing high late evening and early morning traffic from commuters. The intersection itself adjoins E3 Productivity Support, E1 Local Centre and B2 Local Centre (Canterbury-Bankstown LGA) zones emphasising its location as a key commercial and economic area.
- There are premises operating late night and early morning hours nearby the site, including the Canterbury-Hurlstone Park RSL Club and Anytime Fitness Hurlstone Park, therefore, the proposed hours are not inconsistent with the character of the area.
- A Noise Impact Assessment (NIA) was submitted with the application, which was reviewed against Chapter F, Part 9 DS5.1 with regard to acoustic privacy of the premises. It was determined that the proposal is capable of satisfying this section and relevant noise criteria with the implementation of the recommendations from the NIA as conditioned.
- A Plan of Management (POM) was submitted with the application. The POM submitted is considered to be comprehensive and provides suitable management procedures to minimise potential amenity impacts to the surrounding locality. A condition is included

in the recommendation requiring the operation of the premises to adhere to the POM submitted, as amended by any conditions of consent.

- The proposal was referred to NSW Police for comment. NSW Police have reviewed the proposal and made a number of recommendations to ensure opportunities for crime are reduced at the location which have been adopted as conditions included in this recommendation.
- The site has demonstrated during the Covid Ministerial Order which permitted 24-hour operation of the premises ending March 2022, that the premises can operate with expanded trading hours without significant adverse impact.
- A condition of consent has been included in the recommendation to ensure all external lighting relating to the premises complies with the *Australian Standard AS4282:2019: Control of Obtrusive Effects of Outdoor Lighting*. This is to ensure that the lighting does not present a nuisance to occupants of adjoining buildings, in particular residents.

Given the above, the subject site is appropriate to support the proposed extension of the operating hours.

Whilst the site is located within an employment zone, directly to the north and west are residential properties, and as such the application of this policy is considered reasonable in this circumstance to allow for a review of the hours as the area undergoes a period of change.

For extended trading hours, Council applies a trial period (1, 2, 4 year intervals) to ensure that the extended trading hours are reviewed and assessed in the light of the performance of the premises.

Given the premises performance under its recent 24 hours, 7 days a week operation, a 24-month trial is recommended.

A further application may be lodged to continue the operating hours not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

C. The Likely Impacts

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will not have significant adverse environmental, social or economic impacts upon the locality subject to the imposition of recommended conditions of consent.

D. The Suitability of the Site for the Development

The proposal is of a nature in keeping with the overall function of the site. The premises are in a residential and commercial surrounding and amongst similar uses to that proposed.

E. Submissions

The application was required to be notified in accordance with Council's Community Engagement Strategy between 03 January 2024 to 01 February 2024.

A total of 13 unique submissions were received in response to the initial notification, 12 opposing the proposal and 1 in support.

Issues raised in the submissions received are discussed below:

Concern	Comment
Increased opportunities for crime incidents and anti-social behaviour within proximity to the residential zone presenting safety and security concerns	As discussed throughout this report, the proposal has been assessed against the relevant planning considerations, and referred to NSW Police for comment. Recommendations provided by NSW Police have been included as conditions in the recommendation.
Incompatibility with the surrounding locality of residential uses	As discussed above in this report, the subject site has been in situ for over 53 years and its location adjoining a main intersection of a Classified Road is a suitable location for such a premises. During its recent 24-hour operation there have been no significant incidents at the subject site, however, conditions of consent have been imposed which will aim to reduce amenity impact on the surrounding residential properties. Additionally, a 24-month trial period of the 24-hour operation has been recommended to allow Council and NSW Police to adequately assess what impact the 24-hour operation of the premises has on the safety and security of neighbouring residents and community.
Littering and pollution in the street	The proposal is required to satisfy the existing conditions of consent including that twice-daily staff conduct a sweep of McDonalds rubbish along surrounding streets to clean-up the littering associated with the operation of the premises.
Odours from 24-hour operation of the kitchen	The 24-hour operation of the premises is not expected to result in adverse odours or air emissions from the operation of the kitchen and waste storage facilities. The design considerations in relation to odour minimisation would have been implemented in the design of the premises under a previous application.
Acoustic amenity impacts from vehicle and pedestrian movement, drive-through speakers, late night deliveries	The acoustic impacts associated with late night operation of the premises were assessed within the Acoustic Report provided and complies with the levels permitted for the surrounding residential receivers. The assessment was based off the average levels of acoustic emissions from the site which is currently operating 24 hours and have presented recommendations to further reduce impacts. The recommendations from the report are included as conditions. As the carpark is not a space which is associated as a high noise generating area for noise associated with car movement, noise generated by people talking/shouting which is not associated with the use of the Customer Order Display (COD) was not required to be assessed. Nonetheless, NSW Police have provided management recommendations with regard to controlling additional noise generated by people within the carpark which are

	included in the conditions of consent. Additionally, a condition prohibiting deliveries and waste collection between 10.00pm and 6.00am the following day to the subject site is included in the recommended conditions to minimise the acoustic impacts associated with truck movements.
Light spill from signage and flood lights	As discussed earlier in this report, a condition of consent has been recommended to ensure the outdoor lighting of the premises complies with the Australian Standards for controlling the obtrusive effects of outdoor lighting. This should ensure that the lighting does not present a nuisance to the surrounding residential properties while also ensure the site is well lit for security reasons during night-time trading.
No community consultation or approval for the previous 24-hour trial.	As the previous trial was granted as a Covid Ministerial Order it was considered exempt development and there was no requirement for notification as required for Development Applications under the <i>Environmental Planning and Assessment Act</i>
No notification to the surrounding area	The application was notified in accordance with Type C developments of higher impact under the Inner West Councils Community Engagement Strategy 2022, which includes notification for 21 days, letters sent to properties within a 50 metres radius, a sign placed on site and information available on Council's website.
Traffic management	The extension of hours between 12am and 6am will result in acceptable increases in traffic given the off peak times.
Property value	It is considered that matters that may affect property value, such as amenity impacts, have been assessed and considered above. Furthermore, the proposal is consistent with the zoning objectives of the site.

F. The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

This has been achieved in this instance.

6. Referrals

The following internal referrals were made, and their comments have been considered as part of the above assessment:

- Environmental Health.
- Building Certification / Regulatory.

The following external referrals were made, and their comments have been considered as part of the above assessment:

- NSW Police;

7. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The development will not result in any significant impacts on the amenity of the adjoining premises, properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

8. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2023/1064 for extension of trading hours at the existing Hurlstone Park McDonald's to operate 24 hours, 7 days a week on trial basis at 314 Canterbury Road, Hurlstone Park subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

GENERAL CONDITIONS

Condition													
1.	<p style="text-align: center;">Documents related to the consent</p> <p>The development must be carried out in accordance with plans and documents listed below:</p> <table border="1"> <thead> <tr> <th>Plan, Revision and Issue No.</th> <th>Plan Name</th> <th>Date Issued</th> <th>Prepared by</th> </tr> </thead> <tbody> <tr> <td>MAC201234-03RP1V1</td> <td>Noise Assessment</td> <td>28 November 2023</td> <td>Muller Acoustic Consulting Pty Ltd</td> </tr> <tr> <td>630.031319.00001</td> <td>Plan of Management</td> <td>December 2023</td> <td>SLR Consulting Pty Ltd</td> </tr> </tbody> </table> <p>As amended by the conditions of consent.</p> <p>Reason: To ensure development is carried out in accordance with the approved documents.</p>	Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	MAC201234-03RP1V1	Noise Assessment	28 November 2023	Muller Acoustic Consulting Pty Ltd	630.031319.00001	Plan of Management	December 2023	SLR Consulting Pty Ltd
Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by										
MAC201234-03RP1V1	Noise Assessment	28 November 2023	Muller Acoustic Consulting Pty Ltd										
630.031319.00001	Plan of Management	December 2023	SLR Consulting Pty Ltd										
2.	<p style="text-align: center;">Noise - Consultant's Recommendations</p> <p>The recommendations contained in the acoustic report prepared by Muller Acoustic Consulting, reference MAC201234-03RP1V1 dated 28 November 2023 & acoustic report prepared by MAC Muller Acoustic Consulting, reference MAC201234-02RP1 dated 21 April 2022 must be implemented.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>												
3.	<p style="text-align: center;">Noise General</p> <p>The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the <i>Protection of the Environment Operations Act 1997</i> and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>												

**BUILDING WORK
OCCUPATION AND ONGOING USE**

	Condition										
4.	<p>Trial Hours</p> <p>a. The hours of operation of the premises must not exceed the following:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Day</th> <th style="width: 50%;">Hours</th> </tr> </thead> <tbody> <tr> <td>Sunday to Thursday</td> <td>6:00am - 12:00am Midnight</td> </tr> <tr> <td>Friday to Saturday</td> <td>6:00am - 2:00am</td> </tr> </tbody> </table> <p>b. For a period of not more than 24 months from the approval of this consent, the hours of operation of the premises must not exceed the following:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Day</th> <th style="width: 50%;">Hours</th> </tr> </thead> <tbody> <tr> <td>Monday to Sunday</td> <td>24 hours</td> </tr> </tbody> </table> <p>c. A continuation of the extended hours will require a further application under the Environmental Planning and Assessment Act 1979.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>	Day	Hours	Sunday to Thursday	6:00am - 12:00am Midnight	Friday to Saturday	6:00am - 2:00am	Day	Hours	Monday to Sunday	24 hours
Day	Hours										
Sunday to Thursday	6:00am - 12:00am Midnight										
Friday to Saturday	6:00am - 2:00am										
Day	Hours										
Monday to Sunday	24 hours										
5.	<p>Ongoing Crime Prevention Management</p> <p>The on-going use of the premises must implement the following recommendations into the Plan of Management:</p> <ol style="list-style-type: none"> a. Review and maintain all CCTV cameras ensuring high quality video recording, especially cameras located on the exterior of the building. b. CCTV footage must be kept for a minimum of 30-days. c. CCTV cameras must be maintained and kept free of cobwebs, especially the exterior cameras. d. The CCTV cameras must be registered online with the NSW Police CCTV camera database at: https://www.police.nsw.gov.au/online_services/register_my_business_cctv_details e. Review and maintain all lighting near the CCTV cameras to always ensure visibility. f. All existing lights must undergo an audit to ensure they are operational and highlight any potential hiding spots. g. A time limit should be placed in the carpark to deter loitering and anti-social behaviour. h. Install signage within the carpark, external perimeter, fences, main access areas of the building (signs facing towards entry points) to deter and warn people against unfavourable behaviour such as "No Loitering", "No Littering" and "Keep noise levels down". i. Security guards should be recruited for overnight operations from Thursday to Saturday evenings/morning, and public holiday operations to protect staff and customers and deter anti-social activity in the carpark. j. A sweep of McDonalds rubbish along surrounding streets must be completed by at least 2 staff members a minimum of 2 times per day (early morning and evening). <p>Reason: To protect the amenity of the neighbourhood.</p>										

<p>6.</p>	<p>Light Spill Outdoor lighting at the premises must comply with Australian Standard AS4282:2019: Control of Obtrusive Effects of Outdoor Lighting. Reason: To protect the amenity of the neighbourhood.</p>
<p>7.</p>	<p>Deliveries Deliveries to the premises and waste collection must not occur between the hours of 10:00pm and 6:00am the following day. Reason: To protect the amenity of the neighbourhood.</p>
<p>8.</p>	<p>Plan of Management The operation of the premises complying at all times with the approved Plan of Management. The Plan of Management is not to be further amended without the prior written approval of the Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency. Reason: To protect the amenity of the neighbourhood.</p>

Attachment B – Plans of Management of the proposal



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Version: 1, Version Date: 17/04/2024



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Plan of Management

Final

Prepared for McDonald's Australia Limited, Hurlstone Park Operation | December 2023

Approved by	Stewart Floresta
Title	Development Consultant NSW/ACT, McDonald's Australia Ltd
Date	December 2023

Approved by	Nick Leontios
Title	Owner Operator of Hurlstone Park McDonald's
Date	December 2023



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1 Introduction

1.1 Purpose of Plan of Management

This Plan of Management (PoM) has been prepared for the McDonald's operation at 314 Canterbury Road, Hurlstone Park NSW 2193 (Lot 31 of DP41470, Lot 32 of DP667463 and Lot 1 of DP302900), in association with an application to extend trading hours to allow for 24-hour trading, 7 days a week.

McDonald's Australia Limited (McDonald's) recognises the need to ensure the safety and security of customers, staff, workers, residents and the greater community in which the McDonald's operation resides. The safety and security issues have been considered carefully to ensure the utmost safety of staff and patrons.

A Risk Assessment has also been included in this PoM to identify, understand, communicate and mitigate security related risks and threats associated with the McDonald's operation and specifically, the late-night trading hours proposed.

The PoM is consistent with the principles of *Crime Prevention through Environmental Design* (CPTED) as described in the Crime Prevention and the assessment of development applications guideline prepared by the former Department of Urban Affairs and Planning (now Department of Planning and Environment).

CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:

- + Maximise risks to offenders (increasing the likelihood of detection, challenge and apprehension);
- + Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime);
- + Minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards); and
- + Minimise excuse making opportunities (removing conditions that encourage/facilitate rationalisation of inappropriate behaviour).

The policies and procedures outlined in this PoM will make the premises a safe, efficient and pleasant environment in which to work and visit. Additionally, the safety and security issues addressed, and mitigation measures proposed in this PoM have been devised to ensure the amenity of the area is maintained at **all** times during the operation of the premises.

All staff at the Hurlstone Park McDonald's will be required to be familiar with this Management Plan.



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2 Risk Assessment

The provision of a safe environment is critical for the long-term success of any operation and presents an essential aspect of the duty of care that must be demonstrated by the various stakeholders.

While identifying and mitigating existing safety issues is important, so too is safety planning, ensuring the systems and processes are in place to identify and deal with safety issues as they arise. Effective safety planning also limits the consequences that can arise from poor safety procedures.

The following sections of this report detail the various threats and security issues associated with the proposal and where necessary, mitigation measures to minimize opportunities for crime and manage crime risk are presented.



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3 The Operation

The site is located on Canterbury Road, within the suburb of Hurlstone Park. The site is legally identified as Lot 31 of DP41470, Lot 32 of DP667463 and Lot 1 of DP302900, and generally known as 314 Canterbury Road, Hurlstone Park NSW 2193.

3.1 Other Surrounding Late-Night Trading Premises

The site is located within a well-established area and is surrounded by other businesses that currently trade late night. Late night trading businesses within the vicinity of the site include:

- + Canterbury-Hurlstone Park RSL Club, at 20-26 Canterbury Road, Hurlstone Park, operates 21 hours (9am-6am), 7 days a week;
- + Anytime Fitness Hurlstone Park, at 20-26 Canterbury Road, Hurlstone Park, operates 24 hours 7 days a week;
- + Dominos Pizza Hurlstone Park, at 720-722 Canterbury Road, Hurlstone Park, operates 9am-11pm Sunday to Wednesday, 11am-12am Thursday, and 11am-1am Friday and Saturday.

3.2 Site Capacity

The proposed changes to the McDonald's operating hours propose no alterations to seating or car parking capacity currently approved under the existing development approval.

3.3 Operational Hours

The operating hours of the site are as follows:

- 24 hours, 7 days a week.



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4 Security and Safety

Security and safety are essential components of creating and maintaining a safe environment for staff, patrons and other key stakeholders, which also encompasses protection of the physical assets and infrastructure.

4.1 Surveillance

4.1.1 CCTV Camera Systems

CCTV surveillance cameras are installed in and around the premises in strategic places including (but not limited to) the drive-thru facility and cashiers' / service areas. This system has automated recording technology, long video storage capacity, video motion detection and advanced camera technology allowing clear video resolution and coverage.

All cameras will operate 24 hours a day. The surveillance tapes / videos will be kept for at least 1 month for viewing by the Police as required. The quality of the images filmed will satisfy Police requirements. Management will be trained to view and burn CCTV at the request of Police.

TV monitors are located within the premises and allow staff to monitor the activities on the camera.

Management will ensure the system is maintained in good working order. Management will also ensure that the coverage will be operated with due regard to the privacy and civil liberties of all persons within the development. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.

McDonald's employees will be encouraged to assist with passive surveillance of all areas of the development and in particular the car park, by providing efficient reporting systems for any security or safety concerns on a 24-hour basis.

4.1.2 Lighting

Lighting is provided within the premises to enable clear vision and has been designed in such a manner so as to prevent concealment and shadowing. The standard of lighting is designed to not only reduce the fear of crime in accordance with Australian lighting standards, but also serves to provide clear identification of activity using the high technology CCTV cameras proposed.

Broken light fixtures and bulbs within the premises will be replaced within 24 hours.

4.1.3 Clear Sight Lines/ visibility

The McDonald's operation was designed to take into account the need to maximise clear sight lines. The building incorporates the maximum use of natural surveillance and minimises potential obstructions such as physical barriers to ensure these clear sight lines.

Good visibility to the interior of the premises is provided and will be maintained. No blinds, curtains, signage, displays, or internal fittings will obscure the front windows and doors of the premises.

4.1.4 Crowd Control (Internal and External)

The McDonald's operation will take all reasonable steps to control and manage crowds within the premises and outside of the premises. To affect this, the licensee shall assign staff to the entrance of the site and outdoor seating areas to act as a crowd control if required. The assigned staff shall manage patrons entering the site in accordance with the maximum capacity of the premises. Additionally, the assigned staff will keep note of any incidents that occur within the premises and outside of the premises to add to the incident register kept on-site.

Similar crowd control methods will apply during peak trading periods. Additional staff will be allocated to the dining and server areas to monitor and assist with patron movements through the store. These staff will be appropriately trained in managing crowds during peak periods.



4.2 Access Control

4.2.1 High Risk Areas

The McDonald's operation has been designed so as not to create a hostile environment. Access is restricted particularly in relation to nominated "secure areas" such as the kitchen / back of house areas, exits and the loading area. The achievement of which is maintained by the installation of movement detectors and security hardware (locks, etc.).

4.2.2 Signage

Clearly identifiable signage will be installed in and around the building to indicate which areas are open to customers and members of the public and which areas are restricted.

Signage and clear sight lines will assist with the anticipated pedestrian flows within the associated car park and McDonald's.

Warning signs, at strategic locations are to be placed around the premises, at entry / exits to warn people of security measures.

A sign at the entry of the premises advising residents to forward any complaints regarding the operation of the premises to the Duty Manager is provided. The sign includes a phone number and state that complaints can be made 24 hours a day / 7 days per week. All reasonable endeavours are used to answer the telephone.

4.2.3 Security

High quality door and window locks are fitted to all openings. The locks comply with the BCA.

No fewer than three (3) staff members will be working at the premises at any one time.

4.3 Space Management

4.3.1 Seating Design

The McDonald's operation takes into account the need to provide seating and other comforts for persons visiting without interfering or disrupting pedestrian flows. This philosophy is designed to encourage increased use of the common areas to reduce the potential for security breaches by natural surveillance.

4.3.2 Toilets

Public toilets will be clearly signposted. The toilets are located in areas which maximise sight lines, are well lit and are in areas which engender an overall sense of safety to the user, particularly females, children and elderly.

4.3.3 Landscaping

Landscaping is to be maintained regularly with the trees and shrubs trimmed away from doors and windows (as relevant).

4.4 Ejection of Patrons

The following procedure will apply to all staff and security personnel (if applicable) that are involved in the removal of a person from the premises who is intoxicated, drunk or disorderly:

- + Verbal communication with the customer(s) will occur;
- + The Duty Manager will be instructed to contact Police for assistance in removing any customer who exhibits anti-social or violent behaviour;
- + An Incident Report will be completed following an altercation and/or disturbance stating all the relevant information for reference purposes; and



- + The use of exclusion notices under the NSW Enclosed Lands Act is available if required to exclude people.

4.5 Hold Up Procedure

4.5.1 In the Event of an Armed Robbery

The primary advice to staff is to remain as calm as possible. Other advice is as follows:

- + Try to remain calm and assess the situation;
- + Unless otherwise ordered, "continually observe the bandit making a mental note of the bandits appearance";
- + Pay particular attention to scars, tattoos, firearm or weapon, plus any unusual or prominent features (e.g. any distinguishing features, a weapon if used, any language, accent, nicknames or speech peculiarities);
- + Note his / her conversations including any indecent language, accent, nicknames or speech peculiarities;
- + Look to see if a motor vehicle is being used and note any occupants;
- + Obey the instructions of the bandit, do not be over co-operative;
- + Move slowly. Only do this with safety. Advise of any sudden movements you have to make;
- + Do not put up a fight;
- + Do not discuss the incident with anyone other than the Police and Senior Management; and
- + Observe the direction taken after the bandit leaves the premises.
- + Provide access to McDonald's Counselling support agency as soon as possible after the incident.

4.6 Money Handling

An independent security company is employed to undertake all movement of cash to and from the premises. There will be no cash movements from the premises by the staff at any stage. There will be no movement of monies from the premises by Security Personnel at night. All appropriate safety alarms will be installed at the building.

4.7 Theft

In the event that theft occurs involving a customer, every effort must be made to assist the customer in any way possible, i.e. forms, police report, telephone calls. All personal information must be recorded on the Incident Report Form in case any items are recovered at a future time.

Incidents involving staff members must also be documented on the Incident Report Form and any necessary policy reports must be completed. A list of all items missing must be recorded.

The theft of any property on the premises must be reported to the police for insurance purposes. All thefts must be documented clearly and concisely on an Incident Report Form.

4.8 Weapons

Weapons of any type, i.e. knives, firearms, etc., will not be permitted at any time, unless in the hands of authorised personnel or Police.



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5 Operational Procedures

5.1 Communication and training

Staff training days will be held on a regular basis to reinforce safety and security procedures for the operation. Employees will be encouraged to report any suspicious activity or persons in and around the area to the Duty Manager and / or Local Police.

5.2 Incident Report

McDonald's uses Donesafe, an online Incident and Hazard Log Reporting system, to record details of incidents that occur in McDonalds Operations. Shift managers have been trained in usage of this system and are trained to "take control" when an incident occurs. The Shift Manager will ensure that an Incident Report is to be completed for all incidents that necessitate action by emergency services such as Police, Ambulance or Fire Brigade.

All incidents including vandalism and graffiti will be recorded, together with the response time taken to repair or remove the property affected or offending material. The frequency of incidents together with the respective response will be included in the regular site performance reviews to ensure the maintenance of acceptable standards.

Managers have been trained to call "000" immediately to report a serious crime or incident occurring in the McDonalds Operation that requires and immediate response from Police and other Emergency Services.

The NSW Police Assistance Line (131 444) will be used to report minor incidents of crime.

5.2.1 Acts of Violence

Immediately after the duty manager becomes aware of an incident involving an act of violence causing an injury to a person on the premises they will:

- + Provide First Aid to any injured person;
- + Call '000' for assistance;
- + Take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police;
- + Make direct and personal contact with the Local Area Commander and advise the commander of the incident;
- + Comply with any directions given by the Commander to preserve or keep intact the area where the violence occurred; and
- + Secure and produce a copy of all CCTV footage upon request of any Police Officer.

5.3 Telephones

Telephones are to be pre-programmed with the emergency number '000'. Telephone lines are to be secured with an approved lock to avoid unlawful tampering.

5.4 Public Transport Awareness

Staff members that are working in the store during its operation are to be aware and be able to provide information to visitors of the store, of the public transport facilities that are within the area, at all times of the day or night.



5.5 Registering of Complaints

Any complaints received will be documented in a register and followed up by the Duty Manager. The register will include details of the complainant's name, the date the problem occurred, the nature of the complaint and outcome of the complaint.

5.6 Unloading/loading of Service and Delivery Vehicles

The loading and unloading of service and delivery vehicles will occur within the designated delivery zone. Loading and unloading times will be restricted to previously approved hours and occur during off peak times.

5.7 Noise Management

The Duty Manager will closely monitor the following noise management procedures:

- + The premises will comply with the relevant acoustics requirements in relation to noise emanating from the premises;
- + The Duty Manager will ensure that customers keep noise to an appropriate level upon entering and leaving the premises and site. The Duty Manager will ask customers making any noise to leave quietly and quickly and ask any customers loitering to move on;
- + Signs will be placed at the points of exit requesting customers leave quietly and in a prompt manner so as not to cause any disturbance to the surrounding neighbourhood; and
- + Reports of all noise complaints received by the Duty Manager will be documented in a register.

Particular attention will be made to cars which enter the site and either park or enter the drive-thru facility where noise from these vehicles (including noise generated from any car stereo) exceed acceptable noise levels. Should this occur, the owners of such vehicles will be instructed to reduce noise levels or move on. McDonald's will not provide a service to customers or vehicles in the drive-thru facility who refuse to comply.

5.8 Cleaning of Surrounding Public Domain

The Duty Manager will ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.

Bins are located through-out the premises. This will help mitigate the potential litter impact upon the surrounding environment. Standard litter patrols will be undertaken during the week with additional litter patrols carried out on Saturday and Sunday mornings.

A litter patrol area will be determined. At a minimum, McDonald's staff will perform litter patrols at the following times:

- + After the breakfast period (approximately 11am)
- + After the lunch period (approximately 3pm)
- + Before Sunset

Additional litter patrols will be carried out on Saturday and Sunday mornings.

Vandalism and graffiti will be removed (where possible) within 24 hours.

5.9 Waste Management

Waste generated on site primarily consists of general waste (food wastes and miscellaneous customer waste) and paper and cardboard.



The site contains a number of disposal areas comprising general waste bins throughout the store and two (2) skip bins, one (1) for general waste and one (1) for recycling. Waste shall be collected by a recognized private contractor in accordance with the approved Site Waste Management Plan.



6 Consultation

McDonald's are committed to ongoing consultation with Police, Council and other relevant parties to ensure the safety and security issues associated with late night trading hours are relevant and up to date with current standards.

Attachment C – Crime Risk Assessment of the proposal

SLR Consulting Australia Pty Ltd
10 Kings Road, New Lambton NSW 2305, Australia



November 29, 2023

Attention: The General Manager
Inner West Council
PO Box 14
Petersham NSW 2049

SLR Project No.: 630.031319.00001

RE: Crime Risk Assessment
314 Canterbury Road, Hurlstone Park NSW 2193

1 Introduction

The purpose of this report is to identify and assess crime risk associated with the proposed extension to trading hours of the McDonald's located at 314 Canterbury Road, Hurlstone Park NSW 2193; and to identify any design elements of the McDonald's that may contribute to opportunities for crime, so that these may be 'designed out' to maximise safety during the 24/7 operation.

2 Crime Opportunity

Given the proposed operational hours of the McDonald's are 24 hours, 7 days a week, there is potential for increased opportunity for crimes or anti-social behaviour (e.g. vandalism, graffiti, litter, excessive noise) at the site, particularly during night-time hours.

3 Crime Prevention Through Environmental Design

Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

CPTED aims to influence the design of buildings and places by:

- Increasing the perception of risk to criminals by increasing the possibility of detection, challenge and capture;
- Increasing the effort required to commit crime by increasing the time, energy or resources which need to be expended;
- Reducing the potential rewards of crime by minimising, removing or concealing 'crime benefits'; and
- Removing conditions that create confusion about required norms of behaviour (Department of Planning and Environment, formerly the Department of Urban Affairs and Planning, 2001).

CPTED employs 4 key strategies. These include surveillance, access control, territorial reinforcement and space/activity management.

In accordance with the 4 key strategies, the principals of Crime Prevention and Public Safety are addressed in relation to the existing store and the proposed extension to trading hours:

3.1 Natural Surveillance

Natural surveillance limits the opportunity for crime by increasing awareness that people can be seen. Potential offenders therefore feel increased scrutiny and limitations on their escape routes.

Good surveillance is achieved by:

- a. Clear sightlines between private and public spaces;
- b. Effective lighting of public places; and
- c. Landscaping that makes places attractive, but not a place to hide.

The design of the existing McDonald's affords natural surveillance by the strategic placement of physical features and buildings to maximise visibility within the site, particularly the carpark. The specific design elements include:

- Clear sight lines between the site and adjoining streets and businesses, allowing maximum visibility and surveillance at the vehicular entry into the site;
- The maintenance levels for paths of travel comply with AS1680;
- Appropriate day and night lighting ensures potential problem areas like carparks and corners are well lit; and
- No 'hidden spots' have been created within the site. Any external areas not visible from the building are captured on closed circuit television (CCTV) and this is advertised.

3.2 Natural Access Control

Natural access control limits the opportunity for crime by taking steps to clearly differentiate between public space and private space.

Good access control for the movement of people is achieved by:

- a. Landscapes and physical locations that channel and group pedestrians into target areas;
- b. Public spaces that attract rather than discourage people from gathering; and
- c. Restricted access to internal or high risk areas (e.g. car parks).

The site has been designed to limit access and control flow by:

- The creation of attractive open spaces within the development;



- Clear delineation of the property boundary with landscape treatment;
- Use of landscaping that supports pedestrian access within the site; and
- Appropriate lighting and signage for customers.

3.3 Territorial Reinforcement (Community Ownership)

Territorial reinforcement promotes social control through increased definition of space and improved proprietary concern, i.e. it makes the normal user feel safe and makes the potential offender aware of a substantial risk of apprehension or scrutiny. By using buildings, fences, pavement, signs, lighting and landscape to express ownership and define public, semi-public and private space, natural territorial reinforcement occurs.

Community ownership (territorial reinforcement) makes people feel comfortable in a place and is achieved by:

- a. A design that encourages people to gather in public spaces;
- b. Having a clear transition between boundaries of public and private spaces; and
- c. Having clear design cues as to who is to use the space and what it is to be used for.

The McDonald's operation has been designed to clearly delineate spaces that are to be used for congregation and areas that are not. This will ensure that any potential intruders or people who are not customers of the store will stand out and be easily identified. Elements of territorial reinforcement included in the original design and ongoing management of the McDonald's include:

- The premises and landscaping is maintained such that it communicates an alert and active presence occupying the space;
- Clearly defined boundaries of the development. This can be seen in the large car parking area that is for the parking of vehicles and not loitering; and
- Provision of directional signage that assists in controlling activities and movements throughout the premises (knowing how and where to enter/exit and find assistance can impact on safety).

3.4 Space Management

Space management strategies such as site maintenance, target hardening, and target removal are included in the development.

3.4.1 Maintenance

Management and maintenance are closely linked to a sense of ownership. Good management and maintenance of a place, or property, is often the difference between it seeming safe or unsafe and it being cared for or uncared for. Deterioration indicates less control by the users of a site and indicates a greater tolerance of disorder.



It is in McDonald's self-interest of to maintain the site to a high standard so that customers continue to visit the site both during the day and night periods. Routine maintenance checks and reporting will be carried out to ensure the property is maintained and to reduce the likelihood of crime or vandalism.

Furthermore, robust materials (including graffiti resistant materials) have been used where appropriate. Any vandalism or graffiti is repaired and removed promptly by personnel or contractors.

3.4.2 Target Hardening and Removal

Target hardening and removal is the use of 'design out crime' strategies to make it harder for a crime to be committed and reduces the gains of crime. While this is the most long-established and traditional approach to crime prevention, it can create a 'fortress mentality' and imagery whereby users of the development withdraw behind physical barriers and the self-policing capacity of the built environment is damaged. This is effectively working against CPTED strategies that rely on surveillance, territoriality and positive image management.

The proposal includes the use of some physical barriers associated with target hardening; however the site allows opportunities for natural surveillance from within the site, with clearly defined boundaries, and allows opportunities for natural access control. The site design has ensured that there is a safe environment for customers and workers within the site.

4 Conclusion

The above-mentioned measures that have been designed and constructed into the existing McDonald's operation at the site located at 314 Canterbury Road, Hurlstone Park creates an environment that dissuades offenders from committing crimes by manipulating the built environment in which those crimes proceed from or occur.

The proposed trading hours of the Hurlstone Park McDonald's premises is considered to be consistent with the Department of Planning and Environment (former Department of Urban Affairs and Planning) Crime Prevention and the Assessment of Development Applications, 2001.

