

Camden Residents' Action Group

Incorporated
Camden – Still a Country Town

Website: <http://www.crag.org.au/>

Face Book: <https://www.facebook.com/CRAG-Camden-Residents-Action-Group-Inc-1805705173088888/>

PO Box 188
Camden NSW 2570
Email: admin@crag.org.au

Ph 0415 617 368

General Manager
Camden Council
70 Central Ave.,
Oran Park 2570
Attention: Mrs V Fairley

3 November 2020

Dear Sir,

RE: McDonalds DA 2008/959/7
15 Argyle St., Camden 2570
DA Modification for permanency of Operating Hours to 24 Hours

We wish to object to the above referenced application seeking to permanently extend the operating hours of McDonald's in Camden.

The original DA (2008/959) for the site was contentious within the community, particularly given its signature location within the Heritage Conservation Area and proximity to residences. It was approved on 26 May 2009 subject to conditions, which included limiting its signage and hours of operation. It is concerning that the conditions are steadily being subjected to modification requests (now numbering 7) and also a subsequent DA (2017/1159). The reasons for the conditions imposed in 2009 have not changed.

We further contend that the trial period has largely taken place during COVID-19 restrictions and therefore cannot be claimed to represent the full impact of 24-hour operations. This particular trial period therefore cannot achieve its intention of enabling Council to assess the actual impact on surrounding land uses (DCP B1.18).

In the interests of fairness if the permanency of 24-hour operations is not to be refused, the trial should be extended to include a 12-month period in normal times.

We also find the documentation supporting this application to be inadequate for the following reasons:

- No documentation has been publicly provided to enable a comparison of anti-social behaviour impacts on residents before and during the trial period (in normal times).
- The Noise Assessment is dated 17 September 2019, before the CLPP hearing on 19 December 2019 at which the trial was approved. It is therefore irrelevant in assessing the impact of 24-hour operations (as well as changed trading conditions due to COVID-19). No actual and relevant noise measurements have been recorded. We do not agree with the claim of its relevance made in the DCP Assessment Table (B1.16 Acoustic Amenity).
- No information has been provided about the timing and efficacy of the litter patrols. We refer to our email and documentation of 7 October 2020 (appended) which clearly shows that litter was not collected (on the south side of Mitchell Street between Edward and Elizabeth Streets) according to the Plan of Management and consent conditions of the trial. CRAG is also aware of much anecdotal evidence that litter continues to be a significant issue. The view expressed is that litter patrols are only ever conducted sporadically and that they are not likely to continue at the end of the trial.
- Although no information is provided to enable a pre-trial and trial comparison, the incidents recorded in the Notice of Determination Compliance Table are concerning. Surely, incidents involving weapons and physical assault are far beyond being socially acceptable and can only be expected to be more of a problem with extended hours.
- The Plan of Management does not provide assurance about the training, well-being and safety of young inexperienced staff working in the small hours in an isolated environment within an otherwise very quiet area.

We also see no need for McDonald's to operate around the clock and stand by the points raised in our objection of 26 August 2019 which is also appended.

In relation to the trial period we do not consider that it has enabled any assessment to be made for two reasons: the period largely covered a time of COVID-19 trading restrictions and the documentation is insufficient for pre-trial and trial period comparison purposes.

We therefore respectfully request that the extended hours be refused or that the trial be conducted on a rigorous systematic basis.

Your faithfully



Glenda Davis
President

Glenda Davis

From: Glenda Davis <glenda@davisco.com.au>
Sent: Wednesday, 7 October 2020 4:44 PM
To: mail@camden.nsw.gov.au
Cc: admin@crag.org.au
Subject: Re CLPP02 DA/2008/959/6 McDonalds 15 Argyle St Camden
Attachments: McDonald's Rubbish.docx

Dear General Manager,

(Attention Virginia Fairley, Executive Planner)

We refer to the above CLPP decision that included the following consent condition:

(ii) Condition 6.0(23) be amended to read as follows:

(23) **Litter Patrols** – Litter patrols shall be carried out in accordance with section 4.7 of the approved Plan of Management prepared for McDonald's Australia Limited, Camden Operation, dated July 2019. A minimum of four patrols are to be undertaken each day with additional patrols undertaken on Saturday and Sunday mornings or as required to maintain the area clean and clear of litter. The area to be patrolled shall extend along both sides of Argyle Street to the bridge; and the block bounded by Argyle Street, John Street, Mitchell Street and Edward Street (including Larkin Place and Elizabeth Street).

We have received much anecdotal information about littering of McDonald's packaging and one evidenced instance which is attached.

We understand this information is relevant to consideration of any extension to 24 hr trading.

Kind regards

Glenda Davis

President
Camden Residents' Action Group Inc

Cc CRAG Committee

McDonald's Mitchell Street near corner Edward Street Sunday 13th and Monday 14th September 2020.

File info

Filename

20200913_165231

Date taken

13	September	2020
4	52	PM

Size

4.4 MB

Dimensions

2988 x 5312

Shot

1/60 sec. f/1.9 4.3 mm

ISO

64

Device

SM-G920L



File info

×

Filename

20200914_101403

×

Date taken

14	September	2020
10	14	AM

Size

1.1 MB

Dimensions

5312 x 2988

Shot

1/2000 sec. f/1.9 4.3 mm

ISO

40

Device

SM-G920L



File info

×

Filename

20200914_132745

Date taken

14	September	2020
1	27	PM

Size

1.2 MB

Dimensions

5312 x 2988

Shot

1/1250 sec. f/1.9 4.3 mm

ISO

40

Device

SM-G920L



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General Manager
Camden Council
70 Central Ave.,
Oran Park 2570

26 August 2019

Dear Sir,

**RE: McDonalds DA 2008/959/6
15 Argyle St., Camden 2570**

We wish to object to the above referenced application seeking to extend the operating hours of McDonald's in Camden. As background two DAs 2008/959 and 2017/1159 (approved under delegated authority) with several s96 variation applications have been lodged by McDonald's for the subject site within the conservation area and at the main signature gateway of the renowned historic town. The original 2008 DA for the site was approved with conditions, including modification to the requested 24-hour operation, by Council on 26 May 2009,

Our reasons for objecting to this s96 application follow.

Increase in Anti-Social Behaviour

Like the Plan of Management (POM) accompanying this s96 application, the original DA (2008/959), contended, as noted in the Business Paper (26 May 2009, ORD01), that car park areas would be well lit with clear sight lines and that CCTV would be employed.

NSW Police Service Area Command in its assessment of the 2008 proposal raised concerns about safety of patrons in parts of the carpark, lack of visibility and potential for robberies at the drive-through and anti-social behaviour and street crime related to the proposed 24-hour operation. Council's staff report in the Business Paper (p.16) concluded that "It is considered that the reduced hours of operation would significantly reduce the potential for anti-social behaviour and crime."

It logically follows that variation of the operating hours to 24 hours including public holidays, which is what McDonalds originally applied for in 2008, would increase the potential for anti-social behaviour and crime. On those grounds alone this s96 application cannot be supported.

We note that this application, under the heading of “justification” in the Statement of Environmental Effects (SEE) (p. 4), makes the contradictory claim:

It is anticipated that the extended trading hours will not result in an increase to anti-social behaviour in the area as a result of the 24-hour operation of the McDonald's. Anti-social behaviour is addressed within the Plan of Management supporting this application.

As reports from residents are that anti-social behaviour currently occurs with 11pm closing and no evidence is presented to demonstrate how such behaviour in the surrounding streets is to be remedied, this statement can only be discounted as an assertion.

We note Council's referral to Camden Police Area Command (CPAC) for an assessment. The CPAC covers a large area with 49 areas from Yanderra to Leppington as shown in the appended map. The PAC contains three Police Stations (Narellan, Picton, The Oaks). Narellan is the only one of those that is open 24 hours.

With the number of towns and distances to be covered the Police Force is already stretched. It can only be expected that the Police assessment this time will be similar to that in relation to the 2008 DA, particularly as the population and number of businesses within the Command Area has recently increased rapidly and significantly.

It is self-evident that a 24-hour McDonalds will inevitably increase the number of late-night incidents and workload.

McDonald's argues that its Plan of Management (POM) will effectively deal with criminal and anti-social behaviour. In particular procedures set out in the Plan of Management (POM) include:

- The manager/licensee is to notify the relevant Local Area Commander of the NSW Police if the CCTV system is not in full operating order for a period of longer than 24 hours (p. 5);
- Staff to contact 000 as soon as possible after an incident (p.7);
- The Duty Manager to contact Police for assistance in removing any customer who exhibits anti-social or violent behaviour (p. 7);
- Employees to report any suspicious activity or persons in and around the area to the Duty Manager and / or Local Police (p. 9);
- Managers to call “000” immediately to report a serious crime or incident occurring in the McDonalds Operation that requires an immediate response from Police and other Emergency Services (p. 9);
- The NSW Police Assistance Line (131 444) will be used to report minor incidents of crime (p. 9).

It is clear that the POM relies on a quick police response to solve problems occurring in overnight operations of McDonald's.

The underlying assumption of this application, as reflected in the POM, is that of an entitlement to rely on public resources to solve problems caused by 24-hour trading. This assumption is not reasonable and a poor use of police resources that are needed for more important matters.

Other claims made by McDonald's under the heading "justification" (SEE, p. 4) are refuted as follows:

- people from outside the area would not be attracted to the venue as it *would not be considered a predetermined 'destination' for food during the extended hours, but rather capturing passing trade already on the road network.*

Argyle Street carries very little traffic late at night. It is not a through road or highway. If people outside the area are not going to be attracted to this venue, it is difficult to imagine who, other than hotel patrons, the late-night customers will be. This part of the Municipality is not in the designated growth area.

- that 24-hour operation is simply a response to customer demand and public needs and will simply *provide a convenient service for local residents and passing traffic to access a food and drink premise at any time of the day.*

The main passing traffic will mainly be that occurring after closing of the hotels.

- *The purpose of the trading extension is to provide key services to the community during the late night and early morning trade, particularly as there are no other take away food and drinks premise within the locality that are currently open to customers within these hours.*

This statement is incorrect on two counts: we cannot see any reason why McDonald's would be regarded as a key service; there is 24-hour McDonald's a matter of a few kilometres and minutes away in Narellan.

Staff Safety

Late night operations are notorious for attracting those who are intoxicated or at a loose end making the potential for anti-social or even criminal behaviour much greater than during the regular hours that most people keep. As covered above, in relying on the Police to deal with incidents, the POM also relies heavily on staff to monitor, report and take action.

Fairwork Australia Ombudsman¹ notes that McDonalds employs very young people with almost 85% of workers aged between 14 and 21 years of age and that such young workers, especially those entering the workforce for the first time, are either unaware of their workplace rights or do not fully understand them. McDonald's workforce has a high churn rate in its fast food outlets and consists mainly of casual employees of which approximately 65% of are between the ages of 14 and 18 years of age; anecdotally young staff, as reported by the ABC, are commonly challenged and disrespected by customers².

The Plan of Management (POM) (p. 10) states

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 McDonald's will not provide a service to customers or vehicles in the drive-thru facility who refuse to comply.

Although the age or level of experience required of a Duty Manager is not specified, it is likely that he or she will not necessarily be equipped to cope with late night altercations, and their potential escalation. The Duty Manager is also responsible for at least two other staff members whose abilities to cope with unpredictable responses, even to attempts to manage excessive noise such as revving engines and loud music, cannot be known until tested.

It cannot be unquestionably accepted as suggested in the POM (p. 9) that every staff member can be satisfactorily trained through an internal training program to "respond to intoxicated and aggressive behaviour (POM p. 9)", especially those occurring in the early hours. The reality of dealing with different and unpredictable situations cannot be dismissed under the vague heading of "training". The ability of a staff member to cope depends on his or her maturity and psychological make-up and quite probably much more scenario exposure than is being referred to in the POM. Given the average age and churn rate of employees it is not clear how training will necessarily be reinforced or how short-term employees can accumulate sufficient on-the-job experience in dealing problems in the early hours.

¹ Australian Government Fairwork Ombudsman (October 2016, p.7) A report on the second Compliance Partnership between the Fair Work Ombudsman and McDonald's Available at <http://www.fairwork.gov.au/about-us/our-role/enforcing-the-legislation/compliance-partnerships/list-of-proactive-compliance-deeds>

² Alex McDonald and Paul Farrell

(9 October, 2018) *McDonald's accused of exploiting young workers* The New Daily Available at <https://thenewdaily.com.au/money/work/2018/10/09/mcdonalds-employees/>

(26 October 2018) *McDonald's accused of exploiting young workers with 'learn and churn' practice.* ABC 7.30 Report Available at <https://www.abc.net.au/news/2018-10-09/learn-and-churn-mcdonalds-accused-of-exploiting-young-workers/10342934>

Impact on Residents

The SEE (p. 2) asserts that that the town is characterized by a large number of commercial premises, many of which have late night trading hours but only lists three. It is not true that there are many commercial premises that trade late. Apart from Camden Hospital, which is not a commercial premise, and Planet Fitness there are only two hotels that trade late and then no later than 2am.

The 2018 Camden Town Centre Urban Design Framework recognises and encourages the vibrancy created by residents in the town and the nearby area between Elizabeth and John Streets is earmarked for seniors living. Residents have a right to quietly enjoy their properties.

However, the SEE does not assess or address the impact on the many current and potential residents, including in apartments very close to the McDonald's site and families living in the vicinity of McDonald's especially in View, Edward, Elizabeth and Mitchell Streets.

Even with 11pm closing residents report:

- noise from screeching brakes and yelling outside their homes on most Friday and Saturday nights and some week nights, which dies down after 11pm;
- unusual cooking smells;
- although an original condition of approval in 2009 was control over litter, there is an almost daily need to pick up McDonald's packaging especially as it would otherwise end up in our waterways.

Even if staff were able to successfully deal with excessive noise and incidents on McDonald's premises, the anti-social behaviour is likely to spill over into the surrounding streets, and at the very least result in increased anti-social behaviour, sleep disturbance and littering.

We sincerely request on behalf of residents and in the interests of the larger community that this s96 application for extended hours be denied.

Your faithfully



Glenda Davis
President

