

6 September 2023

At 5.00 pm

## **Local Planning Panel**



**Agenda**

- 1. Disclosures of Interest**
- 2. Confirmation of Minutes**
- 3. Development Application: 5010 Sydney Place, Woolloomooloo - D/2022/431**
- 4. Development Application 5050 Cowper Wharf Roadway, Woolloomooloo - D/2022/1248**
- 5. Development Application: 9A Rosebery Avenue, Rosebery - D/2022/306**
- 6. Report to the Local Planning Panel - Status of Applications**



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1. Register to speak by calling Secretariat on 9265 9702 or emailing [secretariat@cityofsydney.nsw.gov.au](mailto:secretariat@cityofsydney.nsw.gov.au) before 10.00am on the day of the meeting.
2. Check the recommendation in the LPP report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the LPP may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

At the start of each LPP meeting, the Chair may re-order agenda items so that those items with speakers can be dealt with first.

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## **Item 1.**

### **Disclosures of Interest**

In accordance with section 4.9 of the Code of Conduct for Local Planning Panel Members, all Panel members are required to sign a declaration of interest in relation to each matter on the agenda.

Pursuant to the provisions of Clause 15 of Schedule 4B of the Environmental Planning and Assessment Act 1979, members of the Local Planning Panel are required to disclose pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Panel members are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

In both cases, the nature of the interest must be disclosed.

## **Item 2.**

### **Confirmation of Minutes**

Minutes of the following meeting of the Local Planning Panel, which have been endorsed by the Chair of that meeting, are submitted for noting:

Meeting of 30 August 2023

**Item 3.****Development Application: 5010 Sydney Place, Woolloomooloo - D/2022/431**

File No.: D/2022/431

**Summary****Date of Submission:** 17 May 2022**Applicant:** QMS Media Pty Limited**Architect/Designer:** Grimshaw Architects**Owner:** City of Sydney**Planning Consultant:** Mecone Ltd**Heritage Consultant:** City Plan Heritage**DAP:** 15 June 2023**Cost of Works:** \$413,270.00**Zoning:** RE1 - Public Recreation Zone. The proposal is for an ancillary building to a recreation area and is permissible with consent in the zone.**Proposal Summary:** The application seeks consent for the installation of a new automated public toilet (APT) adjacent to Woolloomooloo Playground at Sydney Place.

The application is referred to the Local Planning Panel for determination as the Council is the landowner and more than one objection has been received.

The application was notified between 23 May 2022 and 21 June 2022. The application was then re-notified between 14 October 2022 and 12 November 2022 due to a correction of site address

In total 21 submissions were received as a result of notification, including a petition containing 122 signatures objecting to the proposal.

A public toilet in this location has been requested by members of the community to serve the local area and the

well-utilised Woolloomooloo Playground. The community initiative has received backing from local community groups, youth organisations and Plunkett Street Public School during the project's inception phase.

The application has planning merit and is recommended for approval, subject to a condition requiring the toilet to be relocated to a more suitable position on Sydney Place. The recommended alternative location is situated on the same site of 5010 Sydney Place and within close proximity of the location proposed by the applicant.

On balance, the proposal is considered to be appropriately located in terms of local amenity, safety and heritage considerations and is recommended for approval, subject to recommended conditions of consent.

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.

**Development Controls:**

- (i) Environmental Planning and Assessment Act 1979
- (ii) Environmental Planning and Assessment Regulations 2000
- (iii) SEPP (Biodiversity and Conservation) 2021 - Chapter 10 Sydney Harbour Catchment
- (iv) Sydney Local Environmental Plan 2012
- (v) Sydney Development Control Plan 2012

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Urban Design Analysis

## Recommendation

It is resolved that consent be granted to Development Application Number D/2022/431 subject to the conditions set out in Attachment A to the subject report.

## Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979, in that, subject to the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (B) The development, subject to conditions, is consistent with the objectives of the RE1 Public Recreation zone under the Sydney Local Environment Plan 2012.
- (C) Appropriate conditions are recommended to ensure the proposed development does not adversely impact upon the heritage significance of nearby sites.
- (D) The development, subject to conditions, will promote the orderly operation of the automated public toilets.
- (E) The development accords with the objectives of relevant planning controls.
- (F) Subject to recommended conditions of consent, the development satisfies the Design Excellence provisions pursuant to Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (G) The public interest is served by the approval of the proposal, as additional information to the development application has addressed the matters raised by the City and the community, subject to recommended conditions.



## Background

### The Site and Surrounding Development

1. The site is located to the south of Woolloomooloo Playground and has a street address of 5010 Sydney Place, Woolloomooloo. It is rectangular in shape with an area of approximately 348 square metres. It is situated between McElhone Street to the east and Dowling Street to the west.
2. The site is situated within the RE1 Public Recreation Zone and can be characterised as an open civic space owned by the City of Sydney. The space is largely open but contains a number of street trees and landscaped elements.
3. The surrounding area is characterised by residential, neighbourhood and community uses.
4. Woolloomooloo Playground is situated directly to the north of the site.
5. Residential accommodation and terraces border the site to the east, south and west.
6. Plunkett Street Public School and Sydney Distance Education High School are situated to the north-west of the subject site and directly to the west of Woolloomooloo Playground.
7. The site is not a heritage item but is located within the Woolloomooloo Heritage Conservation Area (CA71).
8. The site is located within the Woolloomooloo locality.
9. Photos of the site and surrounds are provided below:



Figure 1: Aerial view of site and surrounds



Figure 2: Aerial view of proposed APT location



**Figure 3:** Site viewed from Dowling Street looking east, with the approximate location of the proposed APT identified in red



Figure 4: Site viewed from McElhone Street looking west



Figure 5: Looking south from inside Woolloomooloo Playground



**Figure 6:** Looking north along pedestrian section of Dowling Street



**Figure 7:** Looking east from Sydney Place towards Hills Stairs

## History Relevant to the Development Application

10. Fourteen other APTs have been approved at various locations across the City (under D/2021/969, D/2021/971, D/2021/1087, D/2021/1088 and D/2021/1213).
11. This application is one of three applications under assessment seeking development consent for new APTs, some of which include digital advertising panels or green walls, or a combination of both, in various locations throughout the City of Sydney. Of these applications, D/2022/306, D/2022/431, and D/2022/1248 have been assessed concurrently and are being reported to this Local Planning Panel meeting for consideration.

## Amendments

12. Following a preliminary assessment of the proposed development by Council Officers, several requests for additional information were sent for further detail of baseline information, site investigation and rationale to support the proposed toilet location.
13. The applicant was requested to provide a revised Urban Design Analysis Report which included an assessment of alternative locations within the vicinity of Woolloomooloo Playground, indicating their appropriateness in comparison to the subject site.
14. The applicant responded to the request on 9 June 2023, with an Urban Design Analysis which considered alternative locations to the subject site and discussed their viability in comparison to the subject proposal.

## Proposed Development

15. The proposed development is for the installation of one new Automated Public Toilet (APT). The APT is a 'single' type comprising 1 x accessible toilet and three integrated green wall panels.
16. The proposed APT comprises a contemporary design which is generally rectangular in shape with round edges, with the following dimensions:

Height	3075mm
Width	3660mm
Depth	2700mm

17. The proposed APT will be operational 24 hours a day. The external maintenance and cleaning will be undertaken by QMS, and the internal maintenance will be the responsibility of the City.
18. Selected drawings of the new APT are provided below.

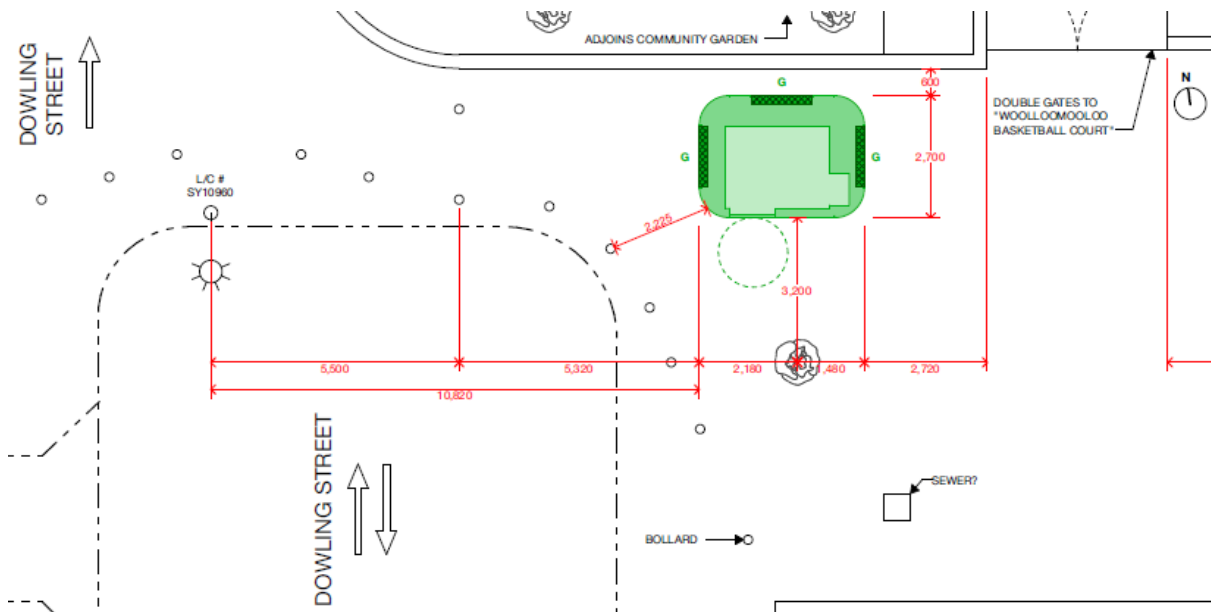


Figure 8: Proposed Location Plan

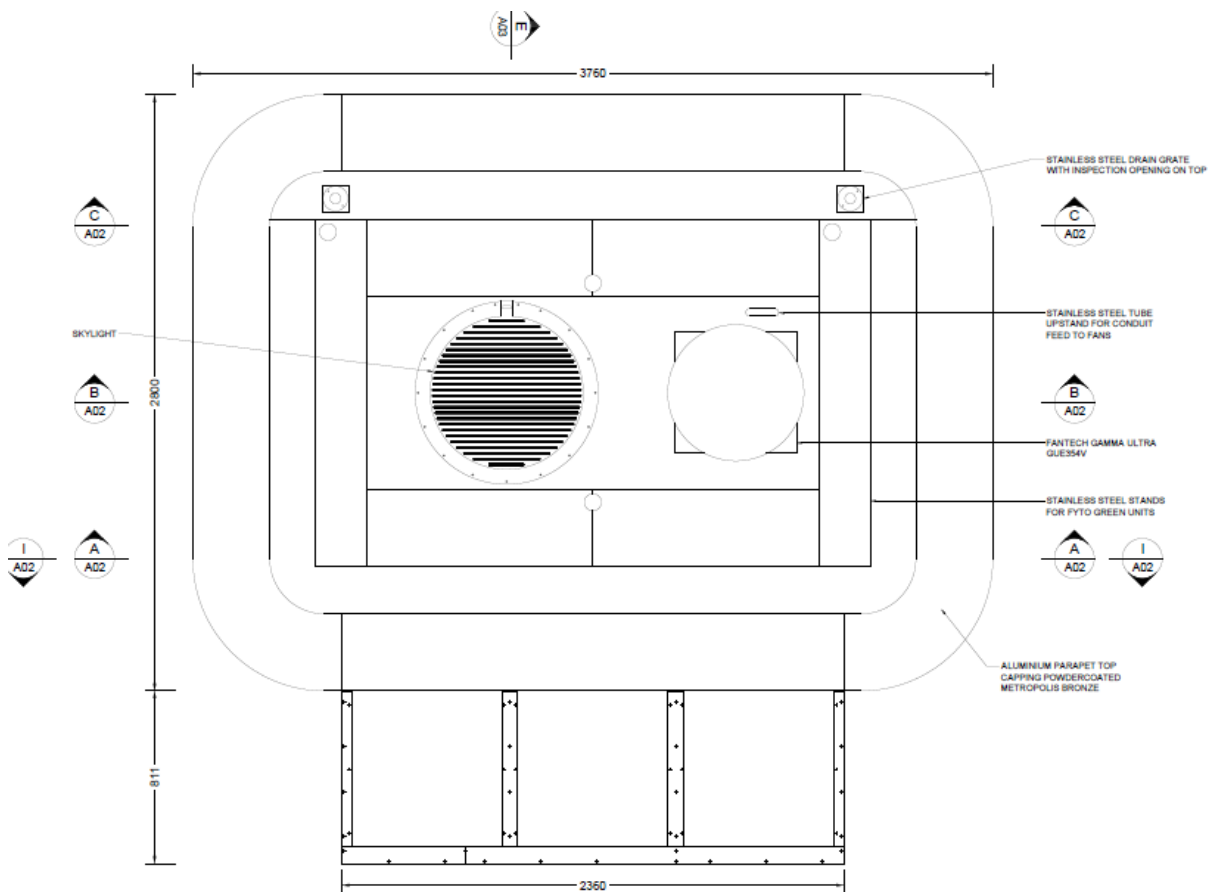


Figure 9: Roof Plan



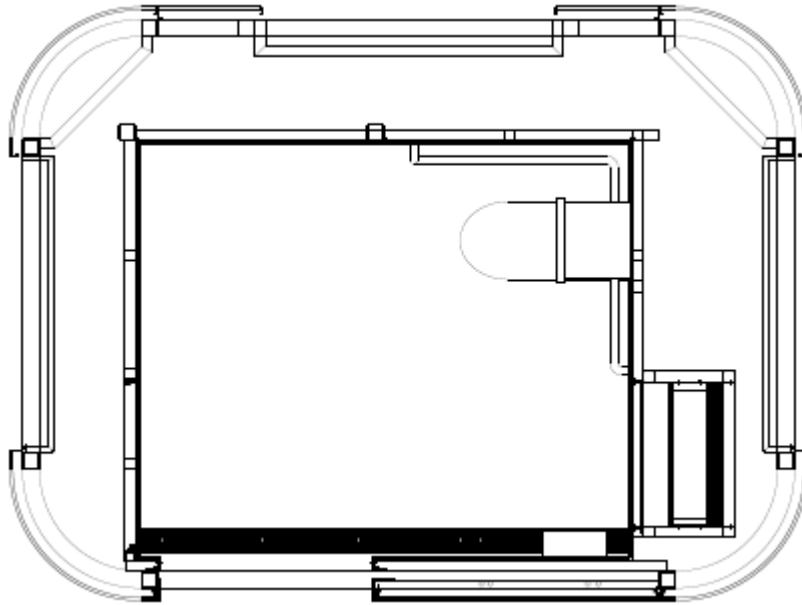


Figure 10: Internal Plan

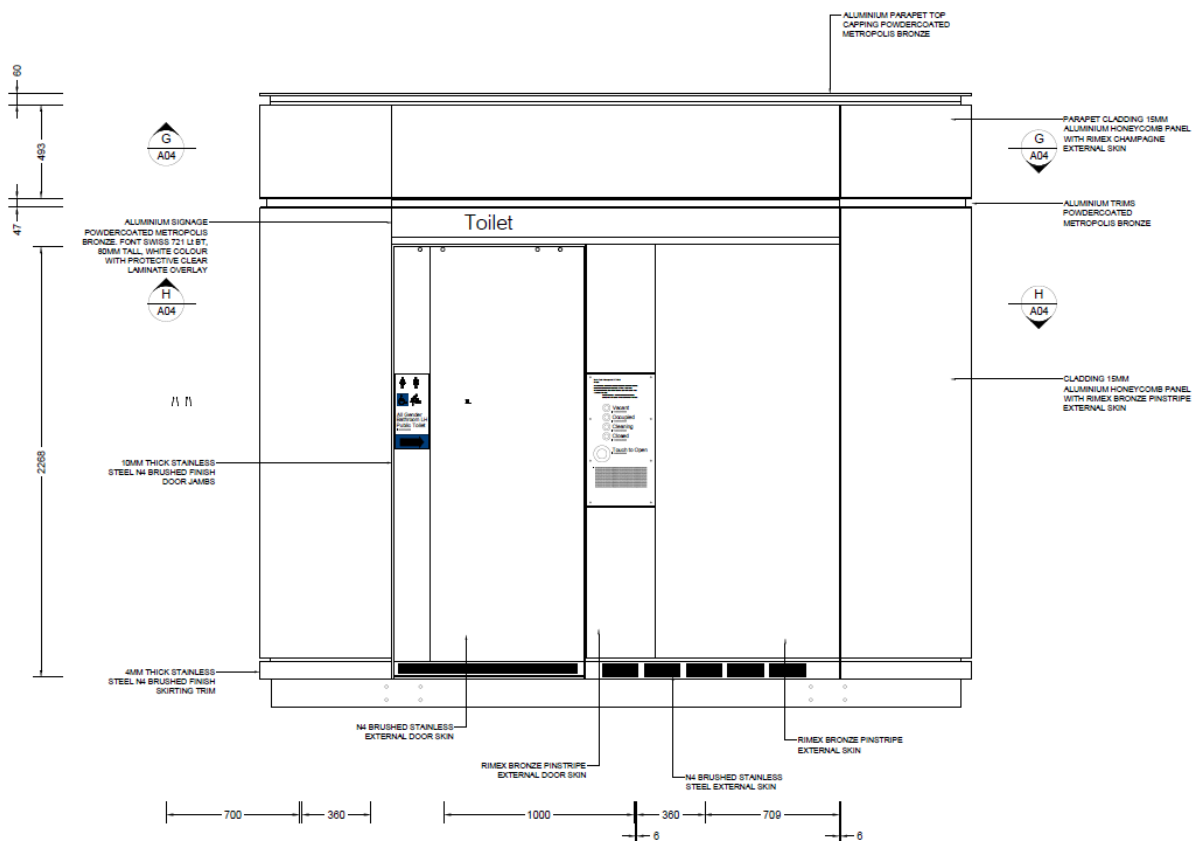


Figure 11: Front Elevation

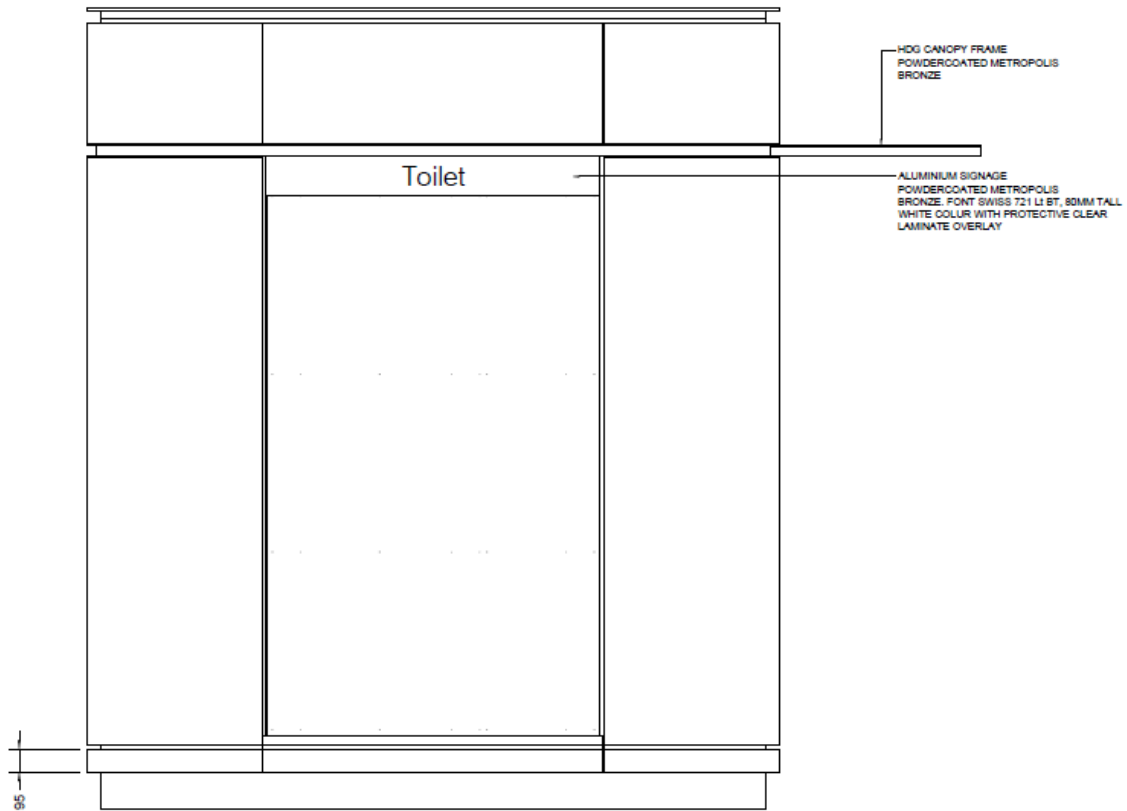


Figure 12: Side Elevation

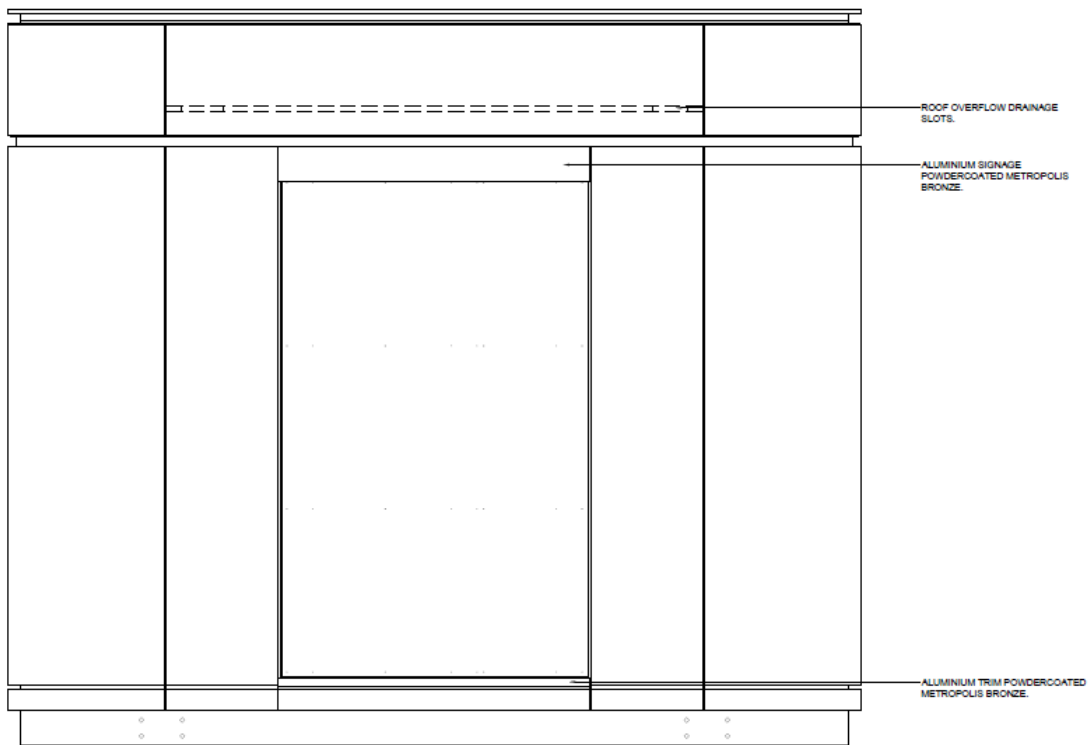


Figure 13: Rear Elevation

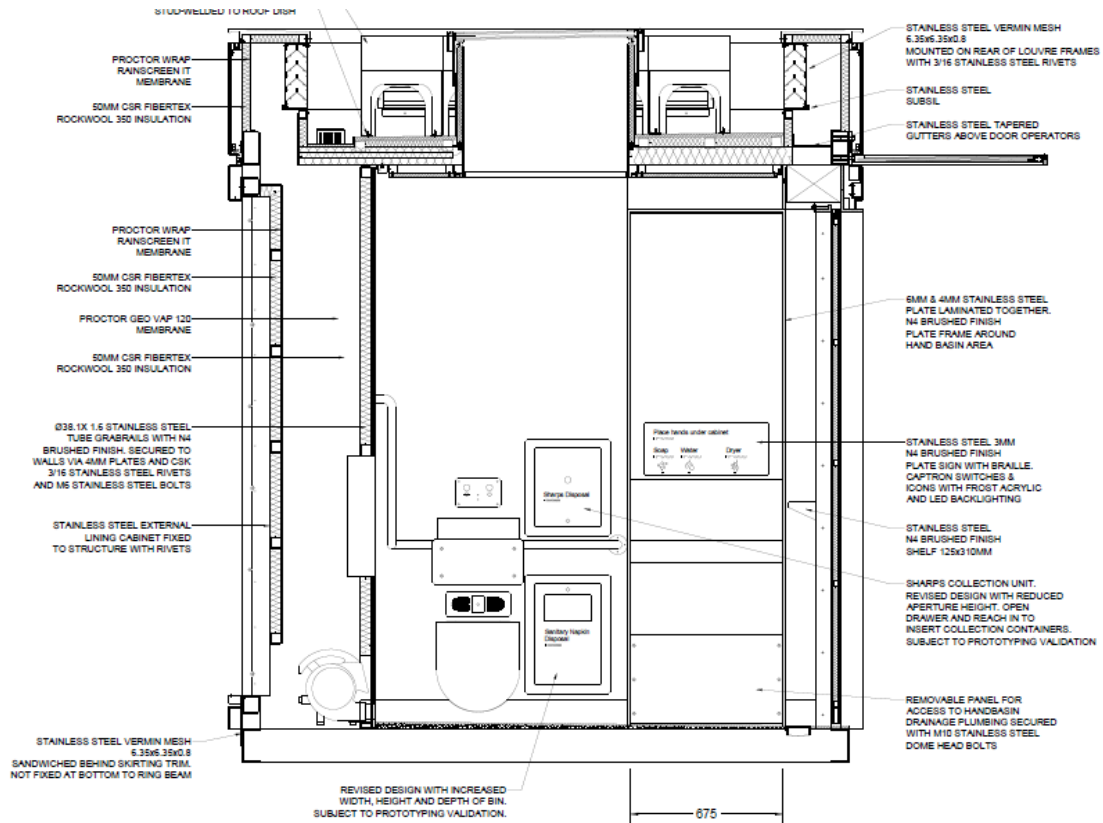


Figure 14: Short Section

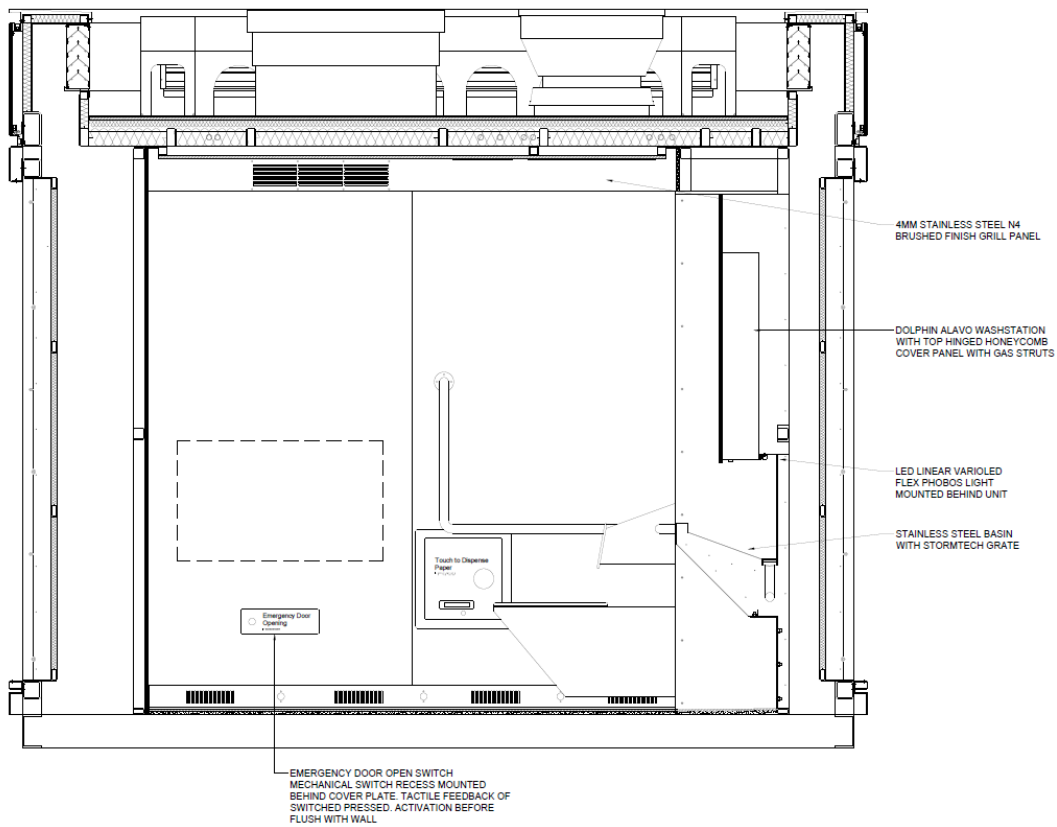


Figure 15: Long Section

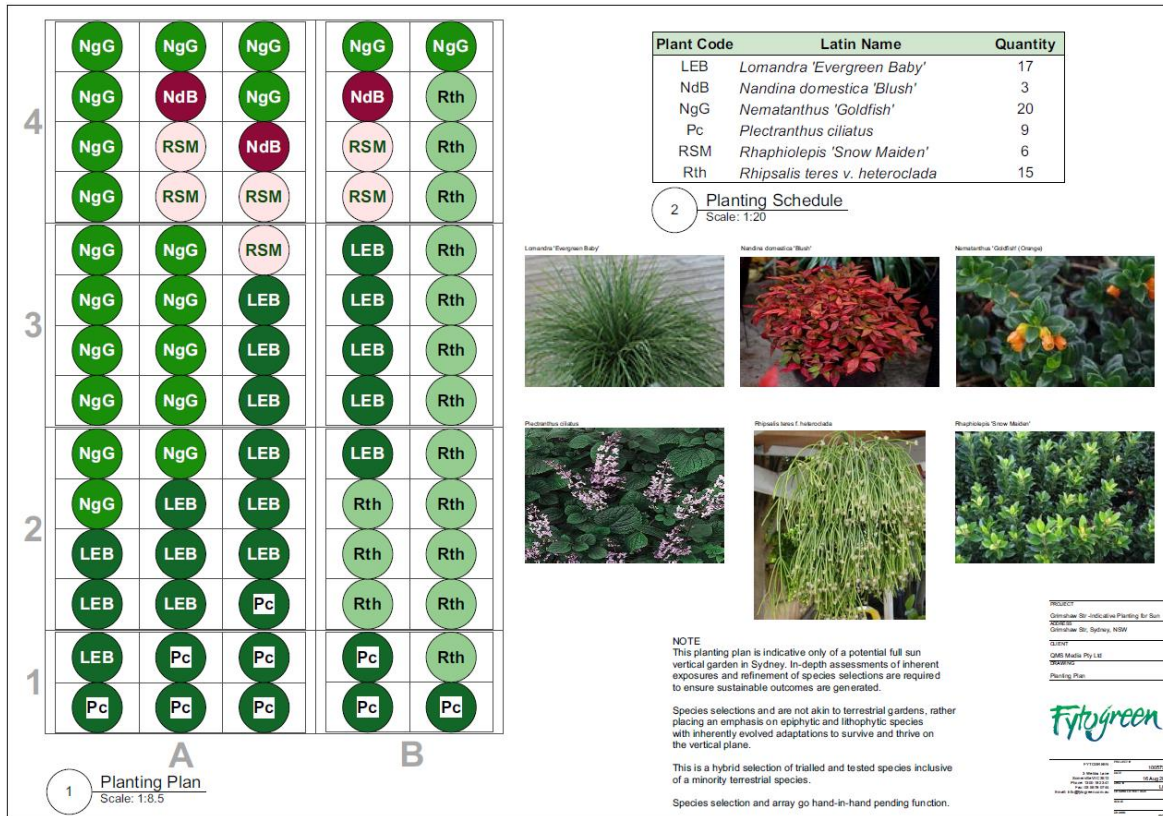


Figure 16: Indicative green wall planting schedule



Figure 17: Photomontage of proposed location viewed from Dowling Street looking north



**Figure 18:** Photomontage of proposed location viewed from Stephen Street looking east

## Assessment

19. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

### **Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments**

20. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
21. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

## Local Environmental Plans

### **Sydney Local Environmental Plan 2012**

22. 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 in the RE1 Public Recreation zone. The proposed development is defined as a community facility and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

**Part 4 Principal development standards**

Provision	Compliance	Comment
4.3 Height of buildings	Yes	The site is not subject to a maximum height standard.
4.4 Floor space ratio	Yes	The site is not subject to a floor space ratio standard.

**Part 5 Miscellaneous provisions**

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is located within the Woolloomooloo Heritage Conservation Area (CA71) and is situated within close proximity to a number of local heritage items (I12161, I12159 and I12197).</p> <p>The proposal has been discussed with Council's Heritage Specialist who have advised that the minor impact of the proposed APT can be supported in this instance.</p> <p>See further details in the 'Discussion' section below.</p>

**Part 6 Local provisions – height and floor space**

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	The design of the new APTs is of a high standard and uses materials and detailing which can contribute positively to the public domain of local government area.

## Development Control Plans

### Sydney Development Control Plan 2012

23. 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

24. The site is located within the Woolloomooloo locality. Subject to conditions, the proposal is in keeping with the unique character and the design principles of the area.

#### Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	Subject to conditions, the proposal will have an acceptable contribution to the public domain.
3.5 Urban Ecology	Yes	<p>The proposed green panels make a positive contribution to the landscaping of the public domain.</p> <p>The proposed development does not involve the removal of any trees and will not have an adverse impact on the local urban ecology. Precautionary conditions recommended by the City's Tree Management Unit have been included in the Notice of Determination.</p>
3.9 Heritage	Yes	<p>The site is located within the Woolloomooloo Heritage Conservation Area (CA71) and is situated within close proximity to a number of local heritage items (I12161, I12159 and I12197).</p> <p>The proposal has been discussed with Council's Heritage Specialist who have advised that the minor impact of the proposed APT can be supported in this instance.</p> <p>See further details in the 'Discussion' section below.</p>
3.12 Accessible Design	Yes	The application proposes an accessible toilet facility. Conditions of consent are recommended to ensure DDA compliance.
3.13 Social and Environmental Responsibilities	Yes, subject to condition	The proposal has been considered against CPTED principles. The proposal

Provision	Compliance	Comment
		<p>provides adequate passive surveillance, however the proposed location of the APT will create a pinch point along a well-utilised thoroughfare and a potential blind corner for pedestrians navigating around the structure.</p> <p>An alternative more suitable location has been identified on Sydney Place which maintains adequate passive surveillance but minimises potential blind corners in accordance with CPTED principles.</p> <p>A recommended condition requires the APT to be relocated to this preferred location, with the exact position to be submitted and approved by Council's Area Planning Manager prior to construction.</p> <p>See further assessment under 'Discussion' section below.</p>
3.14 Waste	Yes	A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

## Discussion

### City of Sydney Public Toilet Strategy 2014

25. Council's Public Toilet Strategy 2014 identifies that there is a lack of public toilets in key locations and that the provision of public toilets is required to meet the future needs of the City of Sydney.
26. The key recommendations of the Strategy includes:
  - (a) Public toilets are provided within 400 metres (5-10 minute walk) of any point within Central Sydney and at all village centres and major neighbourhood parks.
  - (b) Implement Crime Prevention Through Environmental Design and Environmentally Sustainable Design principles in planning, design, procurement and maintenance of public toilet facilities.
  - (c) Consult with the community to ensure public toilets are well-designed and built using robust, high-quality, vandal-resistant materials and fixtures that reflect the character of their setting.
27. The APT is generally consistent with the recommendations of the Strategy.



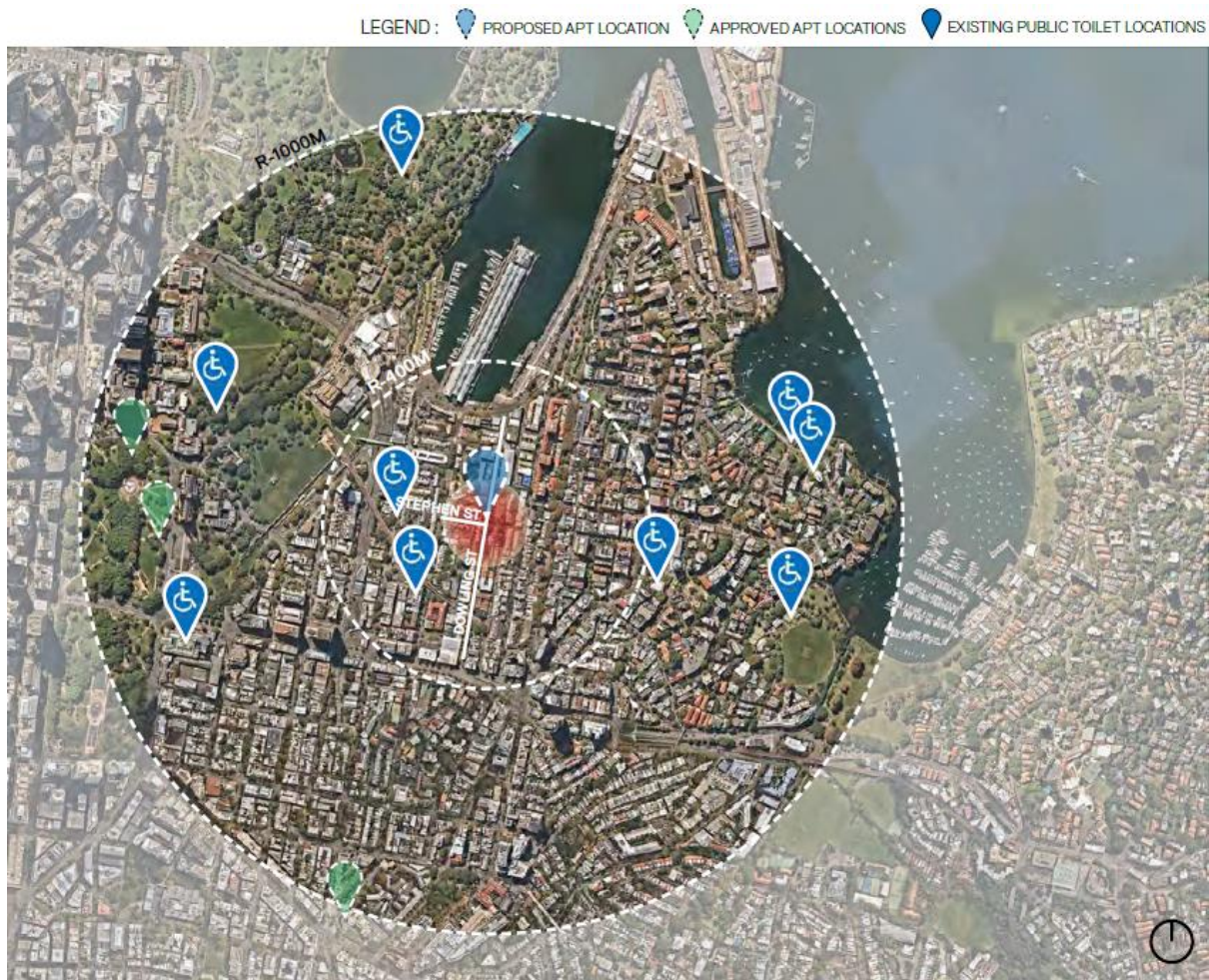
**Community Consultation prior to DA lodgement**

28. During mid-2020, the City of Sydney consulted the local community on Woolloomooloo Playground upgrades. The feedback received from the community predominately commented on the proposed upgrade works such as play equipment, exercise equipment and access.
29. The park upgrade scope of works was then endorsed by Council in October 2020.
30. In 2021, local community members reached out to the City's Indigenous Leadership & Engagement Unit to request Council explore the feasibility of installing a public toilet in the vicinity of Woolloomooloo Playground.
31. Letters of support were received in response to this community initiative from local community groups, charities and institutions, including:
  - (a) Weave Youth and Community Services
  - (b) Plunkett Street Public School
  - (c) Police Citizens Youth Club (PCYC) Woolloomooloo
  - (d) Youth and Family Connect
  - (e) St Vincent de Paul Society (Vinnies)
32. Following this feedback from the local community, the request was presented to the City's Public Toilet Strategy Implementation Working Group and a feasibility study was undertaken to identify a possible location.
33. The feasibility study concluded that the park itself is filled with existing elements; tennis court, basketball court, playground, community garden, picnic area and therefore there is no available space to accommodate a park toilet within the boundaries of the park.
34. Consequently, the proposed location was selected as a suitable location as it is adjacent to a well utilised walkway with passive surveillance from neighbouring properties (Dowling Street to Hills Stairs) and the basketball court. It is also adjacent to services (sewer, water etc) and there are no issues with all abilities access.

**Urban Design Analysis**

35. As part of the assessment under the current application, the applicant has submitted an Urban Design Analysis prepared by Grimshaw Architects. This Analysis covers the various APT locations the subject of DAs under assessment. The parts of the Analysis relevant to this DA can be found at Attachment C.
36. The Analysis provides the following explanation of the proposed siting:
  - (a) The proposed location is directly adjacent to well-used basketball courts, tennis court, community garden and children's playground. It is therefore considered a highly appropriate location for a public toilet. The co-location of toilet facilities with community facilities is a well-established principle of good planning.

- (b) As outlined above, the local community have specifically requested a public toilet in this vicinity, as locals currently allow people into their own homes to use toilets. Community consultation has been undertaken by City Projects and by the City's Indigenous Leadership and Engagement Officer.
- (c) In addition, there are few public places wide enough within walking distance to accommodate a fully accessible APT, which is why this location has been selected.
- (d) The map below indicates the proposed APT location in relative context to existing and approved public toilet locations in the surrounding area.



**Figure 19:** Aerial map showing existing and approved public toilet locations in the surrounding area

**The Analysis also considered alternate locations and provided an explanation why the proposed location is appropriate:**

- 37. The map below indicates alternative locations explored for the proposed APT around Woolloomooloo Playground.



**Figure 20:** Aerial map showing alternative locations considered by urban design study

38. Observations for each of the explored locations provided by the submitted analysis were as follows:

**1. On Dowling Street, close to Woolloomooloo playground:** This location is well away from the main pedestrian route of Sydney Place and would have poor passive surveillance at night. It would also be less accessible and convenient for park users and general pedestrians as it is remote from the main pedestrian route. While it is close to Woolloomooloo playground, it is also very close to a residential unit.

**2. On the corner of Dowling Street and Best Street:** This small, elevated square is not easily accessible due to its stairs access. It is not visible from the main thoroughfare, and as such there are CPTED issues with surveillance.

**3. Proposed location, on Sydney Place, close to Dowling Street:** It is located on a main pedestrian thoroughfare between the CBD and Kings Cross and is close to the playground entry. It is not too close to most of the residences located on Brougham Street. It faces a blank wall without windows, so it does not impact on the residents. Its exposure improves passive surveillance and is less likely to be impacted by anti-social behaviour. It is therefore considered as the best option.

**4. On Sydney Place, between the trees:** There is good clearances to all sides of the APT and there is no obstruction to passing pedestrian traffic. It is marginally closer to residences along Brougham Street.

**5. On Sydney Place, close to McElhone Street:** Bordering the edge of the Park, it is located north of Sydney Place, close to McElhone Street. There are many residential buildings on this side of the Place. A site located in close proximity to a residential or commercial building is discounted as unsuitable due to the potential impact on residents or business owners' amenities, for example, noise impacts, or increased anti-social behaviour.

39. The Analysis was subsequently presented to Council's Design Advisory Panel. The Panel advised as follows:
40. The Panel noted that this APT has been advocated by members of the community and that there is evidently community support for an APT in this location. Option #3 is supported.

#### **Location Assessment**

41. Each of the locations have been considered by Council officers during assessment. The general principle of locating an APT in the nearby vicinity of Woolloomooloo Playground is well understood and supported on planning merit.

#### *Option 1 - On Dowling Street, close to Woolloomooloo Playground*

42. Council officers observed that Option 1 has many attributes which would make it an appropriate location for siting the proposed APT.
43. It is situated within close proximity of Woolloomooloo Playground and site observations indicate that the pedestrian route from Hills Stairs and continuing to the north down Dowling Street is a well-used pedestrian thoroughfare during daylight hours.
44. Further, it appears there would be adequate clearance to situate the APT without impeding pedestrian access along Dowling Street.
45. Notwithstanding the above, it is accepted that the location would have poor passive surveillance at night. Rather than being situated close to residential properties as indicated by the submitted urban design analysis, the location is in fact situated away from residences and opposite Plunkett Street Public School.
46. Consequently, night-time activation and surveillance of the space is more restricted and may adversely affect the actual or perceived safety of the APT, thereby limiting its utility.



**Figure 21:** Option 1 - On Dowling Street, close to Woolloomooloo Playground

*Option 2 - On corner of Dowling Street and Best Street*

47. The City of Sydney is not the landowner for this site, however a temporary toilet is currently installed in this location under agreement with the NSW Land and Housing Corporation.
48. Installation and ongoing maintenance of a permanent APT in this location is less certain due to the issue of land ownership.

49. In any case, the stair access and ramp gradient limit all abilities access and the location suffers from poor passive surveillance.
50. The location is therefore not considered suitable.



**Figure 22:** Option 2 - On corner of Dowling Street and Best Street

*Option 3 - Proposed location, on Sydney Place, close to Dowling Street*

51. The proposed location for the installation of the APT (Option 3) is situated on the western side of Sydney Place adjacent to Dowling Street. It is situated on the south side of Woolloomooloo Playground, close to the entrance to the basketball courts.
52. The proposal is situated within close proximity of existing bollards bordering Dowling Street.
53. Council's Urban Design Specialist raised concerns that the proposed location will impede pedestrian sightlines and path of travel for pedestrians walking between Hills Stairs and Dowling Street. It has been flagged that there is limited space for pedestrians between the proposed APT and the existing bollards.

54. As a consequence, the proposed location will create a blind corner for pedestrians walking from Dowling Street and will directly obstruct the pedestrian desire line from pedestrians walking from Hills Stairs down to Woolloomooloo Wharf via Dowling Street, as shown below in Figure 23.



**Figure 23:** Proposed APT location shown in purple creates a blind corner for pedestrians walking from Dowling Street

55. The proposed APT location is situated within Woolloomooloo HCA (CA71) and close to local heritage items: No.12161 to the south '*Terrace group (126-128A Dowling Street) including interiors*' and No.12159 to the west '*Terrace group (67-121 Dowling Street) including interiors*'.
56. Council's Heritage Specialist commented that the proposed location is a visually prominent focal point at the terminus of Dowling Street where Sydney Place stops the transit of cars. Accordingly, the visual impact upon the HCA is minor but negative.
57. Separately however, as a visual focal point the location has good passive surveillance as it will be visible from both Dowling Street and McElhone Street, as well as from the playground and nearby residences.
58. For these reasons there are conflicting priorities between streetscape considerations and the safety of the APT, whether perceived or actual, and its consequent utility.

59. Overall on balance, whilst there is planning merit and community support for installing an APT in the vicinity of Woolloomooloo Playground, the Option 3 is problematic as it creates a pinch point on the corner of Sydney Place and Dowling Street which will obstruct pedestrians.
60. Further, the proposal will create a blind corner and therefore fails to adequately address CPTED principles, pursuant to Section 3.13.1 of the Sydney DCP.



**Figure 24:** Option 3 - looking east towards proposed location, on Sydney Place, close to Dowling Street

*Option 4 - On Sydney Place, between the trees*

61. Option 4 is centrally situated on Sydney Place between the trees but closer to the heritage listed residential terrace group of 126-128A Dowling Street to the south (No.12161).
62. The location also benefits from good passive surveillance, however, has the potential to more acutely impact upon the residential amenity of No.126 Dowling Street due to its closer proximity.
63. The APT would arguably be more visually prominent in this location as it would occupy the central portion of a public space and therefore would have a more significant impact upon the HCA.
64. Council's Heritage Specialist has further advised that locations further away from the nearby heritage items is preferred.

*Option 5 - On Sydney Place, close to McElhone Street*



65. Option 5 is situated on the eastern side of the basketball court entry gates on Sydney Place and closer to McElhone Street.
66. The submitted urban design analysis indicates that this location has been discounted due to its proximity to nearby residential properties.
67. In response to this, Option 5 is no closer to residential properties than the other options explored, whilst it will be similarly visible from McElhone Street and Dowling Street, offering good passive surveillance.
68. The terminus of McElhone Street provides a key sightline for police when patrolling the area and when parked in a vehicle. In this regard, it would be preferable that the precise location of Option 5 be situated closer to the basketball entry gates on Sydney Place so as to maintain open views into the playground from McElhone Street.
69. In moving away from McElhone Street, the location would also ensure there are no issues with clearance between the APT and the existing bollards adjacent to McElhone Street so as to preserve unobstructed pedestrian movements and clear sightlines in accordance with CPTED principles, pursuant to Section 3.13.1 of the Sydney DCP.

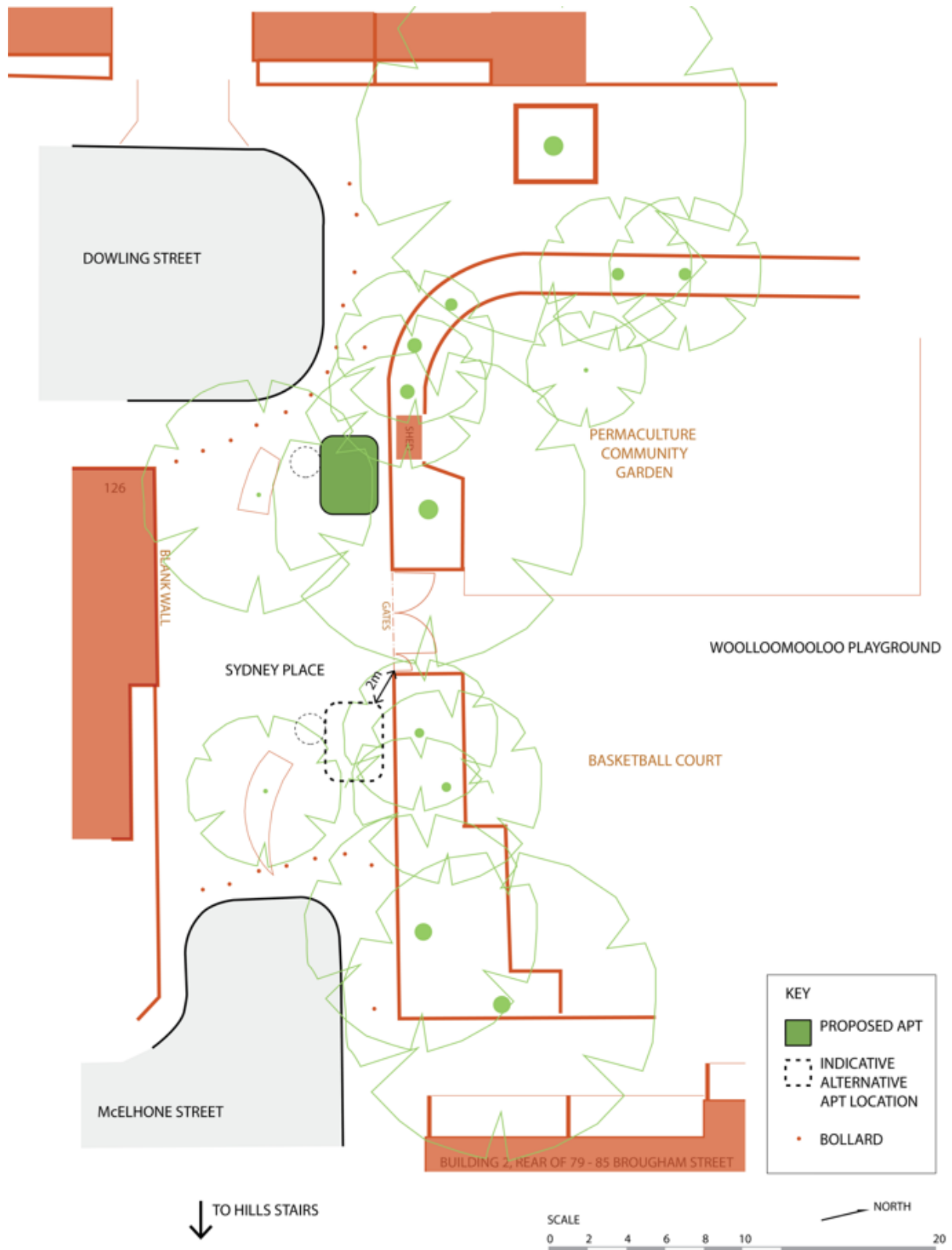
### **TfNSW Walking Space Guide**

70. The Walking Space Guide developed by Transport for NSW provides a set of standards and tools, to ensure that sufficient space is provided to achieve comfortable environments which encourage people to walk.
71. The guide provides a hierarchy of standards based upon the level of pedestrian foot traffic and activity.
72. The subject site is consistent with the prescribed criteria of a Type 2 local footpath of medium activity as pedestrian activity is more than seven people per hour and there is a reasonable likelihood of two pedestrians passing each other. For this type of footpath condition, the Waking Space Guide recommends a minimum walking space target of 2.3 metres.
73. The location being proposed under this application provides a 2.25 metre clearance between the APT and the existing bollards on the edge of Dowling Street and therefore does not comply with the minimum walking space target provided by the guide.
74. Consequently, the proposal creates a constrained pinch point which fails to support two people comfortably walking together or two people passing each other abreast.

### **Recommended Design Modification - Relocation of APT**

75. In light of the issues discussed above, whilst the planning merits of locating a public toilet adjacent to a highly utilised recreation facility in Woolloomooloo Playground are well understood, the proposed position of the APT is problematic and is not recommended for approval due to the reasons outlined above.
76. Instead, a design modification condition is recommended requiring that the position of the APT is to be relocated on Sydney Place and is to be situated on the eastern side of the entry gates to the Woolloomooloo Playground basketball courts.
77. The recommended alternative location is situated approximately 10 metres to the east of the currently proposed location across Sydney Place.

78. The recommended condition stipulates that the nearest part of the APT must be 2 metres away from the most eastern side of the basketball gates, with the exact location to be shown on plan and submitted to Council's Area Planning Manager for approval prior to a construction certificate being issued. This is to avoid the APT creating a blind corner when entering and leaving the park, whilst also ensuring that the APT does not conflict with the existing bollards, pedestrian route and sightlines into the park from McElhone Street.
79. The alternative location will not significantly constrain any existing pedestrian clearances and complies with the provisions of TfNSW Walking Space Guide.
80. The indicative location of the recommended position of the relocated APT is illustrated below:



**Figure 25:** Diagram showing indicative preferred position for relocation of the APT, as required by recommended design modification condition

81. Council's Heritage Specialist has advised that the proposed APT can be supported in this location in this instance given the local community's request for a toilet in this location, whilst noting that the proposed green walls of the APT will minimise its visual impact.
82. Overall on balance, the recommended alternative represents a more suitable location for the APT which will provide utility to the local area whilst supporting pedestrian comfort and safety.

### **Tree Management**

83. An Arboricultural Impact Assessment Report was commissioned by the Tree Management team to assess the potential impacts on the trees as a result of the proposed APT installation.
84. The report assessed potential impacts of the APT installation on nearby trees, determining that the works will involve minor incursions into the Tree Protection Zones of several trees identified.
85. Whilst the submitted Arborist Report did not assess the alternative location on Sydney Place being recommended for approval, the City's Tree Management Unit have recommended a condition confirming that excavation within any TPZ must be undertaken using handheld tools only (machinery is not permitted) under the supervision of a Project Arborist.
86. Footings shall be relocated / realigned if any tree root greater than 50mm in diameter is encountered during excavation. Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where large woody roots greater than 40 millimetre diameter are encountered during the installation of any services adjacent to identified TPZ's.
87. This allows services to be installed whilst ensuring trees are not during construction and installation. The recommended condition provides adequate tree protection and Tree Management have confirmed that the condition remains applicable and appropriate to the alternative location being recommended by condition.

### **Green Wall Panels**

88. Full details have been provided of the proposed green wall panels, including details on soil depth, soil specification, drainage and irrigation design, planting species, wall and roof fixing details. In addition, the applicant has engaged Fytogreen to be responsible for the maintenance and upkeep of the green walls and roofs for the initial contract term of 10 years.
89. The applicant has provided a decommissioning strategy in the event of plant failure which has been reviewed and is supported by the City's Landscape Unit. A condition is recommended confirming that, in the event of a failure of the green wall, the strategy and details approved by Council are to be followed.

**Street Furniture Location**

90. With recent street furniture DAs, sites may be affected by obstructions of above or underground services or utilities, conditions have been included allowing the possible relocation of the item/s up to either 3 metres or 5 metres and subject to certain parameters. These parameters include ensuring that the item is not relocated from a 'permissible' location to a 'prohibited' location and ensuring that the relocation position/s complies with all the relevant standards and do not conflict with existing street furniture and fixtures.
91. The applicant has requested a similar condition allowing the possible relocation by up to 5 metres to allow for some fine-tuning of the final sitting of the structure.
92. It is considered that the above condition is not appropriate for the subject application. A design modification condition is recommended requiring the proposed APT to be relocated on Sydney Place to the eastern side of the gated entrance to the basketball courts. Any issues regarding the APT's precise location can be addressed at the time of satisfying the condition.
93. Not having a condition that provides the flexibility requested by the applicant ensures that the location of the APT can be defined and will minimise risk of unforeseen impacts on its setting within the environment and general use of the public way. This is consistent with the approach the LPP took with the previous APT DAs approved in April 2022.

**Safety and Security**

94. The application was referred to NSW Police. A response was received which noted the occurrence of anti-social behaviour in the area and NSW Police have recommended Crime Prevention Through Environmental Design (CPTED) and the installation of CCTV cameras.
95. The police response has been discussed with Council's Safe City Unit. Safe City have advised that the installation of CCTV cameras by the city is reserved for locations with a history of violent crimes and that Safe City do not consider CCTV to be necessary for the area.
96. The Safe City Unit have advised that approved APTs elsewhere in the city are not associated with an increase in criminal activity, or an increase in the population of drug users.
97. Notwithstanding this, Safe City concur that the implementation of CPTED is beneficial in reducing antisocial behaviour within the vicinity of the proposal and have noted that the site is an ideal location for CPTED due to the following:
  - (a) The site is subject to regular and ongoing passive surveillance as the site is well trafficked by pedestrians and vehicles, local residents, and police patrols. This is further benefitted by the openness and accessibility of the site;
  - (b) The site is well lit by street lighting; and
  - (c) The APT will contribute to the reduction in anti-social behaviour such as public urination.

98. The proposal is also supported by a Plan of Management which incorporates the following emergency response procedures and timeframes which are to operate twenty four hours per day, seven days per week:
- (a) Within 4 hours, respond to a request made by NSW government agencies requesting emergency support;
  - (b) Within 4 hours, respond to any public safety issue or reports of damage, repairs or inoperable street furniture;
  - (c) Within 8 hours, respond to any reports of offensive graffiti (with the offensive content no longer able to be distinguished before departing site); and
  - (d) Before anyone attending an emergency response departs the site it will be safe for public access.
99. The APT includes a fixed sharps bins for the safe disposal of any medical sharps, in line with the City of Sydney Public Toilet Strategy 2014.
100. The proposal is considered to be a benefit to local public amenity.

### **Hours of Operation**

101. The response provided by the police commented that sunrise to sunset hours of operation for the APT would be suitable for this location rather than the 24-hour operation of other APTs approved in the City and as proposed by the current application.
102. The police have commented that the reduced hours would limit opportunities for criminal and antisocial behaviour.
103. In this regard, as outlined above, the City's Safe City Unit monitor reports of incidences around other APTs installed elsewhere in the City and have advised that approved APTs are not associated with an increase in criminal activity.
104. Public consultation on the Council's Public Toilet Strategy 2014 recorded that the predominant comments regarding the operational hours of existing public toilets were that they should be open 24 hours or that they close too early.
105. Consequently, the Public Toilet Strategy states that Council APTs should operate 24-hours a day in order to support their utility at all hours. Further, the Strategy confirms that the City will be working on extending the hours of operation of public toilets where there is high demand and security of users is assured.
106. The 24-hour operation of the APT is acceptable in this instance given that the proposed location provides good passive surveillance, is well lit and is regularly patrolled by police.

### **Consultation**

#### **Internal Referrals**

107. The application was discussed with Council's:
- (a) Heritage and Urban Design Unit;

- (b) Public Domain Unit;
  - (c) Safe City Unit;
  - (d) Surveyors;
  - (e) Transport and Access Unit;
  - (f) Landscape Unit;
  - (g) Tree Management Unit; and
  - (h) Waste Management Unit.
108. The above advised that the proposal is generally acceptable subject to conditions, with the exception of the City's Urban Design Specialist. Where appropriate, these conditions are included in the Notice of Determination.
109. Issues raised by the Council's Urban Design and Heritage Specialists are addressed under 'Location Assessment' of the 'Discussion' section of the report above.
110. The City's Surveyor flagged inadequacies in the information submitted when the DA was first lodged, raising concerns that the location of services needed to be defined whilst highlighting that the location of trenching or underboring may conflict with tree root systems.
111. To address these matters, a survey plan of the park has been acquired which identifies the location of services, including water and sewer lines to connect the APT. Potential impacts upon tree root zones have been considered by Council's Tree Management Unit and conditions requiring tree protection measures during construction are recommended for inclusion.

## **External Referrals**

### **NSW Police**

112. The application was referred to NSW Police for comment.
113. Comments received from the NSW Police have been considered in the 'Safety and Security' section of the 'Discussion' section of the report above.

## **Advertising and Notification**

114. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 28 days between 23 May 2022 and 21 June 2022. The application was then re-notified between 14 October 2022 and 12 November 2022 due to a correction of site address.
115. A total of 806 properties were notified and 21 submissions (were received, including a petition containing 122 signatures objecting to the proposal.

116. The submissions raised the following issues:

- (a) **Issue:** Concerns that the proposed APT will attract anti-social behaviour and encourage drug use.

**Response:** Council's Safe City Unit have advised that approved APTs elsewhere in the city are not associated with an increase in criminal activity, or an increase in the population of drug users. The proposed location has been selected as it has good passive surveillance and is well lit in conformity with CPTED principles.

- (b) **Issue:** Concerns that the proposed location is poorly lit and presents a safety concern.

**Response:** The proposed location offers good passive surveillance and the entrance will be lit by existing street lighting on the edge of Dowling Street.

- (c) **Issue:** Query whether police have been consulted and request for CCTV to monitor the proposed APT.

**Response:** See details of police consultation and feedback, including the potential for CCTV installation, under 'Safety and Security' of 'Discussion' section of the report above.

The proposed location provides good passive surveillance and can be viewed by vehicle police patrols from the ends of Dowling Street and McElhone Street.

- (d) **Issue:** Concerns that the toilet creates risk of use by drug users which could increase chances of sharp needles being found in the street, playground and surrounding area.

**Response:** As outlined above, Council's monitoring of approved APTs elsewhere in the city has not attracted additional drug users to the area. The APT includes a fixed sharps bins for the safe disposal of any medical sharps, in line with the City of Sydney Public Toilet Strategy 2014.

The submitted Plan of Management, which is recommended for approval, confirms that sharps collection data history will be used to monitor any noticeable trends emerging such as an increase in drug taking activity in the area.

- (e) **Issue:** Concerns that the proposed location will impede a pedestrian thoroughfare.

**Response:** Council officers agree that the proposed location is problematic as it will obscure sightlines and impede a key pedestrian route of travel. Alternative locations to position the toilet have been considered and a design modification condition is recommended requiring the toilet to be located to a more suitable location on Sydney Place.

See further discussion under 'Location Assessment' of 'Discussion' section above.



- (f) **Issue:** Submissions objecting to a second public toilet surrounding Woolloomooloo Playground, noting that an existing public toilet has been installed on the corner of Best Street and Dowling Street.

**Response:** The public toilet on the corner of Best Street and Dowling Street is temporary and is situated on land owned by NSW Land and Housing Corporation. The temporary toilet has been installed under a deed of access but will be removed once a permanent toilet is installed. In addition, the stair access and ramp gradient limit all abilities access and the location suffers from poor passive surveillance.

See further discussion regarding the location of the temporary toilet under 'Location Assessment' of 'Discussion' section above.

- (g) **Issue:** Request for toilet to include a change table.

**Response:** The proposed APT includes a baby change table.

- (h) **Issue:** Request for toilet to be accessible for all abilities.

**Response:** The proposed APT is wheelchair accessible and provides all abilities access.

- (i) **Issue:** Concerns that proposed green wall panels may not be feasible in this location due to limited sunlight. Request for a mural or artwork as an alternative instead.

**Response:** The proposed green wall panels will enhance the urban greening of the area and will soften the visual impact of the proposed APT to minimise impacts upon the HCA.

The applicant has provided a decommissioning strategy in the event of plant failure which has been reviewed and is supported by the City's Landscape Unit.

- (j) **Issue:** Concerns that the proposed APT will create unpleasant odours which could adversely impact upon residential amenity.

**Response:** The submitted Plan of Management, which is recommended for approval, confirms that the APT will be cleaned twice daily by the City's contractor, including the removal of rubbish and sharps. The cleaning frequency will ensure the APT maintains a high level of hygiene and will not adversely impact upon surrounding amenity.

- (k) **Issue:** Concerns that the proposed APT will be visible from residential properties and will adversely affect property values.

**Response:** Property values are not part of the planning merits-based assessment of development applications. Notwithstanding this, the proposed APT is appropriately located to provide passive surveillance from residential properties, whilst providing sufficient separation so as not to significantly or adversely affect residential amenity.

- (l) **Issue:** Concerns that the proposed APT will be used as a shelter for homeless people.

**Response:** The APT has an automatic opening system after prolonged use to prevent users from locking themselves in the toilet and detract homeless people from using the facility as a shelter.

- (m) **Issue:** Request that the toilet should be located elsewhere, closer to Woolloomooloo Wharf.

**Response:** This toilet location has been requested by members of the community to service Woolloomooloo Playground, a well-used public recreation area. The co-location of toilet facilities with community facilities is a well-established principle of good planning.

A separate APT located on Cowper Wharf Roadway close to Woolloomooloo Wharf is being proposed under separate application (D/2022/1248).

- (n) **Issue:** Objection to 24-hour operation of the APT.

**Response:** See assessment under 'Hours of Operation' of 'Discussion' section above.

## Financial Contributions

### Contribution under Section 7.11 of the EP&A Act 1979

117. The development is not subject to a Section 7.11 development contribution as it will not create a net population increase and therefore is not required to pay a contribution.

### Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

118. As the development is development for purposes other than residential accommodation that will result in the creation of less than 60 square metres of gross floor area, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

## Relevant Legislation

119. Environmental Planning and Assessment Act 1979.

120. Heritage Act 1977.

## Conclusion

121. The application has planning merit and is recommended for approval, subject to a condition requiring the toilet to be relocated to a more suitable position on Sydney Place.
122. Subject to recommended conditions, the proposed APT is appropriate and is generally compliant with the relevant planning controls in the Sydney LEP 2012 and Sydney DCP 2012.

123. The development is compatible with the existing nearby heritage items and appropriate conditions have been imposed to ensure the development does not detrimentally impact on the heritage significance of neighbouring sites.
124. The public interest is served by the approval of the proposal, as additional information to the development application has addressed the matters raised by the City and the community, subject to recommended conditions.
125. Subject to recommended conditions, it is considered that the proposed development will provide for an appropriately located new APT that is of a high design standard which can make an acceptable contribution to the public domain of the local government area.

**ANDREW THOMAS**

Executive Manager Planning and Development

Daniel Stanley, Planner

# **Attachment A**

**Recommended Conditions of Consent**

## SCHEDULE 1

### CONDITIONS OF CONSENT

#### PART A - GENERAL

##### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2022/431 dated 17 May 2022 and the following drawings:

Drawing Number	Drawing Name	Date	Prepared by
APT16 Issue 4	Location Plan – Proposed	02/08/2023	-
A04 1002 Rev B	APT – Setout	08/08/2021	Grimshaw
A04 2004 Rev G	APT Accessible - Elevations	08/08/2021	Grimshaw
A01 Rev B	Details	02/02/2023	Pureablue
A02 Rev B	Details	02/02/2023	Pureablue
A03 Rev B	Details	02/02/2023	Pureablue
A04 Rev B	Details	02/02/2023	Pureablue
G1 Rev A	APT Green Roof & Wall Details	07/12/2021	Pureablue
G2 Rev A	APT Green Roof & Wall Details	07/12/2021	Pureablue
-	Fytogreen Top Hat Fixing Batten – Typical Drawing	23/11/2020	Fytogreen
FCF-001	Typical Details Sheet	02/06/2020	Fytogreen
L001	Planting Plan	16/08/2021	Fytogreen

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail. Agree

#### Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

##### (2) DESIGN MODIFICATION – APT RELOCATION

The proposed APT is not approved to be installed in the currently proposed location.

The proposed APT is to be relocated to the eastern side of the basketball court entrance gates on Sydney Place, adjacent to the retaining wall between Sydney Place and the basketball court.

A plan showing the precise location of the relocated APT is to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

The submitted plan must provide dimensions confirming the precise location of the APT to comply with the following:

- The distance between the nearest part of the APT and the most eastern side of the basketball court entry gates is to be 2 metres.
- A 600mm clearance is to be provided between the north rear elevation of the APT and the adjacent retaining wall between the basketball courts and Sydney Place.

**Reason**

To require the proposed APT to be situated to a more suitable and appropriate location on Sydney Place.

**(3) DECOMMISSIONING STRATEGY FOR APT GREEN WALL ELEMENTS**

In the event of a failure of the green wall, the strategy and details which are submitted to Council and enclosed in the letter titled APT Green Panel Decommissioning Strategy – City of Sydney Street Furniture Agreement D/2022/1248, dated 4 August 2023, prepared by Mecone and the document titled Sketchbook 65, dated 01 July 2022 and prepared by Grimshaw, are to be followed.

**Reason**

To ensure maintenance of the green wall panels and provide a remediation strategy in case the green wall planting fails.

**(4) PLAN OF MANAGEMENT**

The use must always be operated / managed in accordance with the Plans of Management, titled *Plan of Management and Maintenance of Assets – Automated Public Toilets (APTs) – External Areas* and *Plan of Management and Maintenance of Assets – Automated Public Toilets (APTs) – Internal Areas* (TRIM Ref: 2022/285687) which has been approved by Council.

**Reason**

To ensure all parties are aware of the approved supporting documentation that applies to the development.

**(5) PRESERVATION AND REINSTATEMENT OF PUBLIC ASSETS**

- (a) The developer must ensure that all existing public assets are retained and preserved for the duration of development works.
- (b) Any damage caused to public assets as a result of development works, including but not limited to damage to footpath, kerb and gutter, signage, survey marks, street furniture, utility pit lids, lighting, street trees and adjacent carriageways are to be rectified to Council's satisfaction.
- (c) Any rectification works must be completed in accordance with Council's specifications and requirements prior to the use of the Automated Public Toilet commencing.

**Reason**

To ensure public assets are maintained and protected.

**(6) WASTE AND RECYCLING MANAGEMENT - GENERAL**

- (a) The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to promote the efficient storage, separation, collection and handling of waste to maximise resources recovery.
- (b) Any wastewater from the Premises must only be disposed of in the public sewerage system.

**Reason**

To ensure that waste and recycling is appropriately managed.

**(7) WASTE/RECYCLING COLLECTION**

- (a) Waste storage and the collection of waste and recycling must be only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.
- (b) Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary.

**Reason**

To ensure that waste and recycling is appropriately managed.

## **PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **(8) UTILITY SERVICES**

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

#### **Reason**

### **(9) To ensure that utility authorities are advised of the development.TREE PROTECTION PLANS**

All detailed architectural, building, engineering (structural, stormwater and drainage services) and landscape documentation submitted for the Construction Certificate shall clearly show on all drawings the retention of trees as required by these conditions of consent, the position of their trunks, full diameter of their canopies, Structural Root Zones (SRZs) and Tree Protection Zones (TPZs).

#### **Reason**

To ensure the trees to be protected and retained are considered through construction.



## **PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK**

### **(10) COMPLIANCE WITH COUNCIL STANDARDS AND DISABILITY DISCRIMINATION ACT**

The placement of the automatic public toilet and any associated TGSI's or textured paving works is to ensure compliance with Council's access requirements and the Disability Discrimination Act 1992 and that there are no conflicts with existing street furniture and fixtures. All works are required to ensure that the public domain complies with the City of Sydney's Sydney Streets Technical Specification and the Sydney Streets Codes 2021. The compliance is to be achieved prior to the use of the Automated Public Toilet commencing.

#### **Reason**

To ensure the APT provides for all abilities access.

## PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

### (11) HAND EXCAVATION WITHIN TREE ROOT ZONES

- (a) Excavation undertaken within the specified radius from the trunks of the following trees shall be hand dug.

Tree No.	Species Name	Tree Location	TPZ (m) from Trunk
1 – 3	Melaleuca quinquenervia	Raised garden area of Basketball courts (northern side of ATP location)	5.5m
4	Corymbia maculata	Centre of Sydney Plan (southern side of ATP location)	4m

- (b) Small hand tools such as mattocks or using compressed air or water jetting only shall be used. Roots with a diameter equal to or in excess of 50mm shall not be severed or damaged unless approved in writing by the project arborist.
- (c) Footings shall be relocated / realigned if any tree root greater than 50mm in diameter is encountered during excavations. A minimum of 150mm clearance shall be provided between the tree root and footing.
- (a) Services shall be redirected where roots greater than 40mm diameter are encountered during the installation of any services, including pipes within the specified TPZ.
- (d) All root pruning must be undertaken in accordance with the Australian Standard 4373 "Pruning of Amenity Trees" and carried out by a qualified Arborist (minimum qualification of Australian Qualification Framework Level 5 or recognised equivalent).
- (e) All excavations located within the above distance must be supervised by a qualified Consultant Arborist, who holds the Diploma in Horticulture (Arboriculture), Level 5 under the Australian Qualification Framework.

#### Reason

To ensure adequate protection of street trees during construction.

### (12) SITE SUPERVISION AND REPORTING

- (a) An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone as detailed below:
- (i) Installation of tree protection measures;

- (ii) During demolition of any ground surface materials (paving, concrete, grass etc) within the Tree Protection Zone (TPZ) of any tree to be retained;
  - (iii) During any excavation and trenching which has been approved by Council within the TPZ of any tree to be retained;
  - (iv) During any Landscape works within the TPZ of any tree to be retained.
- (b) An Arboricultural Compliance Report which includes photographic evidence and details of the health and condition of trees, must be submitted to Council's Area Planning Manager at each hold-point listed below:
- (i) Certification tree protection measures have been installed in accordance with the conditions prior to the commencement of works;
  - (ii) Certification of compliance with each key milestone listed above within 48 hours of completion;
  - (iii) Details of any other works undertaken on any tree to be retained or within TPZ/s;
  - (iv) A final compliance report shall be submitted prior to the issuing of the Occupation Certificate.

### **Reason**

To confirm construction works are to be overseen by a qualified arborist in order to ensure adequate tree protection.

### **(13) HOURS OF WORK AND NOISE – OUTSIDE CBD**

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. Loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 – 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under

Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

**Reason**

To protect the amenity of the surrounding area.

**(14) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

**Reason**

To protect the amenity of the public domain.

**(15) NO OBSTRUCTION OF PUBLIC WAY**

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

**Reason**

To protect the amenity of the public domain.

**PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

**There are no conditions relevant to Part E.**

## **PART F – OCCUPATION AND ONGOING USE**

### **(16) OCCUPATION CERTIFICATE TO BE SUBMITTED**

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

#### **Reason**

To ensure the site is authorised for occupation.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2021* apply:

- Clause 69 Compliance with *National Construction Code (previously known as Building Code of Australia)* and insurance requirements under the *Home Building Act 1989*
- Clause 70 Erection of signs
- Clause 71 Notification of *Home Building Act 1989* requirements
- Clause 72 Conditions relating to entertainment venues
- Clause 73 Conditions relating to maximum capacity signage
- Clause 74 Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 2 conditions of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>





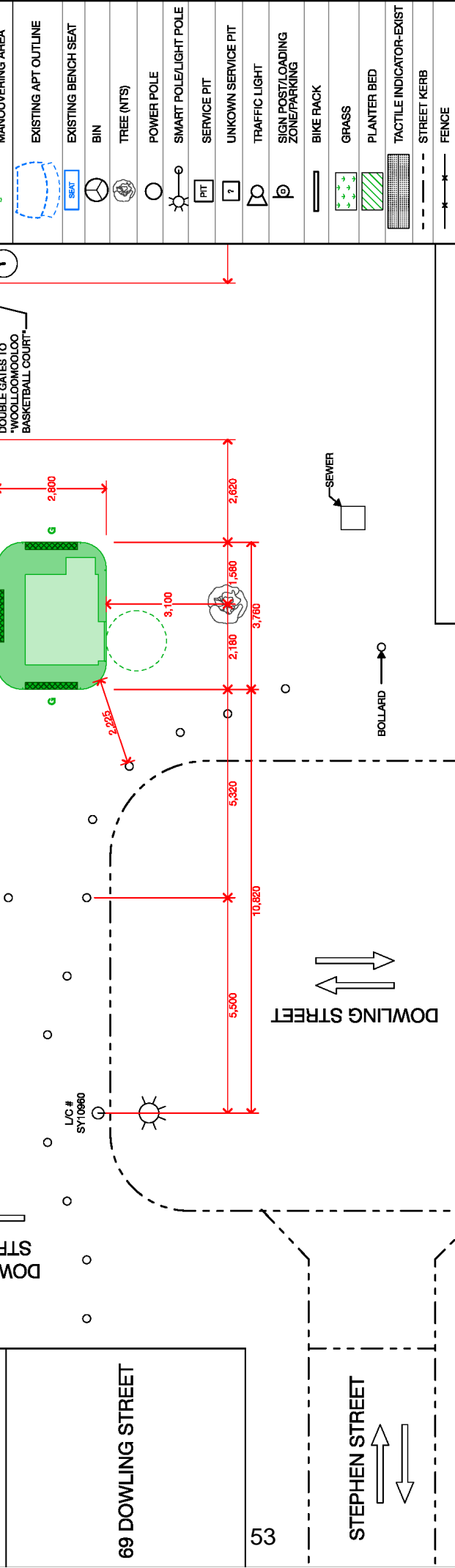
# **Attachment B**

**Selected Drawings**

<b>EXISTING SITE ID:</b> APTXX	<b>NEW APT ID:</b> APT16	<b>ROAD TYPE:</b>	<input type="checkbox"/> Local	<input type="checkbox"/> Residential	<input type="checkbox"/> Secondary	<input type="checkbox"/> Main	<b>ASSET TYPE:</b>	<input type="checkbox"/> Communication Pylon	<input type="checkbox"/> Asphalt	<input type="checkbox"/> Other	<b>REINSTATEMENT:</b>	<input type="checkbox"/> Brick	<input type="checkbox"/> Concrete	<input type="checkbox"/> Concrete Paving	<input type="checkbox"/> Specialist Paving	<input type="checkbox"/> Unmade/Grass	<b>SIGNIFICANT GRADIENT:</b>	Lengthwise: N Widthwise: N	<b>OHS CONSIDERATIONS:</b>	<input type="checkbox"/> Overhead Cables <input type="checkbox"/> Other <input type="checkbox"/> Underground Cables
<b>MAIN STREET:</b>	SYDNEY PLACE AT DOWLING STREET	<b>AREA:</b>	<input type="checkbox"/> CBD Zone	<input type="checkbox"/> Village Area	<input type="checkbox"/> Other	<input type="checkbox"/> SHELTER	<input type="checkbox"/> Bus Shelter	<input type="checkbox"/> Bus Shelter Narrow	<input type="checkbox"/> Kiosk	<input type="checkbox"/> APT	<input type="checkbox"/> Concrete	<input type="checkbox"/> Concrete Paving	<input type="checkbox"/> Specialist Paving	<input type="checkbox"/> Unmade/Grass	<b>FOOTPATH WIDTH:</b>	Actual Footpath Width: N Narrow Kiosk Required: N Narrow Footpath: N	<input type="checkbox"/> Gas Main <input type="checkbox"/> Water Main <input type="checkbox"/> Telephone <input type="checkbox"/> Traffic Management <input type="checkbox"/> Access Issues <input type="checkbox"/> Parking Issues			
<b>CROSS STREET:</b>	DOWLING STREET	<b>SITE ZONE:</b>	APT16	AD	Non-AD	<input checked="" type="checkbox"/> AD	<input type="checkbox"/> AD	<input type="checkbox"/> Non-AD	<input type="checkbox"/> AD	<input type="checkbox"/> Non-AD	<b>AD TYPE:</b>	AD	Non-AD	<b>COMMENTS:</b>	<1.2m clear path or <1.8m clear path in City Centre/Village Main Street					
<b>OUTSIDE/OPR:</b>	DOWLING STREET	<b>JCD NO.:</b>																		
<b>ROAD DIRECTION:</b>		<b>AD TYPE:</b>																		
<b>ADDITIONAL AD POTENTIAL:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>GREEN ROOF:</b>																		
<b>POTENTIAL ADVERTISEMENTS:</b>	D = Digital S = Static G = Green Wall	<b>GREEN ROOF:</b>																		
Face A	N/A	Face B	N/A	Face C	N/A															

**SITE DRAWING NOTES:**

- ALL DIMENSIONS ARE IN MILLIMETRES
- DIMENSIONS ARE MEASURED BY OHS WITH MEASURING WHEEL
- DIMENSIONS ARE MEASURED FROM THE FACE OF THE SIGNAGE PANEL
- VISIBLE FEATURES AND SERVICES MEASURED ONLY ESTABLISH LOCATION OF ALL SERVICES AND FEATURES PRIOR TO ANY WORK
- CONTEXT GEOMETRY DRAWN FROM STREET VIEW OBSERVATION



<b>DATE:</b>	2/8/2023
<b>SCALE:</b>	1:100@A3
<b>DRAWN:</b>	BAT
<b>SURVEY NO.:</b>	APT16

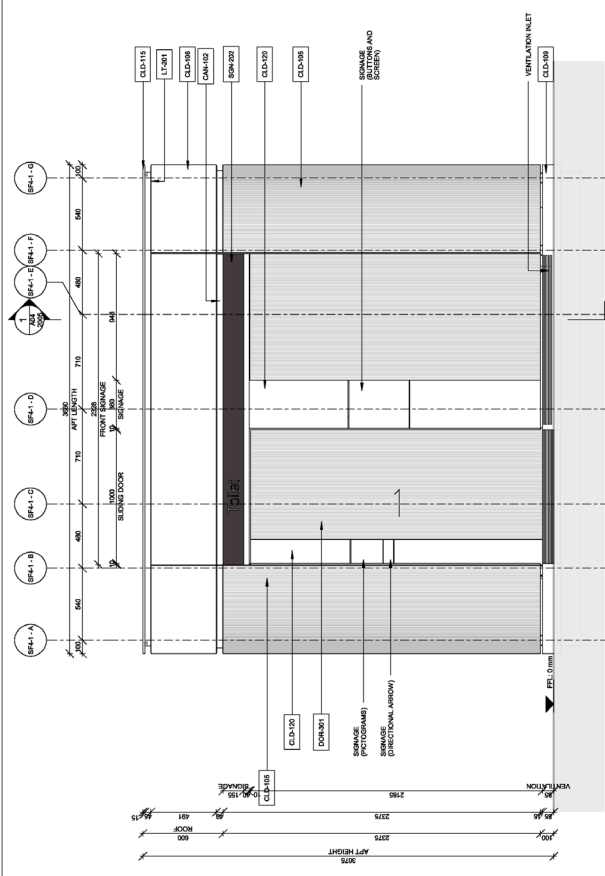
ISSUE	DESCRIPTION	DATE	DRAWN
04	APT'S - UPDATES	2/8/2023	BAT

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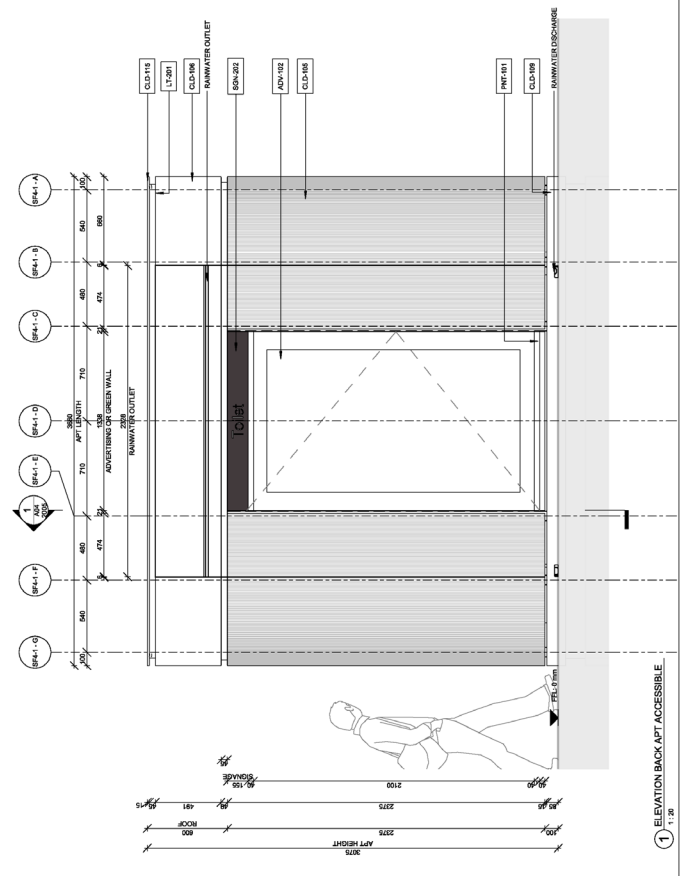
<b>EXISTING SITE ID:</b>	APTXX
<b>NEW APT ID:</b>	APT16

- PLANNING APPLICATION NOTES:**
- The proposal relates to the APT and advertising signage panel.
  - Refer to the DA Master Matrix for the APT Type. Drawings for each APT Type can be found in the Schedules of the SEE.
  - Tactile Ground Surface Indicators are Indicative only. All TGS to comply with AS1428.4.1

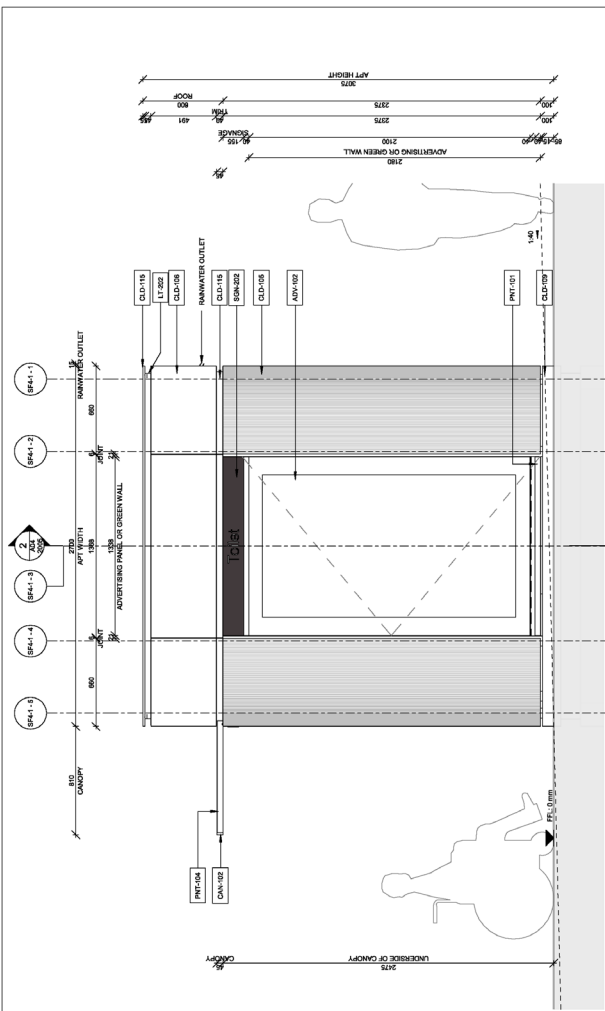




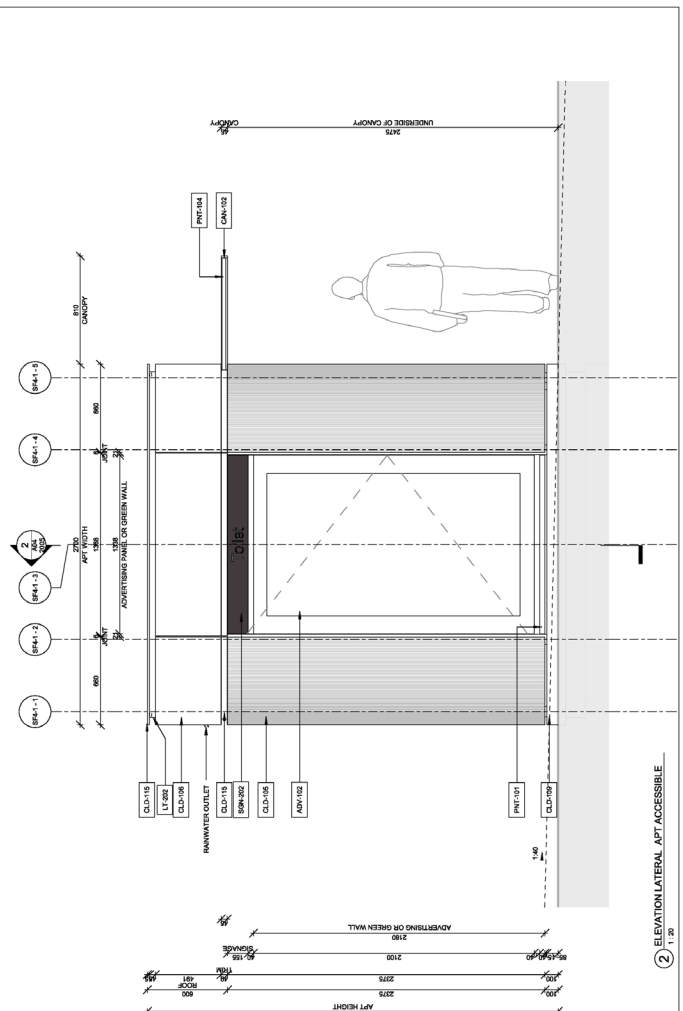
4 ELEVATION FRONT APT ACCESSIBLE  
1:20



1 ELEVATION BACK APT ACCESSIBLE  
1:20



3 ELEVATION LATERAL APT ACCESSIBLE  
1:20



2 ELEVATION LATERAL APT ACCESSIBLE  
1:20

ARCHITECT  
**GRIMSHAW**  
GRIMSHAW ARCHITECTS LLP  
1-81 2525 2500  
www.grimshaw.com.au  
Sydney, NSW 2000, AUSTRALIA

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**OMS MEDIA**  
Lead contractor  
Mechanical and electrical engineers  
Architectural engineers  
Structural engineers  
Civil Engineers  
Safety in Design  
Construction Management  
Interior Design  
Landscape Architecture

PROJECT NAME  
**CITY OF SYDNEY STREET FURNITURE**

PROJECT NO.  
**20158**

ADDRESS  
**ATWELL WAY, SYDNEY, NSW, AUSTRALIA**

REVISIONS

REV	BY	DATE	DESCRIPTION
B	OM	06.10.20	For Information
C	OM	06.10.20	DEVELOPMENT
D	OM	06.10.20	Work in Progress for
E	OM	06.10.21	DEVELOPMENT
F	OM	12.02.21	REVISED
G	OM	06.08.21	DEVELOPMENT (REV-2)

DRAWING TITLE  
**APT ACCESSIBLE - SP4-1**

STATUS  
**PRELIMINARY**

SCALE  
**1:20 @A1**

DRAWN BY  
**GA KJ MG**

CHECKED BY  
**GA KJ MG**

DATE  
**06.08.21**

PROJECT NO.  
**20158**

PROJECT NAME  
**CITY OF SYDNEY STREET FURNITURE**

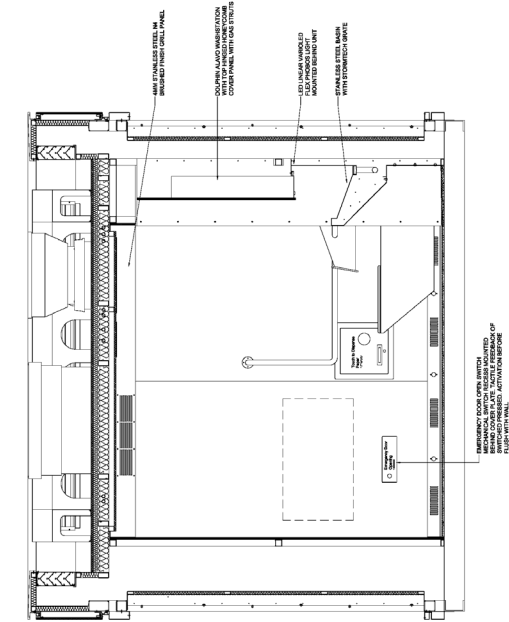
PROJECT NO.  
**20158**

ADDRESS  
**ATWELL WAY, SYDNEY, NSW, AUSTRALIA**

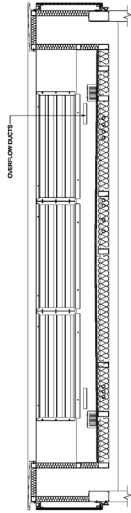
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**OMS MEDIA**

Lead contractor  
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Architectural engineers  
Structural engineers  
Civil Engineers  
Safety in Design  
Construction Management  
Interior Design  
Landscape Architecture

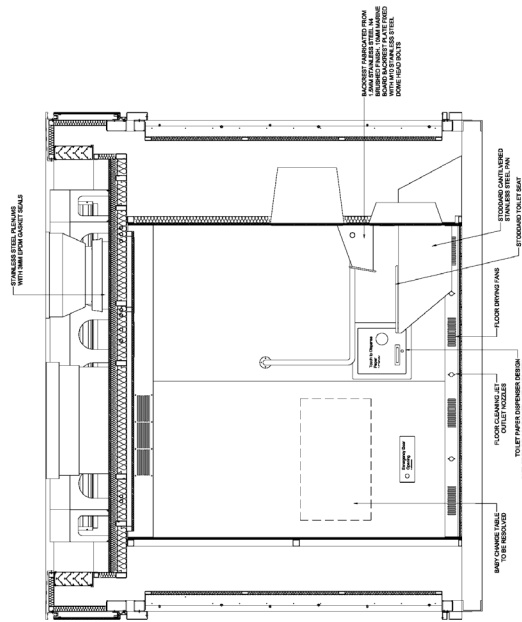




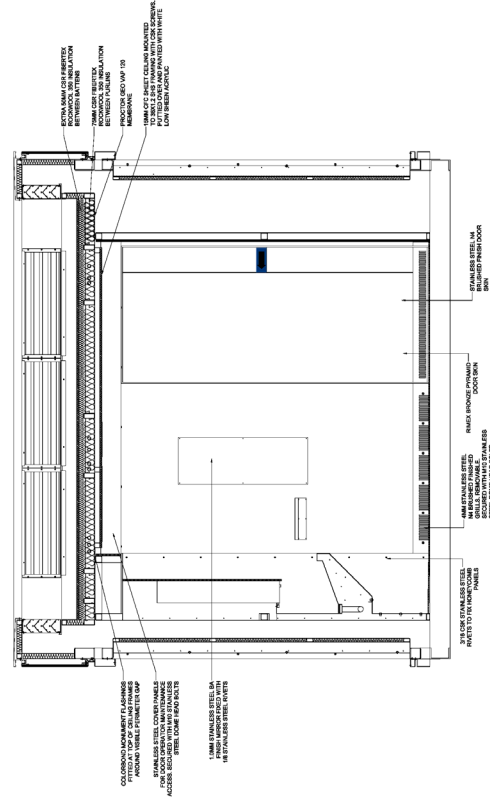
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Scale 1:50  
A01



**SECTION C**  
Scale 1:50  
A01



**SECTION A**  
Scale 1:50  
A01



**SECTION I**  
Scale 1:50  
A01

DO NOT SCALE FROM THESE DRAWINGS  
CAD - DO NOT AMEND MANUALLY

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F: 0151 8772 9752  
PO Box 6009  
LONDON NW11 2SSB  
UK  
Contact us for more information  
or to request a quotation  
www.pureable.co.uk

Company Engineer

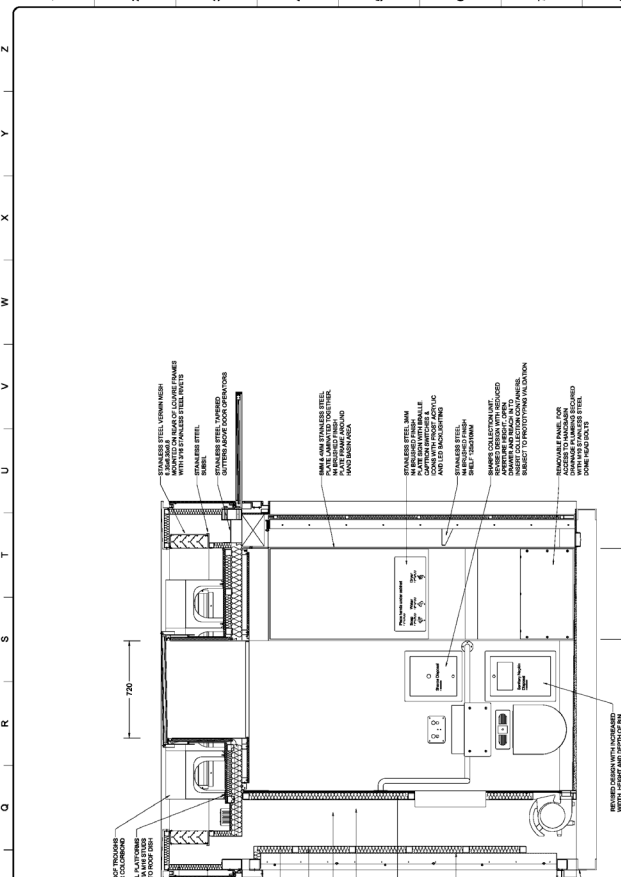
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Drawing Title: **DETAILS**

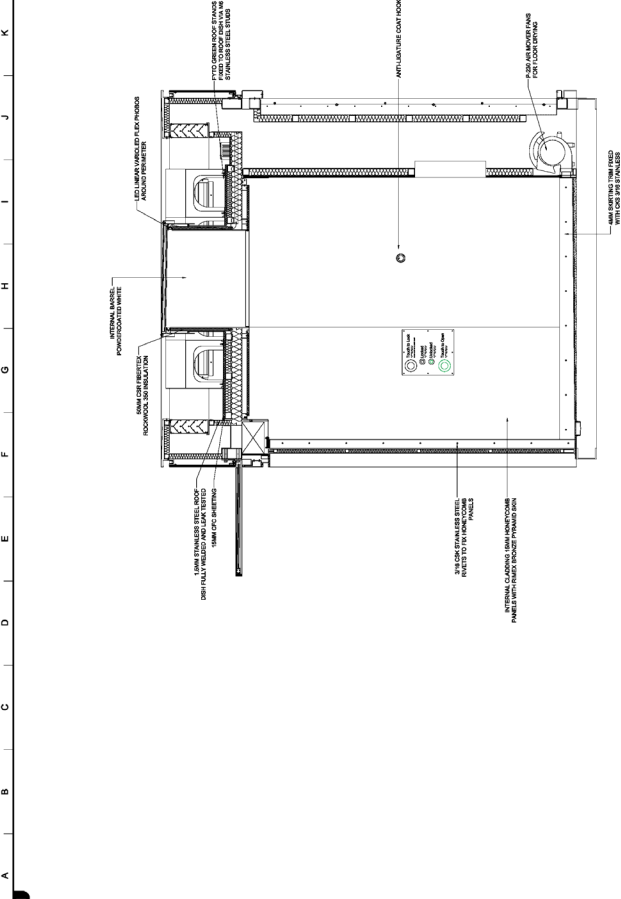
No.	Revision	Date
A	PRELIMINARY	15.12.22
B	PRELIMINARY	02.02.23

Checked By	Drawn By	Date
JW	JW	02.02.23

Scale: N/A  
CAD File: N/A  
Project No.: **APT1 A02**  
Drawing No.: **A02**  
Revision: **B**



**SECTION E**  
A01  
Scale 1:20



**SECTION F**  
A01  
Scale 1:20

11  
12  
13  
14  
15  
16  
17  
18  
19

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E: sales@pureable.co.uk  
P: 020 8772 9720  
PO Box 6000  
LONDON NW11 2ZB

Company Engineer

Project  
QMS MEDIA  
APT1

Drawing Title  
DETAILS

No.	Revision	Date
A	PRELIMINARY	15.12.22
B	PRELIMINARY	02.02.23

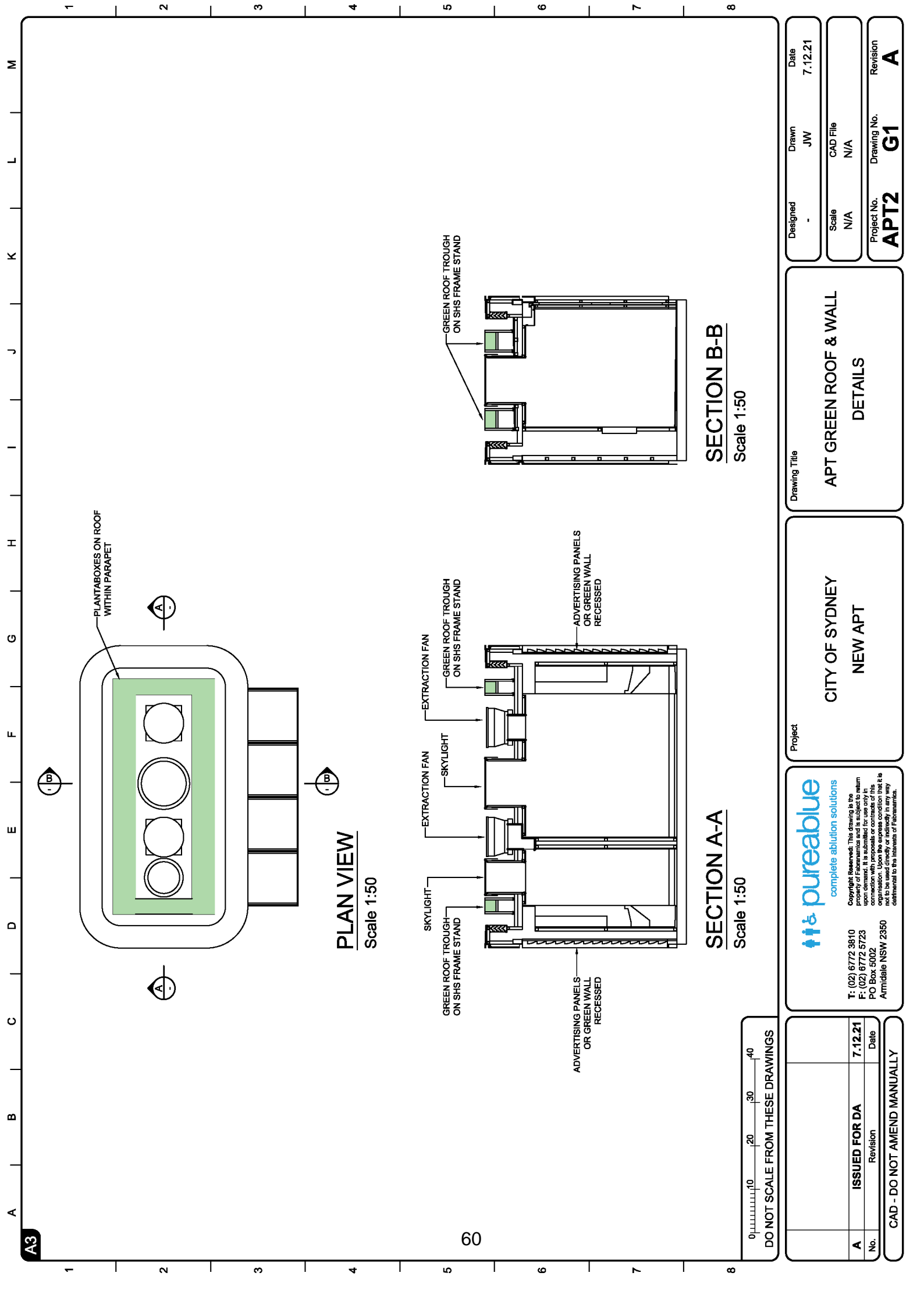
Checked By	Drawn By	Date
JW	JW	02.02.23

Scale	CAD File	Revision
N/A	N/A	N/A

Project No. **APT1\_A03**  
Drawing No. **B**







PLANTBOXES ON ROOF WITHIN PARAPET

### PLAN VIEW

Scale 1:50

### SECTION A-A

Scale 1:50

### SECTION B-B

Scale 1:50

0 10 20 30 40  
DO NOT SCALE FROM THESE DRAWINGS

Designed	-	Drawn	JW	Date	7.12.21
Scale	N/A	CAD File	N/A	Project No.	APT2
Project No.	APT2	Drawing No.	G1	Revision	A

Drawing Title  
**APT GREEN ROOF & WALL DETAILS**

Project  
**CITY OF SYDNEY  
NEW APT**

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No.	Revision	Date
A	ISSUED FOR DA	7.12.21
CAD - DO NOT AMEND MANUALLY		

STAINLESS STEEL TROUGH FULLY WELDED TO CONTAIN FYTO ARBOUR SYSTEM

30SHS STAINLESS FABRICATED FRAME AT 600 CENTRES

STAINLESS STEEL SHEET ROOF DECKING

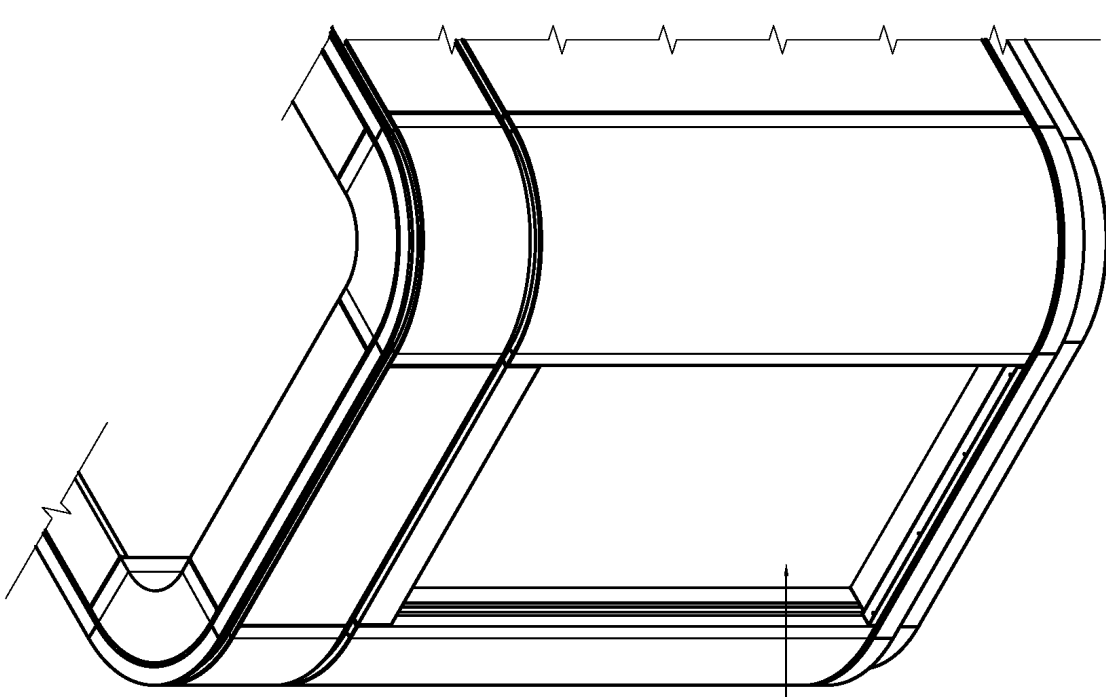
STAINLESS STEEL PLATE FEET WELDED TO ROOF CLADDING & BOLTED CONNECTION TO FRAME. NO FIXING PENETRATIONS THROUGH ROOF DECKING THAT WILL EVENTUALLY LEAK

STAINLESS STEEL FULLY WELDED & SEALED RECESS FOR FYTOWALL SYSTEM TO BE MOUNTED

### TYPICAL GREEN ROOF STRUCTURE & ROOF CONNECTION DETAIL

Scale 1:5

0 10 20 30 40  
DO NOT SCALE FROM THESE DRAWINGS



### TYPICAL RECESS DETAIL FOR DISPLAY SCREENS & GREEN WALL

Scale 1:20

Designed	-	Drawn	JW	Date	7.12.21
Scale	N/A	CAD File	N/A	Project No.	APT2
Project No.	APT2	Drawing No.	G2	Revision	A

Drawing Title	APT GREEN ROOF & WALL DETAILS
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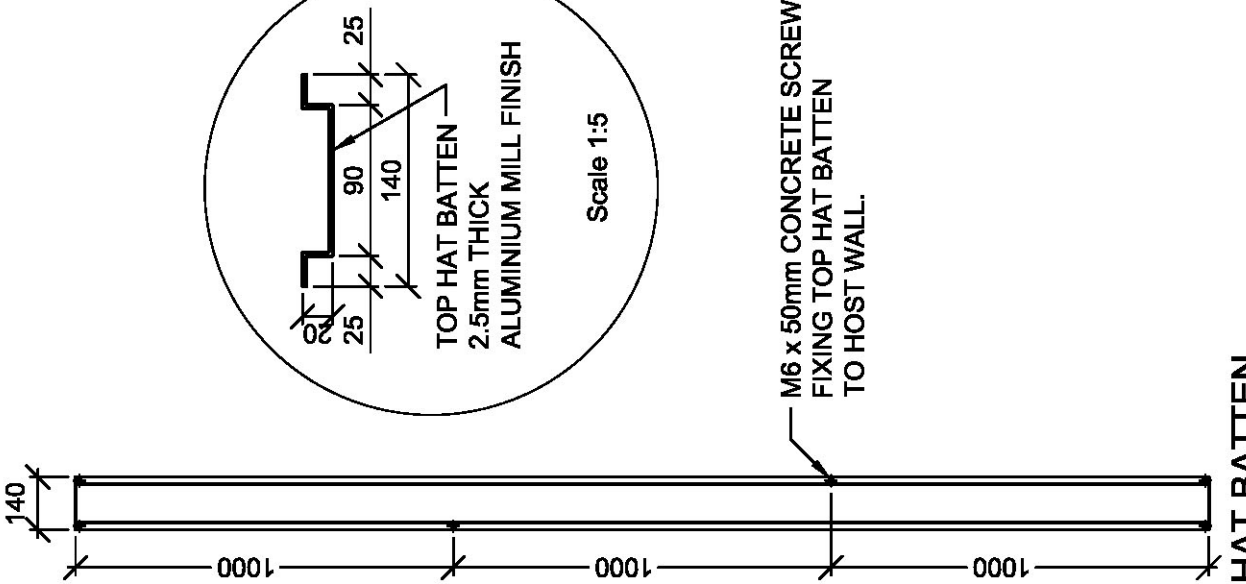
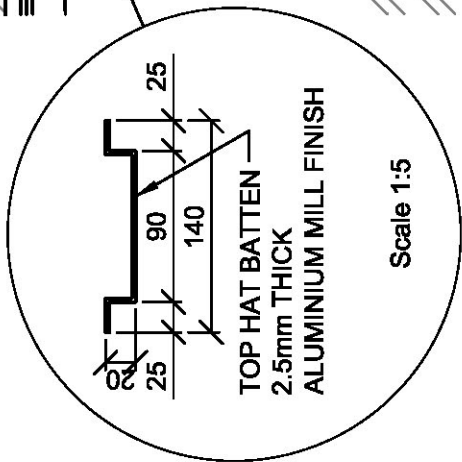
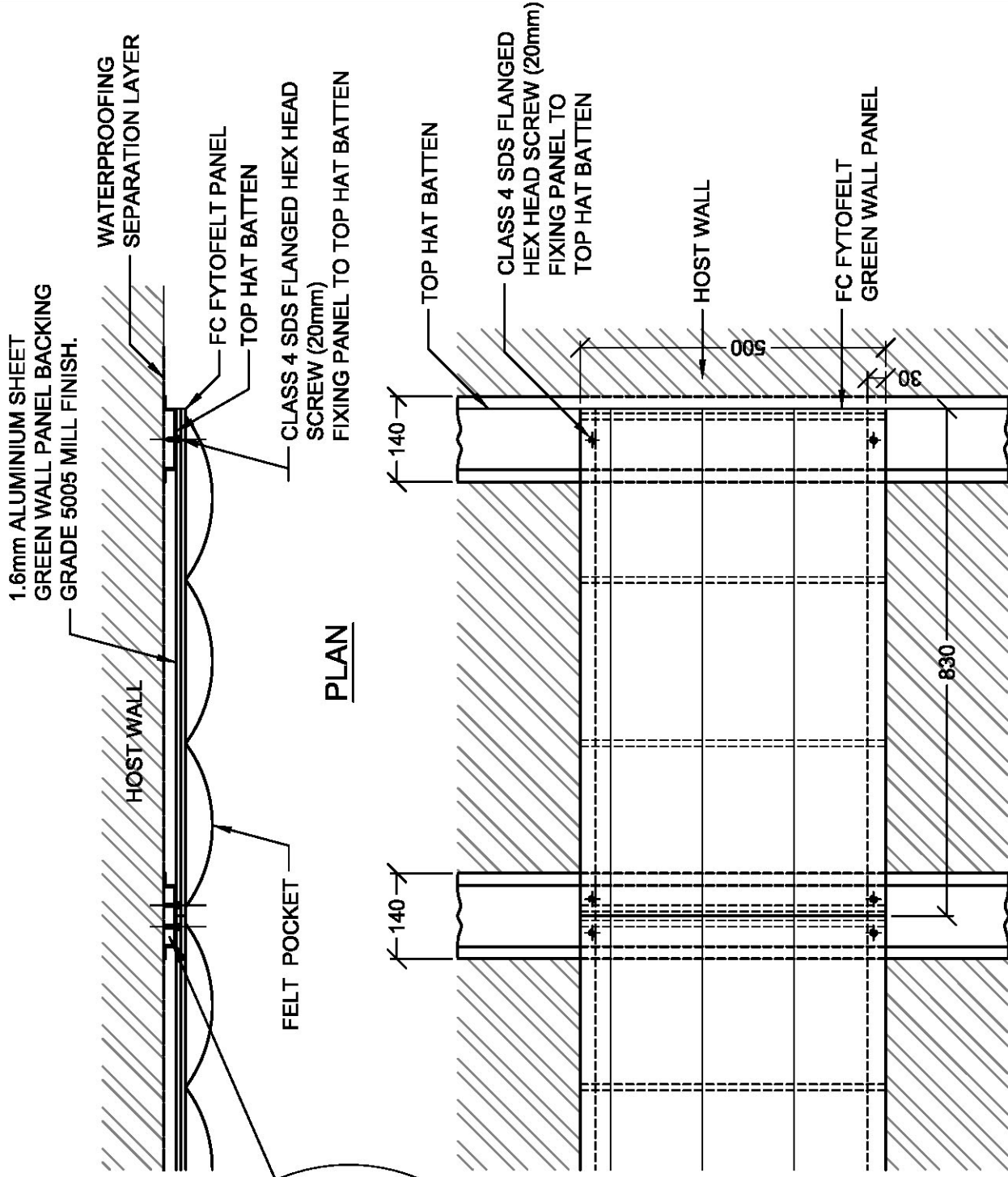
Project	CITY OF SYDNEY NEW APT
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No.	A	Revision	7.12.21	Date
CAD - DO NOT AMEND MANUALLY				

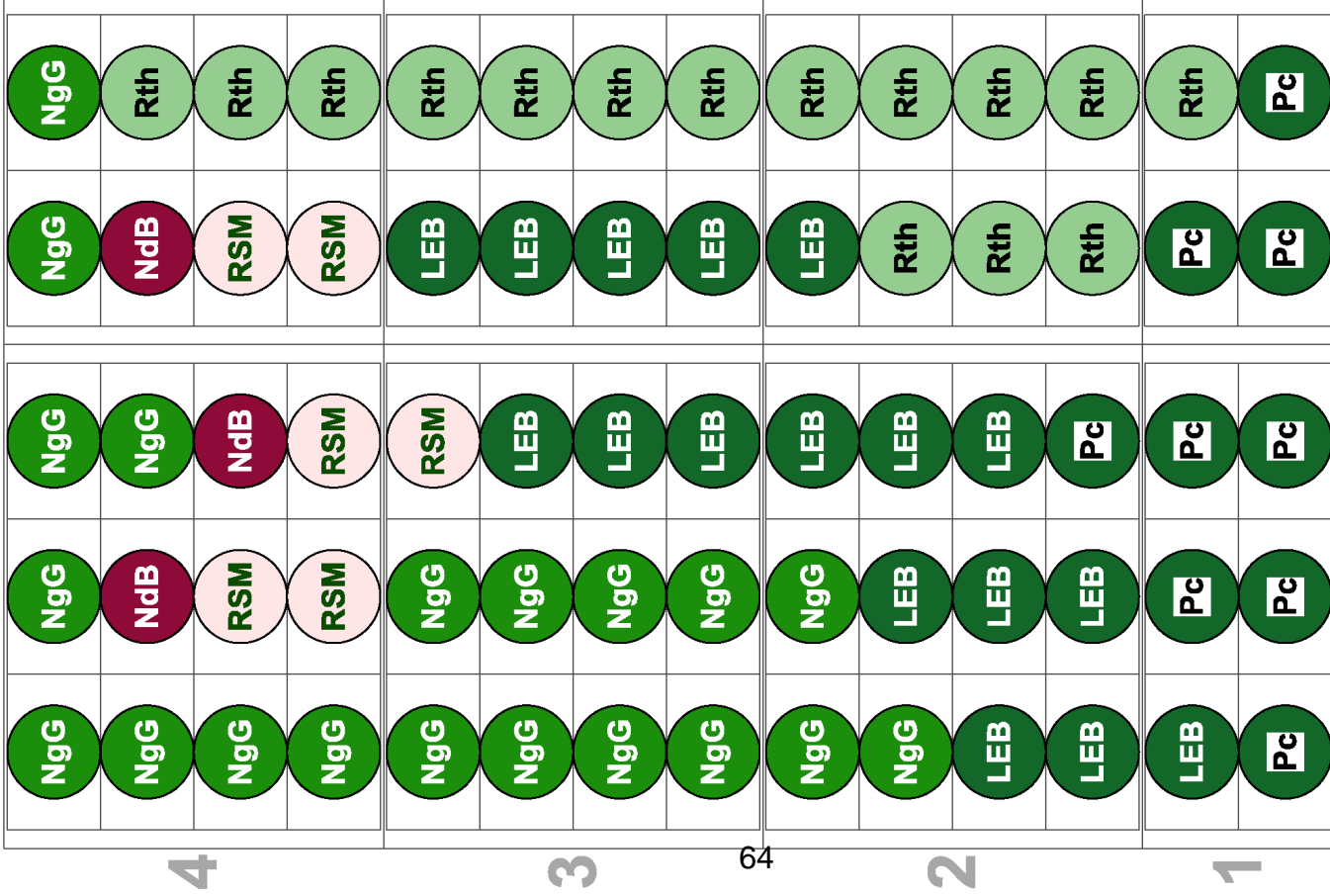


**FRONT ELEVATION**

Scale 1:10

Project Number		Project Number	
Drawn By		Drawn By	
MC		MC	
Checked By		Checked By	
GH		GH	
Fytogreen Australia Pty. Ltd. ABN. 20 099 581 736 3 Webbs Lane, Somerville, VIC 3912 ph. 1300 182 341 fax. +61 3 5978 0744 E. info@fytoogreen.com.au www.fytoogreen.com.au			
Project Title		Project Title	
FYTOGREEN TOP HAT FIXING BATTEN		FYTOGREEN TOP HAT FIXING BATTEN	
140mmW x 20mmH TYPICAL DRAWING		140mmW x 20mmH TYPICAL DRAWING	
Date	Drawing No:	Revision:	Description
23/11/20			
Scale	AS SHOWN	Rev	Date





Plant Code	Latin Name	Quantity
LEB	<i>Lomandra 'Evergreen Baby'</i>	17
NdB	<i>Nandina domestica 'Blush'</i>	3
NgG	<i>Nematanthus 'Goldfish'</i>	20
Pc	<i>Plectranthus ciliatus</i>	9
RSM	<i>Rhaphiolepis 'Snow Maiden'</i>	6
Rth	<i>Rhipsalis teres v. heteroclada</i>	15

2 **Planting Schedule**

Scale: 1:20

*Lomandra 'Evergreen Baby'*



*Nandina domestica 'Blush'*



*Nematanthus 'Goldfish' (Orange)*



*Plectranthus ciliatus*



*Rhipsalis teres f. heteroclada*



*Rhaphiolepis 'Snow Maiden'*



**NOTE**

This planting plan is indicative only of a potential full sun vertical garden in Sydney. In-depth assessments of inherent exposures and refinement of species selections are required to ensure sustainable outcomes are generated.

Species selections and are not akin to terrestrial gardens, rather placing an emphasis on epiphytic and lithophytic species with inherently evolved adaptations to survive and thrive on the vertical plane.

This is a hybrid selection of trialed and tested species inclusive of a minority terrestrial species.

Species selection and array go hand-in-hand pending function.

PROJECT  
Gimshaw Str - Indicative Planting for Sun  
ADDRESS  
Gimshaw Str, Sydney, NSW

CLIENT  
QMS Media Pty Ltd  
DRAWING  
Planting Plan



PROJECT NUMBER	10002566
DATE	18 AUG 2024
DESIGNED BY	WSP
PROJECT START DATE	LOD
SCALE	A3
DRAWN	

1 **Planting Plan**

Scale: 1:8.5

# **Attachment C**

## **Urban Design Analysis**

# APT Urban Design Report

Date	Description	Reason for Issue	Report Revision No.	Format
18/10/22	First issue - Crewe Place (A1019) and Cowper Wharf Road (A1020)	For review	00	A3
24/10/22	<ul style="list-style-type: none"> <li>Second issue - Crewe Place (A1019) and Cowper Wharf Road (A1020)</li> <li>First issue - Erskineville Square (A1016), Boomerang Place (A1024), Dowling Street (A1028) and Castlereagh Street (A1027)</li> </ul>	<ul style="list-style-type: none"> <li>For submission - Crewe Place adjacent heritage item annotated; Cowper Wharf Rd adjacent heritage item annotated, APT type changed to Double with 2 digital ad panels and one green wall as per QMS request</li> <li>For review - Erskineville Square, Boomerang Place, Dowling Street and Castlereagh Street</li> </ul>	01	A3
31/10/22	Third issue	Minor amendments and updates	02	A3
9/11/22	Fourth Issue	Minor amendments and updates	03	A3
16/11/22	Fifth Issue	Minor amendments and updates	04	A3
12/12/22	Sixth Issue	Minor amendments and updates	05	A3
07/06/23	Seventh Issue	Response to Planning Assessment	06	A3



07 June 2023

# Dowling Street

## APT no. A1028



# Content

## **Dowling Street (A1028)**

1. Overview - Public Toilet Network Map
2. Investigation/Explanation of Siting
3. APT Site Plan
4. APT Location Setout
5. Heritage
6. Impact on Landscaping
7. Visual Impact and Clutter
8. Key Views
9. Response to Planning Assessment

# Overview - Public Toilet Network Map

## Dowling Street

### APT Number A1028

→ Dowling Street and Stephen St, Woolloomoolo

### Comments by City of Sydney Program Manager, Urban Design:

→ *Siting Options*

The proposed location is directly adjacent to well-used basketball courts, tennis court, community garden and children's playground. It is therefore considered a highly appropriate location for a public toilet. In addition, the local community have specifically requested a public toilet in this vicinity, as locals currently allow people into their own homes to use toilets. Community consultation has been undertaken by City Projects and by the City's Indigenous Leadership and Engagement Officer. The co-location of toilet facilities with community facilities is a well-established principle of good planning.

In addition, there are few public places wide enough within walking distance to accommodate a fully accessible APT, which is why this location has been selected.

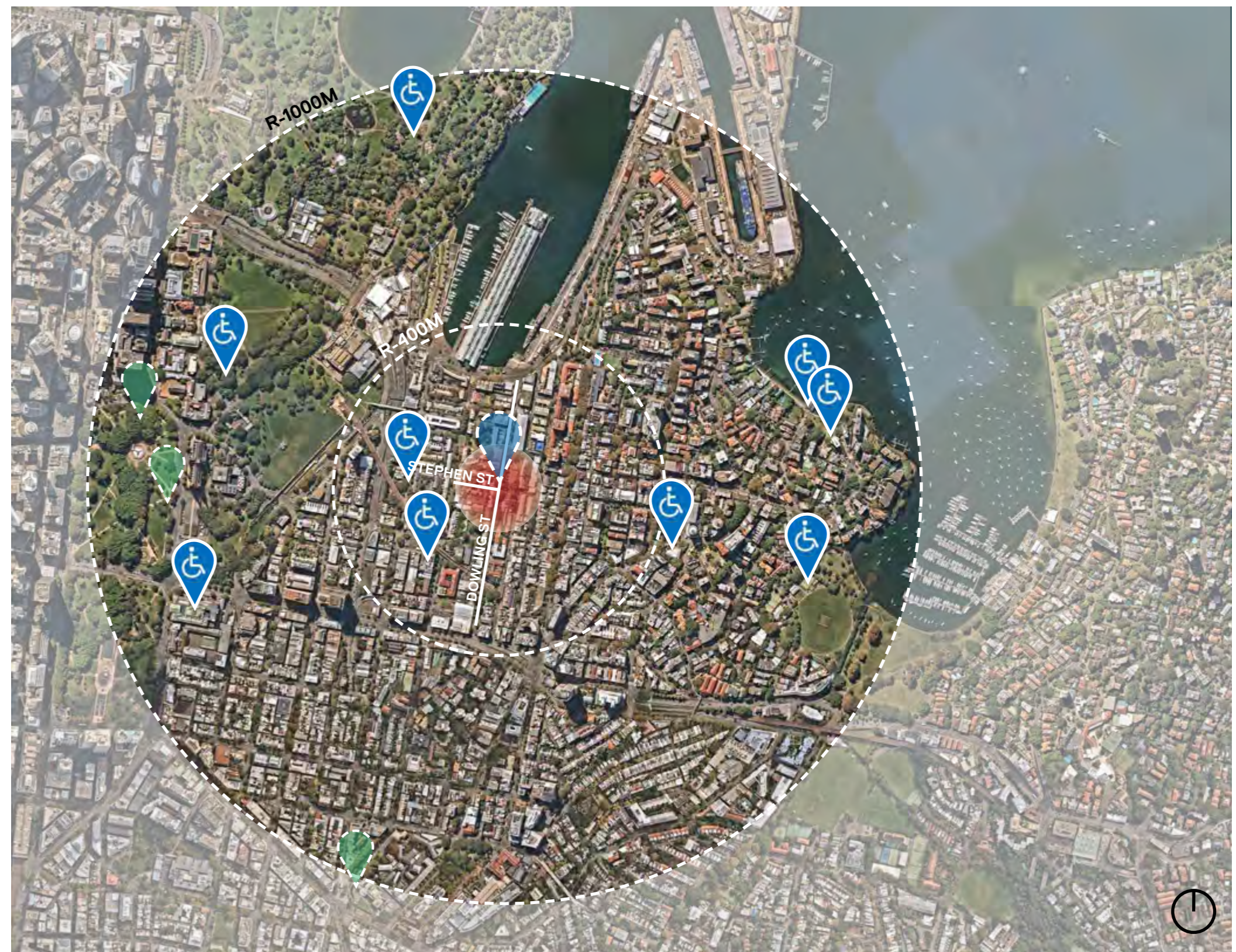
→ *Anti-social Behaviour*

The proposed location is on a well-used east/west pedestrian route (Kings Cross to the CBD via the Butler and Hill Stairs), as well as a north/south pedestrian route. The door of the proposed APT faces outwards, on to a public thoroughfare. In addition, the community facilities are regularly patrolled by local police and the Woolloomooloo Police Station is 300 metres away.

→ *Lighting Strategy and CCTV*

There is an existing CCTV installation 80 metres to the north at the intersection of Pring Street. Existing street lighting is supplemented by pole-top lighting in the road closures and the current lighting levels are compliant. Increasing light levels in a residential area is not considered necessary.

LEGEND :  PROPOSED APT LOCATION  APPROVED APT LOCATIONS  EXISTING PUBLIC TOILET LOCATIONS



# Overview - Investigation/Explanation of Siting

## Dowling Street

SLEP 2012 6.21C (2)(a), (b) and (d)(iii)  
and Section 3.13.1 of SDCP 2012

### Proposed APT characteristics

- Single (Accessible)
- Non-advertising
- 3 Green Wall panels



VIEW A



VIEW B



VIEW C



### LEGEND

- RESIDENTIAL
- COMMUNITY
- INDUSTRIAL
- LEARNING
- HERITAGE
- APT
- CONSERVATION AREA









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# APT Site Plan

## Dowling Street

SLEP 2012 6.21C (2)(b), (c) and (d)(x) and (xiii)

LEGEND :

 LIGHT POLES	 SEATS	 PEDESTRIAN FLOW
 BOLLARDS	 PIT	 WALKING SPACE
 SEWER	 SIGNAGE	



73



# Heritage

## Dowling Street

### → Heritage

The APTs and other new street furniture items were designed in Sydney by Grimshaw. Their design development was overseen by The City. Consideration for heritage streetscapes and precincts was discussed with the City and the architects. The City endorsed the contemporary architectural expression and consider it complementary to heritage places and spaces.

### **Assessment of potential heritage impacts - prepared by City Plan Heritage P/L on 18 May 2022**

The subject site is situated within the Woolloomooloo Heritage Conservation Area (C71) and is protected under the Environmental Planning and Assessment Act 1979. The precinct is characterised by nineteenth century and late twentieth century residential development.

The assessment of potential heritage impacts has been extracted from the document and presented in an adjacent table.

### → Conclusions and recommendations

“(…) the works would not physically affect any identified heritage items in the immediate area of Sydney Place, or negatively impact significant views within the Woolloomooloo Heritage Conservation Area generally. The works would have a positive impact on the area by providing lavatory facilities near the public basketball court, tennis court, playground, and community garden.

In our opinion the works would have a negligible heritage impact for the following reasons:

1. The installation of APT16 would not materially affect the identified heritage significance of the Woolloomooloo Heritage Conservation Area, or of other heritage items in the immediate area. APT16 would be separated by various street widths from identified heritage items located nearby.
2. No heritage fabric would be altered or removed as part of the works contained in this application. The new structure would be located to retain the existing sandstone garden edging located at the northern side of Sydney Place and the existing mature trees located in the immediate area. APT16 would be located to maintain access to the existing gate providing access from Sydney Place to the public basketball and tennis courts and community garden.
3. The design, scale and materials would result in a neutral structure within the Woolloomooloo Heritage Conservation Area.
4. Significant north-south views along Dowling and McElhone Streets within the Woolloomooloo Heritage Conservation Area would be retained.
5. APT16 would be located to enable visitors to the area to continue to view Hills Stairs and its components (walls and fencing) in medium- and long-distance views looking eastwards from Sydney Place and Stephen Street.
6. The works would not diminish or alter the identified heritage significance of the Woolloomooloo Heritage Conservation Area.

We recommend the following measures are taken to mitigate potential impacts during the installation of the automatic public toilet (APT16):

(a) In the event any discoveries or relics are uncovered during the works, the heritage specialist and archaeologist are to be notified immediately and work in that area is to cease until the nature of the find can be confirmed. Works can recommence following written approval of the heritage specialist and archaeologist.”



Figure 4. General view of Sydney Place, looking eastwards from Dowling Street. (Source: CPH, May 2022)



Figure 5. View of the sandstone garden edging to be separated from the northern side of APT16 by 600mm. (Source: CPH, May 2022)



Figure 6. General view of the proposed location of APT16 looking southeast from Stephen Street to the mural located on the side of . (Source: CPH, May 2022)



Figure 7. Looking west to Sydney Place from McElhone Street. (Source: CPH, May 2022).



6.3. Sydney Development Control Plan. 2012

Sydney DCP 2012	How this proposal relates to these matters:
<b>Clause 3.9.6 Heritage Conservation Areas</b>	
<p>1. Development within a heritage conservation area is to be compatible with the surrounding built form and urban pattern by addressing the heritage conservation area statement of significance and responding sympathetically to:</p> <p>(a) topography and landscape;                      (b) views to and from the site;                      (c) significant subdivision patterns and layout, and front and side setbacks;                      (d) the type, siting, form, height, bulk, roofscape, scale, materials and details of adjoining or nearby contributory buildings;                      (e) the interface between the public domain and building alignments and property boundaries; and                      (f) colour schemes that have a hue and tonal relationship with traditional colour schemes.</p>	<ul style="list-style-type: none"> <li>APT16 has been designed as a free-standing structure and would not be attached to any buildings or other structures. The scale and bulk of surrounding structures, together with view corridors in the immediate area, were taken into consideration in determining the proposed location of the APT.</li> <li>The proposed site has been selected to maintain clear access to the gateway between Sydney Place and the public basketball courts.</li> <li>Works would not involve the demolition or alteration of any heritage items. No known significant heritage services would be affected by the works.</li> <li>Works would involve localised excavation for footings and adaptation of existing water, sewerage, and electrical services. The new structure would not impede drainage of paved surfaces. Paving affected by the works would be repaired to match the adjacent paving.</li> <li>Materials have been selected for the new APT based on appearance, durability, and maintenance, and to be complementary to the prevailing character of development in the surrounding area.</li> </ul>
<p>2. New infill buildings and alterations and additions to existing buildings in a heritage conservation area are not to be designed as a copy or replica of other buildings in the area, but are to complement the character of the heritage conservation area by sympathetically responding to the matters identified in (1)(a) to (e) above.</p>	<ul style="list-style-type: none"> <li>The APT structure is designed as a freestanding element and is designed in a contemporary style to be readily distinguishable as new work within the Woolloomooloo HCA.</li> </ul>
<p>3. Infill development is not to include garages and car access to the front elevation of the development where these are not characteristic of the area.</p>	<ul style="list-style-type: none"> <li>Not applicable. The works are limited to the installation of one new automatic public toilet unit within the Woolloomooloo Heritage Conservation Area.</li> </ul>
<p>4. Development within a heritage conservation area is to be consistent with policy guidelines contained in the Heritage Inventory Assessment Report for the individual conservation area.</p>	<ul style="list-style-type: none"> <li>The design, materials, and siting of the APTs has taken into consideration the relevant heritage significance of the Woolloomooloo Heritage Conservation Area and heritage-listed buildings located nearby.</li> <li>The APTs have been designed in a contemporary architectural style as a recognisable, cohesive, suite of street furniture throughout Sydney LGA.</li> </ul>

3.9.11 Conservation of public domain features in heritage conservation areas	
<p>1. The following elements of streets, lanes, parks and other areas of the public domain are to be retained if they contribute to the heritage significance of the heritage conservation area:</p> <p>(a) evidence of early road surfaces and associated features;                      (b) stone kerbing, guttering and paving;                      (c) sandstone steps and retaining walls;                      (d) street furniture;                      (e) cast iron letterboxes;                      (f) signposts;                      (g) light posts;                      (h) original pavement lights;                      (i) fences;                      (j) railings;                      (k) trachyte or sandstone; and                      (l) milestones and ward markers.</p>	<ul style="list-style-type: none"> <li>The installation of APT16 would not require the removal of any heritage fabric or significant elements within the Woolloomooloo HCA. Sandstone edging located on the northern side of Sydney Place would be retained and where necessary protected during construction works.</li> <li>New concrete foundations would be hand excavated to minimise impacting the root systems of substantial trees in the immediate area. Where necessary excavation works would be modified to accommodate local underground obstructions.</li> <li>Paving affected by the proposed works would be repaired to match adjacent paving to minimise adverse visual impacts on the Woolloomooloo HCA, and views within Sydney LGA generally.</li> </ul>
<p>2. The removal of significant public domain features will only be considered if their retention in situ is not feasible and has been demonstrated in a Heritage Impact Statement.</p>	<ul style="list-style-type: none"> <li>Not applicable. No public domain features would be removed as part of the proposed works.</li> </ul>
<p>3. If significant public domain features are to be removed, they are to be replaced in one of the following ways:</p> <p>(a) detailed and made of materials to match the period and character of the street or park in which they are located; or                      (b) a contemporary interpretation of traditional elements.</p>	<ul style="list-style-type: none"> <li>Where changes to paving are required, repairs will be carried out to match the material, appearance, and dimensions of the existing paving finish.</li> <li>Works will not impede existing drainage across paved surfaces within or adjacent to the new APT.</li> </ul>

6.4. NSW Heritage Guidelines

The following questions have been extracted from the Heritage NSW publication, *Statements of Heritage Impact*, 2002. Responses have been provided in relation to the proposed development.

The following table addresses the proposal in relation to relevant 'questions to be answered' relating to a new development adjacent to a heritage item (including additional buildings).

Questions to be answered	This proposal relates to these matters as follows:
<p>How is the impact of the new development on the heritage significance of the item or area to be minimised?</p>	<ul style="list-style-type: none"> <li>APT 16 would be a freestanding unit, based on the minimum dimensions for an accessible lavatory, to minimise its bulk within views in the Woolloomooloo HCA.</li> <li>The scale and materials are compatible with the immediate area and are intended to provide a neutral structure within the Woolloomooloo Heritage Conservation Zone.</li> <li>The contemporary design of the APT would be recognisable as a new element within the heritage conservation area.</li> </ul>
<p>Why is the new development required to be adjacent to a heritage item?</p>	<ul style="list-style-type: none"> <li>The APT is required to provide accessible public facilities adjacent to the public basketball courts, tennis court, playground, and community garden, situated between Sydney Place and Pring Street, Woolloomooloo.</li> </ul>

<p>How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?</p>	<ul style="list-style-type: none"> <li>APT16 would be located within an area of Sydney Place, Woolloomooloo. The affected street was approved for closure by the Traffic Authority of NSW and landscaping by the Council of the City of Sydney in 1978 as part of the Woolloomooloo Development Project Area (Govt Gazette of NSW, 3 Feb 1978, Issue No.15, p415).</li> <li>The freestanding APT would not encroach on the legal boundary curtilage of any heritage-listed structure in the immediate area</li> <li>The works would retain significant views to and from heritage buildings within the area.</li> </ul>
<p>How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?</p>	<ul style="list-style-type: none"> <li>APT 16 would be a freestanding unit, based on the minimum dimensions for an accessible lavatory, to minimise its bulk within views along Sydney Place. The unit would be located to maintain north-south views along Dowling and McElhone Streets Woolloomooloo.</li> </ul>
<p>Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?</p>	<ul style="list-style-type: none"> <li>The subject site is in an area of Woolloomooloo previously modified to accommodate vehicular and pedestrian circulation.</li> <li>No known archaeological deposits or services would be affected by the works. In the event archaeological deposits are uncovered, works would cease in the immediate area and an experienced archaeologist would assess the site. Works would recommence following written instructions from the archaeologist.</li> </ul>
<p>Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?</p>	<ul style="list-style-type: none"> <li>Yes. The new structure would be of contemporary design and recognisable as a neutral, introduced element within the Woolloomooloo Heritage Conservation Area.</li> <li>The scale and materials are compatible with the Victorian housing and late twentieth century residential housing development evident in the precinct.</li> </ul>
<p>Will the additions visually dominate the heritage item? How has this been minimised?</p>	<ul style="list-style-type: none"> <li>No. APT16 accommodates a single WC and facilities and has been designed to minimal external dimensions that allow ambulant and disabled access.</li> <li>The external dimensions of the APT are compatible with the surrounding two and three storey residential development.</li> </ul>
<p>Will the public, and users of the item, still be able to view and appreciate its significance?</p>	<ul style="list-style-type: none"> <li>APT16 would be freestanding and separated from heritage buildings and features by the width of Dowling Street, McElhone Street, Sydney Place, or the footpath. The works would not alter the streetscape presentation of the heritage buildings and/or features within the Woolloomooloo HCA.</li> </ul>

# Impact on Landscaping

## Dowling Street

### Arboricultural Impact Assessment Report - prepared by Moore Trees on 21 April 2022

#### → Site observations

Based on the plan provided, the APT is proposed to be located under the canopies of large mature trees and within their TPZ (Tree Protection Zone) areas. The tree species were identified as being 'Tree 1' a mature Broad leaved paperbark, 'Tree 2' a large mature Kaffir plum and 'Tree 3' a mature Hackberry.

Trees 1 and 2 are likely to have been planted either before, or at the same time as, the adjacent sandstone garden edge was constructed. This may have had an impact on the direction of the root system of these trees and as such the trees may have a slightly reduced woody rootzone (...).

Tree 3 is in good health and condition however recent trenching has certainly breached the TPZ and SRZ (Structural Root Zone) on this tree. Canopy overhang with Tree 3 in conflict with the installation of the APT will need to be considered.

As this APT is a new installation there are currently no services available and new services will be required. This will require trenching that will be close or even breach the TPZ distances of these trees.

Council has specified (letter dated 22nd November 2021, Author Michael Soo) that non-destructive exploratory excavations are to occur to expose roots greater than forty (40) millimetres in diameter. This is an option for this site due to it being clear of any structures.

In conclusion, another site may be a better option (from a TPZ perspective) for this APT however further assessment of the service trenching locations in relation to TPZ areas of the three (3) trees and also the impacts to the canopy of Tree 3 may not be accepted by Council. If no other options are available a Tree Pruning Specification Report (TPSR) will be required so that excessive pruning is not undertaken on this tree. This TPSR will be required by Council.



**Plate 1:** Tree 1 (red arrow), Tree 2 (Blue arrow). P.Vezgoff



**Plate 2:** Tree 1 on slight lean to the south. P.Vezgoff



**Plate 3:** Image showing Tree 3 (Red arrow). P.Vezgoff



**Plate 4:** Image showing new trenching below Tree 3. P.Vezgoff

**Arboricultural Impact Assessment Report - prepared by Moore Trees on 23 March 2022**

→ *Tree impacts - the encroachment to the TPZ:*

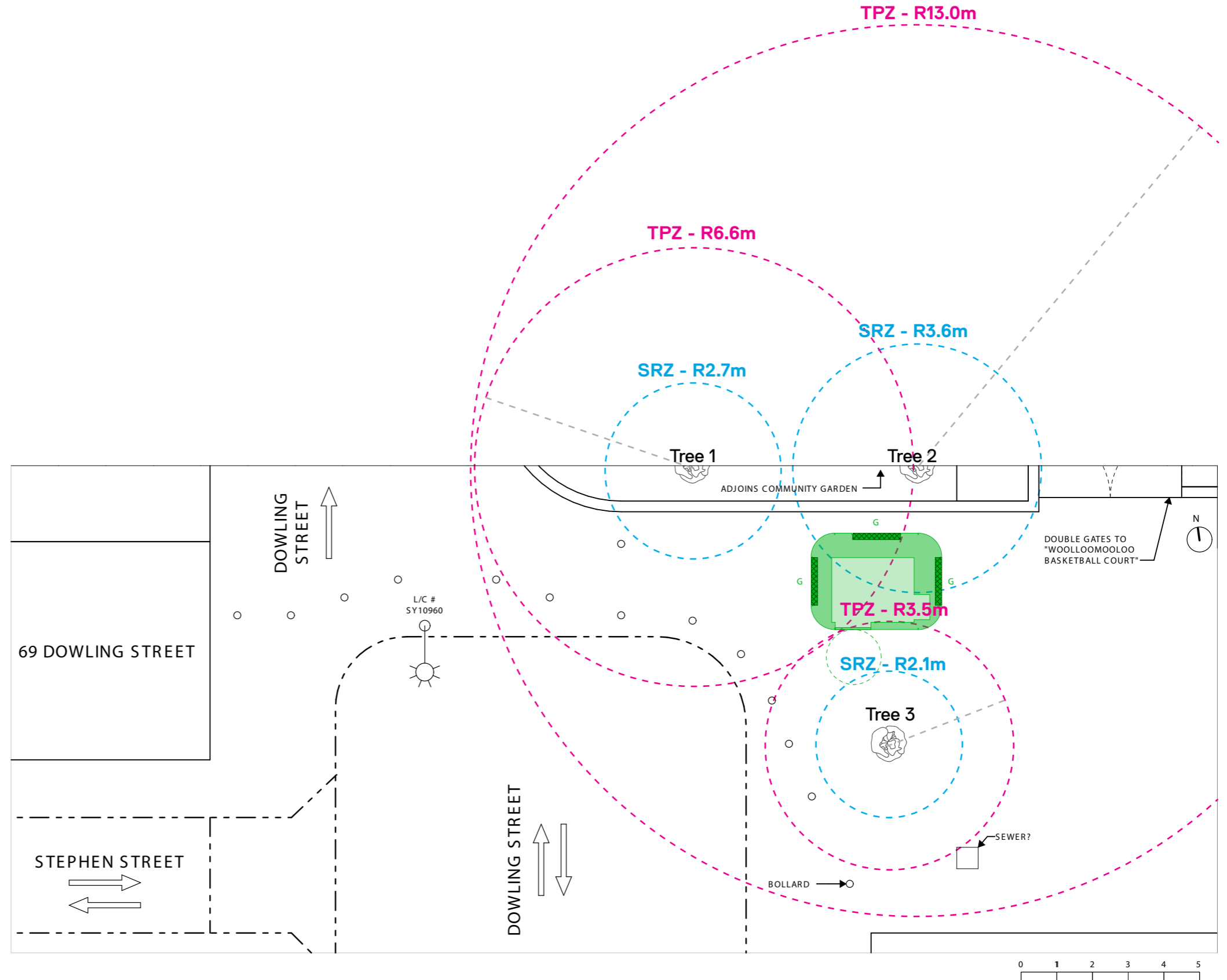
- Tree 1 is 5.7%
- Tree 2 is 2.4% incursion with a slight incursion to the SRZ area
- Tree 3 has a 2.6%.

Although the SRZ on Tree 2 is breached it is possible roots have been deflected downward by the stone retaining wall. These incursions are minimal however the locations of trenching for services have not been provided and these have the potential to be quite significant.

Based on the Australian Standard Protection of trees on development sites, (AS 4970) recommends no more than 10% encroachment unless the TPZ can be compensated elsewhere and contiguous with the TPZ. An encroachment of <10% is considered minimal. As such, all of the encroachments to Trees 1, 2 and 3, would be considered minimal.

→ *Tree impacts - Tree 3 canopy impact:*

Another potential impact to Tree 3 is to the canopy and its proximity to craning vehicles but also the final position of the APT. The choice of vehicle shall be confirmed prior to works commencing and shall ensure that the boom and slings will remain clear of all tree canopies. If this does not occur it is possible branches could tear from the subject trees, thus causing extensive detrimental damage that Council may request any bond on any tree be surrendered. The final location of the APT may also require reduction pruning of approximately 10-15% of the canopy of Tree 3.



# Visual Impact and Clutter

## Dowling Street



VIEW A



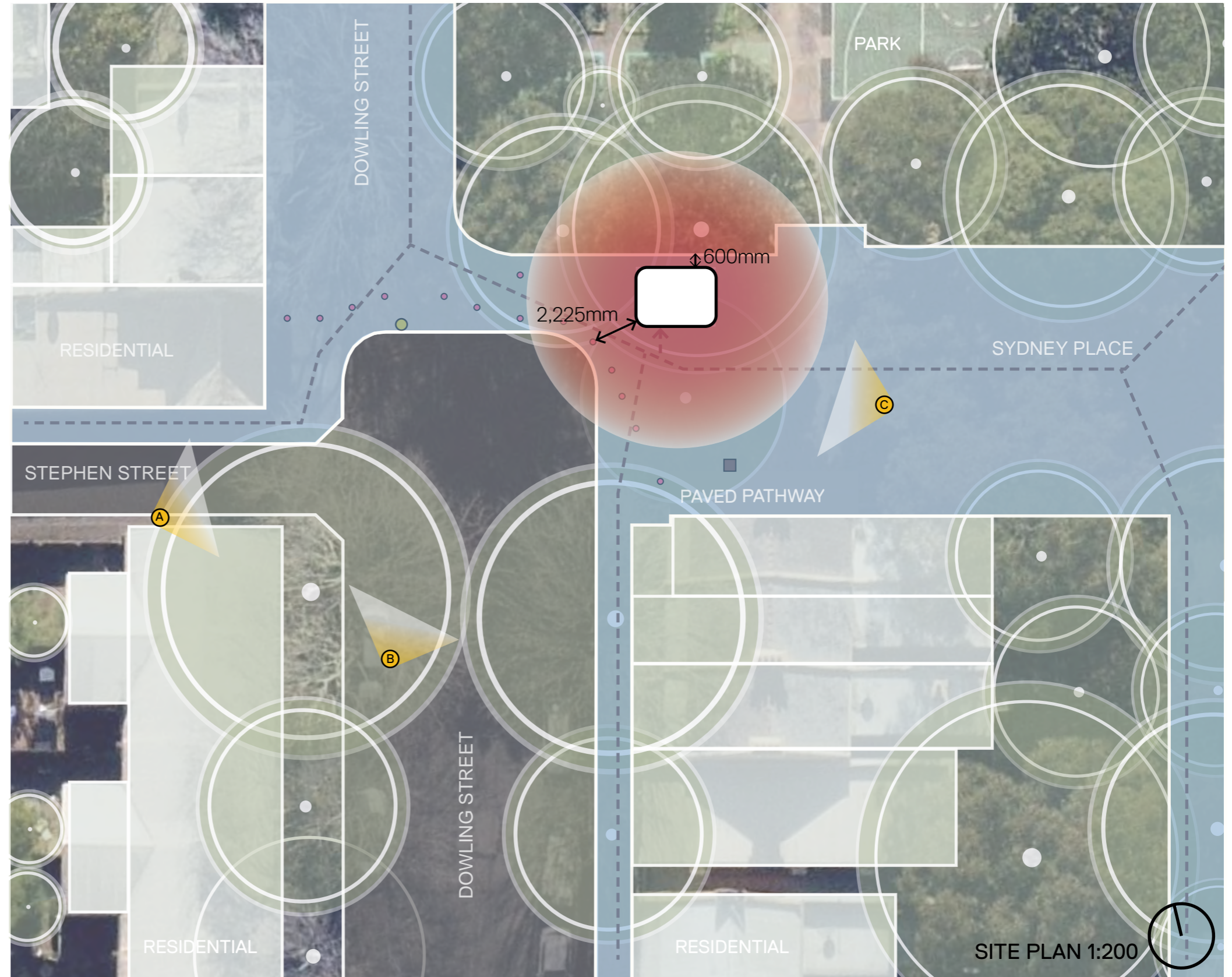
VIEW B



VIEW C

### LEGEND

- |                         |             |
|-------------------------|-------------|
| Indicative APT location | Light poles |
| Existing trees          | Bollards    |
| Landscaping             | Pit         |
| Footpath - Type 3       | Seats       |
| Proposed APT location   | Drain       |
|                         | Signage     |



# Key Views

## Dowling Street

SLEP 2012 6.21C (2)(b), (c) and (d)(x) and (xiii)

VIEW LOOKING NORTH FROM DOWLING STREET



VIEW LOOKING EAST FROM STEPHEN STREET



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# Response to Planning Assessment

## Dowling Street

As part of the City of Sydney Planning Assessment observations were made to consider other location options and assess why the selected proposed location is preferential.

The following alternative locations were investigated:

### 1. On Dowling Street, close to Woolloomooloo playground:

This location is well away from the main pedestrian route of Sydney Place and would have poor passive surveillance at night. It would also have less demand as it is remote from the main pedestrian route. Close to Woolloomooloo playground, it is also very close to a residential unit. Dowling Street is very narrow at this point.

### 2. On the corner of Dowling Street and Best Street:

This small elevated square is not easily accessible due to its stairs access. It is not visible from the main thoroughfare, and as such there are CPTED issues with surveillance.

### 3. Proposed location, on the Eastern side of Sydney Place:

It is located on a main pedestrian thoroughfare between the CBD and Kings Cross and is close to the playground entry. It is not too close to most of the residences located on Brougham Street. It faces a blank wall without windows, so it doesn't impact on the residents. Its exposure improves passive surveillance and is less likely to be impacted by anti social behavior. It is therefore considered as the best option.

### 4. On Sydney Place, between the trees:

There is good clearances to all sides of the APT and there is no obstruction to passing pedestrian traffic. It is marginally closer to residences along Brougham Street.



### 5. On Sydney Place, close to McElhone Street:

Leaning on the edge of the Park, it is located North of Sydney Place, close to McElhone Street. There are many residential buildings on this side of the Place. A site located in close proximity to a residential or commercial building is discounted as unsuitable due to the potential impact on residents

or business owners' amenities, for example; noise impacts, or increased anti-social behaviour.

KEY:

- Alternative considered location
- Proposed Location





1. On Dowling Street, close to Woolloomooloo playground



2. On the corner of Dowling Street and Best Street



3. Proposed location, on the Eastern side of Sydney Place



3. Proposed location, on the Eastern side of Sydney Place



4. On Sydney Place, between the trees



5. On Sydney Place, close to McElhone Street



**Item 4.****Development Application 5050 Cowper Wharf Roadway, Woolloomooloo - D/2022/1248**

File No.: D/2022/1248

**Summary**

<b>Date of Submission:</b>	1 December 2022
<b>Applicant:</b>	Mecone Group Pty Ltd
<b>Architect/Designer:</b>	Grimshaw Architects
<b>Developer:</b>	QMS Media
<b>Owner:</b>	City of Sydney
<b>Planning Consultant:</b>	Mecone Group Pty Ltd
<b>Heritage Consultant:</b>	CityPlan Heritage
<b>Cost of Works:</b>	\$453,882.00
<b>Zoning:</b>	The proposal is located within the MU1 Mixed Use zone under the Sydney Local Environment Plan 2012. The proposal is permissible with consent.
<b>Proposal Summary:</b>	<p>The application seeks consent for the installation of a public amenities building - automated public toilet, and associated advertising signage.</p> <p>The application is referred to the Local Planning Panel (LPP) for determination as the Council is the landowner and more than one objection has been received.</p> <p>The application was notified between 10 January 2023 and 9 February 2023. Fourteen submissions were received. The issues raised in the submissions have been considered during this assessment.</p> <p>It is considered that the proposed Automated Public Toilet (APT) is appropriately located in terms of local amenity, safety, and need, is of a high quality design. The application is supported.</p>

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.

- Development Controls:**
- (i) Environmental Planning and Assessment Act 1979
  - (ii) Environmental Planning and Assessment Regulations 2000
  - (iii) SEPP (Resilience and Hazards) 2021
  - (iv) SEPP (Industry and Employment) 2021
  - (i) SEPP (Transport and Infrastructure) 2021
  - (ii) SEPP (Biodiversity and Conservation) 2021 - Chapter 6 Water Catchment
  - (iii) Sydney Local Environment Plan 2012
  - (iv) Sydney Development Control Plan 2012

- Attachments:**
- A. Recommended Conditions of Consent
  - B. Selected Drawings
  - C. Urban Design Analysis

**Recommendation**

It is resolved that consent be granted to Development Application Number D/2022/1248 subject to the conditions set out in Attachment A to the subject report.

**Reasons for Recommendation**

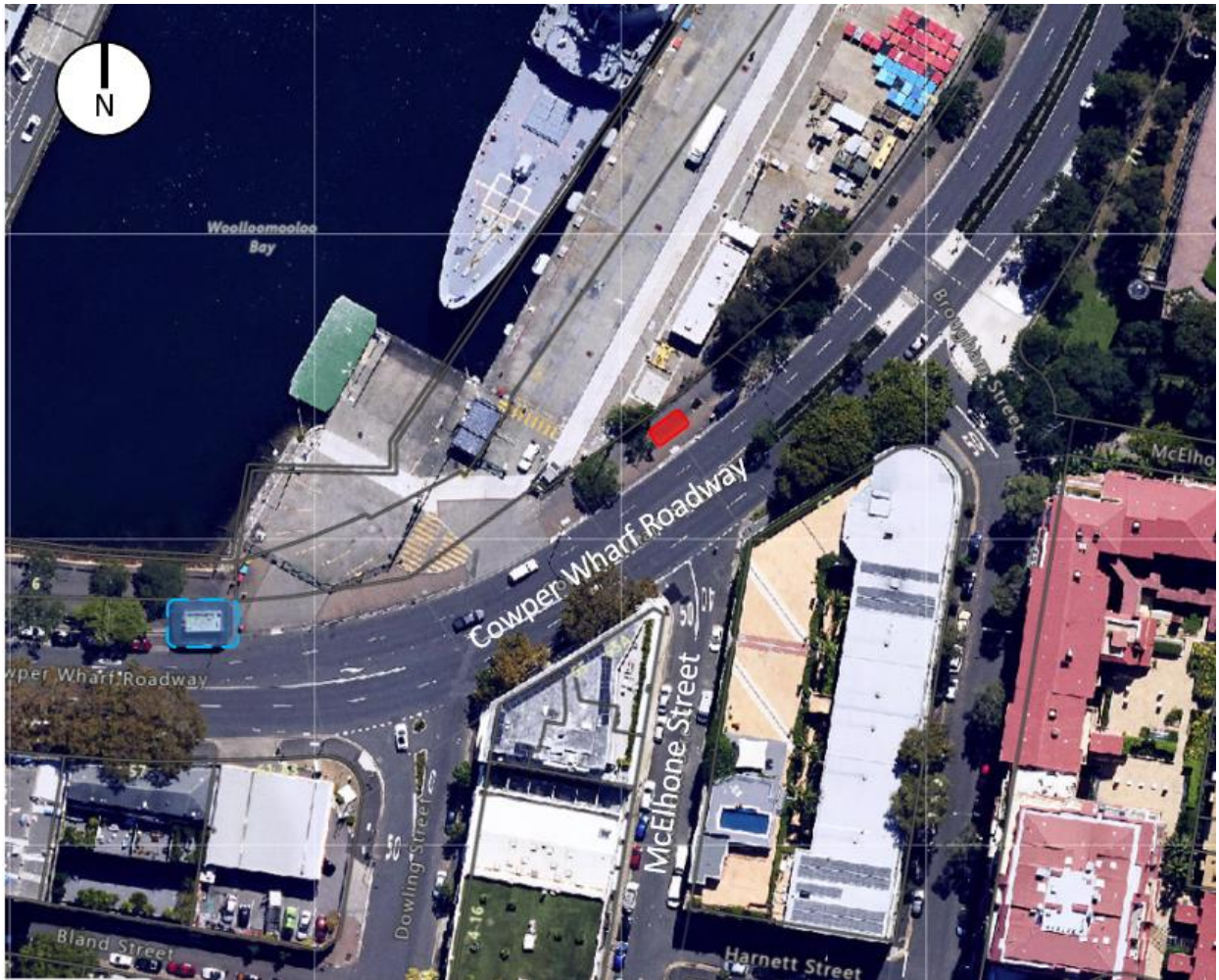
The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979, in that, subject to the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (B) The development, subject to conditions, is consistent with the objectives of the MU1 Mixed Use zone under the Sydney Local Environment Plan 2012.
- (C) Appropriate conditions are recommended to ensure the proposed development does not adversely impact upon the heritage significance of nearby sites.
- (D) The development, subject to conditions, will promote the orderly operation of the automated public toilet.
- (E) The public interest is served by the approval of the proposal, as additional information to the development application has addressed the matters raised by the City and the community, subject to recommended conditions.
- (F) The proposal is consistent with the City of Sydney Public Toilet Strategy 2014.

## Background

### The Site and Surrounding Development

1. The subject site comprises two street segments/lots known as 5050 Cowper Wharf Roadway, Woolloomooloo and 4040 Cowper Wharf Roadway, Woolloomooloo, which comprise part of the Cowper Wharf Roadway and an adjacent public footpath. The lots form a total area of approximately 1,097 square metres. The site is located next to the intersection of Cowper Wharf Roadway and McElhone Street.
2. The subject automated public toilet (APT) which is located on this site, covers an area of 13.9 square metres and is proposed to be located on the footpath on the north side of Cowper Wharf Roadway, between two existing planters. An existing bus stop is located 5.5 metres to the north, and a naval wharf personnel entrance and vehicle entrance are located up to 23 metres to the south.
3. The surrounding area is characterised by a mixture of land uses, primarily being residential, commercial, public recreation and defence. The neighbouring site to the north and west is a Defence naval wharf forming part of HMAS Kuttabul Navy Base. To the east, the site is bordered by Cowper Wharf Roadway on the opposite side of which there is a residential flat building. Harry's Café de Wheels, is located approximately 80 metres to the southwest on the same side of the roadway.
4. The site is located adjacent to state heritage item 01705 - Sydney Harbour Naval Precinct.
5. The site is not located within a conservation area or DCP locality area.
6. A site visit was carried out on 16 January 2023. Photos of the site and surrounds are provided below:



**Figure 1:** Aerial view of proposed APT location (identified in red) and surrounds, including Harry's Café de Wheels (identified in blue)



**Figure 2:** APT location (red underline) viewed facing west from the corner of Cowper Wharf Roadway and McElhone Street





**Figure 3:** Site viewed facing north, with approximate markings of the proposed APT location and size shown in red. Bus stop shown in the background.



**Figure 4:** General site viewed facing north, with existing street furniture, planters and utility service lids and pits shown in the foreground, and the naval yard to the left

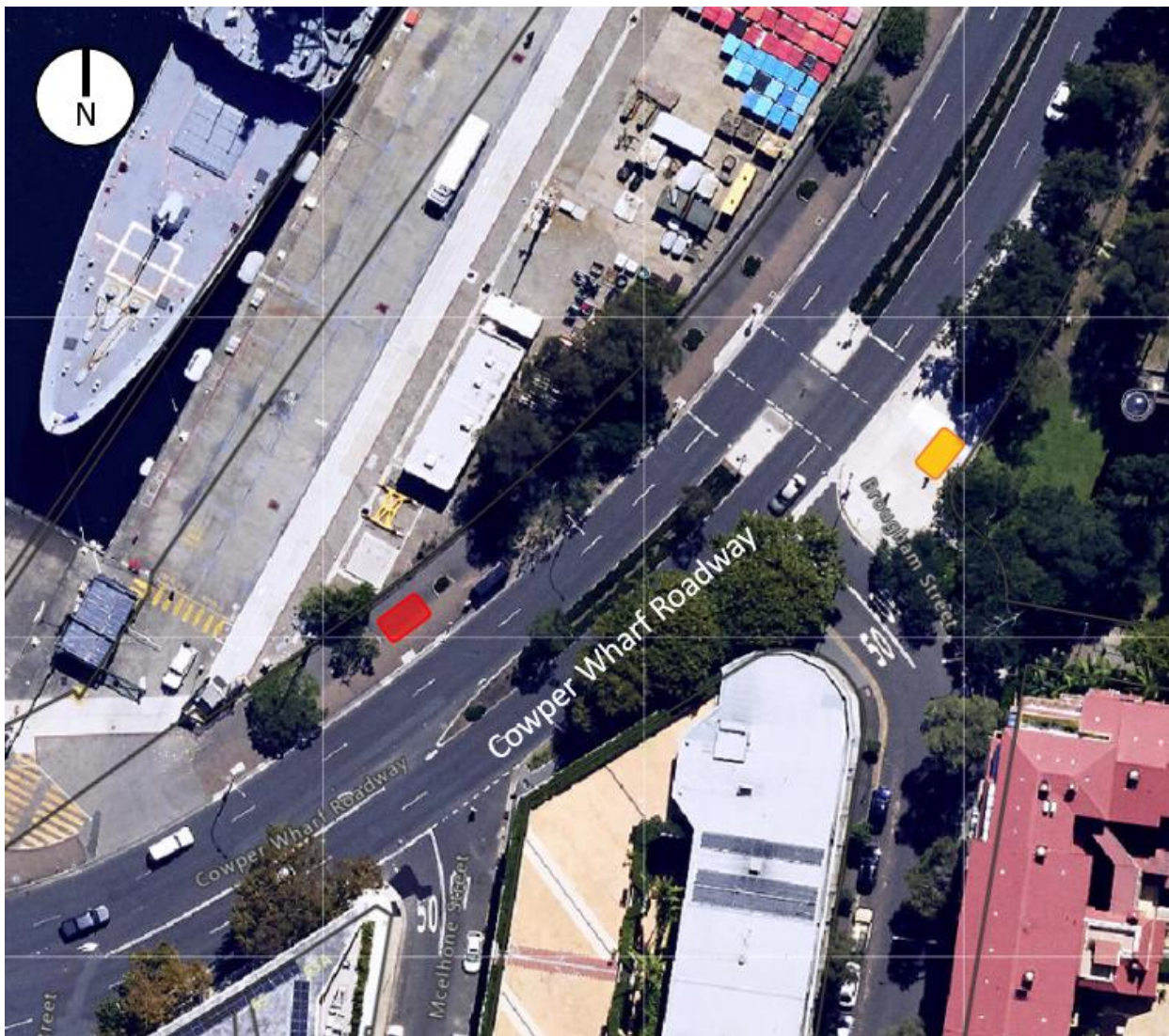


**Figure 5:** General site viewed facing south, with existing bus stop to the left, and indicative APT location in the midground

## History Relevant to the Development Application

### Development Applications

7. A previous DA (D/2021/1087) for four APTs in various locations was considered by the Local Planning Panel at its meeting of 27 April 2022. One of the locations was on the opposite side of Cowper Wharf Road (close to Brougham St) which was recommended for approval by Council officers. While the LPP resolved to grant development consent, the Panel did not approve the APT at Cowper Wharf Road with Condition 2(b) stating:
  - (a) ***“The APT located at Cowper Wharf Road (A1020) is not approved as part of this consent and is deleted. Any consideration of a public toilet in this location would require an urban design analysis to ensure appropriate siting, including consideration of social impacts on nearby residential premises, prior to any application for approval being sought.”***
8. The application the subject of this report proposes an APT on the north side of Cowper Wharf Road approximately 55 metres to the west of the previously refused location.
9. This application is supported by an Urban Design Analysis Report, and considers that potential negative social impacts are mitigated through appropriate lighting, passive surveillance, adjacent naval security and a reduction of public urination.



**Figure 6:** Current proposed APT location shown in red, and formerly refused APT location shown in yellow

10. Fourteen other APTs have been approved at various locations across the City (under D/2021/969, D/2021/971, D/2021/1087, D/2021/1088 and D/2021/1213).
11. This application is one of three applications currently under assessment seeking development consent for new APTs, some of which include digital advertising panels or green walls, in various locations throughout the City of Sydney. These applications, D/2022/306, D/2022/431 and D/2022/1248 have been assessed concurrently and are being reported to this Local Planning Panel meeting for consideration.

### Amendments

12. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information was sent to the applicant on 1 March 2023. The applicant was requested to provide a revised Urban Design Analysis Report which included an assessment of alternative locations within the vicinity of Cowper Wharf Roadway, Woolloomooloo, and indicate their appropriateness in comparison to the subject site.

13. The applicant responded to the request on 9 June 2023, with an Urban Design Analysis which considered alternative locations to the subject site and discussed their viability in comparison to the subject proposal.

### Proposed Development

14. The proposed development is for the installation of one new Automated Public Toilet (APT). The APT is a 'double' type comprising 1 x accessible toilet and 1 x ambulant toilet and one integrated green wall panel and two advertising panels. The green wall panel will be integrated into the rear elevation, and the advertising panels to both side elevations.
15. The proposed APT comprises a contemporary design which is generally rectangular in shape with round edges, with the following dimensions:

Measurements	APT	Signage
Height	3075mm	2100mm
Width	4960mm	1338mm
Depth	2800mm (plus an 810mm awning)	-
Visible Screen Area	-	2.02sqm

16. The proposed APT will be operational 24 hours a day. The external maintenance and cleaning will be undertaken by QMS, and the internal maintenance will be the responsibility of the City.
17. The advertising panels will be used to display third-party advertisements in accordance with the terms of the City of Sydney Street Furniture and Outdoor Media Services Agreement between the City and QMS Media. The digital advertising panels are to operate 24 hours a day. In accordance with the Agreement, up to 10 per cent of the screen time of the digital advertising displays will be used for material and content managed by the City to advertise public information, community messages and promotion of events. Also, if an emergency arises then public information messaging can also be displayed by the panels.
18. Selected drawings of the new APT are provided below.

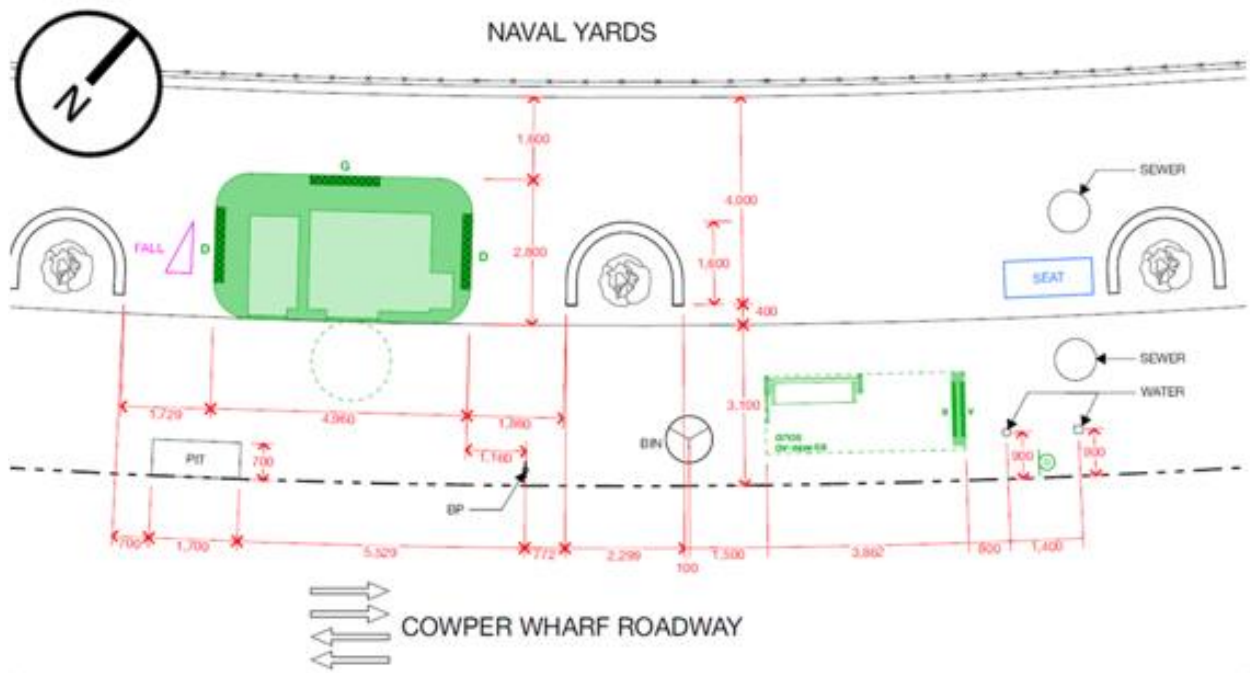


Figure 7: Proposed siting plan

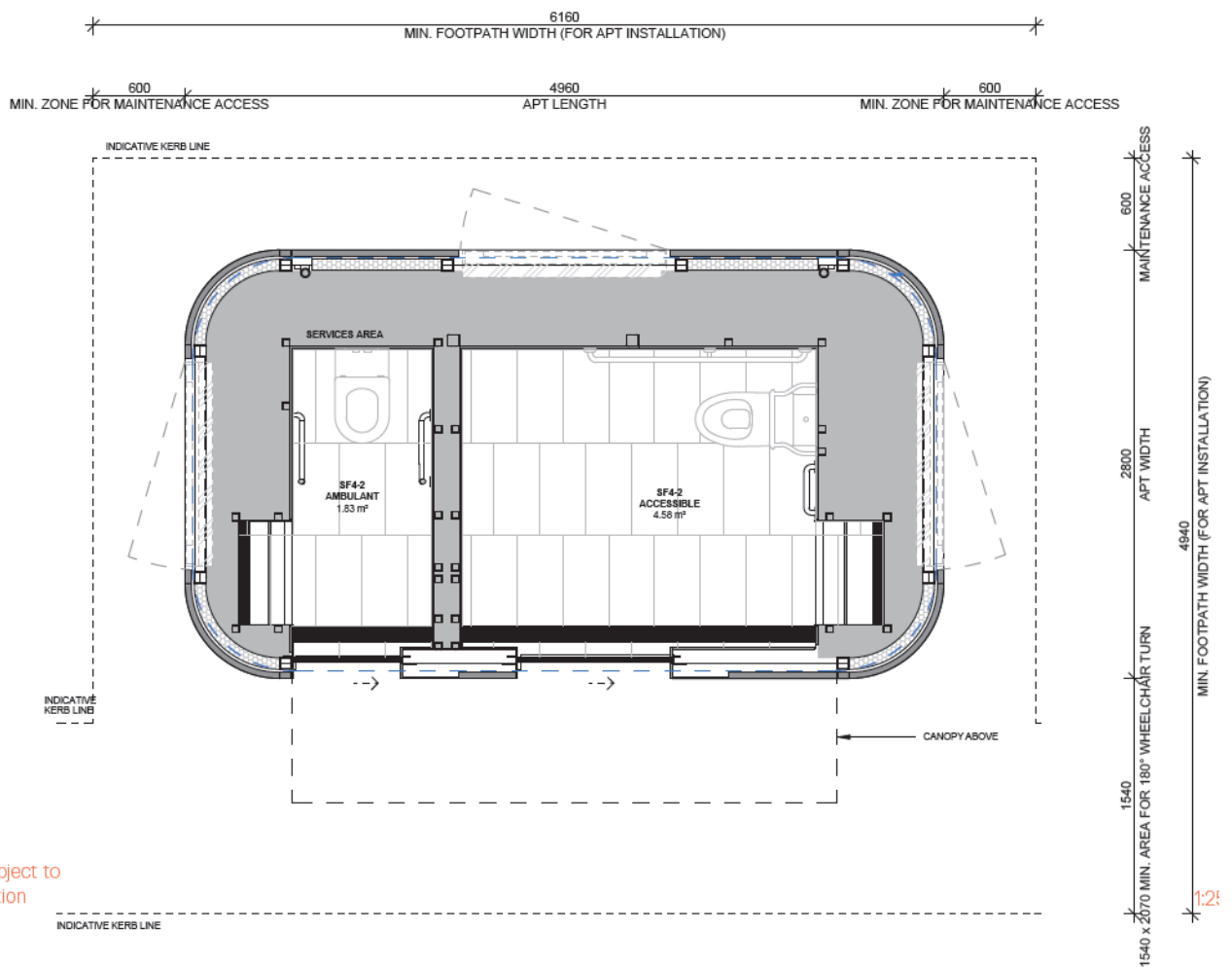


Figure 8: Proposed APT floor layout

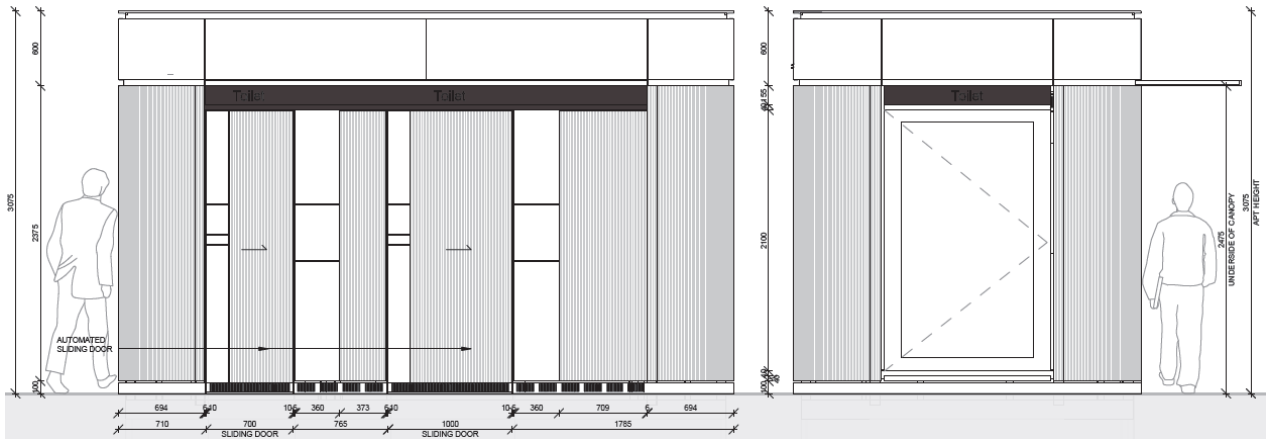


Figure 9: Proposed front and side elevations



Figure 10: Proposed section



Figure 11: Proposed materials and colours schedule



Figure 12: Proposed signage detail



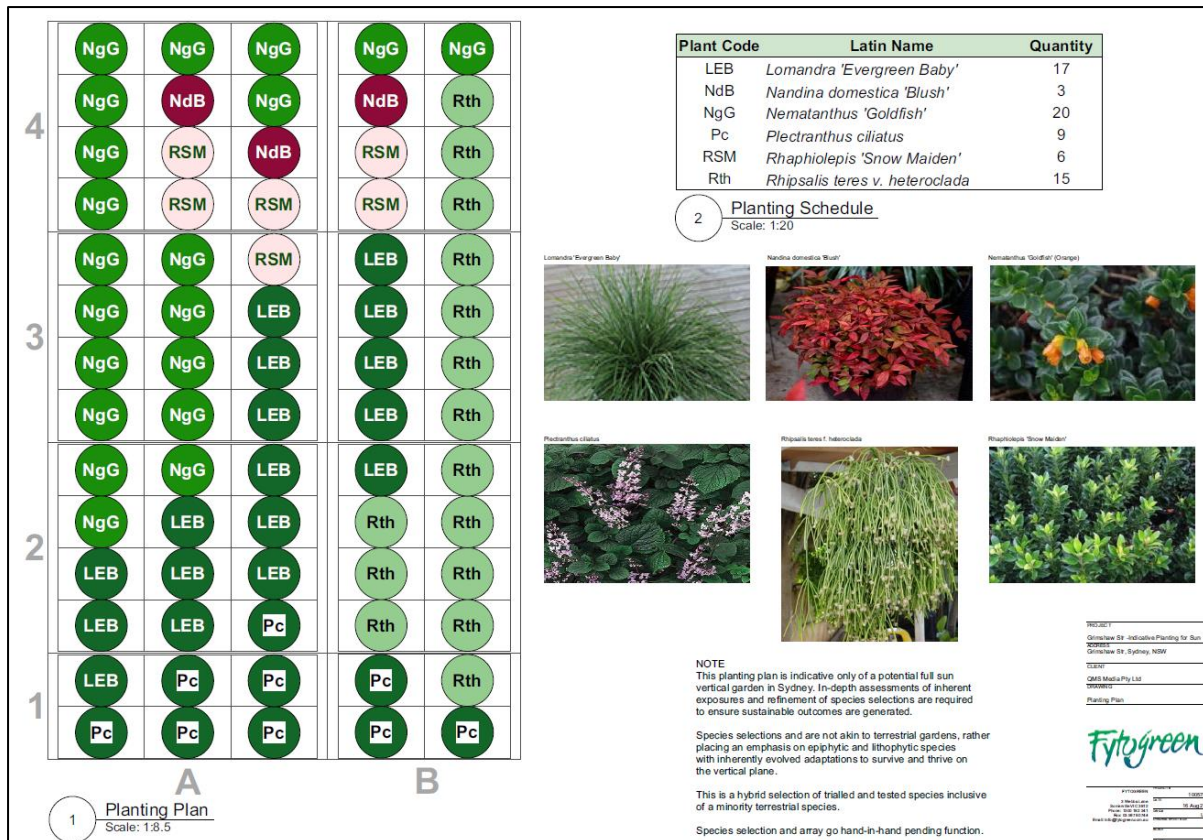


Figure 13: Proposed green wall planting schedule



Figure 14: Photomontage of the proposal viewed facing west from the corner of Cowper Wharf Roadway and McElhone Street



**Figure 15:** Photomontage of the proposal viewed facing north

## **Assessment**

19. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

## **State Environmental Planning Policies**

### **State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land**

32. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
33. The site has not been identified as contaminated and no remediation works are required.

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

34. 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.
35. 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 1 is provided in the table below.

Provision	Compliance	Comment
1. Character of the area	Yes	The proposal includes new advertising signage which is consistent with existing signage in the area.
2. Special areas	Yes	Subject to conditions, the proposed signage does not detract from the amenity or visual quality of the locality.
3. Views and vistas	Yes	The proposal includes new digital advertising, and subject to conditions will not further obscure or compromise and important views. It does not dominate the skyline and has no impact on the viewing rights of others.
4. Streetscape, setting or landscape	Yes	The proposal adopts a new standard design for street furniture digital advertising across the local government area that is of an appropriate scale, proportion and form and provides an acceptable contribution to the streetscape and setting of the areas.
5. Site and building	Yes	The scale, proportion and positioning of the new signage is largely consistent with existing signage in the area.
6. Associated devices and logos	Yes	Not applicable.
7. Illumination	Yes	Conditions of consent are recommended to ensure that the illumination does not result in unacceptable glare, affect safety or detract from the amenity of any residential accommodation.
8. Safety	Yes	Subject to conditions, the proposed signage will not reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

36. It is also noted that Clause 3.12 of the SEPP restricts the duration of any development consent to a maximum of 15 years.
37. 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**

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

**Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations****Clause 2.119 – Development with frontage to classified road**

39. The application is subject to Clause 2.119 of the SEPP as the site has frontage to Cowper Wharf Roadway which is a classified road.
40. The application was referred to Transport for NSW (TfNSW) for comment. TfNSW have reviewed the proposal and recommended conditions of consent regarding signage illumination and content.
41. The proposed development satisfies the provisions of Clause 2.119 subject to conditions of consent, as vehicular access to the site is not provided from the classified road and the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development, subject to the recommended conditions of consent.

**Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments**

42. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the controls set out in Part 6.2, Division 2, of the above SEPP, and for land within 100 metres of a natural waterbody in a regulated catchment the consent authority must consider the provisions of Part 6.2, Division 3.
43. While the proposal is within the Sydney Harbour Catchment and within 100 metres of a natural water body within the Sydney Harbour Catchment, the proposal is considered to be consistent with the provisions of Part 6.2 of the SEPP, subject to recommended conditions of consent.

**Local Environmental Plans****Sydney Local Environmental Plan 2012**

44. 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 proposed APT is located in the MU1 Mixed Use zone. The proposed development is defined as a community facility and signage and is permissible with consent in the zone. The proposal

Provision	Compliance	Comment
		generally meets the objectives of the zone.

#### Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	N/A	The site is not subject to a maximum height standard.
4.4 Floor space ratio	N/A	The site is not subject to a floor space ratio standard.

#### Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is adjacent to state heritage item 01705 - Sydney Harbour Naval Precinct and is on the opposite side of Cowper Wharf Roadway to the Woolloomooloo (C71) Heritage Conservation Area.</p> <p>The proposed development will not have detrimental impact on the heritage significance of the heritage item, and will not detract from the heritage conservation area.</p> <p>See further details in the 'Discussion' section below.</p>

#### Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	The proposed development is of a high standard and uses materials and detailing which can contribute positively to the public domain of the local government area.

7.14 Acid Sulfate Soils	Yes	The site is located on land with class 2 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan as the works do not involve the disturbance of more than 1 tonne of soil.
7.15 Flood planning	Yes	The proposal is not subject to the 1% or 5% AEP flood.

## Part 7 Local provisions – general

### Development Control Plans

#### Sydney Development Control Plan 2012

45. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

#### Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposed APT will maintain an acceptable contribution to the public domain.
3.2.1.2 Public Views	Yes	While the proposed APT is located near the harbour foreshore it does not obstruct any significant views. The site between the proposed APT location and harbour is a naval wharf, which consistently docks Navy ships and includes existing buildings which interrupt the existing outlook towards the harbour.
3.5 Urban Ecology	Yes	The proposed green wall panel makes a contribution to the landscaping of the public domain.  The proposed development does not involve the removal of any trees and will not have an adverse impact on the local urban ecology subject to conditions.
3.9 Heritage	Yes	The site is adjacent to state heritage item 01705 - Sydney Harbour Naval Precinct and across Cowper Wharf Roadway from the Woolloomooloo (C71) Heritage Conservation Area.

Provision	Compliance	Comment
		<p>The proposal does not present an adverse impact to the significance of the item, or the ongoing interpretation of the item and is not considered to detract from the nearby heritage conservation area.</p> <p>See 'Discussion.'</p>
3.12 Accessible Design	Yes	The proposal provides for accessible and ambulant toilets. Conditions of consent are recommended to ensure accessible design.
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development is generally designed in accordance with the CPTED principles.</p> <p>See 'Discussion'</p>
3.14 Waste	Yes	A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.16 Signage and Advertising	Yes	<p>The proposed development includes the provision of dynamic content signage.</p> <p>The relevant provisions of this section are considered below.</p>
3.16.3 Signage and Advertising	Yes	<p>The signage is compatible with the materials, finishes and colours of the streetscape, and will not detract from the amenity or visual quality of nearby heritage items or open space areas.</p> <p>Separate development approvals have been granted for digital advertising signs within the City and Cowper Wharf Roadway. As discussed elsewhere in this report, subject to conditions, this proposal will not result in additional unacceptable heritage, amenity or streetscape impacts as the size of the advertising panel, the proposed dwell time, and the signage content (being static) are commensurate with either the existing or approved advertising panels.</p>

Provision	Compliance	Comment
		Conditions of consent have been recommended by TfNSW to ensure the sign is appropriate within the vicinity of a classified road and will not distract drivers or be mistaken as a traffic control device.
3.16.4 Illuminated Signage	Yes	Appropriate conditions of consent are recommended to ensure the illumination of proposed signage does not result in unacceptable glare.
3.16.6.9 Dynamic Content Signs	Yes	<p>The proposed signs generally comply with the requirements of this section in that, subject to conditions, they will not contain animations, will include a dwell time of 10 seconds and a transition time of 0.1 seconds, and therefore will not cause a safety risk for road users.</p> <p>The DCP requires that dynamic content signs which are located in the MU1 zone do not operate between 11.00pm and 7.00am where visible from residential premises. The proposed signs are perpendicular to the nearest residential apartment, which is located 20m away on the opposite side of Cowper Wharf Roadway. As such this restriction is not considered to apply to the proposal.</p> <p>The proposed signs have a visible screen area of 2.02sqm, and are recessed into the APT. Despite the proposal not meeting the 1.5m<sup>2</sup> requirement, it is considered acceptable as the proposed signage matches existing signage within the city.</p>
3.16.7.1 Advertising structures and third-party advertisements	Yes	The signs are to be provided by QMS Media via the City of Sydney Street Furniture and Outdoor Media Services Agreement on behalf of the City of Sydney as a public authority.
3.16.11 Signage related heritage items and conservation areas	Yes	<p>The proposed signage is not considered to detract from the heritage significance of the neighbouring state heritage item.</p> <p>See 'Discussion.'</p>



## Discussion

### City of Sydney Public Toilet Strategy 2014

46. Council's Public Toilet Strategy 2014 identifies that there is a lack of public toilets in key locations and that the provision of public toilets is required to meet the future needs of the City of Sydney.
47. The key recommendations of the Strategy include:
  - Public toilets are provided within 400 metres (5-10 minute walk) of any point within Central Sydney and at all village centres and major neighbourhood parks.
  - Install new Automated Public Toilets at locations of high demand including **"Construction of nine new public toilets in key village centres... Cowper Wharf Road, Woolloomooloo."** (Extract from Public Toilet Strategy 2014).
  - Implement Crime Prevention Through Environmental Design and Environmentally Sustainable Design principles in planning, design, procurement and maintenance of public toilet facilities.
  - Consult with the community to ensure public toilets are well-designed and built using robust, high-quality, vandal-resistant materials and fixtures that reflect the character of their setting.
48. The APT is generally consistent with the recommendations of the Strategy.

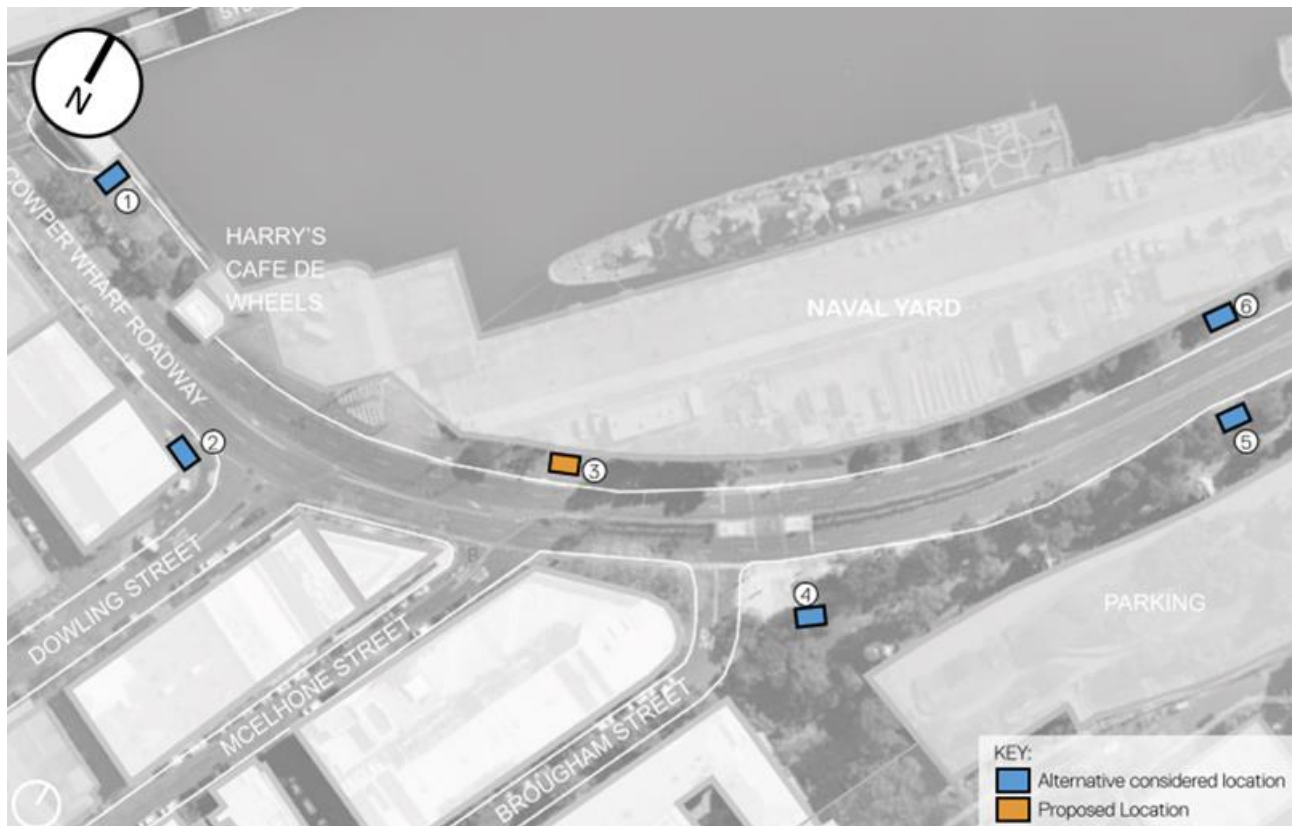
### Urban Design Analysis

49. The applicant has submitted an Urban Design Analysis prepared by Grimshaw Architects. This Analysis covers the various APT locations the subject of DAs under assessment. The parts of the Analysis relevant to this DA can be found at Attachment C.
50. The Analysis provides the following explanation of the proposed siting:
  - (a) The proposed APT location is identified as being aligned with the Sydney Public Toilet Strategy 2014 and is capable of servicing much of the Potts Point and Woolloomooloo suburbs.
  - (b) The APT is capable of servicing Harry's Café de Wheels, which is located 80m to the southwest, and which does not include its own toilet facilities.
  - (c) The proposal is located on a wide and accessible footpath (see Figure 16).
  - (d) The APT will contribute to addressing public urination.



**Figure 16:** A plan from the Urban Design analysis demonstrating pedestrian accessibility and site features around the proposal

51. An expanded Urban Design Analysis was provided during assessment which considered alternate locations (demonstrated in Figure 17), and provided considerations as to why the proposed location is most appropriate:
- (a) Alternative location 1 was dismissed by the Analysis as the location is not located on Council owned land.
  - (b) Alternative location 4 was assessed under D/2021/1087. The location was refused by the Local Planning Panel due to the lack of an urban design analysis to ensure appropriate siting, including consideration of social impacts on nearby residential properties. The Analysis indicates location 3 is preferred over 4, as a higher degree of passive surveillance is provided due to proximity to a naval base.
  - (c) Alternative location 2 is constrained by narrow footpaths and compromises vehicle site lines. Locations 5 and 6 are located too far from Harry's Café de Wheels/activity in Woolloomooloo and experiences low foot traffic.



**Figure 17:** Proposed APT location is shown in orange, with alternative locations within the vicinity of Cowper Wharf Roadway shown in blue

52. The Analysis was subsequently presented to Council's Design Advisory Panel. The Panel advised as follows:
- (a) The Panel's preferred location is no. 1 near Harry's Café de Wheels, however, it is noted that this is Crown land and toilets in this location should be sensitive to water views from the café.
  - (b) The Panel agreed with the assessment that locations 5, 6 and 2 are not recommended as they are too far from pedestrian desire lines and/or impede sightlines.
  - (c) The Panel recommended that another location to the southwest of the bus stop be considered and evaluated against no. 3, which is the preferred option of those presented.
53. Council staff has considered the Panel comments and has further reviewed location 1. While the location was found to be privately owned land and not Crown land, the location was not considered to be a preferred alternative to location 3 as the site is listed as a Local and State Heritage Item, includes a 'right of footway', would obstruct use and views of the foreshore, and is not owned by Council. While these factors may not necessarily preclude the installation of an APT in this area, Council considers that location 3 is a superior location due to its position away from the more sensitive parts of the harbour foreshore and not being encumbered by the constraints of the private land.
54. In line with the Panel comments, positions to the southwest of location 3 were considered. However, existing street furniture and utilities were located in this area,

and a closer APT proximity to the naval wharf gate would likely obstruct the desire lines of Navy personnel entering and leaving the wharf.

### **Green Wall Panel**

55. Full details have been provided of the proposed green wall panel, including details on soil specifications, drainage and irrigation design, planting species and wall fixing details. In addition, the applicant has engaged Fytogreen to be responsible for the maintenance and upkeep of the green wall via inspections conducted every two months.
56. The proposal is supported by Council's Landscaping Officer subject to conditions.

### **Street Furniture Location**

57. With recent street furniture DAs, sites may be affected by obstructions of above or underground services or utilities, conditions have been included allowing the possible relocation of the item/s up to either 3 metres or 5 metres and subject to certain parameters. These parameters include ensuring that the item is not relocated from a 'permissible' location to a 'prohibited' location and ensuring that the relocation position/s complies with all the relevant standards and do not conflict with existing street furniture and fixtures.
58. The applicant has requested a similar condition allowing the possible relocation by up to 1 metre to allow for some fine-tuning of the final sitting of the structure.
59. It is considered that the above condition is not appropriate for the subject application. It is recommended that should consent be granted, it be restricted to the footprint as shown on the plans. This is to ensure that they do not have a detrimental impact on their settings within the environment and general use of the public way. This is consistent with the approach the LPP took with the previous APT DAs approved in April 2022.
60. Any future necessity for a re-positioning of the APT should be subject of a separate s4.55 modification application or development application.

### **Heritage**

61. The site is adjacent to state heritage item 01705 - Sydney Harbour Naval Precinct and is across Cowper Wharf Roadway from the Woolloomooloo (C71) Heritage Conservation Area. The Sydney Harbour Naval Precinct is utilised as a working facility of the Royal Australian Navy, and as shown in Figure 18, the item encompasses Garden Island, Northern Potts Point, and the eastern shoreline of Woolloomooloo Bay.



**Figure 18:** Aerial view and GIS layer demonstrating the size of the subject state heritage item

62. Council's Heritage Specialist has raised concerns regarding the proposal's proximity to the state heritage item, and the obscuration of the wharf and perimeter fence.
63. Notwithstanding it is considered that, due to the size of the heritage item and its use as a working naval facility and inclusion of naval infrastructure, and due to the high quality design of the APT and its location away from the boundary fence, that the proposal will not detract from the significance or interpretation of the item.
64. The proposed APT will ensure pedestrians will retain access along the adjacent footpath and retain views of the wharf and fence within the vicinity of the proposal.
65. An assessment of the APT's potential impact to the McElhone Street view corridor towards the heritage item has been considered and is demonstrated in Figure 19. Due to the narrow outlook afforded within this view corridor, and the existing naval infrastructure within the vicinity of the APT, the view corridor is not considered to be adversely impacted.

66. It is considered that the APT does not detract from the nearby Woolloomooloo (C71) Heritage Conservation Area due to the high quality design of the APT and their separation by Cowper Wharf Roadway.



**Figure 19:** Site viewed from the McElhone view corridor, with APT location sketched in red

### **Safety and Security**

67. The application was referred to NSW Police. A response was received which noted the occurrence of anti-social behaviour in the area and NSW Police have recommended Crime Prevention Through Environmental Design (CPTED) and the installation of CCTV cameras.
68. The police response has been discussed with Council's Safe City Unit. Safe City have advised that the installation of CCTV cameras by the city is reserved for locations with a history of violent crimes and that Safe City do not consider CCTV to be necessary for the area.
69. The Safe City Unit have advised that approved APTs elsewhere in the city are not associated with an increase in criminal activity, or an increase in the population of drug users.

70. Notwithstanding this, Safe City concur that the implementation of CPTED is beneficial in reducing antisocial behaviour within the vicinity of the proposal and have noted that the site is a suitable location due to the following:
- (a) The site is subject to regular and ongoing passive surveillance as the site is well trafficked by pedestrians and vehicles, local residents, Navy security and personnel, and commuters at the nearby bus stop. This is further benefitted by the openness and accessibility of the site;
  - (b) The proximity of the site to a main road will obscure noise associated with the use of the APT and also deter loitering;
  - (c) The site is well lit by street lighting; and
  - (d) The APT will contribute to the reduction in anti-social behaviour such as public urination.
71. As shown in Figure 20, the APT is to be located close to a naval wharf personnel and vehicle entrance, and an associated guardhouse. It is considered that the base will contribute to the deterrence of antisocial behaviour within its vicinity and around the APT, as it includes a regular security presence within the guardhouse, CCTV cameras lighting, regular use, and signage regarding armed patrols.



**Figure 20:** Subject site viewed looking north, with Navy base vehicle and personnel entrance, and guardhouse in the foreground, and proposed APT location in background (red). Photo taken with permission from naval security.

72. The proposal is also supported by a Plan of Management which incorporates the following emergency response procedures and timeframes which are to operate 24 hours per day, seven days per week:
- (a) Within 4 hours, respond to a request made by NSW government agencies requesting emergency support;
  - (b) Within 4 hours, respond to any public safety issue or reports of damage, repairs or inoperable street furniture;
  - (c) Within 8 hours, respond to any reports of offensive graffiti (with the offensive content no longer able to be distinguished before departing site); and
  - (d) Before anyone attending an emergency response departs the site it will be safe for public access.
73. The APT includes a fixed sharps bins for the safe disposal of any medical sharps, in line with the City of Sydney Public Toilet Strategy 2014.
74. The proposal is considered to be a benefit to local public amenity.

## Consultation

### Internal Referrals

75. The application was discussed with Council's:
- (a) City Design Unit;
  - (b) Electrical and Furniture Design Unit;
  - (c) Heritage and Urban Design Unit;
  - (d) Landscaping Unit
  - (e) Public Domain Unit;
  - (f) Safe City Unit;
  - (g) Transport and Access Unit;
  - (h) Tree Management Unit; and,
  - (i) Waste Management Unit.
76. The Heritage and Urban Design Unit raised concerns with the proposed development, which have been discussed under the subheading - 'Heritage' in the Discussion section.
77. The remaining units advised that the proposal is acceptable subject to conditions or have raised no objections. Where appropriate, these conditions are included in the Notice of Determination.



**External Referrals****NSW Police**

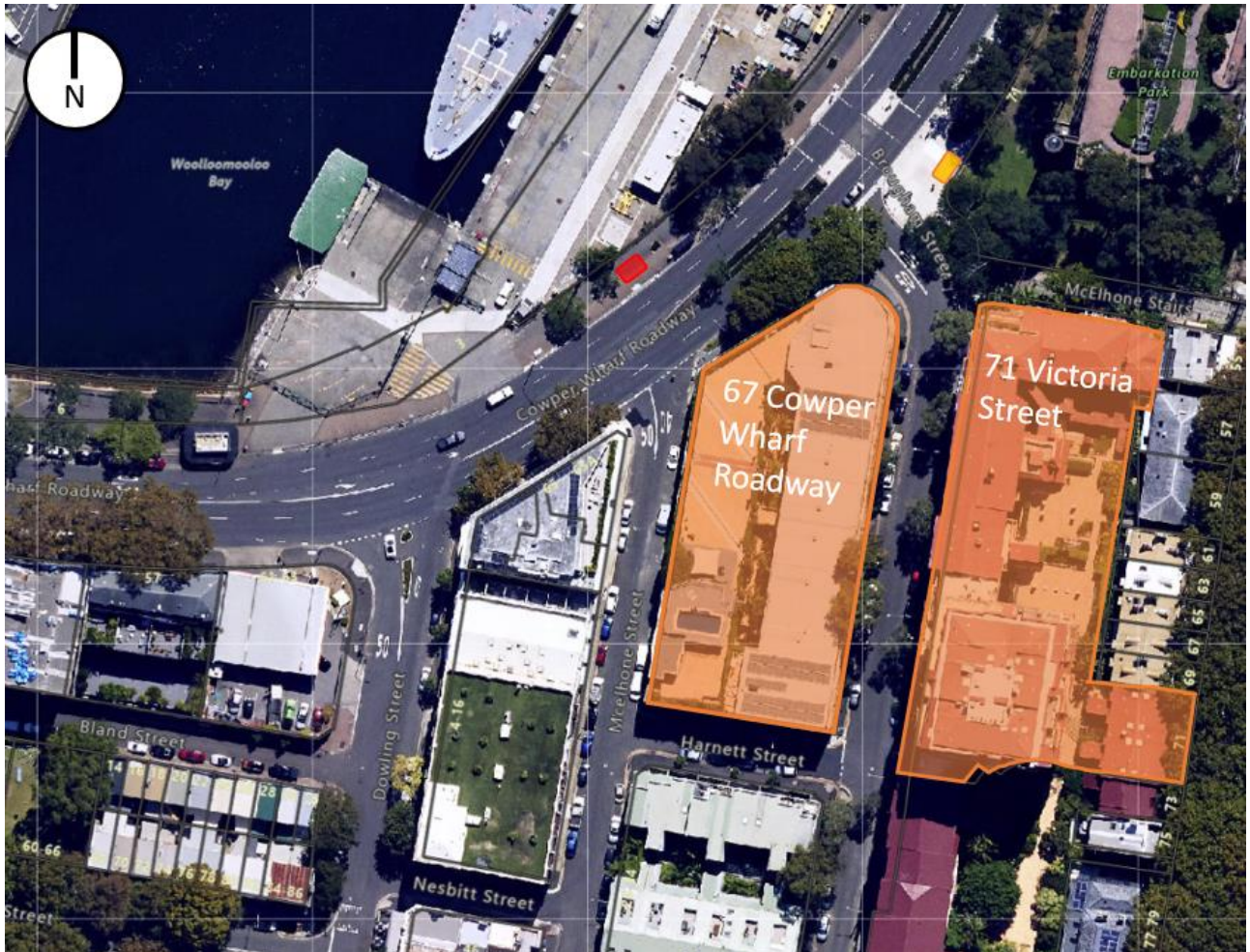
78. The application was referred to NSW Police for comment.
79. Comments received from the NSW Police have been considered in the 'Safety and Security' section within the 'Discussion.'

**Transport for NSW**

80. Pursuant to Clause 2.119 of the SEPP (Transport and infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for comment.
81. Comments were received on 2 February 2023. Conditions of consent were recommended which are included in the Notice of Determination.

**Advertising and Notification**

82. In accordance with the City of Sydney Community Participation Plan 2022 the proposed development was notified and advertised for a period of 28 days between 10 January 2023 and 9 February 2023. A total of 331 properties were notified and 14 submissions were received.
83. Figure 21 identifies the location of submitters.



**Figure 21:** Aerial view of proposed APT location in red and the location of submitters identified in orange

84. The submissions raised the following issues:

- (a) **Issue:** The proposed APT will have an adverse impact on the acoustic amenity and security of neighbouring residential properties as the APT will attract antisocial and criminal behaviour.
- (b) **Response:** The APT is situated 20 metres from the nearest residential premises which is a secure apartment building. The APT and residential premises are also separated by a four-lane main road (see Figure 22 below).

As discussed in the 'Safety and Security' section of the 'Discussion' above, the location of the APT is considered appropriate having regard to CPTED principles and is considered likely to contribute to the reduction of anti-social behaviour. Council records indicate that existing public toilets are not associated with an increase in local criminal activity.

Notwithstanding this, the management plan for the APT includes emergency response measures for any public safety issues including damage and graffiti.



**Figure 22:** Proposed APT location is shown in the foreground (red markings) and the nearest residential apartment is shown in the background

- (c) **Issue:** The proposed APT presents a visual impact to the harbour foreshore.
- (d) **Response:** The proposed APT is 4.96 metres in width, and 3.075 metres in height. The APT is a relatively small structure which does not obscure any substantial portion of the harbour foreshore. Additionally, the APT is located 28 metres from the foreshore, and existing naval infrastructure including a regular ship presence and a perimeter fence obscures any foreshore outlook.

The APT design is well considered and informed by the City of Sydney Design Advisory Panel and will complement the surrounding environment.

The proposed signage has been assessed against relevant provisions of the Sydney DCP 2012 and the Industry and Employment SEPP 2021 and is considered to be appropriate subject to conditions of consent.

The assessment of the McElhone Street view corridor, and the neighbouring state heritage item has been outlined in the 'Discussion' section of this report and the proposal is considered to present a very low impact to harbour and heritage views.

- (e) **Issue:** The APT is unnecessary in the area, and the community can utilise toilets within nearby bars and hotels.
- (f) **Response:** Cowper Wharf Road is identified as being a high priority for the provision of a new APT in Council's Public Toilet Strategy 2014.

The site is situated close to McElhone Steps which serves as an important pedestrian/commuter route from the city to Potts Point. The area is also frequented by visitors to the nearby Embarkation Park and is also located next to a bus stop. There is consequently a high volume of footway traffic justifying the need for a public toilet in the proposed location.

It is appropriate that this public amenity be supplemented by the provision of publicly accessible facilities, and that it is not reasonable to rely on privately owned licenced premises for this amenity.

- (g) **Issue:** The proposed location for the APT is not a suitable site. Alternative sites in the area are more appropriate.
- (h) **Response:** Cowper Wharf Road is identified as being high priority for the provision of a new APT in Council's Public Toilet Strategy 2014. The site is also located within the MU1 Mixed Use zone of the Local Environmental Plan 2012 in which new signage and community facilities are permissible with consent.

The applicant has submitted an Urban Design Analysis Report which considers alternative locations for the proposed APT. In line with Councils' Public Toilet Strategy 2014, the alternative locations were located within the vicinity of Cowper Wharf Roadway. This study was considered by the City of Sydney Design Advisory Panel and the comments of the panel have been considered in the 'Discussion' section of this report.

- (i) **Issue:** The APT will result in a drop in local property value
- (j) **Response:** The value of properties is not a consideration for assessment under the provisions of the Environmental Planning and Assessment Act 1979.

## Financial Contributions

### Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

#### Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

- 90. As the development is development for purposes other than residential accommodation that will result in the creation of less than 60 square metres of gross floor area, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

## Relevant Legislation

- 91. Environmental Planning and Assessment Act 1979.

## Conclusion

- 92. Subject to recommended conditions, the proposed APT is appropriate and is generally compliant with the relevant planning controls in the Sydney LEP 2012 and Sydney DCP 2012.

93. The development is compatible with the existing nearby heritage items and appropriate conditions have been imposed to ensure the development does not detrimentally impact on the heritage significance of neighbouring sites.
94. The public interest is served by the approval of the proposal, as additional information to the development application has addressed the matters raised by the City and the community, subject to recommended conditions.
95. Subject to the recommended conditions, it is considered that the proposed development will provide for appropriately located new APT that is of a high design standard which can contribute positively to the public domain of local government area.
96. The proposal represents a benefit to public amenity and is aligned with the City of Sydney Public Toilet Strategy 2014.

**ANDREW THOMAS**

Executive Manager Planning and Development

Thomas Walters, Planner

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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**SCHEDULE 1**  
**CONDITIONS OF CONSENT**  
**PART A - GENERAL**

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2022/1248 dated 1 December 2022 and the following drawings:

Drawing Number	Drawing Name	Date	Prepared by
APT1 A1020  Issue 3	Location Plan – Proposed	22 November 2022	-
-	APT Double (Ambulant + Accessible) Plan	Received 1 December 2022	Grimshaw
-	APT Double (Ambulant + Accessible) Elevations	Received 1 December 2022	Grimshaw
APT2 A01 Rev C	APT Elevations (technical)	14 October 2022	Pureablue
-	APT Double (Ambulant + Accessible) Section	Received 1 December 2022	Grimshaw
APT2 A04 Rev C	APT vertical sections (technical)	14 October 2022	Pureablue
APT2 A02 Rev C	APT Fitout Sections (long)	14 October 2022	Pureablue
APT2 A03 Rev C	APT Fitout Sections (short)	14 October 2022	Pureablue
APT2 G2 Rev A	APT Green Walls Details	7 December 2021	Pureablue
FCF-001	Typical Details Sheet	2 June 2020	Fytogreen

Drawing Number	Drawing Name	Date	Prepared by
-	APT Advertising Signage Panel dimensions and Specifications	Received 21 July 2023	-
-	APT Finishes External	Received 1 December 2022	Grimshaw
-	APT Finished Internal	Received 1 December 2022	Grimshaw

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

**Reason**

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

**(2) GREEN WALLS**

In the event of a failure of the green wall, the strategy and details which are submitted to Council and enclosed in the letter titled *APT Green Panel Decommissioning Strategy – City of Sydney Street Furniture Agreement D/2022/1248*, dated 4 August 2023, prepared by Mecone and the document titled Sketchbook 65, dated 01 July 2022 and prepared by Grimshaw, are to be implemented.

**(3) PLAN OF MANAGEMENT**

The use must always be operated / managed in accordance with the Plan of Management, titled *Plan of Management and Maintenance of Assets – Automated Public Toilets (APTs) – External Areas*, (TRIM Ref: 2022/ 619064).

**(4) TIME LIMITED CONSENT**

The digital advertising signage panels and any associated structure(s) must be removed and the site reinstated, within a period of 15 years from the date of consent or on the termination of the subject lease of the property, whichever occurs first. If the panels are to be retained after this period a new development application must be lodged with Council before the expiration of the consent.



**(5) SIGNAGE CONTENT MANAGEMENT**

- (a) A minimum of 10% of the screen time of all advertising displays is to be used for material and content managed by the City of Sydney to advertise public information, community messages and promotion of events.
- (b) The panels shall also be used to display health information and be used to assist public safety such as instant messaging should an emergency arise.

**(6) DIGITAL SIGNAGE – ADDITIONAL REQUIREMENTS**

The approved digital signage must ensure the following:

- (a) The digital display must have a minimum dwell time for advertisements of 10 seconds, where the speed limit is below 80km/h;
- (b) The digital display must have a minimum dwell time for advertisements of 25 seconds, where the speed limit is above 80km/h;
- (c) The transition time between advertisements is to be no longer than 0.1 seconds;
- (d) The digital display screen must have a default black display when the signage is off or is malfunctioning;
- (e) The digital display must not contain/use:
  - (i) Flashing or flickering lights or content;
  - (ii) Animated display, moving parts or simulated movement;
  - (iii) Complex display that hold a driver's attention beyond "glance appreciated";
  - (iv) The image must not be capable of being mistaken:
    - a. for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device;
    - b. as text providing instructions to drivers;
  - (v) A method of illumination that distracts or dazzles; and
  - (vi) Dominant use of colours red or green.
- (f) Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.

**(7) PRESERVATION AND REINSTATEMENT OF PUBLIC ASSETS**

- (a) The developer must ensure that all existing public assets are retained and preserved for the duration of development works.
- (b) Any damage caused to public assets as a result of development works, including but not limited to damage to footpath, kerb and gutter, signage, survey marks, street furniture, utility pit lids, lighting, street trees and adjacent carriageways are to be rectified to Council's satisfaction.
- (c) Any rectification works must be completed in accordance with Council's specifications and requirements prior to the use of the Automated Public Toilet commencing.

**(8) SIGN ILLUMINATION**

- (a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with AS4282-1997 Control of Obtrusive Effects of Outdoor Lighting.
- (b) The maximum night-time luminance of any sign is not to exceed 300 cd/sqm.
- (c) Upward facing light sources onto the signage is not permitted.

**(9) ENERGY SOURCE OF DIGITAL ADVERTISING PANELS**

In accordance with Section 3.16.4(6) of Sydney DCP 2012, the digital advertising signage panels are to be powered by:

- (a) Onsite renewable energy of a capacity to provide the energy required to illuminate the signs; or
- (b) The purchase of a renewable energy product offered by an electricity supplier equivalent to the estimated annual amount of electricity used.

**(10) WASTE AND RECYCLING MANAGEMENT - GENERAL**

- (a) The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to promote the efficient storage, separation, collection and handling of waste to maximise resources recovery.
- (b) Any wastewater from the structure must only be disposed of in the public sewerage system.

**Reason**

To ensure that waste and recycling is appropriately managed.

**(11) WASTE/RECYCLING COLLECTION**

- (a) Waste storage and the collection of waste and recycling must be only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.
- (b) Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary.

**Reason**

To ensure that waste and recycling is appropriately managed.

## **PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **(12) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

## **PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK**

### **(13) TREES THAT MUST BE RETAINED**

The existing trees detailed in Table 2 below be retained and protected in accordance with the conditions throughout construction and development.

Table 2 – Tree Retention:

Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.

<b>Tree No</b>	<b>Species:</b>	<b>Location</b>
1	Ficus Rubiginosa (Port Jackson Fig)	Street tree

#### **Reason**

To identify the trees that cannot be removed, must be retained and protected.

### **(14) TREE PRUNING**

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 30mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that has been approved by Council, must be carried out by a qualified Arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

#### **Reason**

To ensure that approval is obtained for any pruning works to, or removal of, street trees and that such works are carried out in an appropriate manner.

### **(15) STREET TREE PROTECTION**

All street trees located directly outside the site must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by a qualified Arborist (AQF Level 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches and trucks at all times;

- (ii) Tree trunk/s and/or major branches to a height of 1.5 metres, must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion
  - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
  - (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
  - (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
  - (e) Materials or goods, including site sheds, must not be stored or placed:
    - (i) around or under the tree canopy; or
    - (ii) within two (2) metres of tree trunks or branches of any street trees.
  - (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand;
  - (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within two metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services;
  - (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer;
  - (i) Any damage sustained to street tree/s as a result of any construction activities (including demolition), must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

### **Reason**

To ensure the protection and ongoing health of the street trees.

**(16) COMPLIANCE WITH COUNCIL STANDARDS AND DISABILITY DISCRIMINATION ACT**

The placement of the advertising signage and any associated Tactile Ground Surface Indicators or textured paving works is to ensure compliance with Council's access requirements and the Disability Discrimination Act 1992 and that there are no conflicts with existing street furniture and fixtures. All works are required to ensure that the public domain complies with the City of Sydney's Sydney Streets Technical Specification and the Sydney Streets Codes 2021. The compliance is to be achieved prior to the use of the Automated Public Toilet commencing.

**(17) EROSION AND SEDIMENT CONTROL - LESS THAN 250SQM**

Where less than 250 square metres are being disturbed, no formal plan is required however, the site is to be provided with sediment control measures and these must be implemented so that sediment, including soil, excavated material, building material or other materials cannot fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways.

## **PART D – WHILE BUILDING WORK IS BEING CARRIED OUT**

### **(18) HOURS OF WORK AND NOISE – OUTSIDE CBD**

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. Loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 – 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

#### **Reason**

To protect the amenity of the surrounding area.

### **(19) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) Should a Works Zone on the street be required, an application must be made to be considered by Council.
- (b) An application must be made to Council at least 8 weeks prior to commencement of work. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.



- (c) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

**PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

**There are no conditions relevant to Part E.**

## **PART F – OCCUPATION AND ONGOING USE**

### **(20) OCCUPATION CERTIFICATE TO BE SUBMITTED**

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

#### **Reason**

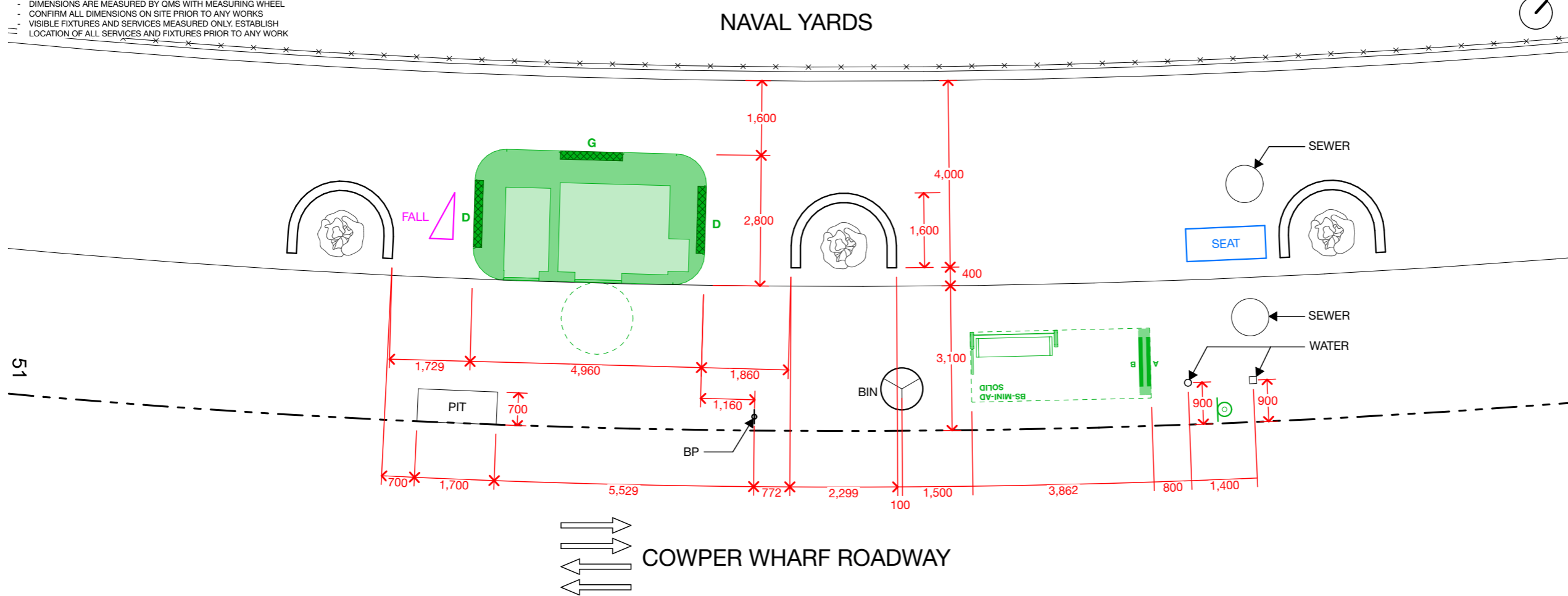
To ensure the site is authorised for occupation.

# **Attachment B**

**Selected Drawings**

<b>EXISTING SITE ID:</b> APT1	<b>NEW APT ID:</b> A1020	<b>ROAD TYPE:</b> <input checked="" type="checkbox"/> Local <input type="checkbox"/> Secondary <input type="checkbox"/> Main	<b>ASSET TYPE:</b> <input type="checkbox"/> Communication Pylon <input type="checkbox"/> Bus Shelter <input type="checkbox"/> Bus Shelter Narrow <input type="checkbox"/> Kiosk <input checked="" type="checkbox"/> APT	<b>REINSTATEMENT:</b> <input type="checkbox"/> Asphalt <input type="checkbox"/> Other <input checked="" type="checkbox"/> Brick <input type="checkbox"/> Concrete <input type="checkbox"/> Concrete Paving <input type="checkbox"/> Specialist Paving <input type="checkbox"/> Unmade/Grass	<b>SIGNIFICANT GRADIENT:</b> Lengthwise: Y N, Width Wise: Y N	<b>OHS CONSIDERATIONS:</b> <input type="checkbox"/> Overhead Cables <input type="checkbox"/> Other <input type="checkbox"/> Underground Cables <input type="checkbox"/> Gas Main <input type="checkbox"/> Water Main <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Traffic Management <input type="checkbox"/> Access Issues <input type="checkbox"/> Parking Issues
<b>MAIN STREET:</b> COWPER WHARF ROAD OPPOSITE MCELHONE STREET	<b>AREA:</b> <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial	<b>SITE ZONE:</b> <input type="checkbox"/> CBD Zone <input type="checkbox"/> Village Area <input type="checkbox"/> Other	<b>JCD NO.:</b> A1020 <b>APT TYPE:</b> DOUBLE	<b>FOOTPATH WIDTH:</b> Actual Footpath Width: Y N, Narrow Kiosk Required: Y N, Narrow Footpath: Y N	<b>COMMENTS:</b>	<1.2m clear path or <1.8m clear path in City Centre/Village Main Street
<b>CROSS STREET:</b> OPPOSITE MCELHONE STREET	<b>AD TYPE:</b> <input checked="" type="checkbox"/> AD <input type="checkbox"/> Non-AD	<b>AD TYPE:</b> <input checked="" type="checkbox"/> AD <input type="checkbox"/> Non-AD	<b>CONFIG:</b> LH <b>GREEN ROOF:</b> NO			
<b>/OPP:</b> "ADMIRALTY GARDENS"/ 67 COWPER WHARF ROAD	<b>POTENTIAL ADVERTISEMENTS:</b> D = Digital S = Static G = Green Wall					
<b>ROAD DIRECTION:</b>	<b>ADDITIONAL AD POTENTIAL:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No					
<b>FACE A:</b> D <b>FACE B:</b> G	<b>FACE C:</b> D					

**SITE DRAWING NOTES:**  
- ALL DIMENSIONS ARE IN MILLIMETRES  
- DIMENSIONS ARE MEASURED BY QMS WITH MEASURING WHEEL  
- CONFIRM ALL DIMENSIONS ON SITE PRIOR TO ANY WORKS  
- VISIBLE FIXTURES AND SERVICES MEASURED ONLY. ESTABLISH LOCATION OF ALL SERVICES AND FIXTURES PRIOR TO ANY WORK

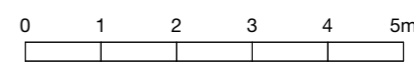


LEGEND	
	NEW AUTOMATIC PUBLIC TOILET (APT)
	WHEELCHAIR MANOEUVERING AREA
	EXISTING APT OUTLINE
	EXISTING BENCH SEAT
	BIN
	TREE (NTS)
	POWER POLE
	SMART POLE/LIGHT POLE
	SERVICE PIT
	UNKOWN SERVICE PIT
	TRAFFIC LIGHT
	SIGN POST/LOADING ZONE/PARKING
	BIKE RACK
	GRASS
	PLANTER BED
	TACTILE INDICATOR-EXIST
	STREET KERB
	FENCE

<b>DATE:</b>	22/11/22
<b>SCALE:</b>	1:100@A3
<b>DRAWN:</b>	BAT
<b>SURVEY NO.:</b>	A1020

ISSUE	DESCRIPTION	DATE	DRAWN
03	APTs - UPDATES	22/11/22	BAT

- PLANNING APPLICATION NOTES:**
- The proposal relates to the APT and advertising signage panel.
  - Refer to the DA Master Matrix for the APT Type. Drawings for each APT Type can be found in the Schedules of the SEE.
  - Tactile Ground Surface Indicators are indicative only. All TGSIs to comply with AS1428.4.1

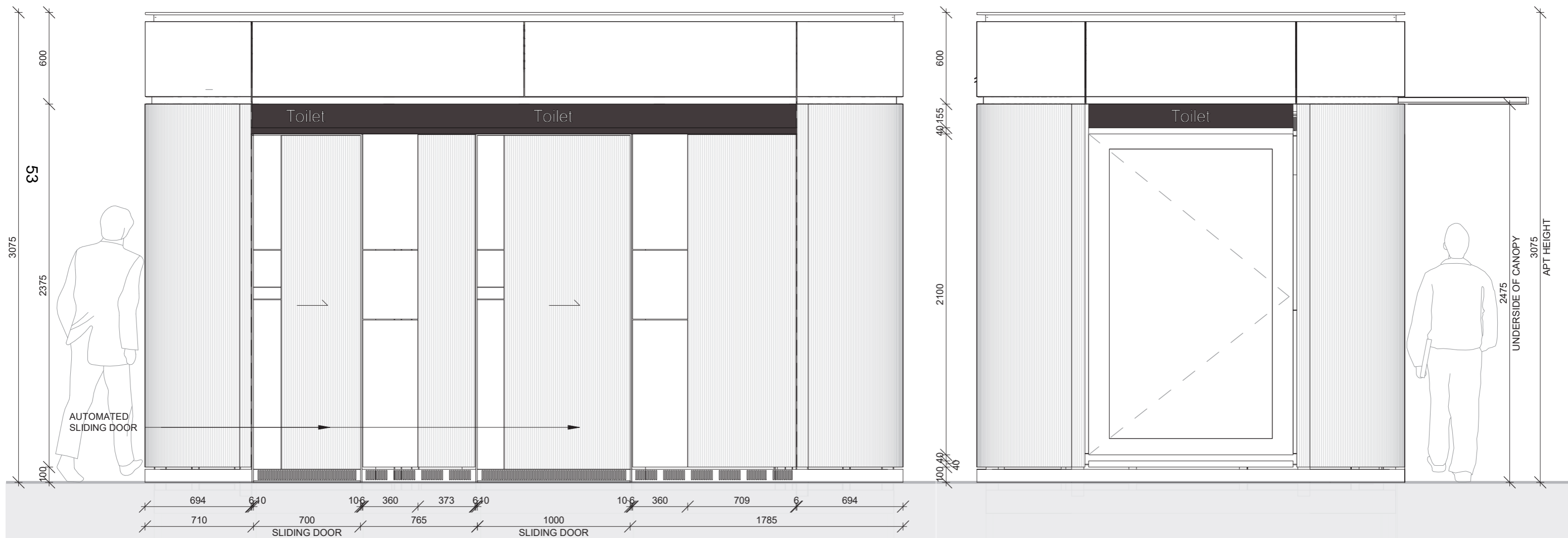


<b>LOCATION PLAN - PROPOSED</b>
<b>EXISTING SITE ID:</b> APT1
<b>NEW APT ID:</b> A1020

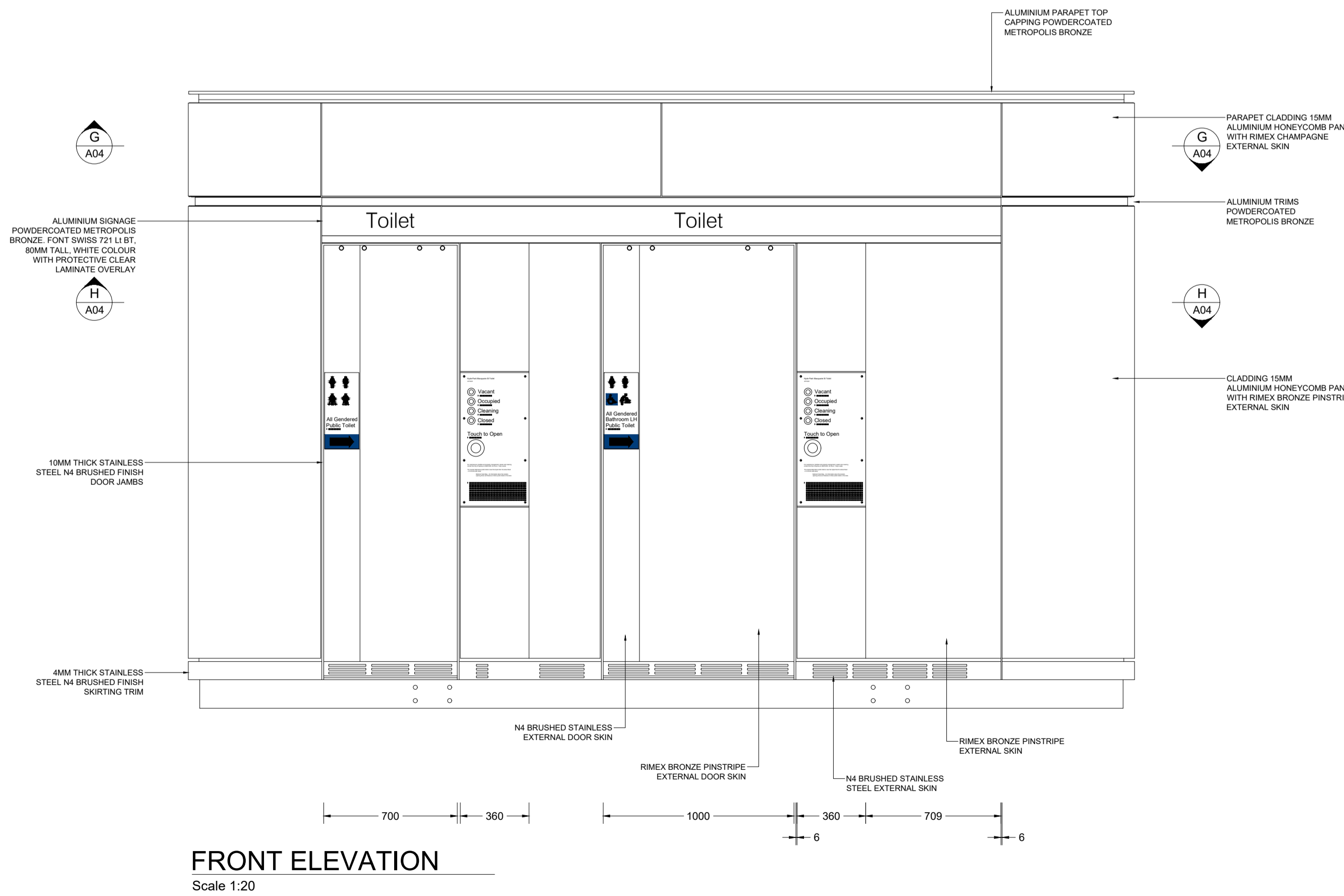
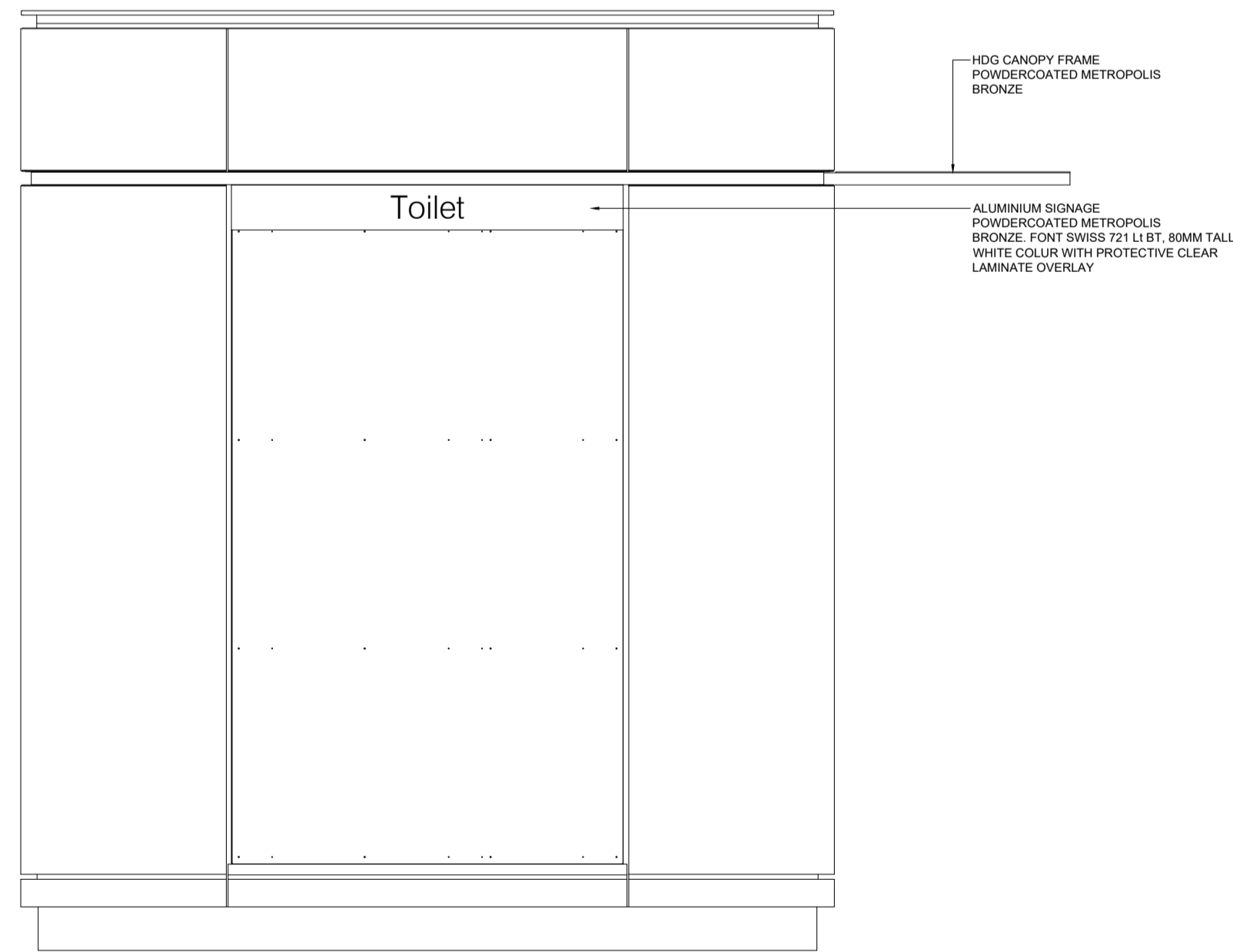
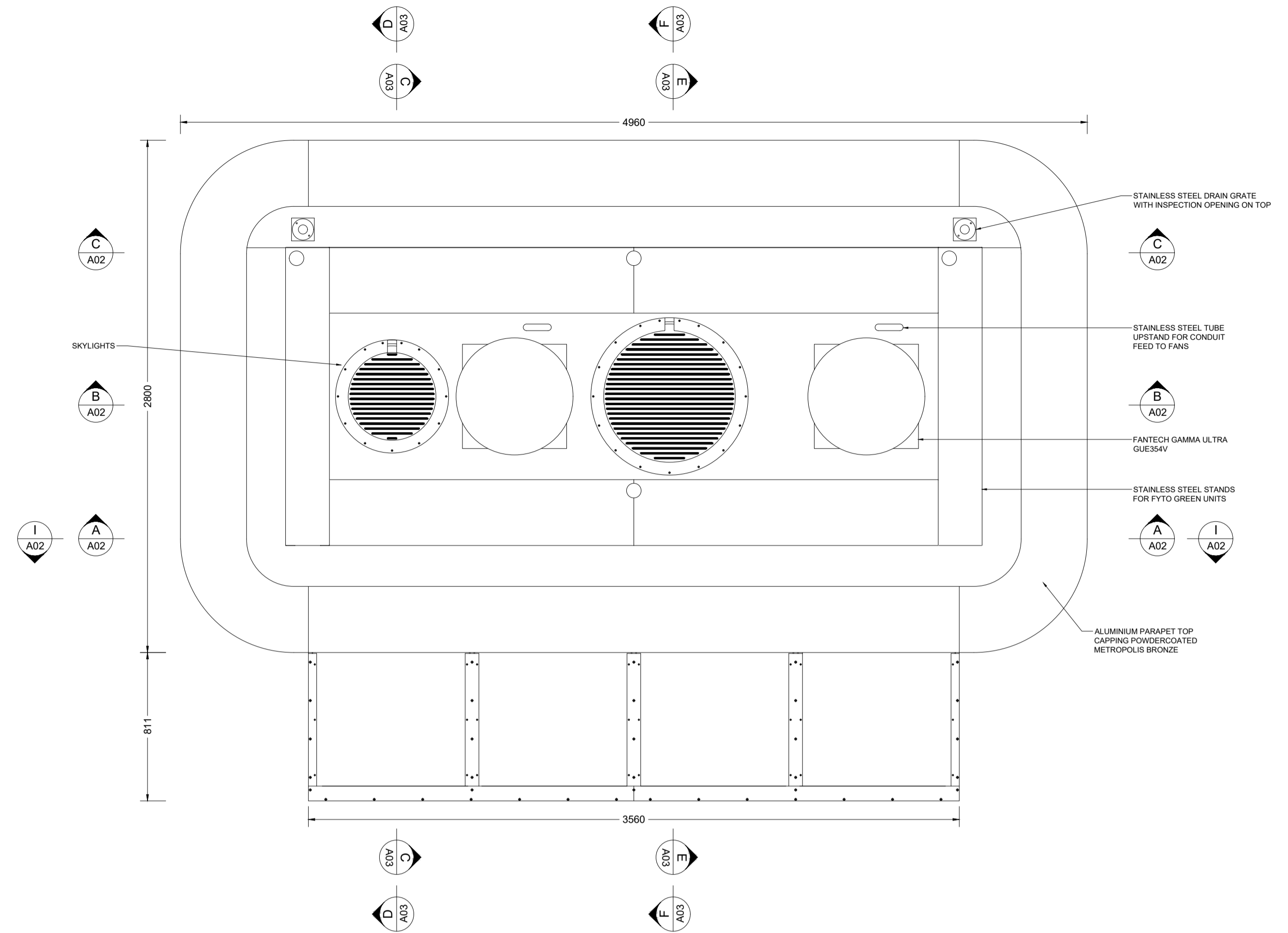
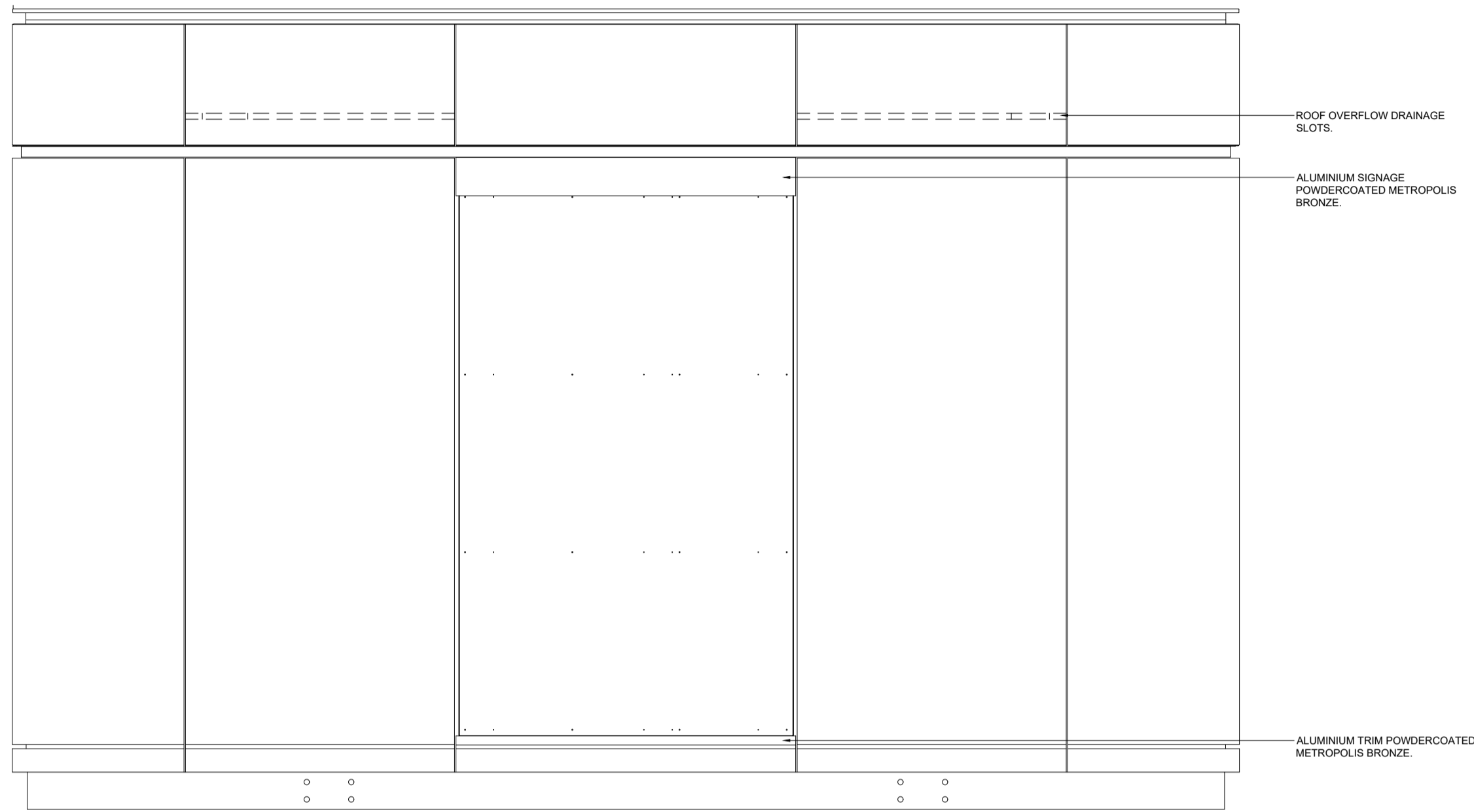


# APT Double (Ambulant + Accessible)

## Elevations



1:25 @A3



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CAD - DO NOT AMEND MANUALLY



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Certifying Engineer

Project  
**QMS MEDIA  
APT2**

Drawing Title  
**DETAILS**

No.	Revision	Date
A	PREMININARY	6.10.22
B	PREMININARY	6.10.22
C	PREMININARY	14.10.22

Designed	Drawn	Date
JW	JW	14.10.22

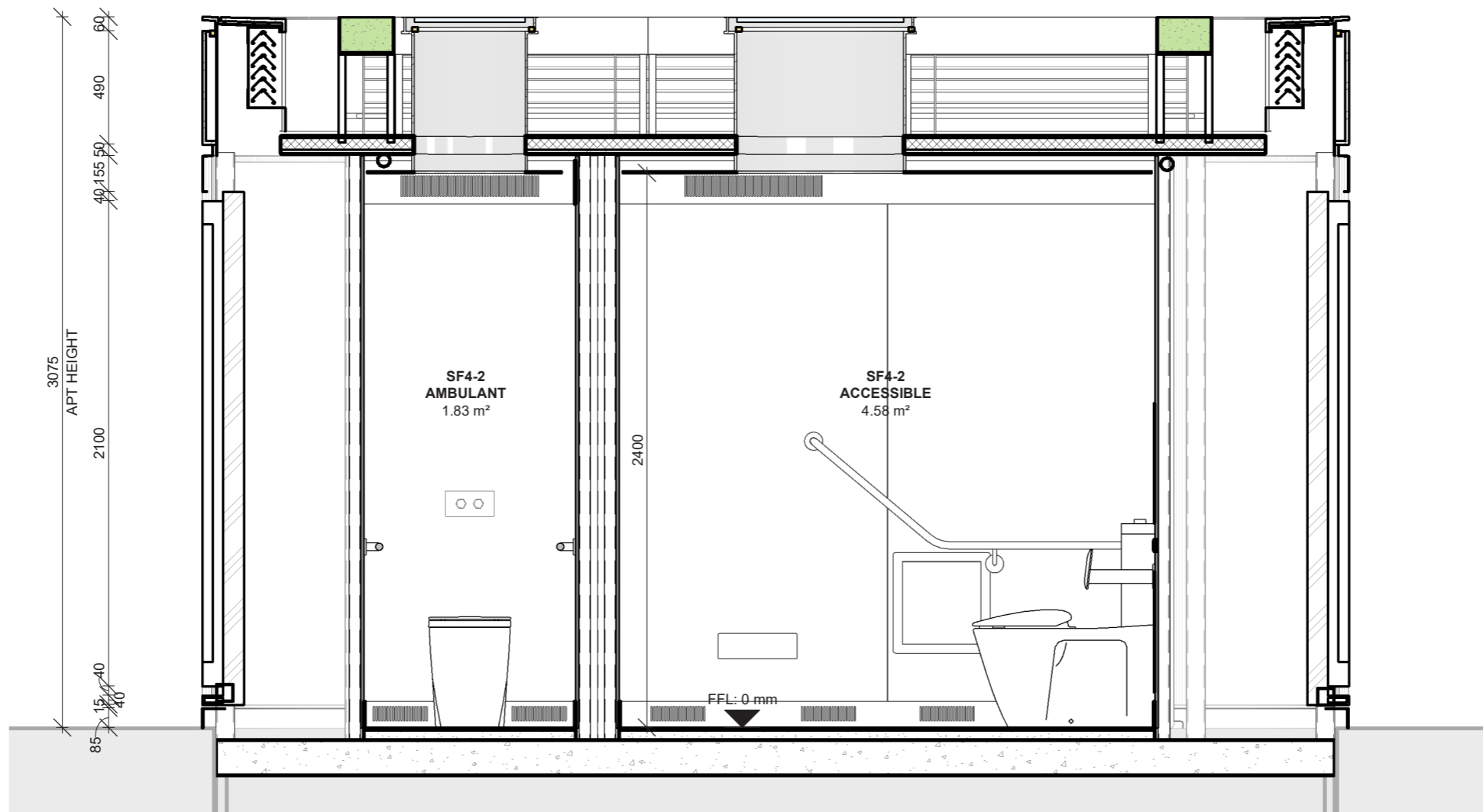
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Project No.	Drawing No.	Revision
<b>APT2</b>	<b>A01</b>	<b>C</b>



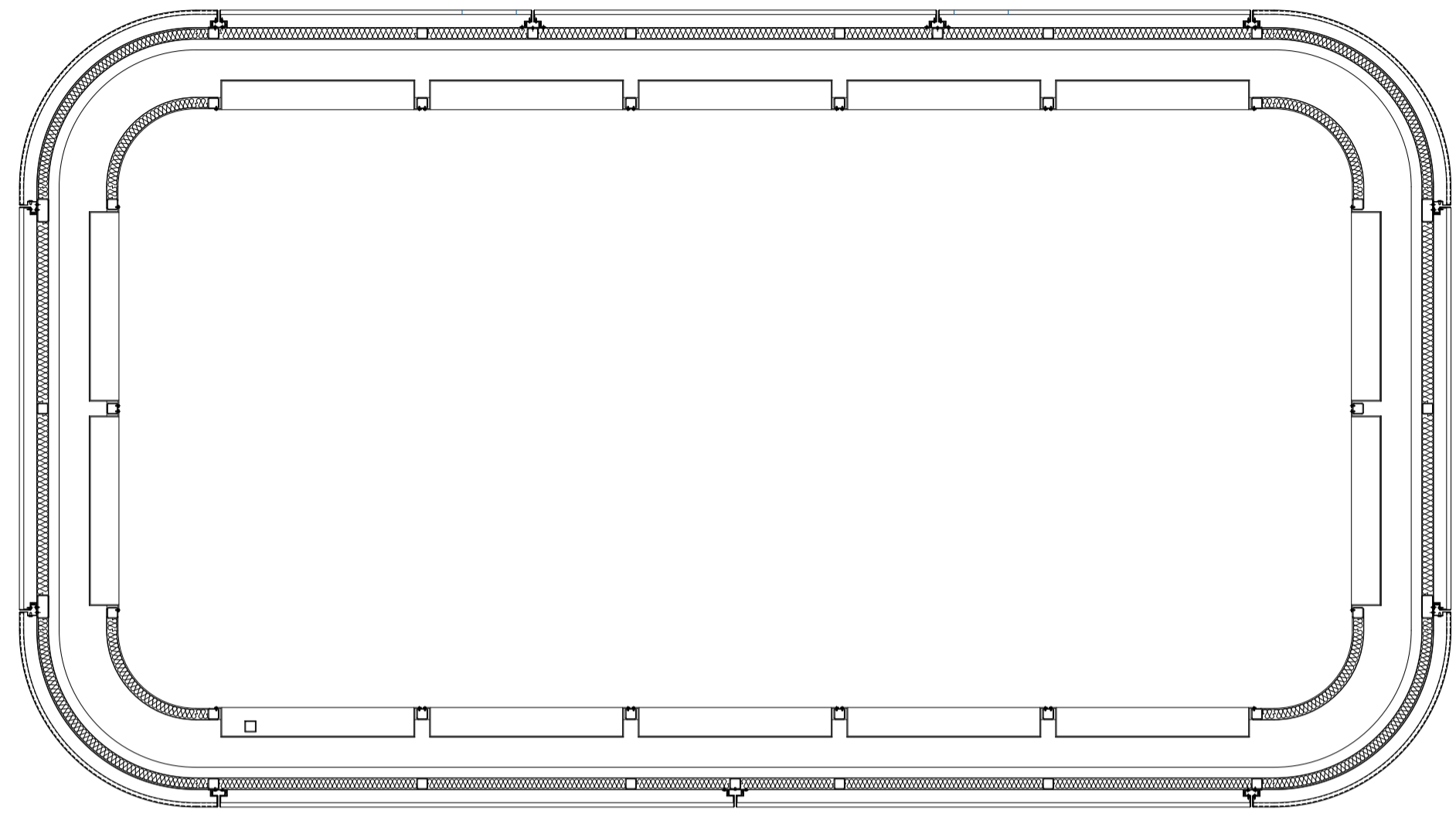
# APT Double (Ambulant + Accessible)

## Section

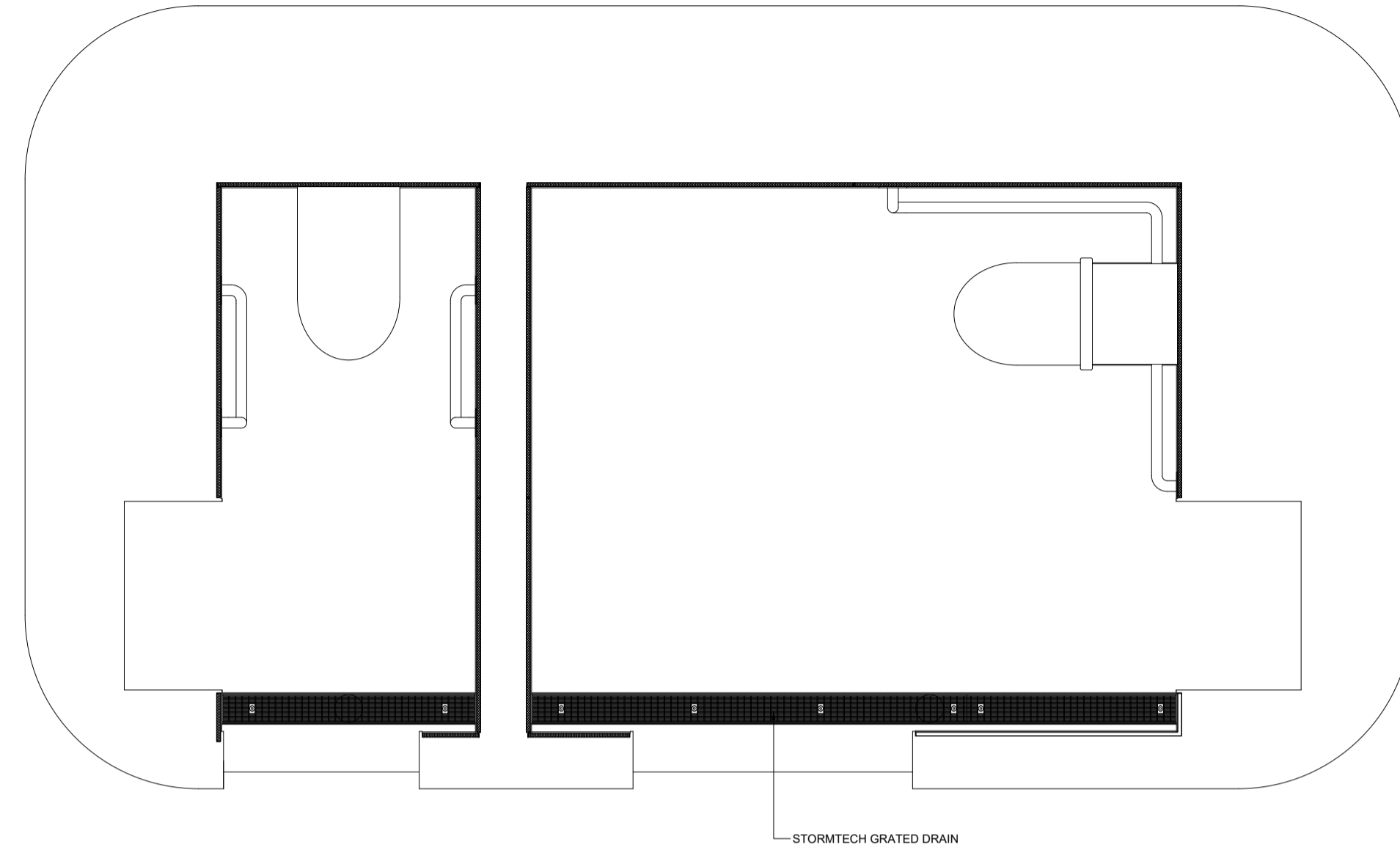


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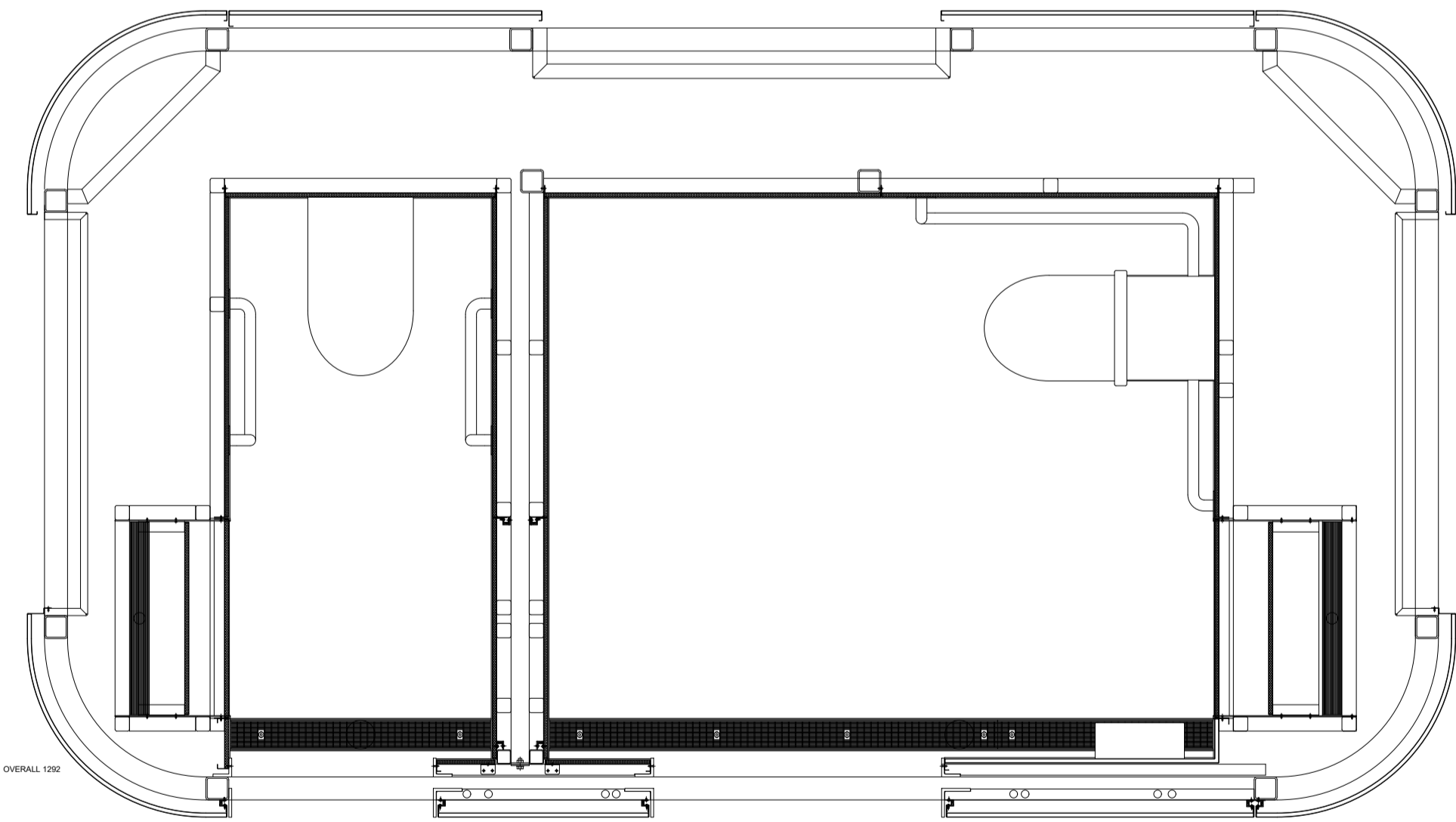
1:25 @A3



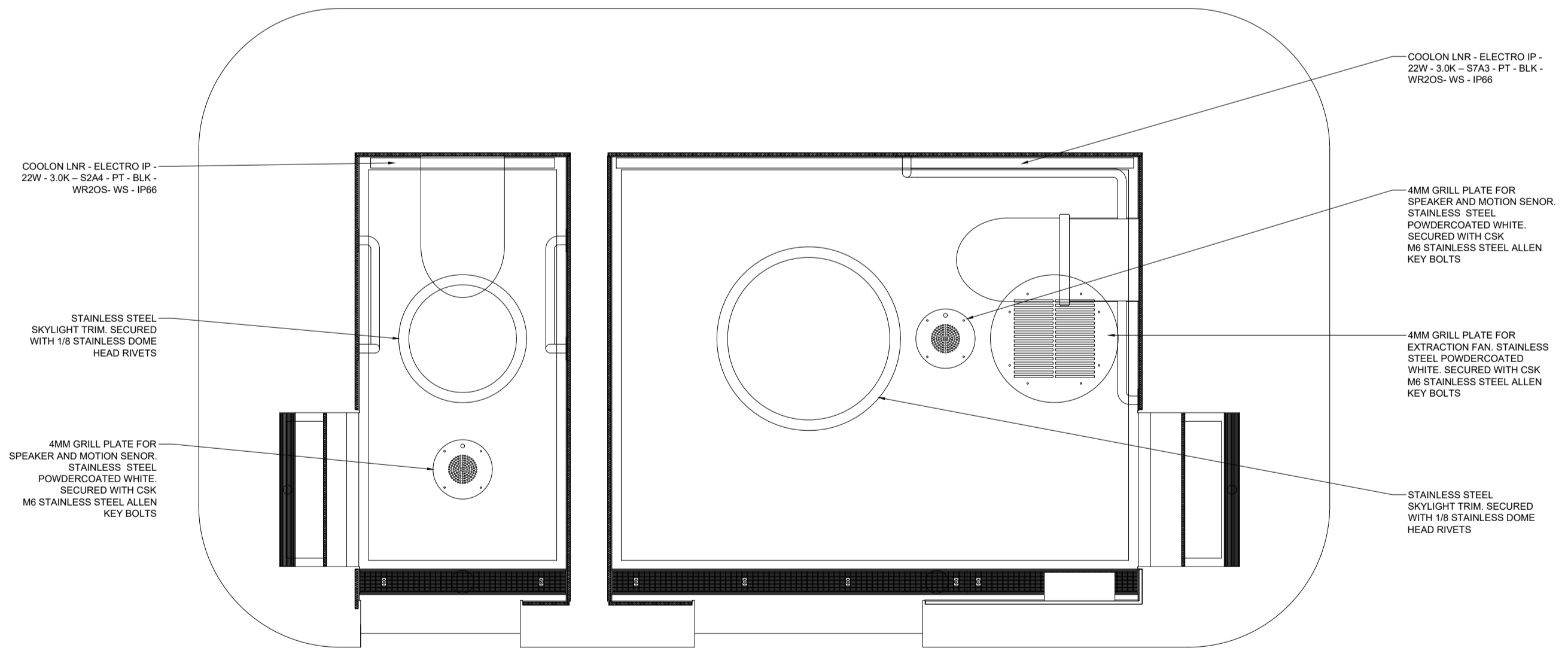
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Scale 1:20  
A01



INTERNAL FLOOR PLAN  
Scale 1:20



SECTION **H**  
Scale 1:20  
A01



REFLECTED CEILING PLAN  
Scale 1:20

0 10 20 30 40  
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Certifying Engineer

Project

**QMS MEDIA  
APT2**

Drawing Title

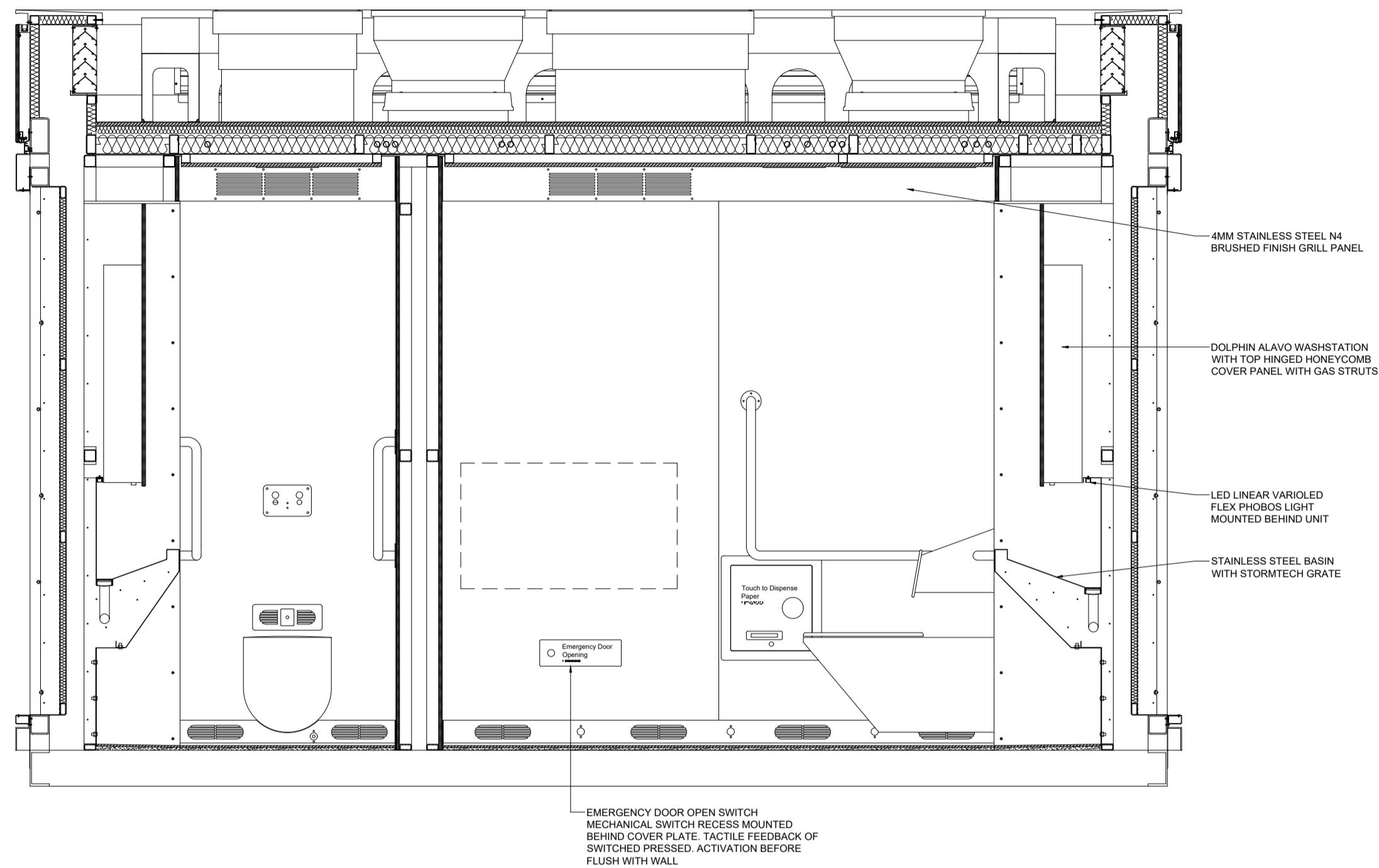
**DETAILS**

No.	Revision	Date
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<b>B</b>	<b>PREMININARY</b>	<b>6.10.22</b>
<b>C</b>	<b>PREMININARY</b>	<b>14.10.22</b>

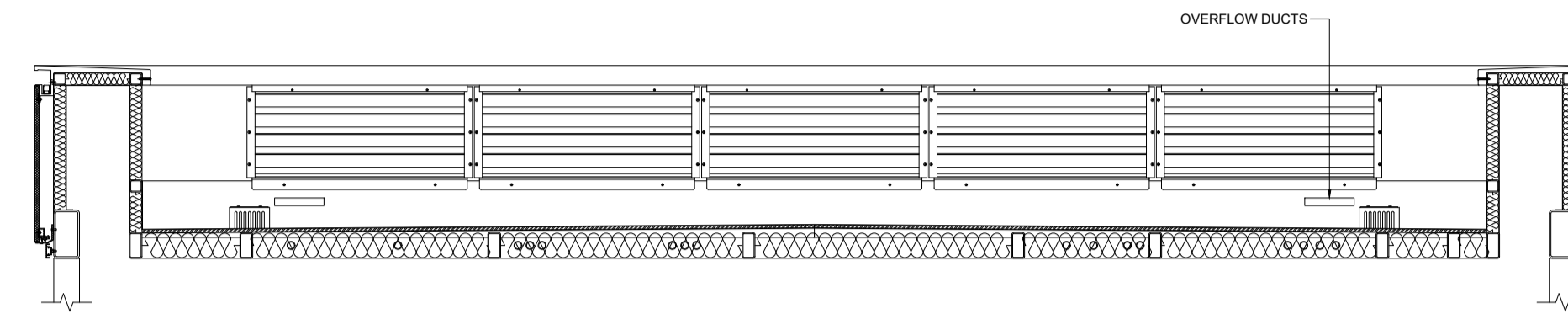
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JW	JW	14.10.22

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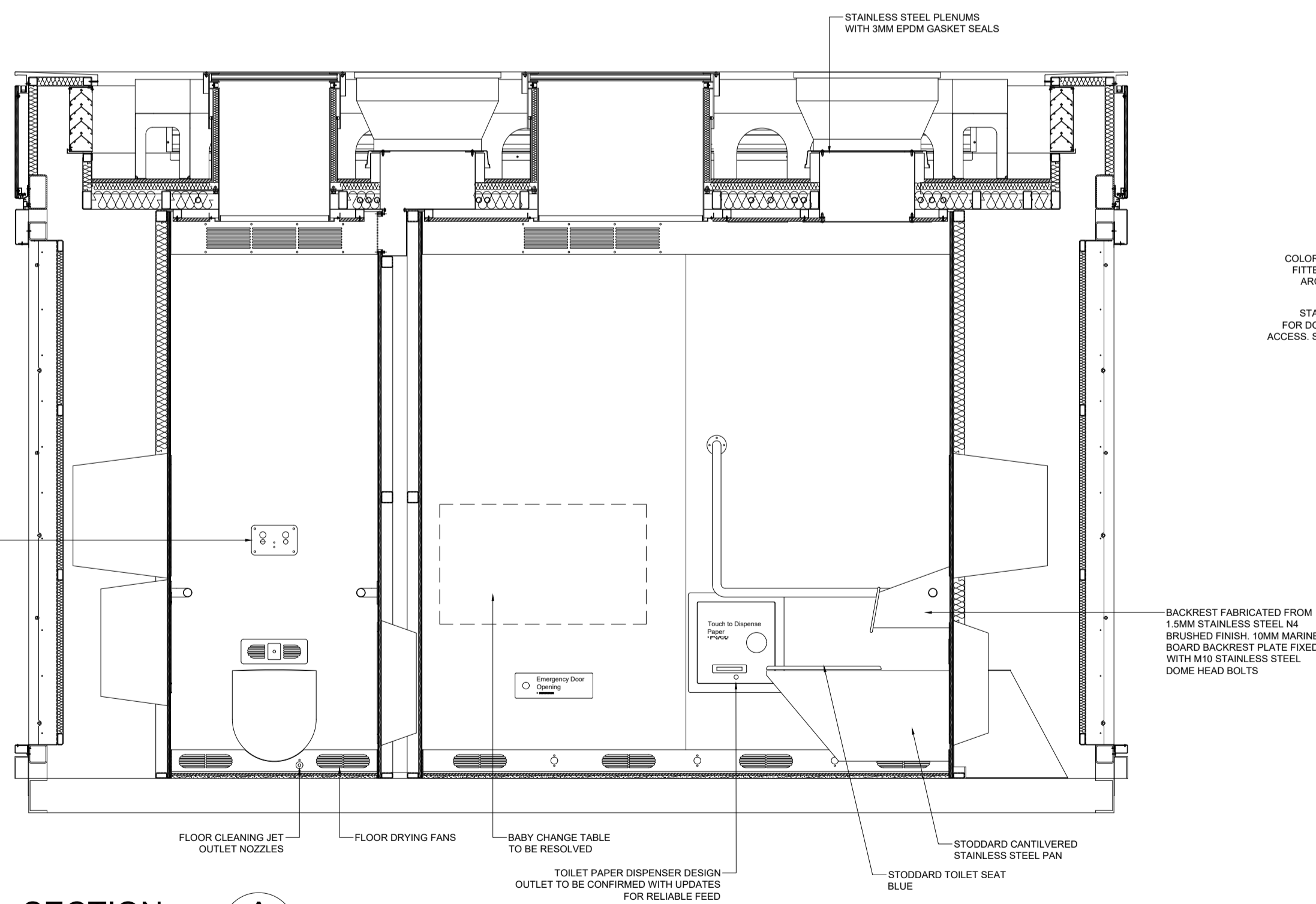
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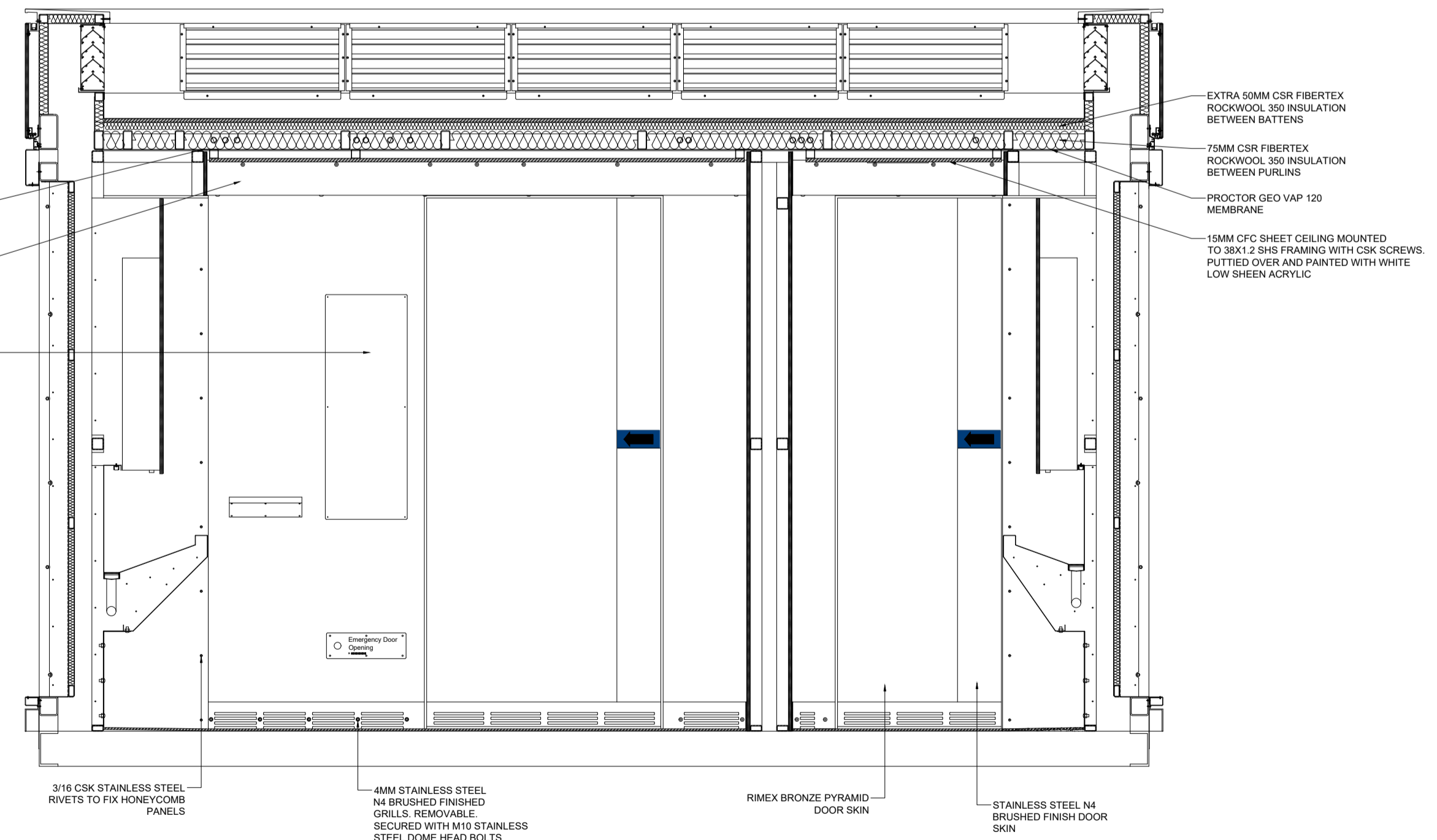
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A01



**SECTION C**  
Scale 1:50  
A01



**SECTION A**  
Scale 1:50  
A01



**SECTION I**  
Scale 1:50  
A01

0 10 20 30 40  
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Certifying Engineer

Project  
**QMS MEDIA APT2**

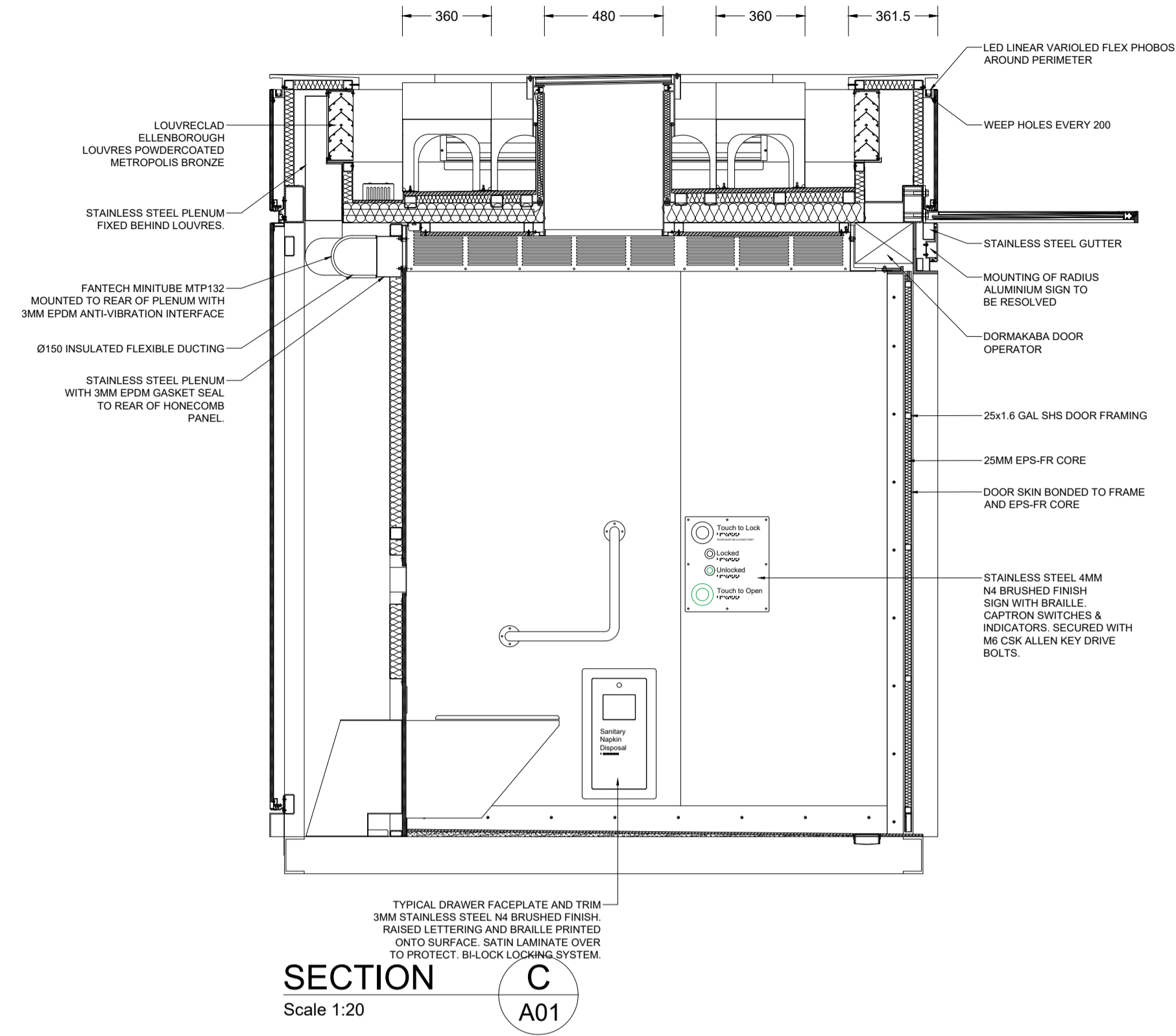
Drawing Title  
**DETAILS**

No.	Revision	Date
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B	PRELIMINARY	6.10.22
C	PRELIMINARY	14.10.22

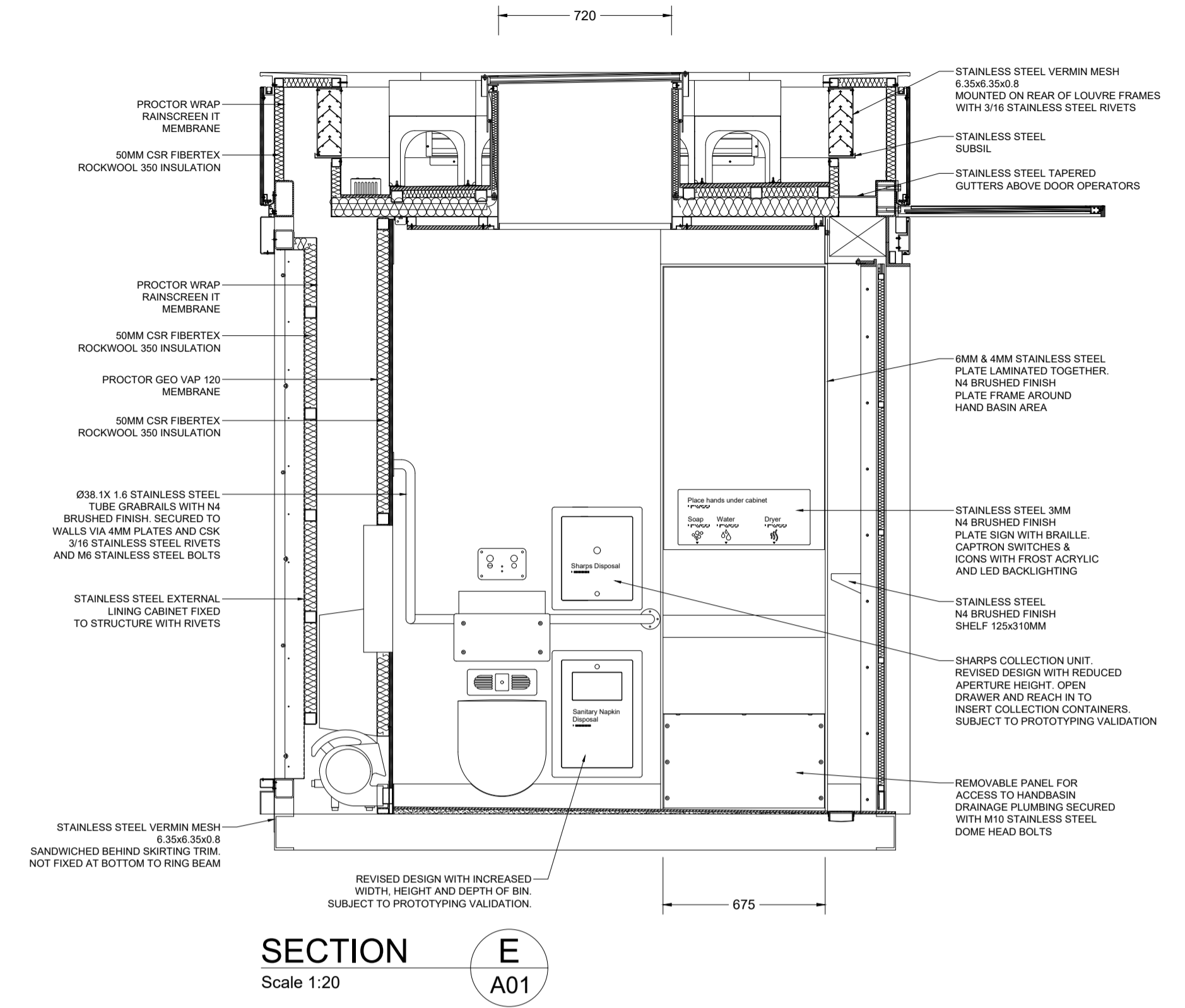
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JW	JW	14.10.22

Scale	CAD File
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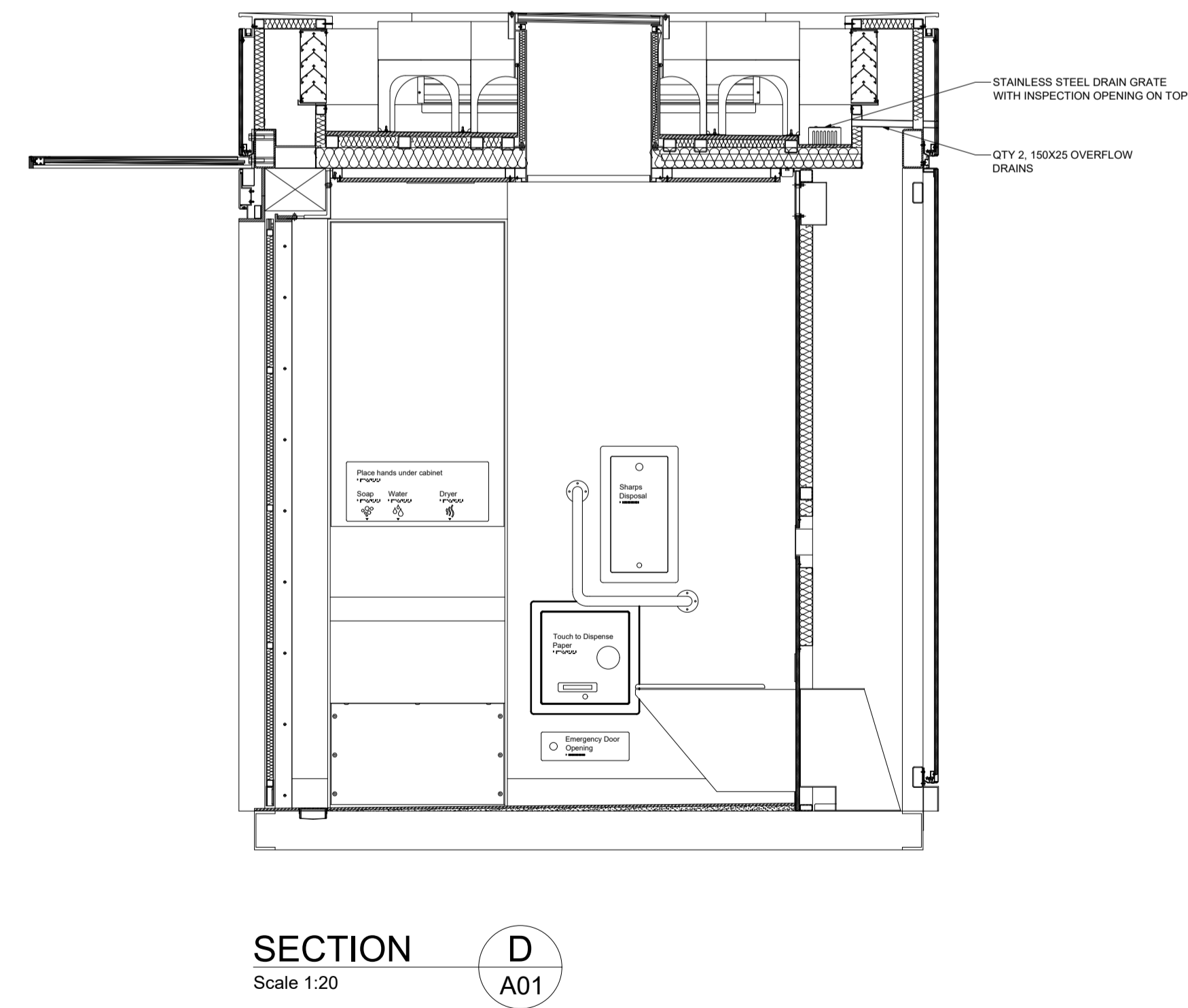
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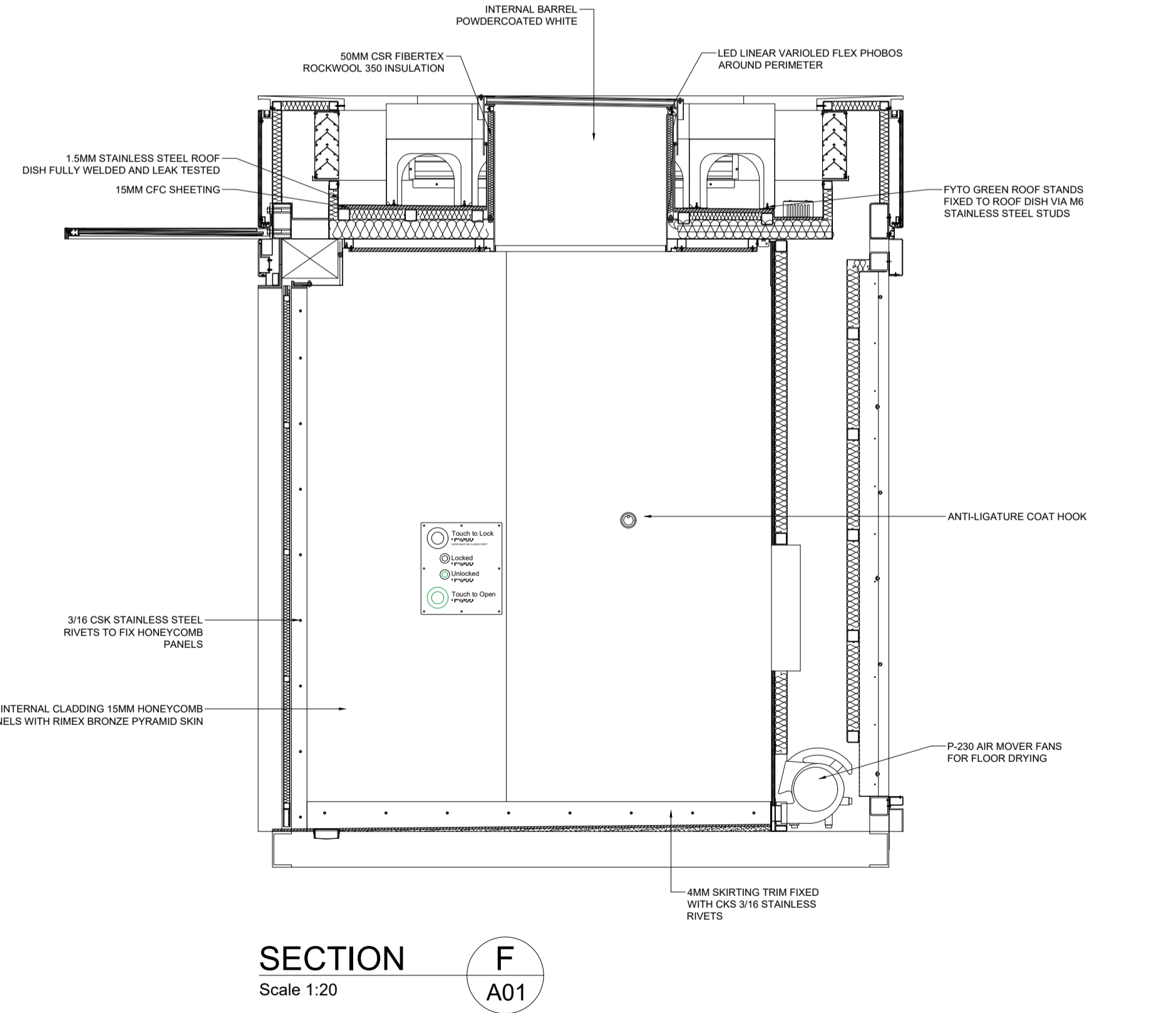
SECTION C A01 Scale 1:20



SECTION E A01 Scale 1:20



SECTION D A01 Scale 1:20



SECTION F A01 Scale 1:20

0 10 20 30 40  
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Certifying Engineer

Project  
**QMS MEDIA  
APT2**

Drawing Title  
**DETAILS**

No.	Revision	Date
A	PRELIMINARY	6.10.22
B	PRELIMINARY	6.10.22
C	PRELIMINARY	14.10.22

Designed	Drawn	Date
JW	JW	14.10.22

Scale	CAD File
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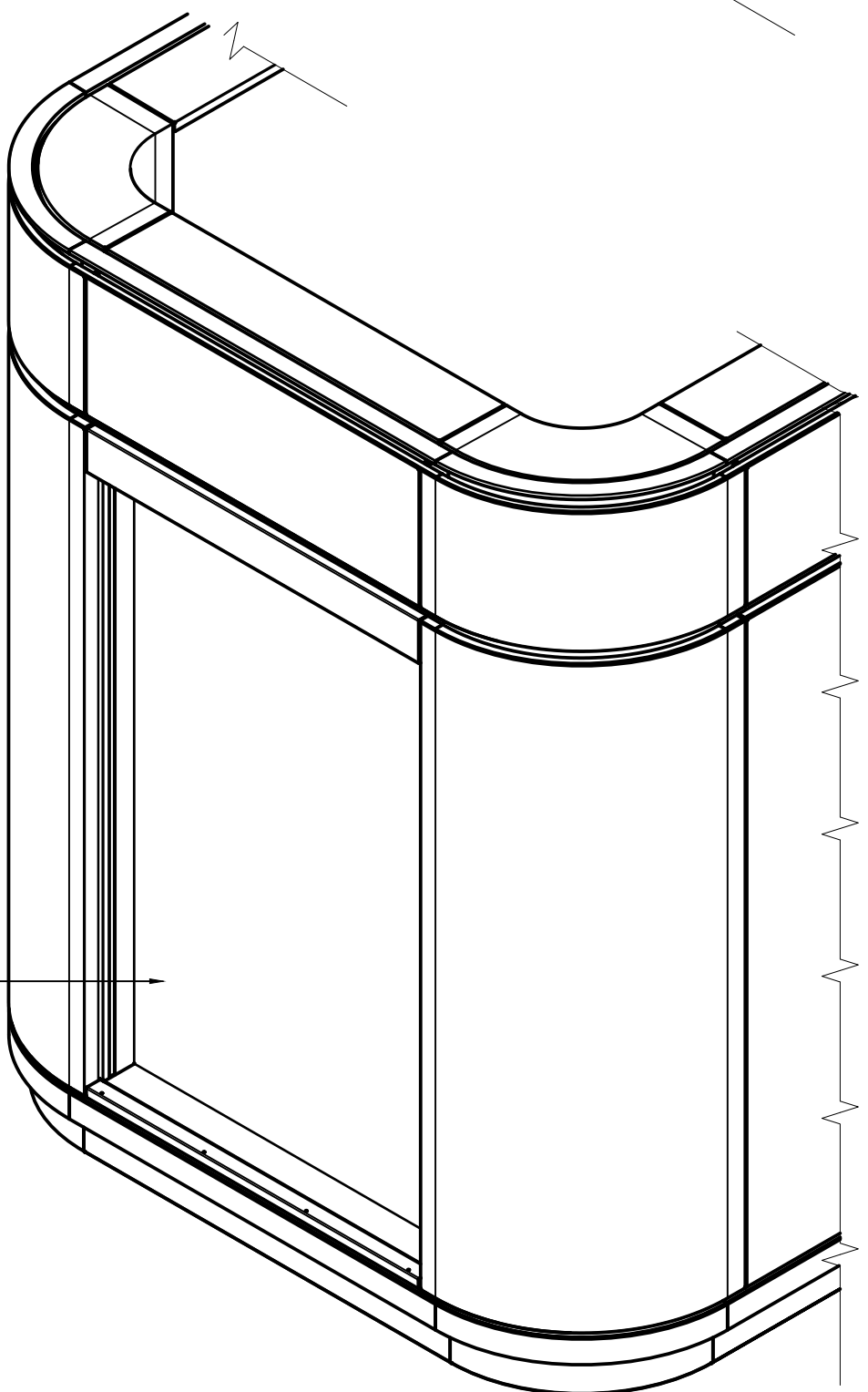
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A3

A B C D E F G H I J K L M

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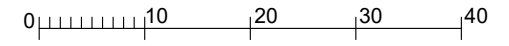
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STAINLESS STEEL FULLY  
WELDED & SEALED RECESS  
FOR FYTOWALL SYSTEM  
TO BE MOUNTED

**TYPICAL RECESS DETAIL FOR  
DISPLAY SCREENS & GREEN WALL**


Scale 1:20



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<b>A</b>	<b>ISSUED FOR DA</b>	<b>7.12.21</b>
No.	Revision	Date

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Project  
**CITY OF SYDNEY  
 NEW APT**

Drawing Title  
**APT GREEN WALL  
 DETAILS**

Designed	Drawn	Date
-	JW	7.12.21

Scale	CAD File
N/A	N/A

Project No.	Drawing No.	Revision
<b>APT2</b>	<b>G2</b>	<b>A</b>

IRRIGATION  
PIPE LOOP

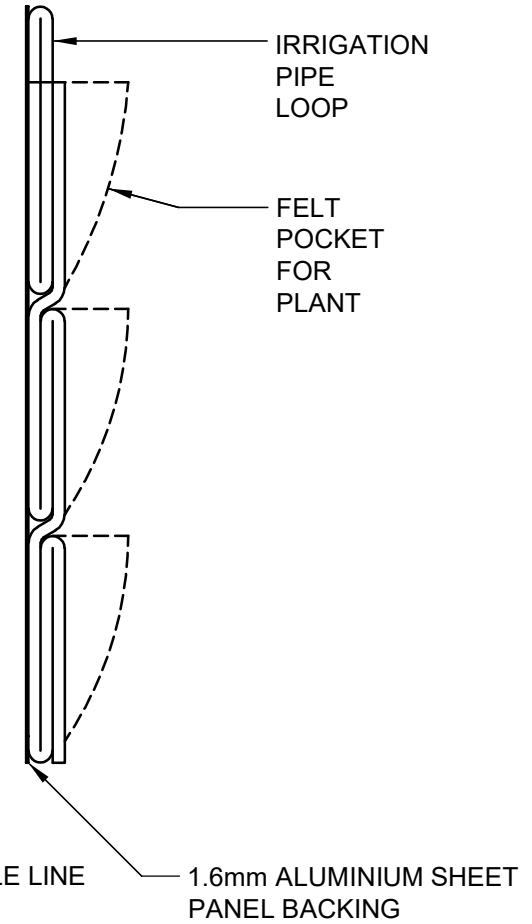
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800  
ALUMINIUM BACKING

500  
ALUMINIUM BACKING

FRONT ELEVATION



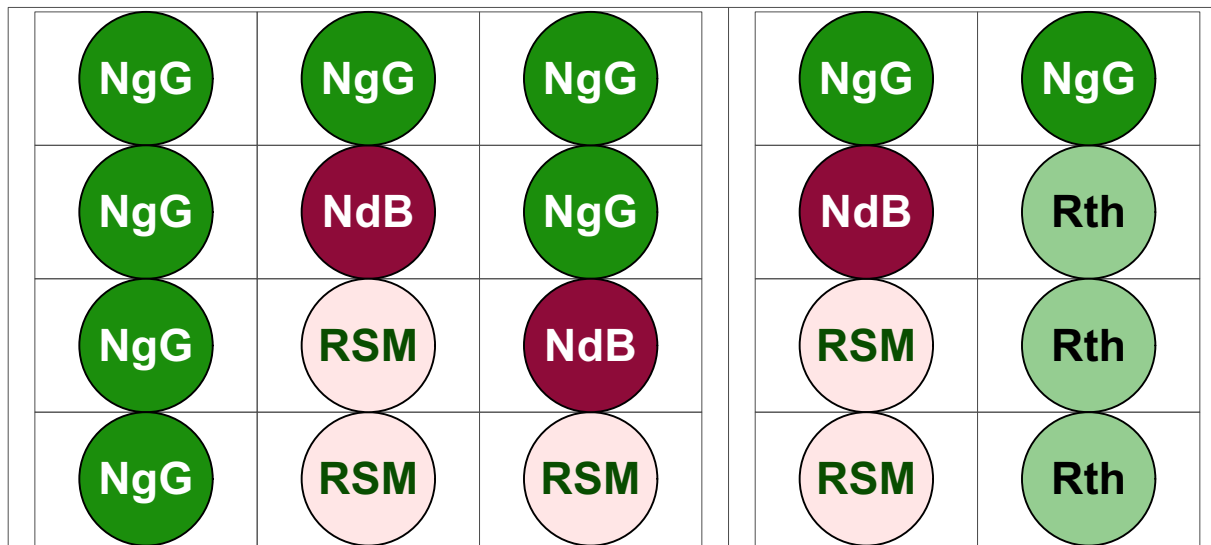
SECTION

Project/Title: FC FYTOFELT - 800 x 500 TYPICAL DETAILS - SHEET 1 of 2		Rev	Date	Description	
Date: 02/06/20	Drawing No: FCF- 001				Revision:
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Greening the Built Environment  
VERTICAL GARDENS . GREEN FACADES . ROOF GARDENS  
Fytogreen Australia Pty. Ltd. ABN. 20 099 581 736  
3 Webbs Lane, Somerville, VIC 3912  
ph. 1300 182 341 fax. +61 3 5978 0744  
E. info@fytoogreen.com.au www.fytoogreen.com.au

Project Number
Drawn By
Checked By

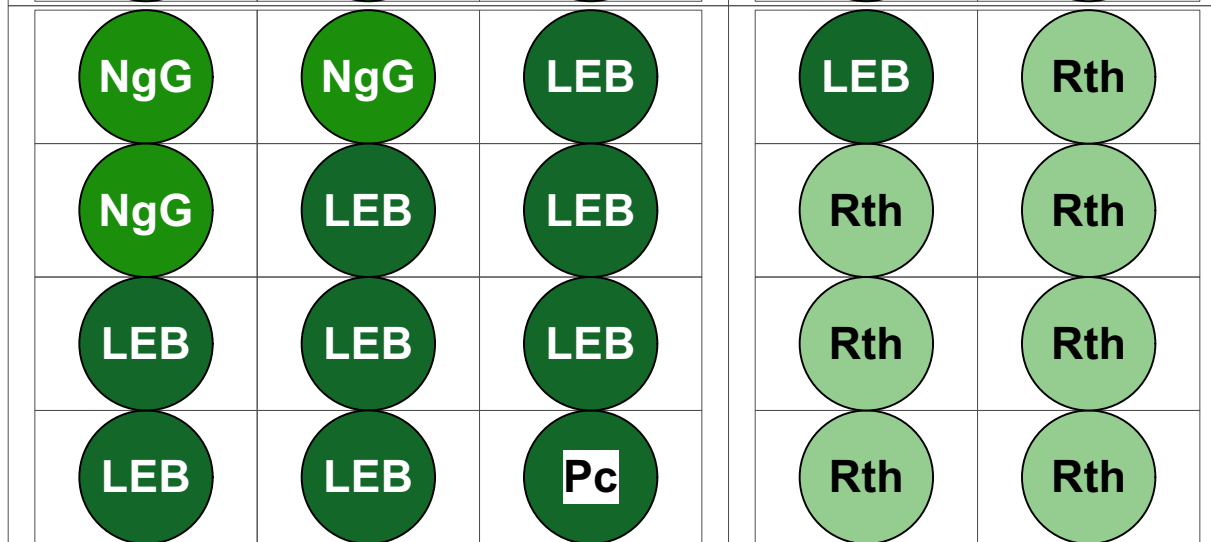
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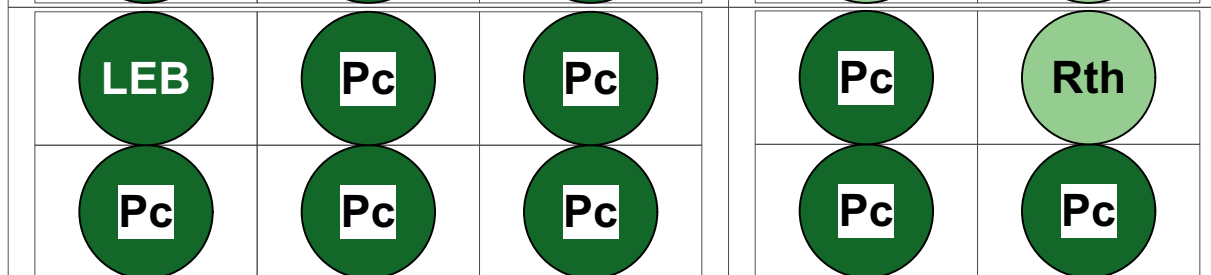
3



61



2



1

A

B

Plant Code	Latin Name	Quantity
LEB	<i>Lomandra 'Evergreen Baby'</i>	17
NdB	<i>Nandina domestica 'Blush'</i>	3
NgG	<i>Nematanthus 'Goldfish'</i>	20
Pc	<i>Plectranthus ciliatus</i>	9
RSM	<i>Rhaphiolepis 'Snow Maiden'</i>	6
Rth	<i>Rhipsalis teres v. heteroclada</i>	15

2

## Planting Schedule

Scale: 1:20

Lomandra 'Evergreen Baby'



Nandina domestica 'Blush'



Nematanthus 'Goldfish' (Orange)



Plectranthus ciliatus



Rhipsalis teres f. heteroclada



Rhaphiolepis 'Snow Maiden'



## NOTE

This planting plan is indicative only of a potential full sun vertical garden in Sydney. In-depth assessments of inherent exposures and refinement of species selections are required to ensure sustainable outcomes are generated.

Species selections and are not akin to terrestrial gardens, rather placing an emphasis on epiphytic and lithophytic species with inherently evolved adaptations to survive and thrive on the vertical plane.

This is a hybrid selection of trialled and tested species inclusive of a minority terrestrial species.

Species selection and array go hand-in-hand pending function.

## PROJECT

Grimshaw Str - Indicative Planting for Sun  
ADDRESS  
Grimshaw Str, Sydney, NSW

## CLIENT

QMS Media Pty Ltd  
DRAWING

Planting Plan

**Fytogreen**

FYTOGREEN PROJECT # 100575FF  
DATE 16 Aug 2021  
3 Webbs Lane  
Somerville VIC 3912  
Phone: 1300 182 341  
Fax: 03 5978 0744  
Email: info@fyto-green.com.au  
DRAWN ECvZ

1

## Planting Plan

Scale: 1:8.5

## APT ADVERTISING SIGNAGE PANEL DIMENSIONS AND SPECIFICATIONS

Table - Dimensions of Proposed Signage Panels	
Measurement (mm)	Proposed Signage panels
Panel Height	2100 mm
Panel Width	1338 mm
Visible Screen size	1895 x 1066 mm
Visible Screen area	2.02 m <sup>2</sup>

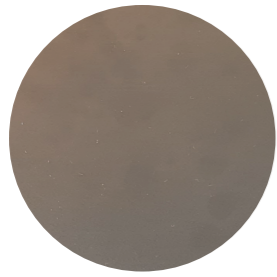


Digital Signage Panel Dimensions. NTS (Source: Dynascan)

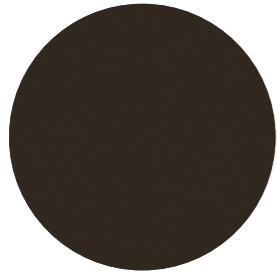


# APT Finishes

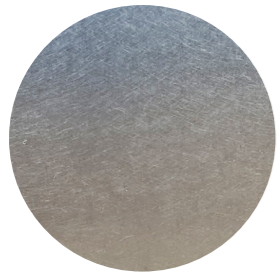
## External



**External high level cladding**  
Rimex INCO Champagne Granex



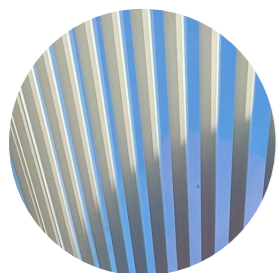
**Roof capping**  
Paint to match Metropolis Bronze



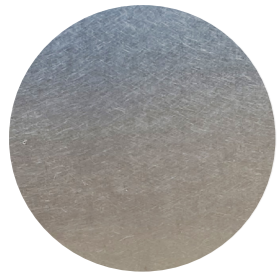
**Door external cladding**  
Brushed 4BF, 316 stainless steel



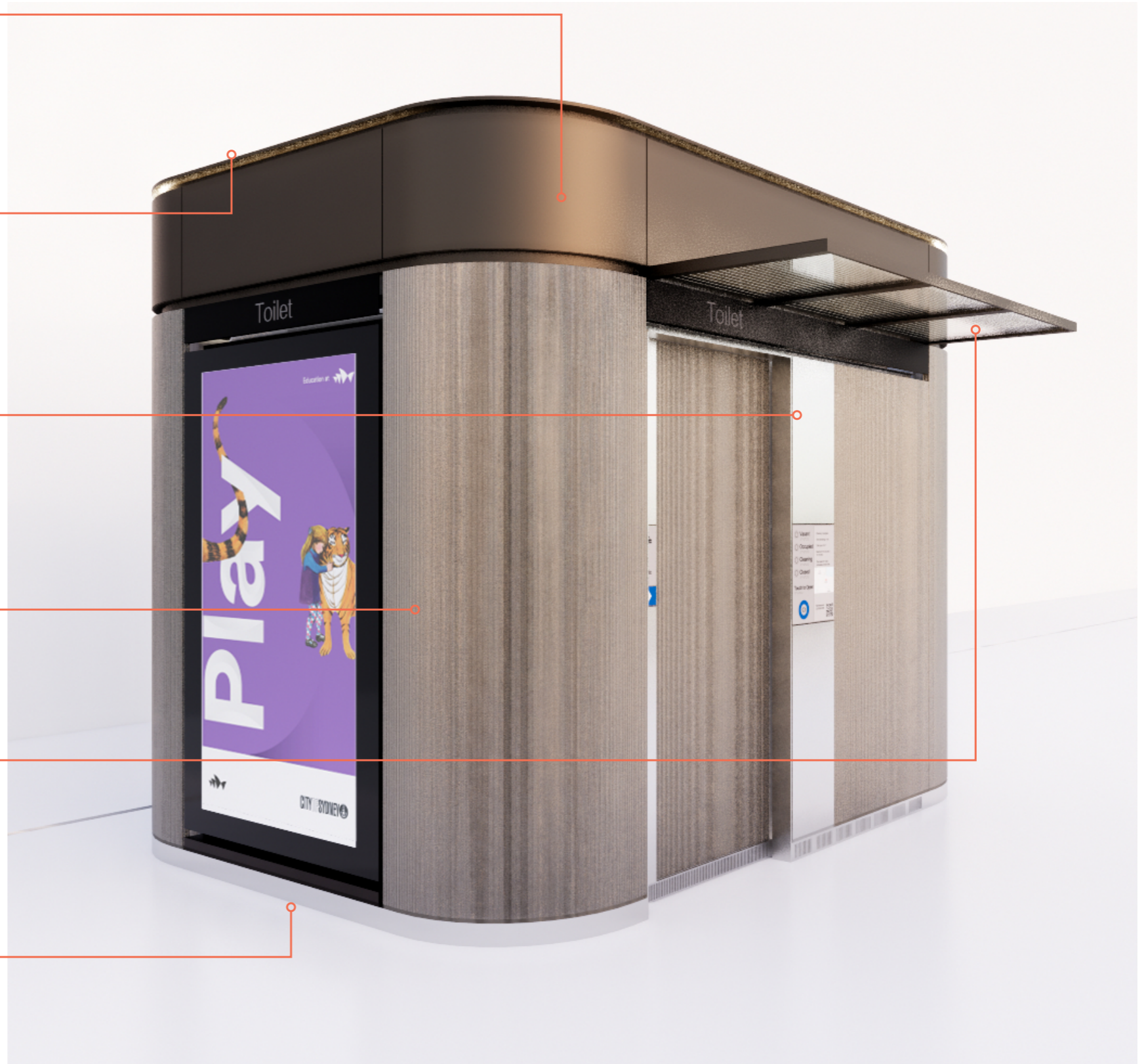
**External low level cladding**  
Rimex INCO Bronze Pinstripe



**Canopy**  
Clear, low iron glass with white ceramic frit



**Skirtings**  
Brushed 4BF, 316 stainless steel with machined openings



# APT Finishes

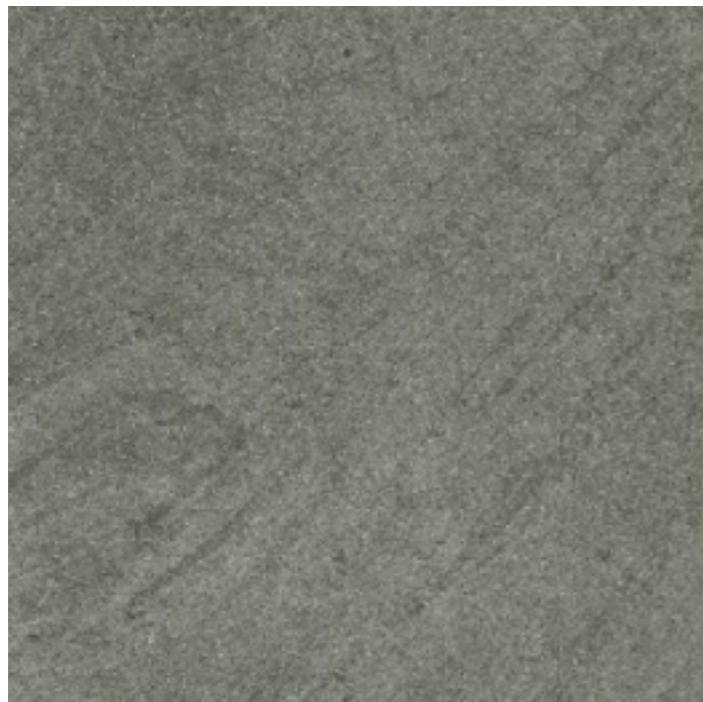
## Floor Tiles Options

Floor tile sample review (in order of preference):

1. EARP Ecology Summit 300x600mm.



2. Surface Gallery SG03 Savona Pewter 300x600mm



\* Final recommendation subject to lead time and pricing review

# **Attachment C**

## **Urban Design Analysis**

# APT Urban Design Report

Date	Description	Reason for Issue	Report Revision No.	Format
18/10/22	First issue - Crewe Place (A1019) and Cowper Wharf Road (A1020)	For review	00	A3
24/10/22	<ul style="list-style-type: none"> <li>• Second issue - Crewe Place (A1019) and Cowper Wharf Road (A1020)</li> <li>• First issue - Erskineville Square (A1016), Boomerang Place (A1024), Dowling Street (A1028) and Castlereagh Street (A1027)</li> </ul>	<ul style="list-style-type: none"> <li>• For submission - Crewe Place adjacent heritage item annotated; Cowper Wharf Rd adjacent heritage item annotated, APT type changed to Double with 2 digital ad panels and one green wall as per QMS request</li> <li>• For review - Erskineville Square, Boomerang Place, Dowling Street and Castlereagh Street</li> </ul>	01	A3
31/10/22	Third issue	Minor amendments and updates	02	A3
9/11/22	Fourth Issue	Minor amendments and updates	03	A3
16/11/22	Fifth Issue	Minor amendments and updates	04	A3
12/12/22	Sixth Issue	Minor amendments and updates	05	A3
07/06/23	Seventh Issue	Response to Planning Assessment	06	A3

07 June 2023

Cowper Wharf Road  
APT no. A1020

# Content

## **Cowper Wharf Road (A1020)**

1. Overview - Public Toilet Network Map
2. Investigation/Explanation of Siting
3. APT Site Plan
4. APT Location Setout
5. Impact on Landscaping
6. Visual Impact and Clutter
7. Key Views
8. Response to Planning Assessment

# Overview - Public Toilet Network Map

## Cowper Wharf Road

### APT Number A1020

- Cowper Wharf Rd Near Brougham St, Woolloomoolo
- New Development Application
- **General location at Cowper Wharf Rd is endorsed by City of Sydney Public Toilet Strategy 2014**

### Comments by City of Sydney Program Manager, Urban Design:

#### → *Siting Options*

The proposed location is close to Harry's Café de Wheels and a bus stop. Harry's is a popular destination and generates pedestrian activity well into the night. Harry's does not have a toilet facility. Public urination particularly associated with late night trading is an issue and this APT is intended to mitigate this problem. The site is also directly adjacent to Crown Land (Navy) and has permanent security presence. This area has the highest demand for an APT.

#### → *Anti-social Behaviour*




The location is adjacent to Cowper Wharf Roadway and a bus stop. Close to Harry's and the Naval infrastructure, the site has excellent passive surveillance. Given the issue of anti-social public urination, it is anticipated that the APT will positively contribute to the area by reducing instances of anti-social behaviour.

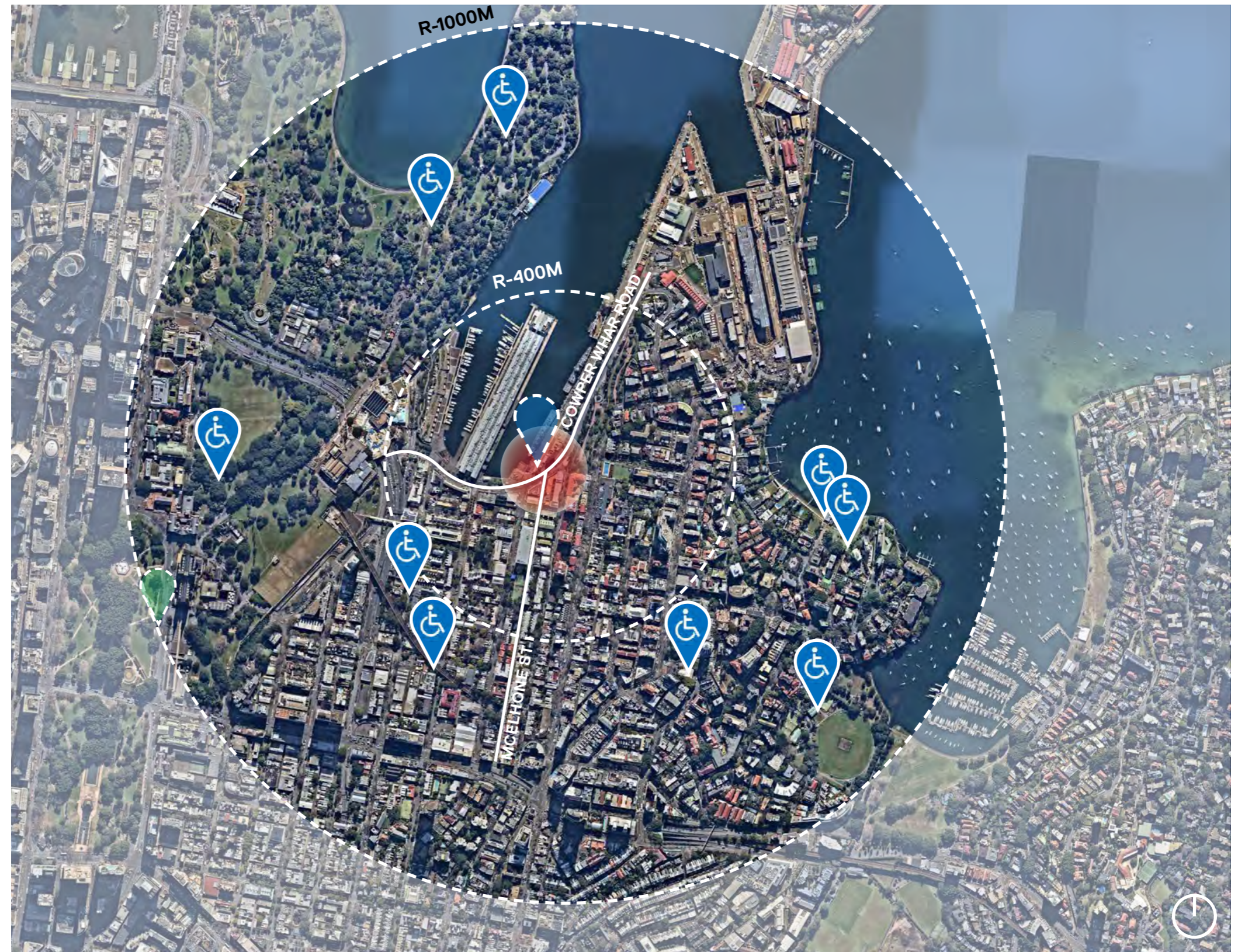
#### → *Lighting Strategy and CCTV*

The existing street lighting is fully compliant with the Sydney Lights Code. The site is directly adjacent to Naval land which has constant surveillance. It is not considered necessary to provide additional CCTV at this stage.

#### → *Heritage*

The APTs and other new street furniture items were designed in Sydney by Grimshaw. Their design development was overseen by The City. Consideration for heritage streetscapes and precincts was discussed with the City and the architects. The City endorsed the contemporary architectural expression and consider it complementary to heritage places and spaces.

LEGEND :  PROPOSED APT LOCATION  APPROVED APT LOCATIONS  EXISTING PUBLIC TOILET LOCATIONS





# Investigation/Explanation of Siting

## Cowper Wharf Road

### APT Location Study by The City (June 2022) - refer to reference documentation appended

- Harry's Café de Wheels is a key driver for this facility. Patrons have no toilets nearby and there are issues with public urination.
- The proposed location is on a wide and easily accessible footpath.
- There are residential buildings approximately 30m from the proposed APT location - on the opposite side of Cowper Wharf Roadway
- Residents are concerned that the APT will attract customers from Harry's Café de Wheels (open until 10pm most nights and midnight on Friday and Saturday) and generate noise and unruly behaviour.
- DAP do not consider the location inappropriate and, in their view, a clean and well-maintained APT is a better outcome than public urination.

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### Proposed APT characteristics

- Double left hand (Ambulant + Accessible)
- Two digital advertising panels and one green wall panel (facing the Naval base)
- No green roof

### LEGEND :

- RESIDENTIAL
- RETAIL
- INDUSTRIAL
- LEARNING
- HERITAGE
- APT
- CONSERVATION AREA



VIEW A



VIEW B



VIEW C












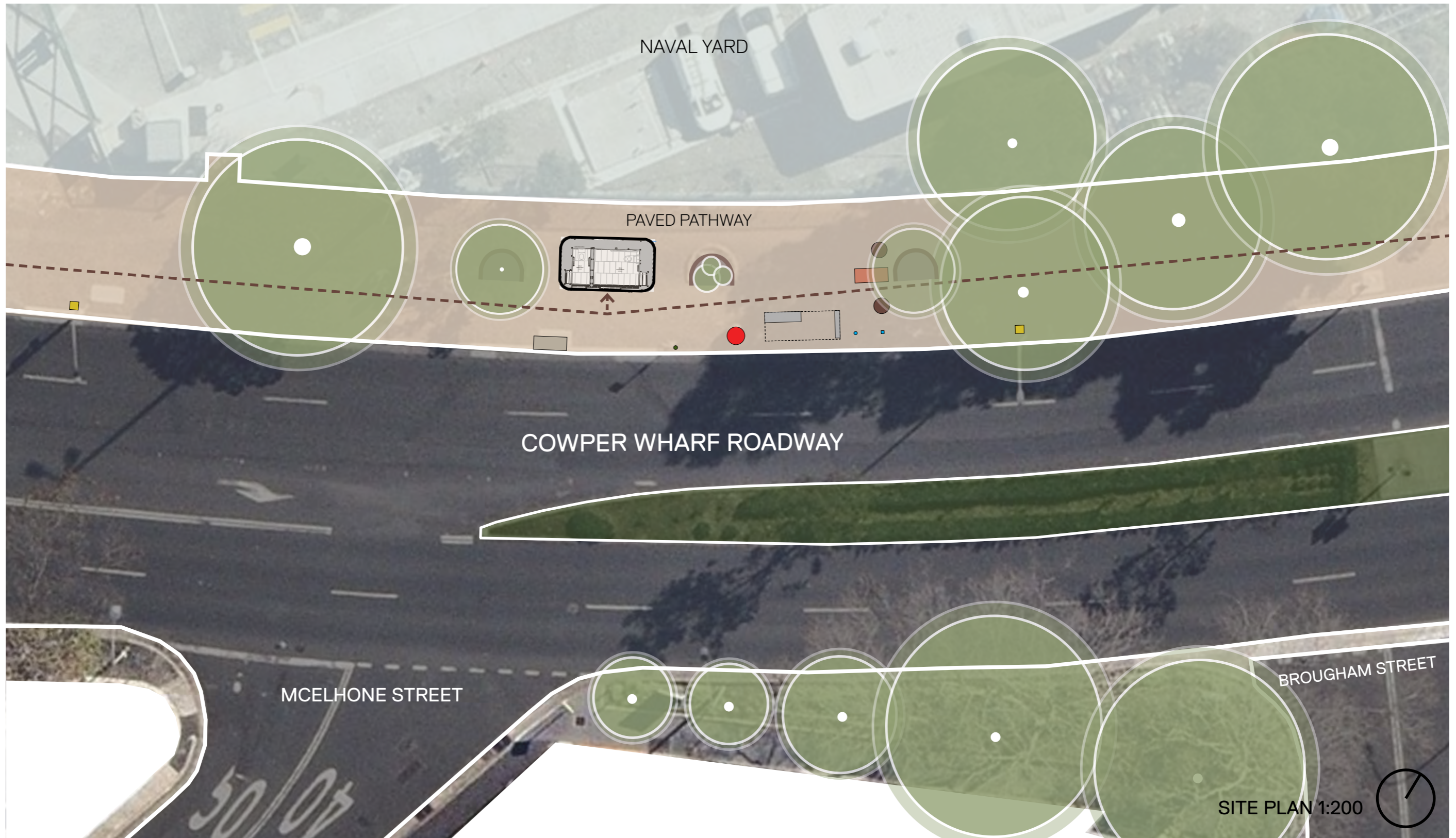
# APT Site Plan

## Cowper Wharf Road

SLEP 2012 6.21C (2)(b), (c) and (d)(x) and (xiii)

LEGEND :

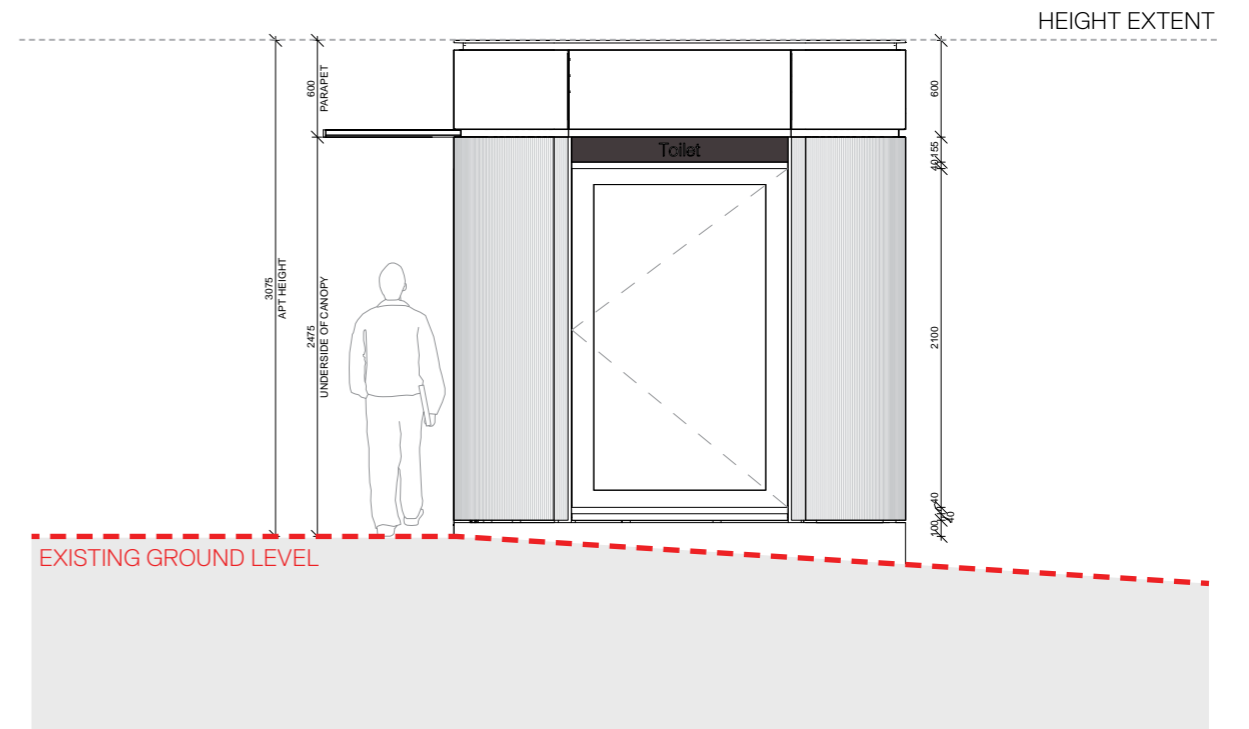
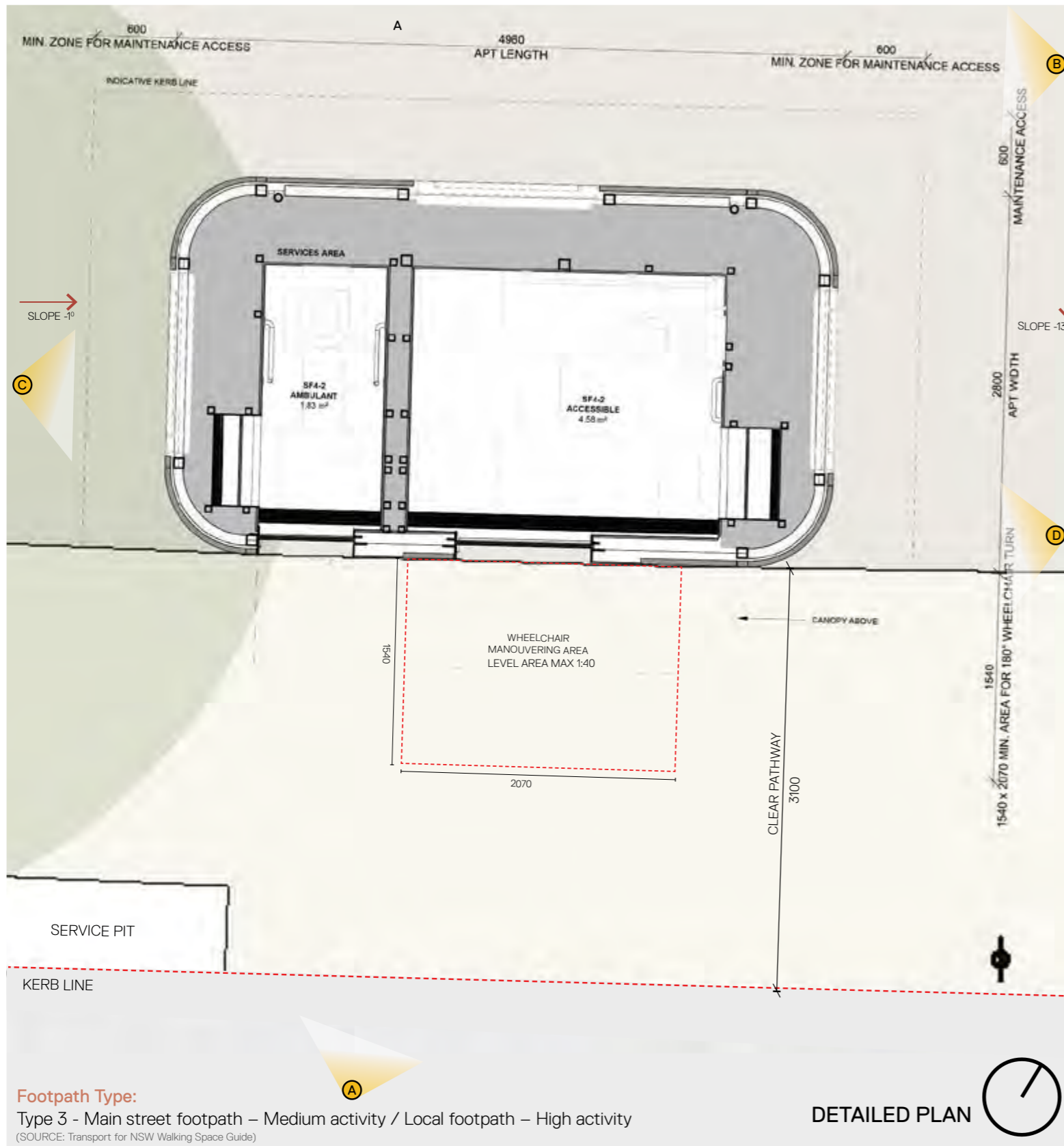
 LIGHT POLES	 SEATS	 SIGNAGE
 BINS	 WATER	 PEDESTRIAN FLOW
 SEWER	 PIT	 WALKING SPACE



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# APT Location setout

## Cowper Wharf Road



VIEW A



VIEW B



VIEW C



VIEW D

**APT VIEWS AND VISTAS**

# Impact on Landscaping

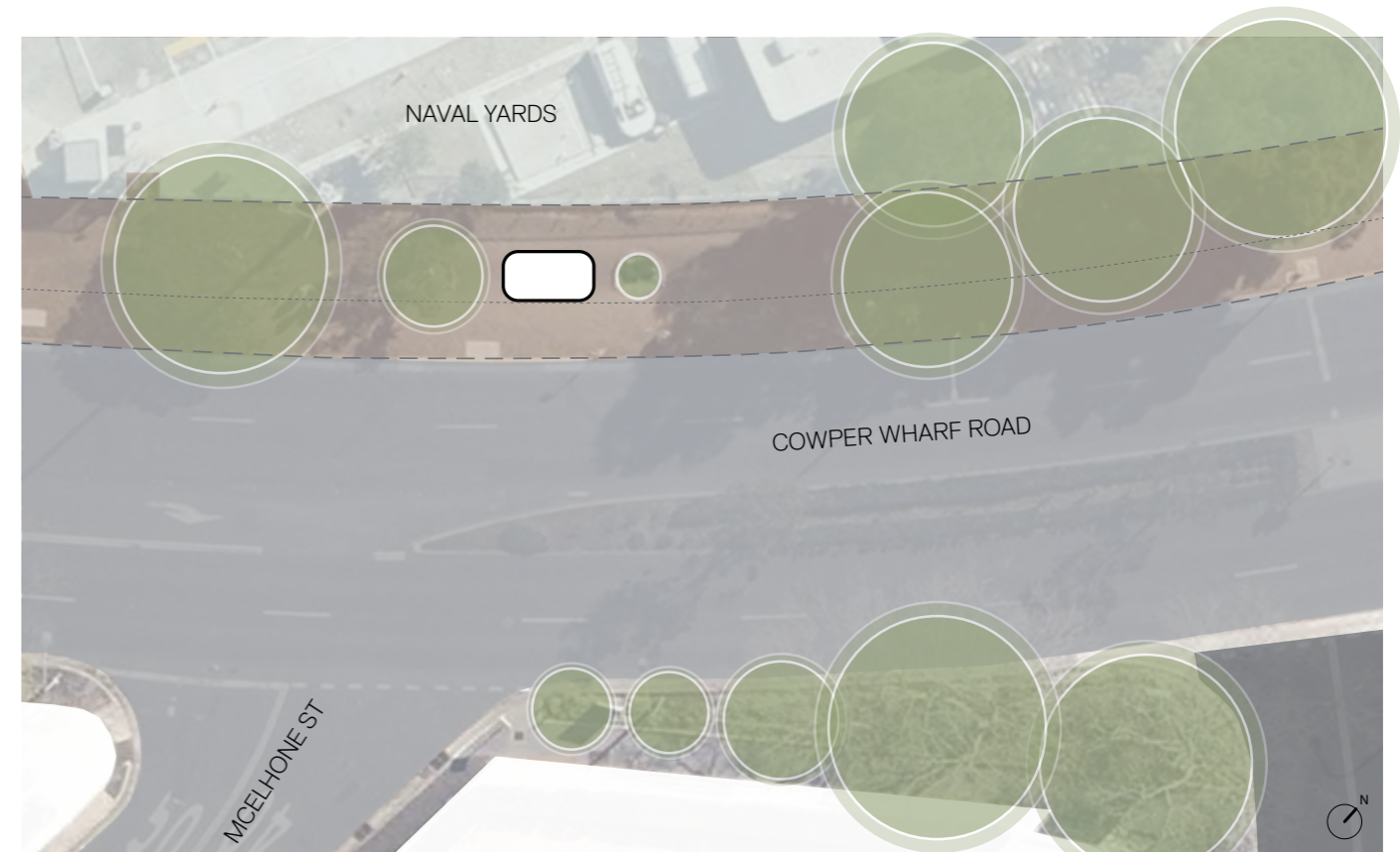
## Cowper Wharf Road

SLEP 2012 6.21C (2)(b), (c) and (d)(x) and (xiii)

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Existing site conditions



Proposed site conditions

\*Note - No impact on the current landscape.

LEGEND

 Existing trees

# Visual Impact and Clutter

## Cowper Wharf Road



VIEW A



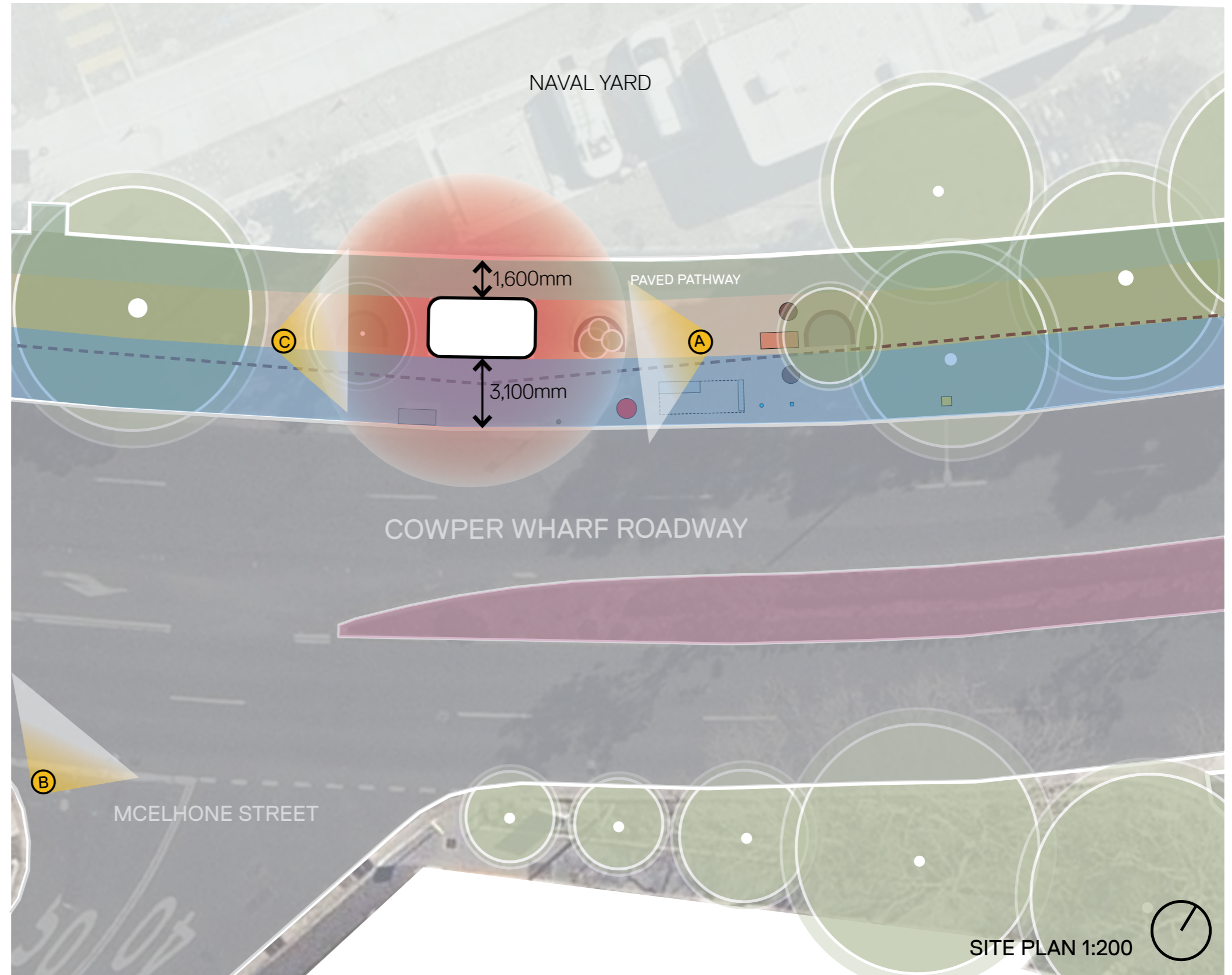
VIEW B



VIEW C

### LEGEND

- |                         |             |
|-------------------------|-------------|
| Indicative APT location | Light poles |
| Existing trees          | Bins        |
| Landscaping             | Sewer       |
| Footpath - Type 3       | Seats       |
| Planting path           | Water       |
| Secondary footpath      | Signage     |
| Proposed APT location   |             |



# Key Views

## Cowper Wharf Road

SLEP 2012 6.21C (2)(b), (c) and (d)(x) and (xiii)

VIEW LOOKING NORTH FROM MCELHONE ST



VIEW LOOKING NORTH-EAST FROM COWPER WHARF ROAD



# Response to Planning Assessment

## Cowper Wharf Road

Following the City of Sydney Planning Assessment, this response seeks to demonstrate other location options and assess why the selected proposed location is preferential. The following alternative locations were investigated:

### 1. On the public square close to Harry's Cafe de Wheels:

Despite being close to Harry's Cafe de Wheels, this location is not feasible due to land ownership. This site is Crown Land and not owned by the City of Sydney. Therefore this location has been discounted.

### 2. South of Cowper Wharf Roadway, next to the petrol station:

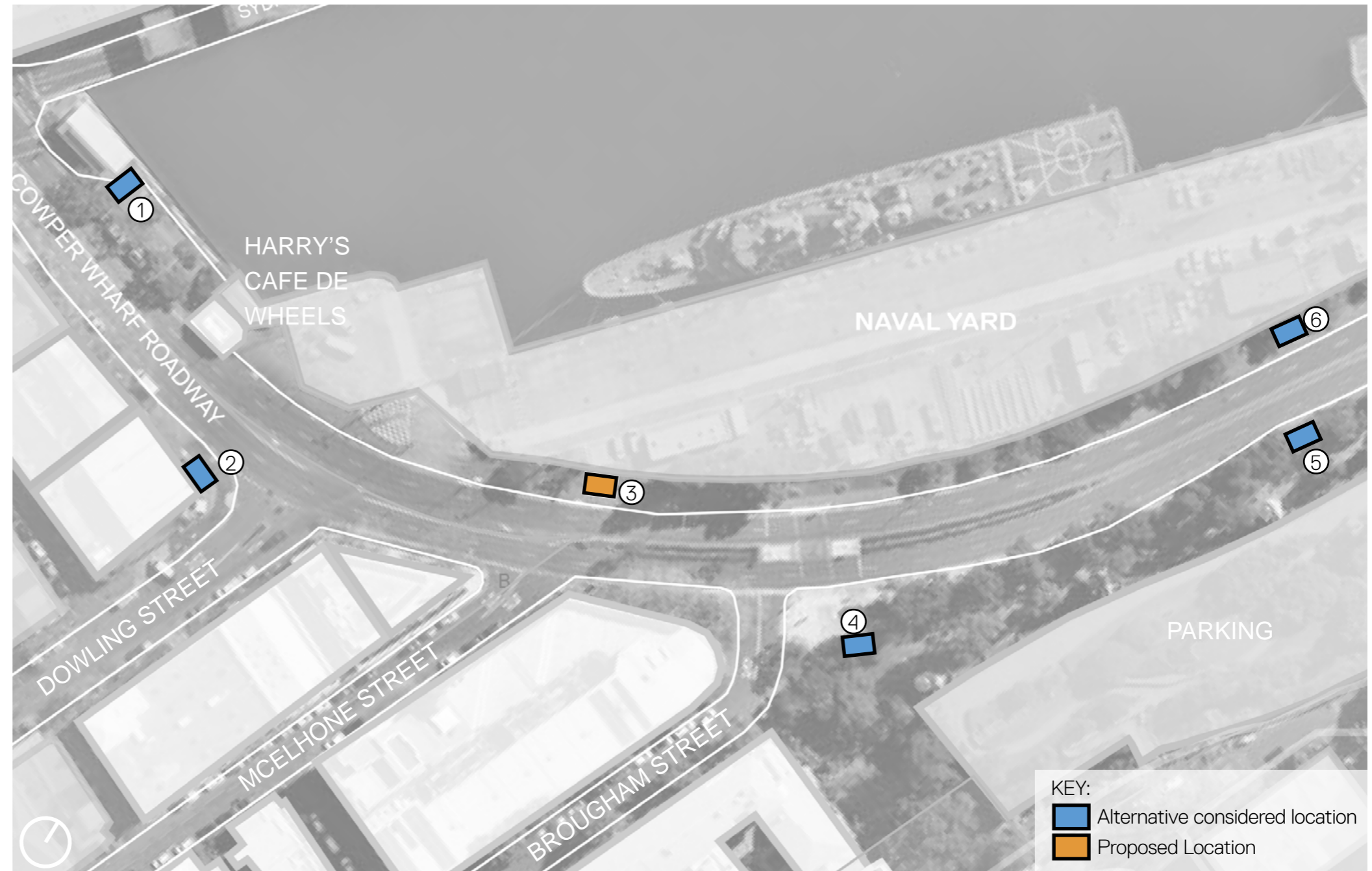
Although close to Harry's Cafe de Wheels, this location is constrained by narrow footpaths and an APT along this roadside would compromise clear and safe access. Furthermore, this location also compromises clear sight-lines for vehicles turning out from Dowling Street. It is nearer to residential buildings and is therefore considered as inappropriate.

### 3. Proposed location, North of Cowper Wharf Roadway and opposite to McElhone Street:

This location is close by to Harry's Cafe de Wheels on the northern side of Cowper Wharf Road and is adjacent to a new bus shelter. There is a high demand in this area. This location does not impede access to the Naval Yard and does not impact existing trees. The footpath width allows easy access to all sides of the APT for maintenance, and CPTED outcomes, and the vicinity of the bus stop and the Naval Yard create a passive surveillance.

### 4. Corner of Cowper Wharf Road and Brougham Street:

This wide and easily accessible footpath, close to a bus station and in a high demand area, would allow an adequate space for an APT. However, it is



located further away from Harry's Cafe de Wheels, on the other side of the road. The site is located in close proximity to a residential or commercial building is discounted as unsuitable due to the potential impact on residents or business owners' amenities, for example; noise impacts, or increased anti-social behaviour.

### 5. South of Cowper Wharf Roadway, close to the parking entrance:

Although far away from residences, it is also far away from Harry's cafe de Wheels (270m), not visible, and there is a very low foot traffic. This would deem to be unsafe and therefore was discounted as an APT location.

### 6. North of Cowper Wharf Roadway, opposite to the parking:

Similar to location 5.





1. On the public square close to Harry's Cafe de Wheels



2. South of Cowper Wharf Roadway, next to the petrol station



3. Proposed location, North of Cowper Wharf Roadway and opposite to McElhone Street



4. Corner of Cowper Wharf Road and Brougham Street



5. South of Cowper Wharf Roadway, close to the parking entrance



6. North of Cowper Wharf Roadway, opposite to the parking entrance

# Supporting Documentation

# Reference Documentation

## **As attached:**

- City of Sydney – Local Planning Panel Meeting Minutes (Meeting No 67, 27.04.22)
- Automated Public Toilets Location Study - The City (June 2022)
- City of Sydney Request for Information (5.08.22, Development Application: 9A Rosebery Avenue, Rosebery NSQ 2018, Reference No.: D/2022/306)
- Project Scope - North Rosebery Park and Green Link (Licorice Allsorts Park and Honeykiss Park), File No: X022419.003
- North Rosebery Park and Green Link Developed Concept Development - Attachment B (Gallagher Studios)
- City of Sydney Request for Information and UD Analysis (4.08.22, Development Application: 5020 Sydney Place, Woolloomooloo NSW 2011, Reference No.: D/2022/431)
- Assessment of potential heritage impacts - City Plan Heritage P/L (18 May 2022)
- Arboricultural Impact Assessment Report & Tree Protection Plan and Specification Report - Moore Trees (21 April 2022)

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## **Additional Relevant Reference Materials:**

- Transport for NSW Walking Space Guide (July 2020)
- City of Sydney Public Toilet Strategy (- 2013 460160 02 Policy Attachment C)
- National Public Toilet Map <https://toiletmap.gov.au/>

**Item 5.****Development Application: 9A Rosebery Avenue, Rosebery - D/2022/306**

File No.: D/2022/306

**Summary****Date of Submission:** 13 April 2022**Applicant:** QMS Media Pty Ltd**Architect/Designer:** Grimshaw Architects**Developer:** QMS Media Pty Ltd**Owner:** City of Sydney**Planning Consultant:** Mecone Ltd**Cost of Works:** \$384,780.00

**Zoning:** The proposed structure is located in a MU1 Mixed Use zone under the Sydney Local Environmental Plan 2012. The proposed structure is permissible with consent in this location.

**Proposal Summary:** The proposal seeks consent for one new automated public toilet (APT) in North Rosebery Park. The proposed location of the APT has been informed by the North Rosebery Park Concept Plan and Urban Design Analysis.

The proposed development exceeds the 3m 'height of building' development standard. A written request to vary the development standard in accordance with Clause 4.6 of the Sydney LEP 2012 has been submitted.

The application is referred to the Local Planning Panel for determination as the Council is the landowner and more than one objection has been received.

The application was notified for 28 days between 28 April 2022 and 27 May 2022. As a result, four submissions were received, which raised the following concerns:

- the APT design details should reflect collaboration with the designers of the new park;

- the proposed clause to relocate the APT up to 5m is inappropriate;
- installation of an APT is unnecessary as most users of the park live close by;
- impacts of the advertising signage to surrounding residents and users of the park; and
- management of the maintenance of the APT.

All concerns raised in the submissions are addressed within the report.

Overall, the proposal addresses issues identified by Council staff and concerns raised in the public submission. Subject to the recommended conditions included in Attachment A, the proposal responds satisfactorily to the surrounding context, and achieves an acceptable standard of design to satisfy the design excellence requirements.

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.

**Development Controls:**

- (i) Environmental Planning and Assessment Act 1979
- (ii) Environmental Planning and Assessment Regulation 2021
- (iii) SEPP (Resilience and Hazards) 2021
- (iv) SEPP (Industry and Employment) 2021
- (v) Sydney Local Environmental Plan 2012
- (vi) Sydney Development Control Plan 2012

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation Request - Height of Buildings
- D. Urban Design Analysis

**Recommendation**

It is resolved that:

- (A) the variation requested to the 'height of buildings' development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (B) consent be granted to Development Application No. D/2022/306 subject to the conditions set out in Attachment A to the subject report.

**Reasons for Recommendation**

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that, subject to the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site.
- (B) The development complies with the objectives of the MU1 Mixed Use zone pursuant to Sydney Local Environmental Plan 2012.
- (C) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:
  - (i) The applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the 'height of buildings' development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney LEP 2012; and
  - (ii) The proposal is in the public interest because it is consistent with the objectives of the MU1 Mixed Use zone and the 'height of buildings' development standard.
- (D) The development, subject to conditions, will promote the orderly operation of the automated public toilet.
- (E) The development accords with objectives of relevant planning controls.

## Background

### The Site and Surrounding Development

1. The site has a legal description of Lot 3081 in DP 1232047, and is known as North Rosebery Park at 9A Rosebery Avenue, Rosebery. It is rectangular in shape with an area of approximately 5,555 square metres. It has a street frontage of 62.8 metres to Confectioners Way, 89.3 metres to Crewe Place and 62.3 metres to Rosebery Avenue.
2. The subject APT which is to be located on this site, covers an area of 9.8 square metres and is proposed to be located in the south-west corner of the site, adjacent to the footpath along Confectioners Way and to the north of Crewe Place.
3. The surrounding area is characterised by a mixture of land uses, primarily being mixed use and residential flat buildings. Adjoining the site to the north (11 Rosebery Avenue) and west (28 Confectioners Way) are mixed use buildings with commercial development on the ground floor and residential dwellings above.
4. The site is not classified as a heritage item nor located within a heritage conservation area.
5. A site visit was carried out on 19 May 2023. Photos of the site and surrounds are provided below:



**Figure 1:** Aerial view of site and surrounds, with the proposed APT location shown in red



**Figure 2:** Site viewed from Confectioners Way looking east, with the indicative location of the APT shown in red



**Figure 3:** Site viewed from Rosebery Avenue looking west, with the indicative location of the APT shown in red





**Figure 4:** Site viewed from Crewe Place looking north, with the indicative location of the APT shown in red

## History Relevant to the Development Application

### North Rosebery Park Concept Plan and Urban Design Study

6. The subject site was dedicated to Council under a Voluntary Planning Agreement (VPA/2015/8) between Council and the developer of the adjoining sites to the north and west (25-55 Rothschild Avenue & 5-13 Rosebery Avenue). Under the VPA the developer was required to carry out works to the park which included delivery of shrub planting and turf.
7. Following transfer of the land to Council, a Concept Plan was prepared by Gallagher Studio for a new public open space including the provision of a new playground and public toilet (See **Figure 5** below).
8. Inclusion of a public toilet within North Rosebery Park was driven by the demand for new public toilet facilities in the Rosebery area, as outlined within the City of Sydney Public Toilet Strategy 2014. As such, a toilet was integrated within the park design at the Concept Plan stage.
9. The Concept Plan was exhibited for community comment between 5 March and 6 April 2021, and endorsed by the City of Sydney Environmental Committee on 11 October 2021.
10. Following endorsement of the Concept Plan, an Urban Design Analysis was prepared by Grimshaw Architects which included a detailed analysis of potential locations for provision of a public toilet. The selected location was identified as most suitable, given its integration with the landscape design of the park and land use.

11. The location proposed under the subject application is consistent with the North Rosebery Concept Plan and Urban Design Analysis. See further details in the 'Discussion' section below.



**Figure 5:** North Rosebery Park Concept Plan, with the location of the proposed toilet outlined in red

### Development Applications

12. Fourteen other APTs have been approved at various locations across the City (under D/2021/969, D/2021/971, D/2021/1087, D/2021/1088 and D/2021/1213).
13. This application is one of three applications under assessment seeking development consent for new APTs, some of which include digital advertising panels or green walls, or a combination of both, in various locations throughout the City of Sydney. Of these applications, D/2022/306, D/2022/431 and D/2022/1248 have been assessed concurrently and are being reported to this Local Panel meeting for consideration.

### Proposed Development

14. The proposed development is for the installation of one new Automated Public Toilet (APT). The APT is a 'single' type comprising one accessible toilet and 3 integrated advertising panels.

15. The proposed APT comprises a contemporary design which is generally rectangular in shape within round edges, with the following dimensions:

Measurements	APT	Signage
Height	3075mm	2100mm
Width	3660mm	1338mm
Depth	2700mm (plus an 811mm awning)	-
Visible Screen Area	-	2.02sqm

16. The APT will be operational 24 hours a day. The external maintenance and cleaning will be undertaken by QMS, and the internal maintenance will be the responsibility of the City.
17. The advertising panels will be used to display third-party advertisements in accordance with the terms of the *City of Sydney Street Furniture and Outdoor Media Services Agreement* between the City and QMS Media. The digital advertising panels are proposed to operate 24 hours a day, seven days a week. In accordance with the agreement, up to 10 per cent of the screen time of the digital advertising displays will be used for material and content managed by the City to advertise public information, community messages and promotion of events. Also, if an emergency arises then public information messaging can also be displayed by the panels.
18. Selected drawings of the new APT is provided below.

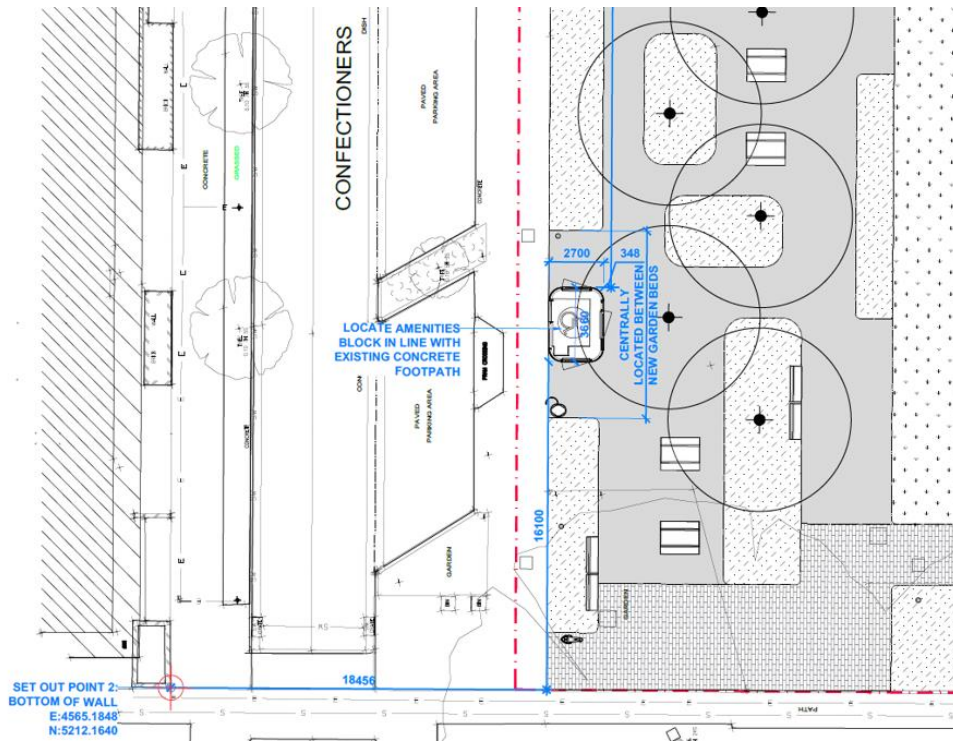


Figure 6: Proposed site plan

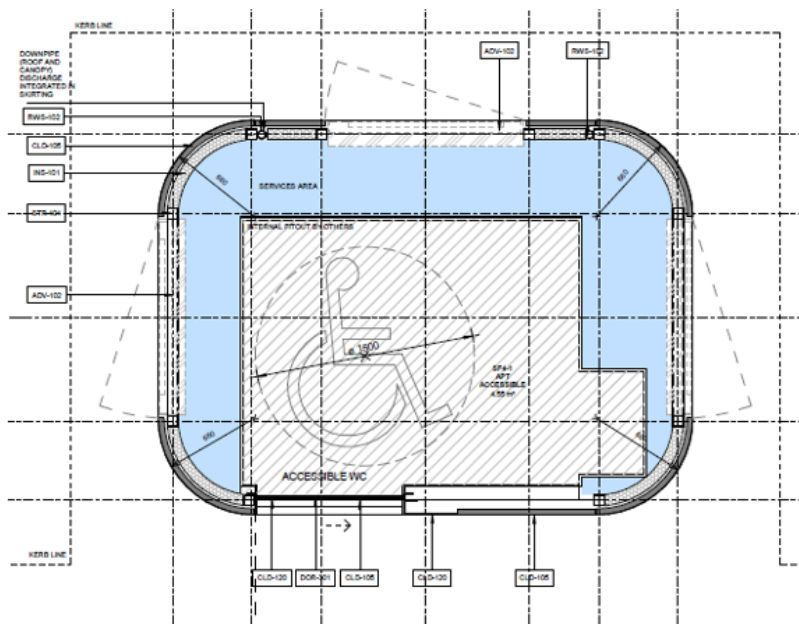


Figure 7: Proposed floor plan

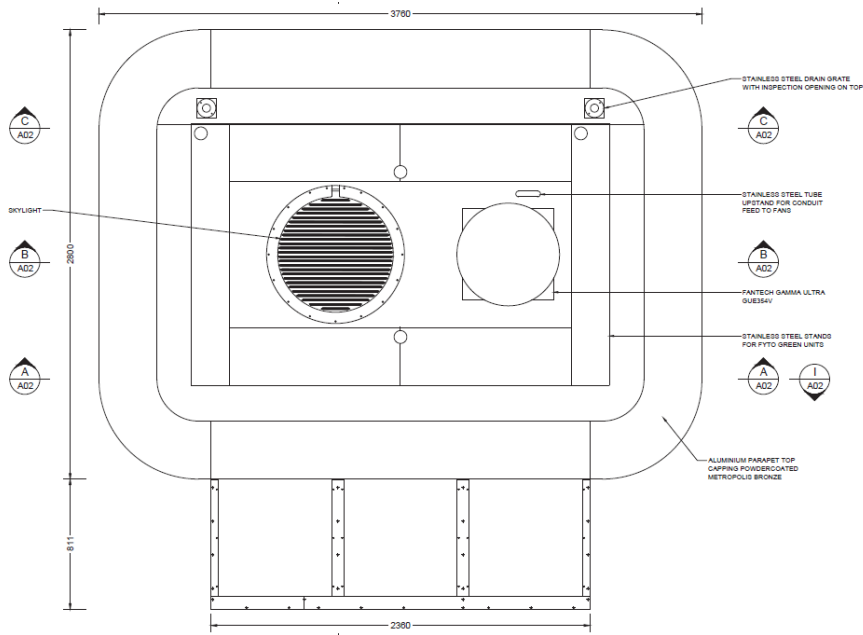


Figure 8: Proposed roof plan

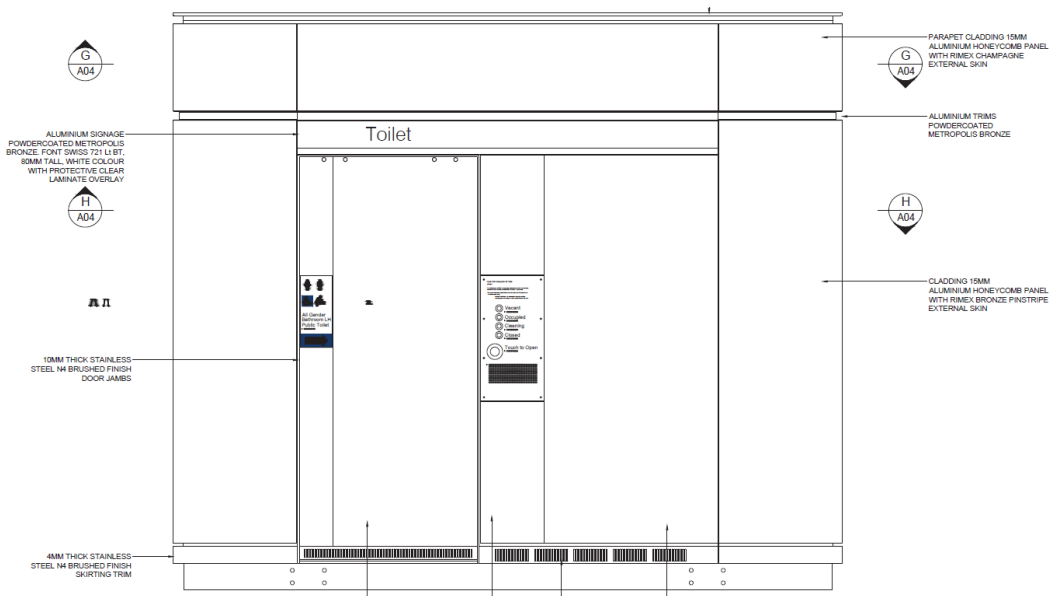


Figure 9: Proposed front elevation

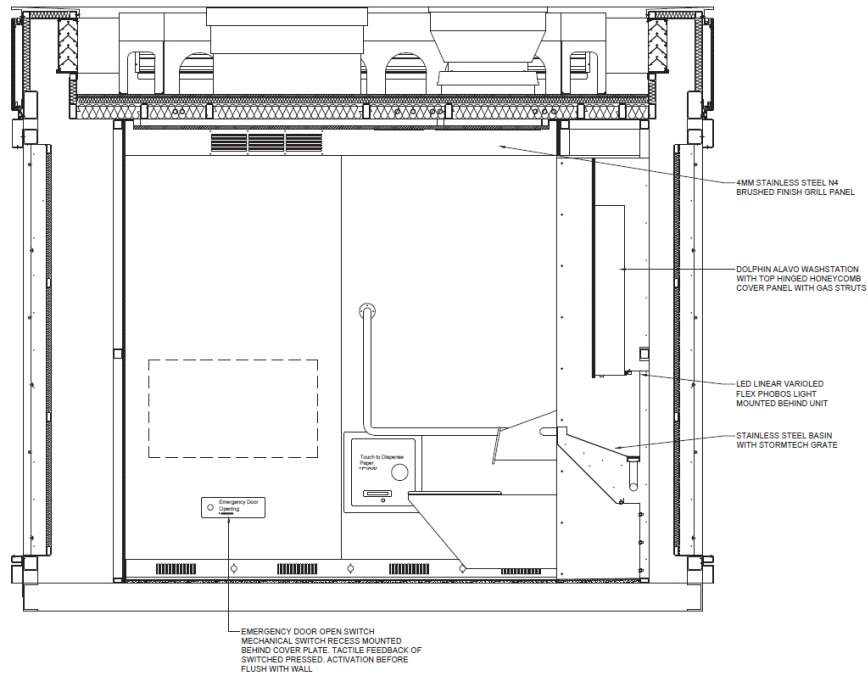


Figure 10: Proposed section



Figure 11: Proposed 3D view of APT (front view)



Figure 12: Proposed digital signage panels



Figure 13: Photomontage of APT, view looking north-east from Confectioners Way



**Figure 14:** Photomontage of APT, view looking south from Confectioners Way

## Assessment

19. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

## State Environmental Planning Policies

### State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of Land

20. The aim of SEPP (Resilience and Hazards) 2021 - Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
21. The site has not been identified as contaminated and no remediation works are required.

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

22. 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 a high-quality design and finish.



23. The proposed signage has been considered against the requirements of Section 3.11(1) and is consistent with the objectives of the policy in that the proposed signage is compatible with the desired amenity of North Rosebery Park, is of high-quality design and finishes, and is in a suitable location.
24. A detailed 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	<p>The proposal includes new advertising signage with a standard design which is consistent across the local government area and is acceptable. The proposed signage is compatible with the desired future character of the area and has been designed in consideration to the North Rosebery Park Concept.</p> <p>Subject to conditions, the proposed signage does not detract from the amenity or visual quality of the locality or the North Rosebery Park.</p>
2. Special areas	Yes	As above. Subject to conditions, the proposed signage does not detract from the amenity or visual quality of the locality or the North Rosebery Park.
3. Views and vistas	Yes	The proposed signage is located at ground floor level and subsequently 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	<p>The proposal adopts the new standard design for street furniture digital advertising across the local government area that is of an appropriate scale, proportion and form and provides an acceptable contribution to the streetscape and setting of the area.</p> <p>The proposed signage does not protrude above buildings, structures or tree canopies in the North Rosebery Park. The proposed location of the signage within the Park ensures that minimal vegetation management is required.</p>

Provision	Compliance	Comment
5. Site and building	Yes	The scale, proportion and positioning of the proposed signage is compatible with the APT structure and surrounding park landscape features. Further, the materiality is compatible with the finishes and colours of the APT.
6. Associated devices and logos	Yes	Not applicable.
7. Illumination	Yes	Conditions are recommended to ensure that the illumination does not result in unacceptable glare, affect safety or detract from the amenity of any residential accommodation.
8. Safety	Yes	The proposed signage will not reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

25. It is also noted that Clause 3.12 of the SEPP restricts the duration of any development consent to a maximum of 15 years.
26. Subject to conditions, the proposed signage is consistent with the objectives of the SEPP (Industry and Employment) 2021 as set out in Clause 3.1 and satisfies the assessment criteria specified in Schedule 5.

## Local Environmental Plans

### Sydney Local Environmental Plan 2012

27. 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 in the MU1 Mixed Use zone. The proposed development is defined as a community facility and advertising signage and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

**Part 4 Principal development standards**

Provision	Compliance	Comment
4.3 Height of buildings	No	<p>A maximum building height of 3m is permitted.</p> <p>The proposed APT is 3.075m in height, which represents a 2.5% variation to the development standard.</p> <p>A request to vary the height of buildings development standard in accordance with Clause 4.6 has been submitted. See further details in the 'Discussion' section below.</p>
4.4 Floor space ratio	Yes	<p>A maximum floor space ratio of 1:1 applies. The proposed development complies with the maximum floor space ratio development standard.</p>
4.6 Exceptions to development standards	Yes	<p>The proposed development seeks to vary the development standard prescribed under Clause 4.3. A Clause 4.6 variation request has been submitted with the application.</p> <p>See further details in the 'Discussion' section below.</p>

**Part 6 Local provisions – height and floor space**

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	<p>The proposed location of the new APT has been informed by the Rosebery Park Concept Plan and Urban Design Study to ensure integration with the landscape plan for the park and associated upgrades to the public domain. The selected location has negligible impacts to solar access and is accessible from both the park and adjacent footpath on Confectioners Way.</p> <p>The design of the APT is consistent with other public APTs and kiosks located throughout the City.</p> <p>The design, which incorporates high-quality finishes, will not adversely impact</p>

Provision	Compliance	Comment
		on the streetscape features of Rosebery Avenue and Confectioners Way. Considering the above, the proposal satisfies the requirements of this Clause.

### Part 7 Local provisions – general

Provision	Compliance	Comment
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.

## Development Control Plans

### Sydney Development Control Plan 2012

28. 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

29. The site is located within the North Rosebery locality. The proposed development is in keeping with the unique character and the design principles of the North Rosebery locality in that it responds to and complements the concept design for North Rosebery Park including existing and proposed tree planting and landscaping. Further, the proposed APT will support recreational use of the North Rosebery Park by the community.

#### Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	Subject to conditions, the proposal will maintain an acceptable contribution to the public domain.  The design of the APT is generally in accordance with the Sydney Streets Design Code.
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees.  The proposed location of the APT aligns with the Concept Plan for North Rosebery

Provision	Compliance	Comment
		Park and will not have an adverse impact on ecology within the park.
3.12 Accessible Design	Yes	The proposal provides an accessible APT. Sufficient clearance is provided along the footpath between the APT and kerb for wheelchair manoeuvrability. Conditions of consent are recommended to ensure DDA compliance.
3.13 Social and Environmental Responsibilities	Yes	The proposed location allows for passive surveillance to and from the APT and is designed in accordance with the CPTED principles.
3.14 Waste	Yes	A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.16 Signage and Advertising	Yes	<p>The proposed APT includes the provision of three dynamic content advertising signs. The advertising signs have been assessed against the objectives of this provision and relevant controls under sections 3.16.1, 3.16.2 and 3.16.3.</p> <p>A signage strategy has not been prepared for the subject application, as the proposal is considered to be minor in nature and satisfies the objectives of section 3.16.1.</p>
3.16.3 General requirements for signage	Yes	<p>The proposed signage is compatible with the materials, finishes and colours of the streetscape, and will not detract from the amenity or visual quality of open space.</p> <p>The signage is integrated into the design of the APT and does not conceal or detract from integral architectural features or cover any mechanical ventilation systems.</p>
3.16.4 Illuminated signage	Yes	Appropriate conditions of consent are recommended to ensure the illumination of the proposed signage does not result in unacceptable glare.

Provision	Compliance	Comment
3.16.6.9 Dynamic content signs	Partial compliance	<p>The proposed signs generally comply with the requirements of this section in that, subject to conditions, they will not contain animations, will include a dwell time of 10 seconds and a transition time of 0.1 seconds, and therefore will not cause a safety risk for road users.</p> <p>The DCP generally requires dynamic content signs which are located in the MU1 zone are not to operate between 11.00pm and 7.00am where visible from residential premises. The proposed signs are located a minimum of 30m from the closest residential apartment and are situated at ground floor level. As such, it is not considered reasonable to apply this restriction in this instance.</p> <p>The proposed advertising panels are 2.02sqm in area which exceeds the 1.5sqm requirement in the controls. Notwithstanding it is considered acceptable as the proposed signage is consistent with the standard design for signage affixed to street furniture across the LGA.</p>
3.16.7.1 Advertising structures and third-party advertisements	Yes	The signs are to be provided by QMS Media via the City of Sydney Street Furniture and Outdoor Media Services Agreement on behalf of the City of Sydney as a public authority.

### Section 5 – Specific Areas

Provision	Compliance	Comment
5.2 Green Square	Yes	The proposed development is generally consistent with the controls and objectives for Green Square in that the APT provides a facility that supports use of the North Rosebery Park as a community node.

Discussion

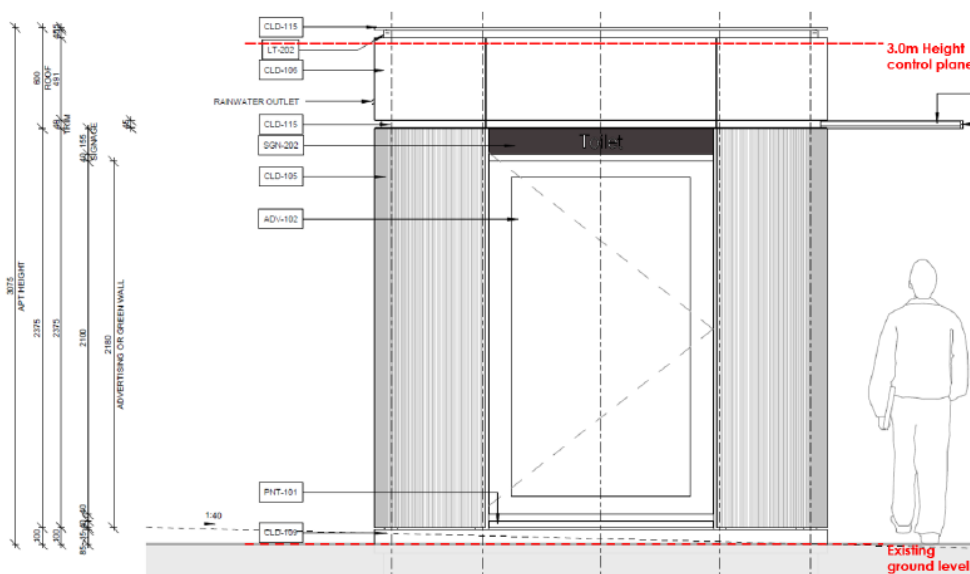
Clause 4.6 Request to Vary a Development Standard

- 30. The wider park site is subject of a number of height controls. The north-west corner of the park site has a height limit of 22 metres, and the north-east corner has a height limit of 24 metres. The portion of the site where the APT is proposed to be located is subject to a three metre height control. Refer to **Figure 15** below.



**Figure 15:** Extract from height of buildings map, with the proposed APT location identified

- 31. The proposed APT is 3.075m in height, which represents a 2.5% variation to the development standard. The extent of the non-compliance is shown in **Figure 16** below.



**Figure 16:** Height exceedance shown on an elevation.

32. A written request has been submitted to Council in accordance with Clause 4.6 of the Sydney LEP 2012 seeking to justify the contravention of the height of buildings development standard.
33. Development consent may be granted to the development, subject to Clause 4.6, even though the development would contravene Clause 4.3 of the Sydney LEP 2012, provided the Panel is satisfied:
  - (a) That the applicant's written request has demonstrated that compliance with the height of buildings development standard is unreasonable or unnecessary in the circumstances of the case; and
  - (b) That the applicant's written request has demonstrated that there are sufficient environmental planning grounds to justify contravening the standard; and
  - (c) The proposed development will be in the public interest because it is consistent with the objectives of the height of buildings development standard and consistent with the objectives of the MU1 Mixed Use zone.
34. A copy of the applicant's written request is provided at Attachment C.

Applicant's Written Request - Clause 4.6(3)(a) and (b)

35. The applicant seeks to justify the contravention of the 'height of buildings' development standard on the following basis:
  - (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
    - (i) The statement referred to the first method of the five methods established in *Wehbe v Pittwater Council* [2007] NSW LEC 827 to demonstrate that compliance with the numerical standard is unreasonable or unnecessary. The test seeks to demonstrate that the objectives of the development standard are achieved notwithstanding non-compliance with the numerical standard.
    - (ii) A summary of the applicant's assessment against the objectives of the development standard is provided below:

*Objective (a): to ensure the height of development is appropriate to the condition of the site and its context*

- (iii) The proposed height variation will not detract from the condition and character of the site and its context. The height variation is concentrated in a small section of Rosebery Park with a blanket three metre height limit. This is in contrast to the 15 metre, 18 metre, 22 metre and 24 metre building height limits surrounding the park. The proposed 7.5 centimetre variation is very minor and appropriately maintains the intended height contrast between the open space of the proposed APT services and the surrounding medium to high-rise mixed-use buildings that frame the open space.

*Objective (b): to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas*



- (iv) The site is not a heritage item, nor located in a heritage conservation area. However, the site is located within the vicinity of a local heritage item situated approximately 50 metres south, known as the 'Former Wrigley's Factory'. The proposed building height is respectful of and leads to a largely imperceptible change to the existing height transitions in place in the vicinity; maintaining a low height around Rosebery Park in contrast to the 15 metre, 18 metre, 22 metre, and 24 metre building height limits surrounding and framing the park. The variation will not detract from the aesthetic, historical significance, or views of the heritage item.

*Objective (c): to promote the sharing of views outside Central Sydney*

- (v) The proposed variation is not of a height nor located in a manner that will obstruct private view corridors from surrounding mixed-use residential flat buildings to the surrounding landscape or to North Rosebery Park.

*Objective (d): to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas*

- (vi) The proposal is located approximately 900 metre southeast of the Green Square Town Centre. In the context of the surrounding built form, the proposed variation will continue to provide an appropriate transition in height and scale to adjoining areas. The proposed height is well below that of the aforementioned height controls of surrounding buildings and offers an appropriate transition from the taller residential flat buildings to the open space in Rosebery Park.

*Objective (e): in respect of Green Square - (i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and (ii) to ensure the built form contributes to the physical definition of the street network and public spaces*

- (vii) The proposal (and variation in height control of 7.5 centimetre) will maintain the public domain amenity of North Rosebery Park, and also maintain the physical definition between the street network and public spaces network.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
    - (i) The proposed Automated Public Toilet (APT) has been architecturally designed by Grimshaw Architects to create a clean contemporary appearance, forming one of the several new APTs to be installed across the City of Sydney in accordance with the *City of Sydney Street Furniture and Outdoor Media Services Agreement* between the City and QMS Media. The design and appearance of the new suite of street furniture has been subject of a rigorous process addressing all aspects of design, function, meeting necessary Disability Discrimination Act (DDA) and Australian Standards (AS). Without revisiting every aspect of the design, functioning, DDA and AS compliance, it is not practical to redesign the APT for this location to reduce the height to achieve strict Height of Building compliance. It is also not possible to set the structure further into the ground, given the requirements to achieve accessible wheelchair access to the APT, incorporating a step or ramp makes this option impractical.

- (ii) The proposed height variation will not result in adverse amenity impacts to the built environment, including the surrounding public domain and private properties. The proposal is of an insufficient height to overshadow surrounding residential units, which are elevated above ground floor retail uses. Furthermore, any potential increased overshadowing cast to the east on Rosebery Park in the late afternoon due to the 0.075 metre exceedance will be negligible. Further, given that the APT is substantially lower in height than the existing mixed-use residential building sited across Confectioners Way to the west, it is likely to fall within the shadow envelope of the aforementioned building and thus the exceedance will not cast any significant additional shadows of its own across Rosebery Park.
- (iii) The very minor non-compliance with the development standard does not result in any adverse environmental planning impacts. Specifically, the proposal:
  - i. Will not impact the surrounding street network or pedestrian movement patterns;
  - ii. Provides minimal overshadowing impacts that do not affect sensitive residential uses;
  - iii. Provides an accessible community facility for all members of the public;
  - iv. Does not materially or adversely impact the visual amenity of the area; and
  - v. Provides an appropriate built form and massing outcome.

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

36. Development consent must not be granted unless the consent authority is satisfied that:
- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 (a) of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,
  - (b) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 (b) of Clause 4.6 being that there are sufficient environmental planning grounds to justify contravening the development standard;
  - (c) The proposed development will be in the public interest because it is consistent with the objectives of the development standard in question; and
  - (d) The proposed development will be in the public interest because it is consistent with the objectives of the zone within which the development is proposed to be carried out.
37. The four matters are addressed individually below.

*Does the written request adequately address those issues at Clause 4.6(3)(a)?*

- (a) A detailed discussion of the applicant's submission with regard to the objectives of the development standard is provided above. The written request has adequately demonstrated that the proposed development meets the objectives of

the 'height of buildings' development standard despite the non-compliance with the numerical standard. As such, to the extent of the variation proposed compliance with the development standard is unreasonable and unnecessary.

*Does the written request adequately address those issues at clause 4.6(3)(b)?*

- (b) A detailed discussion of the applicant's submission with regard to environmental planning grounds to justify contravening the development standard is provided above. The environmental planning grounds established are specific to the circumstances of the site to justify the extent of non-compliance with the 'height of buildings' development standard. In this instance, the elements of non-compliance are required to achieve DDA and AS compliance and given the APT adopts the standard design for City of Sydney street furniture, redesign for this specific site is considered unreasonable and unnecessary. The written request has therefore demonstrated that there are sufficient environmental planning grounds to support the extent of the variation proposed.

*Is the development in the public interest by being consistent with the objectives of the development standard in question?*

- (c) With regard to varying development standards, the public interest is conceived as being protected where a development meets the objectives of the zone and development standard sought to be varied. As discussed above, the development is consistent with the objectives of Clause 4.3 despite the non-compliance with the numerical standard and is therefore in the public interest.

*Is the development in the public interest by being consistent with the objectives of the zone within which the development is proposed to be carried out?*

- (d) Similarly, the public interest is considered protected where a development is consistent with the objectives of the MU1 Mixed Use zone, in which the development is proposed to be carried out. The objectives of the zone are discussed below:

*First objective to encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*

- (i) Not applicable.

*Second objective to ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*

- (ii) The proposed development contributes to the existing mixture of compatible land uses by providing a highly accessible public amenity for all members of the public outside of their homes - particularly pedestrians using the street and North Rosebery Park as a public recreation space. The proposed development is compatible with the recreational land use provided in North Rosebery Park by providing amenity for the park's diverse user group such as joggers, walkers and cyclists, and by supporting prolonged visitation by families and the elderly.

*Third objective to minimise conflict between land uses within this zone and land uses within adjoining zones.*

- (iii) Not applicable.

*Fourth objective to encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

- (iv) Not applicable.

*Fifth objective to ensure land uses support the viability of nearby centres.*

- (v) The proposal contributes to the liveability of the local area, allowing for city living that supports active travel, shopping, and recreational activities in the precinct. It will not detract from the commercial or residential viability of the local area, or Green Square town centre.

*Sixth objective to integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling.*

- (vi) The proposed development is located such that it is integrated with surrounding local retail, residential and recreational uses, which will encourage active modes of travel such as walking and cycling.

#### Conclusion

38. For the reasons provided above the requested variation to the 'height of buildings' development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Sydney Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the 'height of buildings' development standard and the MU1 Mixed Use zone.

#### **City of Sydney Public Toilet Strategy 2014**

39. Council's Public Toilet Strategy 2014 identifies that there is a lack of public toilets in key locations and that the provision of public toilets is required to meet the future needs of the City of Sydney.
40. The key recommendations of the Strategy includes:
- (a) Public toilets are provided within 400 metres (5-10 minutes walk) of any point within Central Sydney and at all village centres and major neighbourhood parks.
  - (b) Advocate for the provision of new public toilets to service urban renewal areas and projects including Green Square.
  - (c) Implement Crime Prevention Through Environmentally Sustainable Design principles in planning, design, procurement and maintenance of public toilet facilities.
  - (d) Consult with the community to ensure public toilets are well-designed and built using robust, high-quality, vandal-resistant materials and fixtures that reflect the character of their setting.
41. The proposed APT is generally consistent with the recommendations of the Strategy.

### Urban Design Analysis

42. The applicant has submitted an Urban Design Analysis prepared by Grimshaw Architects. This analysis covers the various APT locations the subject of DAs under assessment. The parts of the Analysis relevant to this DA can be found at Attachment D.
43. The Analysis provides the following explanation of the proposed siting:
- The need for an APT in this area is driven by the redevelopment of North Rosebery Park. Designed by Gallagher Studio, the park will provide a safe and accessible meeting place for the community and will contain much needed children's play space. The proposed APT is ideally situated adjacent to the park and play area. The proposed location has been coordinated with the landscape design to meet CPTED principles.
  - This location at North Rosebery Park was endorsed by the City of Sydney Environment Committee in October 2022 and is integrated into the park design.



**Figure 17:** Existing and proposed site conditions; documentation prepared by Grimshaw Architects

44. The Analysis also considered alternate locations and provided an explanation why the proposed location is appropriate:
- Alternative locations (on residential or commercial streets) were discounted as inappropriate. The co-location of toilet facilities with public parks is a well-established principle of good planning. This will be the main park and playground in this area, and an APT here will be in high demand.
  - The APT location is opposite busy supermarkets, restaurants, and other commercial shopfronts. This provides excellent passive surveillance as well as regular pedestrian traffic passing the site.



**Figure 18:** Options analysis; documentation prepared by Grimshaw Architects

45. The Analysis was subsequently presented to Council's Design Advisory Panel. The Panel raised no objection to the proposed location.
46. The Urban Design Analysis has informed the location of the APT proposed under this development application. The selected location is consistent with the recommendations of the Analysis and Concept Plan for the North Rosebery Park.

### Street Furniture Location

47. With recent street furniture DAs, sites may be affected by obstructions of above or underground services or utilities, conditions have been included allowing possible relocation of the item/s up to either 3 metres or 5 metres and subject to certain parameters. These parameters include ensuring that the item is not relocated from a 'permissible' location to a 'prohibited' location and ensuring that the relocation position/s complies with all the relevant standards and do not conflict with existing street furniture and fixtures.
48. The applicant has requested a similar condition allowing the possible relocation up to 5 metres to allow for some fine-tuning of the final sitting of the structure.
49. It is considered that the above condition is not appropriate for the subject application. It is recommended that should consent be granted, it be restricted to the footprint as shown on the plans. This is to ensure that they do not have a detrimental impact on their settings within the environment and general use of the public park. This is consistent with the approach the LPP took with the previous APT DAs approved in April 2022.
50. Any future necessity for a re-positioning of the APT should be subject to a separate s4.55 modification application or development application.

## Consultation

### Internal Referrals

51. The application was discussed with Councils;
  - (a) Director Planning, Development and Transport;
  - (b) Executive Manager Planning and Development;
  - (c) Heritage and Urban Design Unit;
  - (d) Public Domain Unit;
  - (e) Safe City Unit;
  - (f) Surveyors;
  - (g) Tree Management Unit; and
  - (h) Waste Management Unit.
52. Relevant comments have informed the assessment included in this report, and where appropriate, recommended conditions have been included in Attachment A.

### External Referrals

#### NSW Police

53. The application was referred to NSW Police for comment.
54. A response was received raising no objections to the proposed development, subject to conditions. Where appropriate, conditions have been included in Attachment A.

### Advertising and Notification

55. In accordance with the City of Sydney Community Participation Plan 2020, the proposed development was notified and advertised for a period of 28 days between 28 April 2022 and 27 May 2022. A total of 931 properties were notified and four submissions were received.
56. The submissions raised the following issues:
  - (a) **Issue:** The design details do not reflect any collaboration with the designers of the new park.  
  
**Response:** The proposed location of the APT has been informed by the Concept Design for North Rosebery Park and an Urban Design Analysis prepared by Grimshaw Architects. See 'Discussion' section above for further details.
  - (b) **Issue:** The rear digital panel which addresses the neighbourhood park is in conflict with the purpose of the park.

**Response:** The signage panels are integrated into the design of the APT structure. The structure itself is located on the edge of the park and sufficient landscaping is provided around the APT to minimise the impacts on the park.

- (c) **Issue:** A Clause to move the APT up to 5 metres could result in the APT being located inappropriately, particularly if it is moved to the south or east.

**Response:** It is considered a condition to relocate the APT is not appropriate for the subject application. Any future necessity for a re-positioning of the APT will be subject to a separate s4.55 modification application or new development application.

- (d) **Issue:** Who will be responsible for the maintenance of the toilet and will ensure the toilet does not become filthy?

**Response:** Maintenance will be undertaken in accordance with submitted Plan of Management. Internal maintenance will be undertaken by the City of Sydney and external maintenance and cleaning will be undertaken by QMS Media.

- (e) **Issue:** Installation of an APT in this location is unnecessary as many people live upstairs from the park.

**Response:** Demand for provision of an APT in this location has been established by the City of Sydney Public Toilet Strategy 2014. Further, detailed analysis has been undertaken to determine the proposed location of the APT with the park. See 'Discussion' section above for further details.

- (f) **Issue:** The light pollution from the advertising signage panels will affect the surrounding residents at night.

**Response:** The proposed digital signage panels are small scale, located at ground floor level and setback a minimum of 30m from any residential development. Noting the latter, and that the site is adjacent to several other light sources, the light impact is considered negligible in this instance. Notwithstanding, relevant conditions are recommended to enable mitigation of any potential light impacts in the future.

- (g) **Issue:** The APT should be provided as an accessible toilet and if a green roof is not included then the roofing should be mandated to be white, or another light and heat reflective colour.

**Response:** The proposed APT has an accessible toilet and is designed to comply with the Disability Discrimination Act and relevant Australian Standards. The proposed materials and finishes are consistent with the standard design for public furniture adopted by the City of Sydney throughout the local government area.

- (h) **Issue:** It is unclear if the City or QMS is required to pay electricity costs for the digital advertising. If paid for by the city, then QMS Media should be required to reimburse the City for the electrical costs associated with the advertising.

**Response:** The proposed APT will be delivered in accordance with the *City of Sydney Street Furniture and Outdoor Media Services Agreement* between the City and QMS Media. The specific terms of the agreement are outside the scope of this development application.



## Financial Contributions

### Contribution under Section 7.11 of the EP&A Act 1979

57. The City of Sydney Development Contributions Plan 2015 applies to the subject site.
58. The proposal is not subject to a Section 7.11 development contribution under the provisions of the City of Sydney Development Contributions Plan 2015 as it will not result in an increase in population.

### Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

59. The subject site is located within the Green Square affordable housing contribution area. As the development is development for purposes other than residential accommodation that will result in the creation of less than 60 square metres of gross floor area, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

## Relevant Legislation

60. Environmental Planning and Assessment Act 1979.

## Conclusion

61. The proposed APT is generally consistent with the zone objectives contained in Sydney LEP 2012.
62. A written request to vary the 'height of buildings' development standard under Clause 4.3 of Sydney LEP 2012 was submitted. The proposed request is well founded and demonstrates that compliance with the standard is unnecessary in this instance and that there are sufficient environmental planning grounds to justify the variation. Despite the variation, the proposed development is consistent with the objectives of Clause 4.3 of the Sydney LEP 2012, and the MU1 Mixed Use zone, and therefore in the public interest.
63. The development is generally consistent with the requirements of the Sydney DCP 2012. Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances of the proposed development or can be resolved by the recommended conditions.
64. Subject to recommended conditions, it is considered that the proposed development will provide for an appropriately located new APT that is of a high design standard which can contribute positively to the public domain of the local government area.

## ANDREW THOMAS

Executive Manager Planning and Development

Veronique Hoffman, Planner

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## SCHEDULE 1

### CONDITIONS OF CONSENT

#### PART A - GENERAL

##### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2022/306 dated 13 April 2022 and the following drawings:

Drawing Number	Drawing Name	Date	Prepared by
202105-SO01 Rev A	North Rosebery Park Amenities Block Set Out Plan	30 March 2022	Gallagher Studio
A04 2002 Rev G	APT Accessible – SF4-1 – Plan	6 August 2021	Grimshaw
A04 2004 Rev G	APT Accessible – SF4-1 – Elevations	6 August 2021	Grimshaw
A01 Rev B	Details	2 February 2023	Pureable
A02 Rev B	Details	2 February 2023	Pureable
A03 Rev B	Details	2 February 2023	Pureable
A04 Rev B	Details	2 February 2023	Pureable
-	APT Signage	Received 27 July 2023	Grimshaw
-	APT Advertising Signage Panel Dimensions and Specifications	Received 27 July 2023	-
-	APT Finishes External	Received 27 July 2023	Grimshaw

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

#### Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

##### (2) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management, titled '*Plan for Management and Maintenance of Assets – Automated Public Toilets (APTs) – External Areas*' (TRIM Reference: 2022/234220) that has been approved.

**Reason**

To ensure all parties are aware of the approved supporting documentation that applies to the development.

**(3) TIME LIMITED CONSENT**

The digital advertising signage panels must be removed, within a period of 15 years from the date of consent or on the termination of the subject lease of the property, whichever occurs first. If the panels are to be retained after this period a new development application must be lodged with Council before the expiration of the consent.

**Reason**

To ensure signage is delivered in accordance with Council's DCP.

**(4) SIGNAGE CONTENT MANAGEMENT**

- (a) A minimum of 10% of the screen time of all advertising displays is to be used for material and content managed by the City of Sydney to advertise public information, community messages and promotion of events.
- (b) The panels shall also be used to display health information and be used to assist public safety such as instant messaging should an emergency arise.

**Reason**

To ensure all parties are aware of the terms of the approved development.

**(5) DYNAMIC CONTENT SIGNS**

The design of the approved dynamic content signage must comply with the following:-

- (a) Any imagery shall have a dwell time of at least 10 seconds, transition time of 0.1 seconds and not be animated.
- (b) The Dynamic Content Sign, including any animation, video or moving or changing images, is not to flash, strobe, pulsate, flicker or contain fast moving images. Any animation and motion of images is to be slow and smooth at all times.
- (c) The Dynamic Content Sign is to have a default setting that will display an entirely black display area when no content is being displayed or if a malfunction occurs.
- (d) The Dynamic Content Sign is to have light sensors that automatically adjust the display brightness of the display area to ambient light conditions.

**Reason**

To ensure signage is designed in accordance with Council's DCP.

**(6) SIGN ILLUMINATION**

- (a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with the latest edition of AS/NZS 4828.
- (b) The maximum night time luminance of any sign is not to exceed 300 cd/sqm.
- (c) Upward facing light sources onto the signage is not permitted.

**Reason**

To ensure signage illumination is designed in accordance with the Australian Standards and Council's DCP.

**(7) ENERGY SOURCE OF DIGITAL ADVERTISING PANELS**

In accordance with Section 3.16.4(6) of Sydney DCP 2012, the digital advertising signage panels are to be powered by:

- (a) Onsite renewable energy of a capacity to provide the energy required to illuminate the signs; or
- (b) The purchase of a renewable energy product offered by an electricity supplier equivalent to the estimated annual amount of electricity used.

**Reason**

To ensure signage is designed in accordance with Council's DCP.

**(8) WASTE AND RECYCLING MANAGEMENT**

- (a) The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018*.
- (b) Any wastewater from the Premises must only be disposed of in the public sewerage system.

**Reason**

To ensure that waste and recycling is appropriately managed.

**(9) WASTE/RECYCLING COLLECTION**

The collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals for Managing Waste in Public Places 2017.

**Reason**

To ensure that waste and recycling is appropriately managed.

## **PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **(10) UTILITY SERVICES**

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

#### **Reason**

To ensure that utility authorities are advised of the development and their approval is obtained in connection with the relocation and/or adjustment of services affected by the development.

## **PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK**

### **(11) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION**

Wastewater arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

#### **Reason**

To ensure wastewater is managed appropriately.

## **PART D – WHILE BUILDING WORK IS BEING CARRIED OUT**

### **(12) HOURS OF WORK AND NOISE – OUTSIDE CBD**

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. Loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 – 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

#### **Reason**

To protect the amenity of the surrounding area.

### **(13) EROSION AND SEDIMENT CONTROL - LESS THAN 250SQM**

Where less than 250 square metres are being disturbed, no formal plan is required however, the site is to be provided with sediment control measures and these must be implemented so that sediment, including soil, excavated material, building material or other materials cannot fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways.

#### **Reason**

To ensure that appropriate erosion and sediment control measures are put in place during construction to protect the environment.



#### **(14) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

#### **Reason**

To protect the amenity of the public domain.

## **PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

### **(15) PRESERVATION AND REINSTATEMENT OF PUBLIC ASSETS**

- (a) The developer must ensure that all existing public assets are retained and preserved for the duration of development works.
- (b) Any damage caused to public assets as a result of development works, including but not limited to damage to footpath, kerb and gutter, signage, survey marks, street furniture, utility pit lids, lighting, street trees and adjacent carriageways are to be rectified to Council's satisfaction.
- (c) Any rectification works must be completed in accordance with Council's specifications and requirements prior to the use of the Automated Public Toilet commencing.

#### **Reason**

To protect public assets and ensure any damage is appropriately rectified.

### **(16) COMPLIANCE WITH COUNCIL STANDARDS AND DISABILITY DISCRIMINATION ACT**

The placement of the Automatic Public Toilet and any associated TGSI's or textured paving works is to ensure compliance with Council's access requirements and the Disability Discrimination Act 1992 and that there are no conflicts with existing street furniture and fixtures. All works are required to ensure that the public domain complies with the City of Sydney's Sydney Streets Technical Specification and the Sydney Streets Codes 2021. The compliance is to be achieved prior to the use of the Automated Public Toilet commencing.

#### **Reason**

To ensure the development complies with Council Standards and the Disability Discrimination Act 1992.

## **PART F – OCCUPATION AND ONGOING USE**

### **(17) OCCUPATION CERTIFICATE TO BE SUBMITTED**

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

#### **Reason**

To ensure the site is authorised for occupation.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

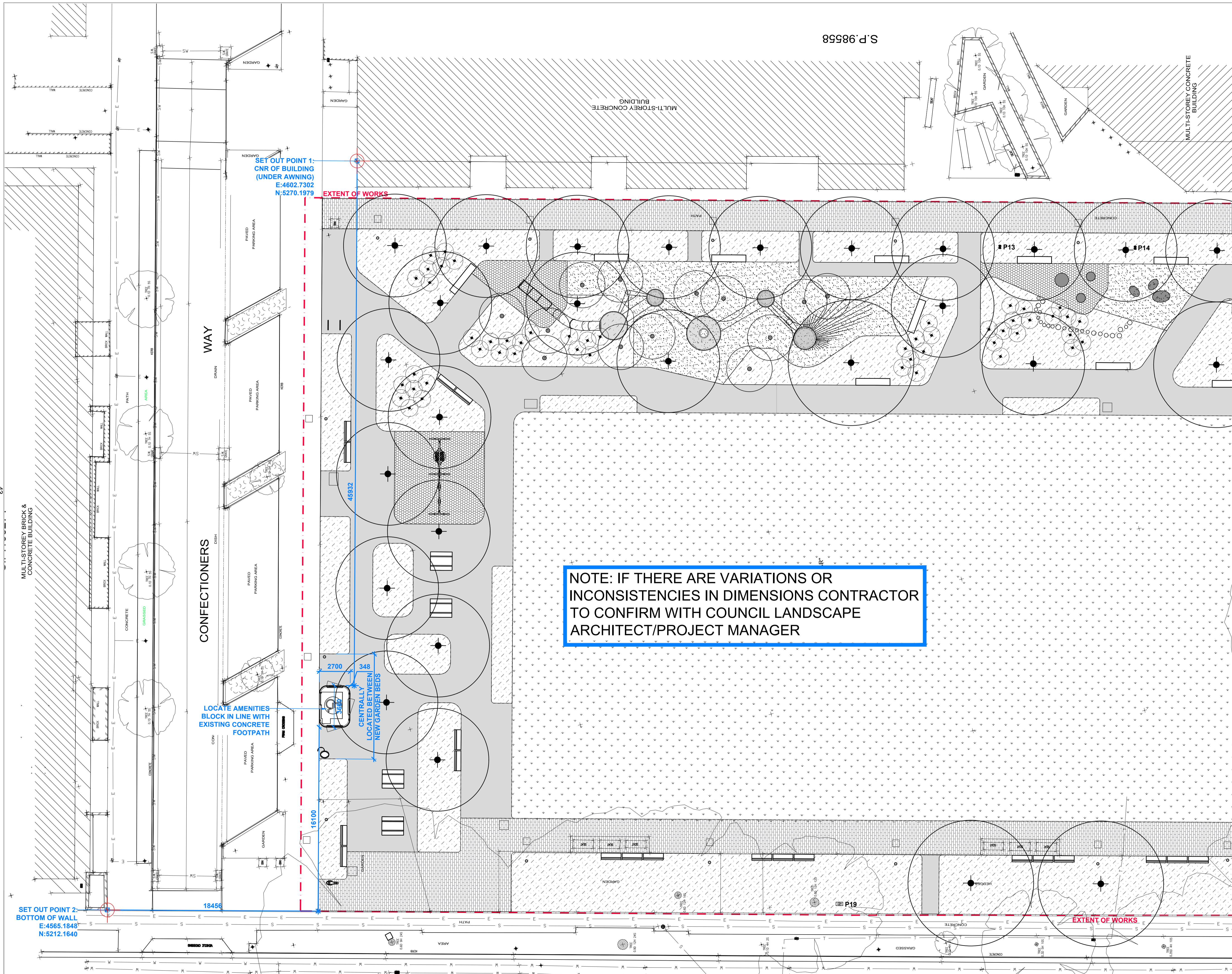
The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2021* apply:

- Clause 69 Compliance with *National Construction Code (previously known as Building Code of Australia)* and insurance requirements under the *Home Building Act 1989*
- Clause 70 Erection of signs
- Clause 71 Notification of *Home Building Act 1989* requirements
- Clause 72 Conditions relating to entertainment venues
- Clause 73 Conditions relating to maximum capacity signage
- Clause 74 Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 2 conditions of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

# **Attachment B**

**Selected Drawings**



**PACKAGE**  
**FOR INFORMATION**  
 NOT FOR CONSTRUCTION

Unless otherwise indicated, all plants must be the species and cultivar indicated. Do not use cultivars when the species is specified.

Prior to installation of any species with a potential mature height of more than 2m ensure that there are no overhead structures that may be adversely affected by the plant's future growth or that may compromise the future health or form of the plant. Notify the Landscape Architect immediately of any possible conflict between plants and overhead structure.

Check all dimensions and site conditions prior to commencement of any work, the purchasing or ordering of any materials, fitting, plant services or equipment and the fabrication of any components.

Do not scale drawings-refer to figured dimensions only. Any discrepancies shall immediately be referred to the landscape architect for clarification.

All drawings may not be reproduced or distributed without prior permission from the landscape architect.

Drip line of existing trees defines Tree Protection Zone. Refer to Landscape Specification for requirement.

REV.	DATE	AMENDMENTS
A	30.03.2022	FOR INFORMATION

**GALLAGHERSTUDIO**

**LEAD CONSULTANT**  
 GALLAGHER STUDIO  
 Studio 4, Level 2, 151 Foveaux Street  
 Surry Hills NSW 2010  
 T: (02) 9331 8171

**CIVIL / STORMWATER/ HYDRAULIC / STRUCTURAL ENGINEERING**  
 PARTRIDGE  
 Level 5, 1-5 Chancery Street  
 Sydney NSW 2005  
 T: (02) 9460 9000

**LIGHTING ART + SCIENCE**  
 Level 1, 41 Hurst St  
 Crown Point NSW 2065  
 T: (02) 8438 9988

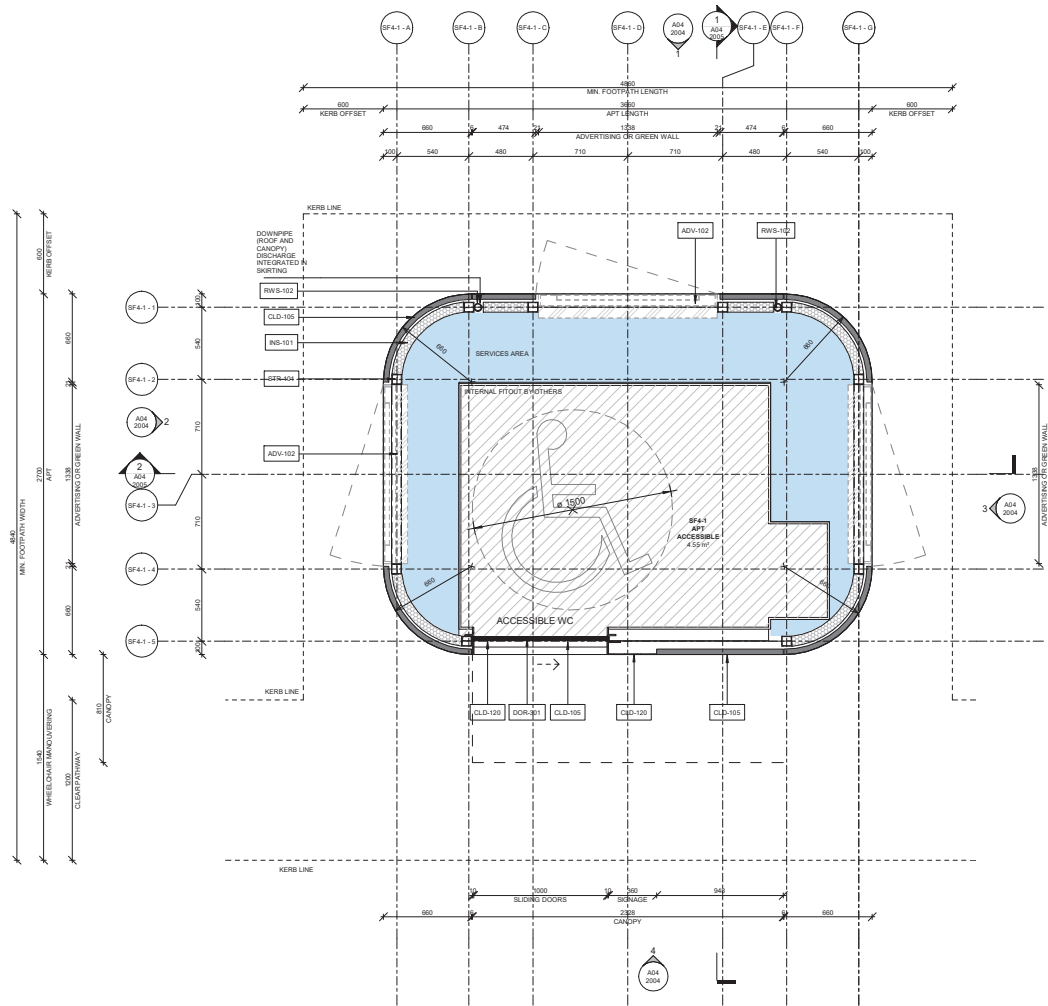
**CLIENT**  
**CITY OF SYDNEY**

**JOB**  
**NORTH ROSEBERY PARK & GREEN LINK**  
 ROSEBERY NSW 2018

**DRAWING TITLE**  
**NORTH ROSEBERY PARK AMENITIES BLOCK SET OUT PLAN**

**DRAWING NO.**  
**202105-SO01**

DRAWN	CHECKED	SCALE @ A1
RL	LG	1:100
REV	DATE	
A	30.03.2022	



1 PLAN - APT - ACCESSIBLE  
1:20

ARCHITECT  
**GRIMSHAW**  
GRIMSHAW ARCHITECTS LLP  
T +61 2 9253 0200  
www.grimshaw.global

Level 2, 333 George Street  
Sydney, NSW 2000, AUS

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- Structural information shown on architectural drawings is indicative only. Refer to structural engineer's design drawings.
- All dimensions shown in millimeters unless otherwise stated.

**KEY:**

**CLIENT**  
QMS MEDIA  
CONSULTANTS  
Lead contractor  
Structural Civil engineers  
Electrical engineers  
Mechanical engineers  
Hydraulic engineers  
Landscape architects  
DDA/DAPT  
SCA  
Safety in Design  
Sustainability  
Signage  
Town Planning

Radiux Displays  
DBCE  
E&C  
Ecome  
Akuma Engineering  
Electrigh  
Olive Access  
Steve Watson & Partners  
Consult  
Slope Environment  
Maynard  
McKean

**PROJECT NAME**  
CITY OF SYDNEY  
STREET FURNITURE

**PROJECT NO.** 20158  
**ADDRESS** SYDNEY, NEW AUSTRALIA

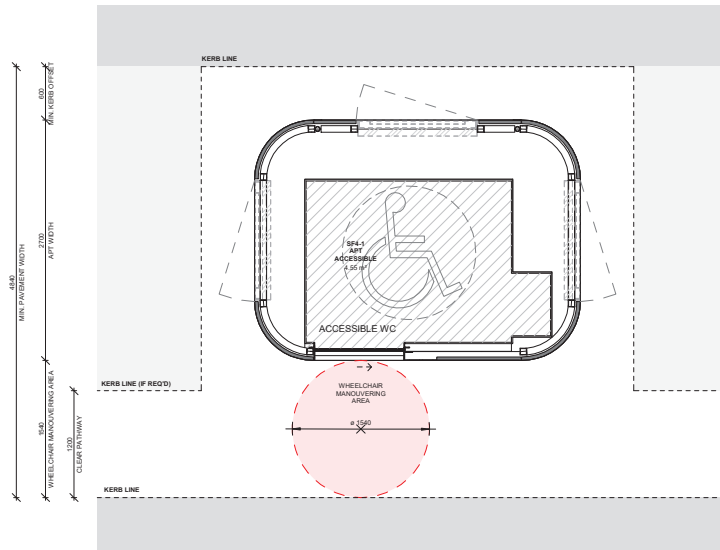
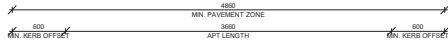
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B	GAS	02.10.20	For Information
C	GAS	09.10.20	80% DESIGN DEVELOPMENT
D	GAS	21.12.20	For Information
E	GAS	06.02.21	Work In Progress For Information
F	GAS	12.02.21	80% DESIGN DEVELOPMENT (SF3-1, SF4-1, SF4-2, & SF5)
G	GAS	06.08.21	DA - APT DESIGN DEVELOPMENT (SF3-2)

**DRAWING TITLE**  
APT ACCESSIBLE - SF4-1 - PLAN

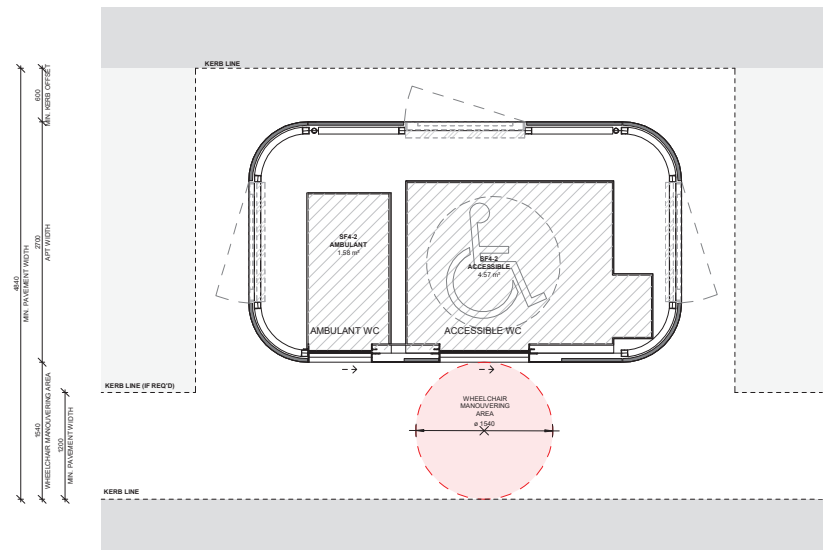
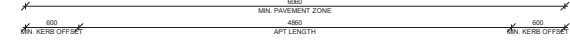
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**STATUS** PRELIMINARY

DRW	CH	APPR	DRW DATE	REV
GA	KJ	MG	06.08.21	G

**DRAWING NO.**  
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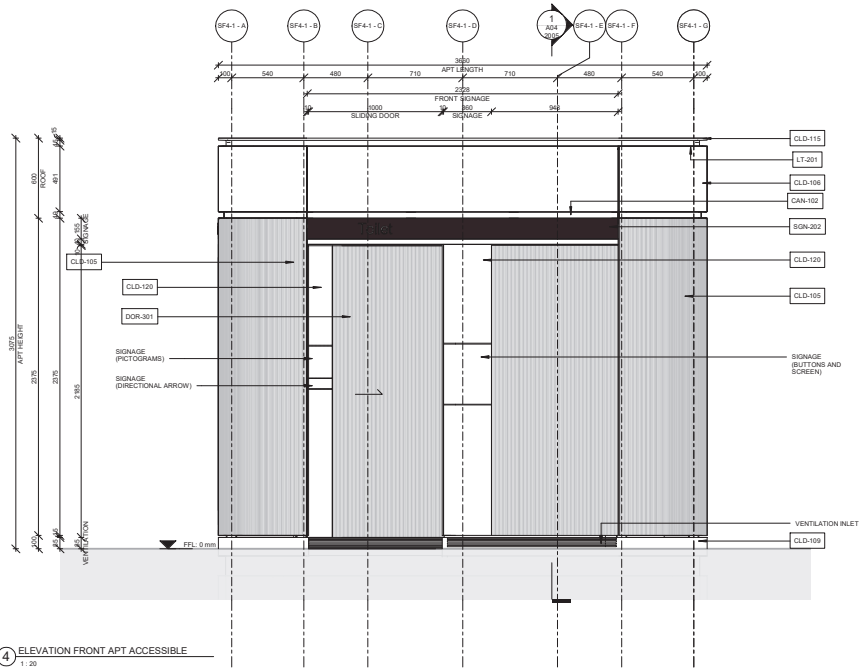


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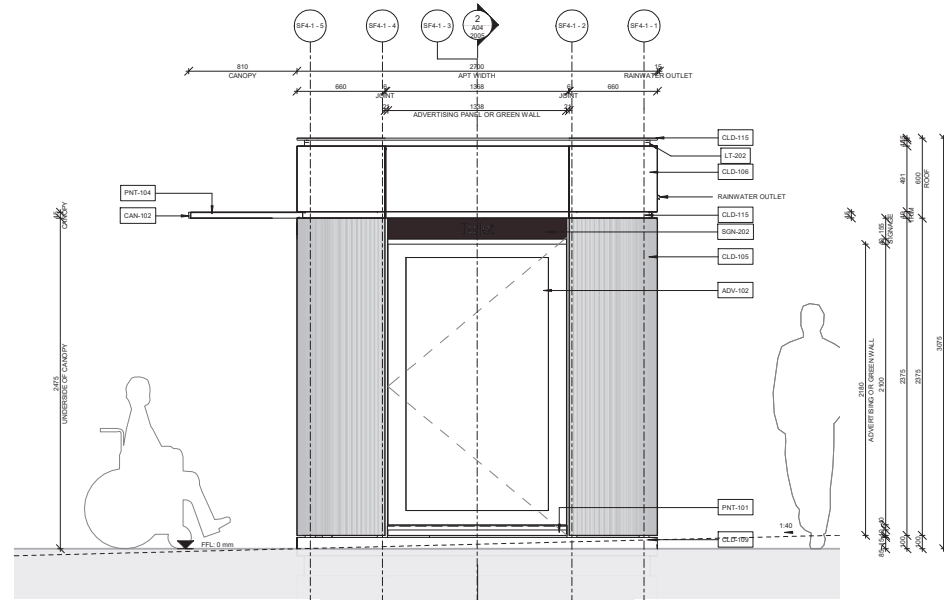


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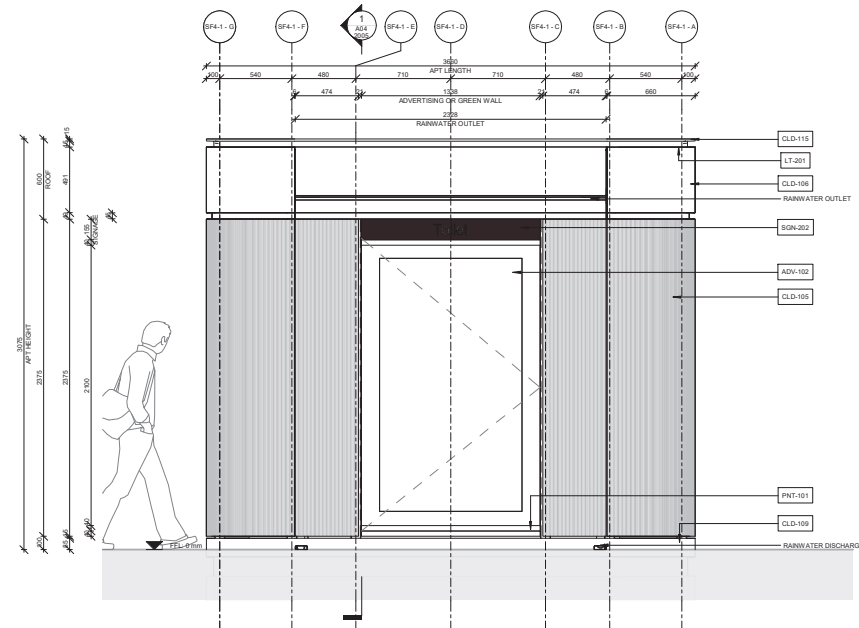




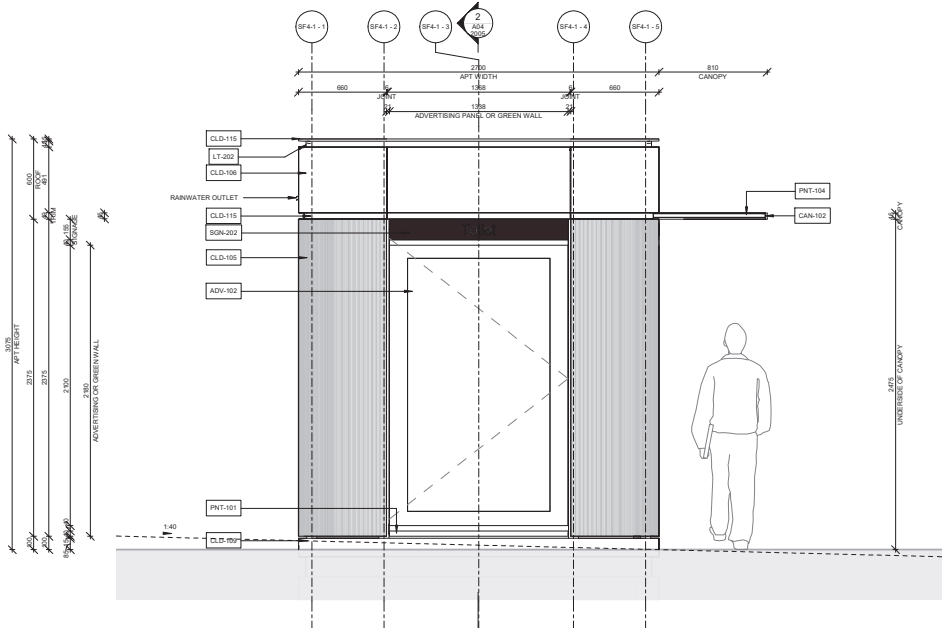
4 ELEVATION FRONT APT ACCESSIBLE  
1:20



3 ELEVATION LATERAL APT ACCESSIBLE  
1:20



1 ELEVATION BACK APT ACCESSIBLE  
1:20



2 ELEVATION LATERAL APT ACCESSIBLE  
1:20

46

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• All dimensions shown in millimeters unless otherwise stated.

**KEY:**

**CLIENT**  
QMS MEDIA

**CONSULTANTS**  
Lead contractor  
Structural Engineers  
Mechanical engineers  
Hydraulic engineers  
Landscape architects  
DDA/DAPT  
SCA  
Safety in Design  
Sustainability  
Signage  
Town Planning

Radius Displays  
DBCE  
E&C  
Stroma  
Akuma Engineering  
Electrigh  
Olive Access  
Steve Watson & Partners  
Consults  
Edge Environment  
Maynard  
McCreck

**PROJECT NAME**  
CITY OF SYDNEY  
STREET FURNITURE

**PROJECT NO.**  
20158

**ADDRESS**  
SYDNEY, NEW AUSTRALIA

REV	BY	DATE	DESCRIPTION
B	GAS	02.10.20	For Information
C	GAS	09.10.20	80% DESIGN DEVELOPMENT
D	GAS	22.12.20	For Information
E	GAS	05.02.21	Work In Progress for Information
F	GAS	12.02.21	80% DESIGN DEVELOPMENT (SF3-1, SF4-1, SF4-2, & 80% DESIGN DEVELOPMENT (SF3-2)
G	GAS	06.08.21	DA - APT

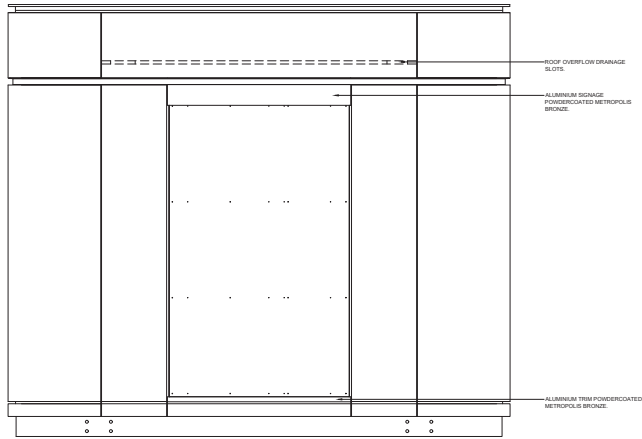
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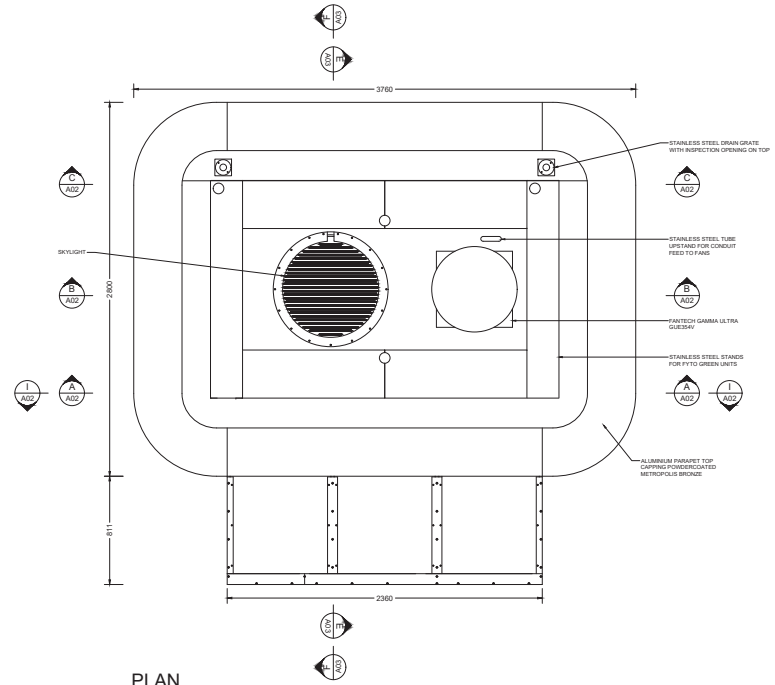
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PRELIMINARY

**DRAWING NO.**  
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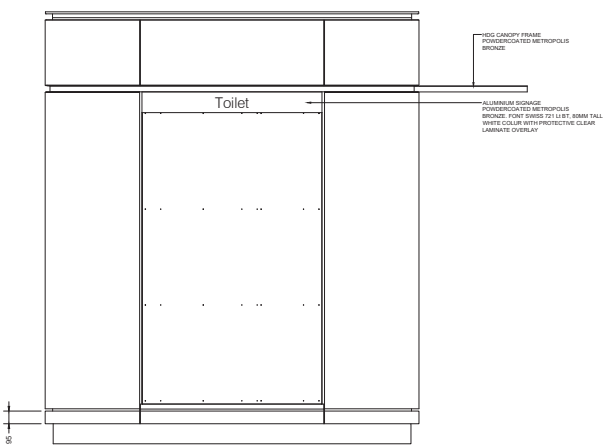
**DRW** CH  
**GA** KJ  
**APPR** MG  
**REV DATE** 06.08.21  
**REV** G



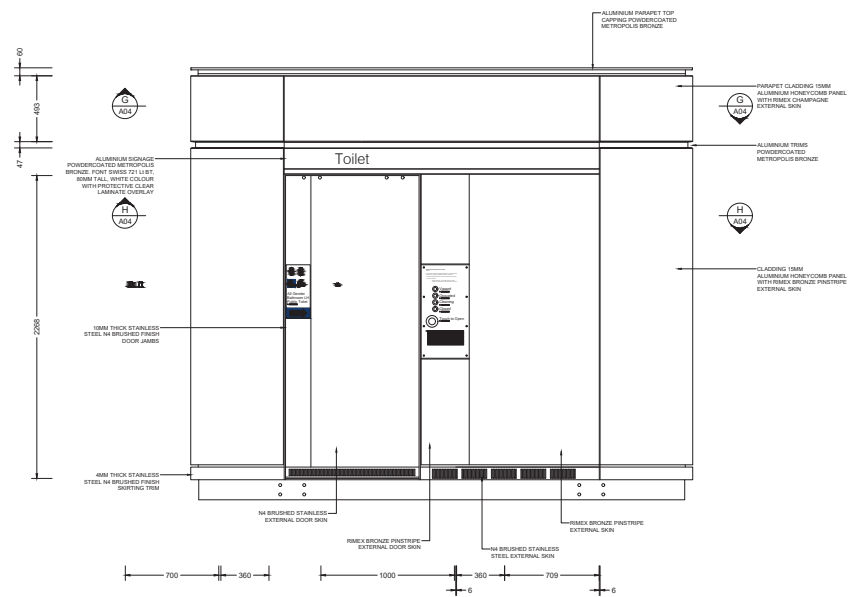
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**PLAN**  
Scale 1:20



**SIDE ELEVATION**  
Scale 1:20



**FRONT ELEVATION**  
Scale 1:20

47

0 10 20 30 40  
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Ayrton NSW 2350

Certifying Engineer

Project  
**QMS MEDIA  
APT1**

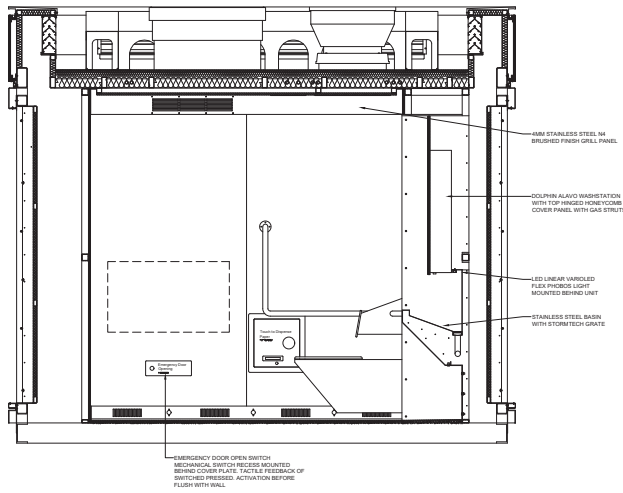
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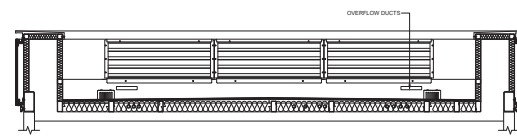
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Drawn: JW  
Date: 02.02.23

Scale: N/A  
CAD File: N/A

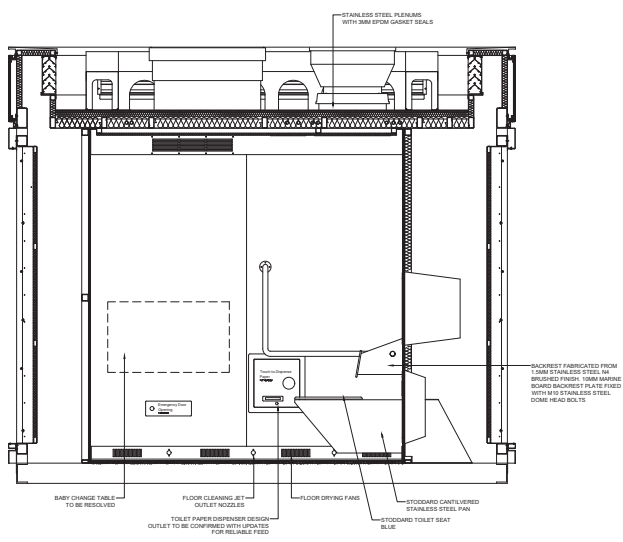
Project No: **APT1**  
Drawing No: **A01**  
Revision: **B**



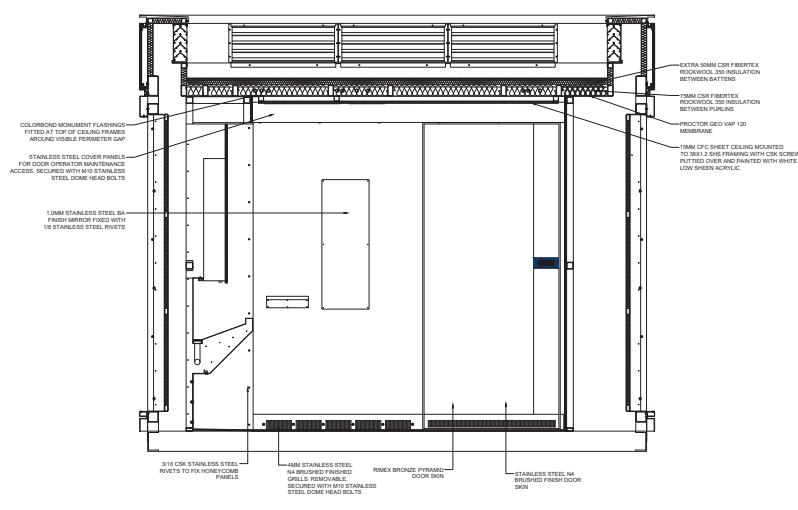
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SECTION C  
Scale 1:50



SECTION A  
Scale 1:50



SECTION I  
Scale 1:50

48

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Aurora NSW 2150

Consulting Engineer

Project  
**QMS MEDIA  
APT1**

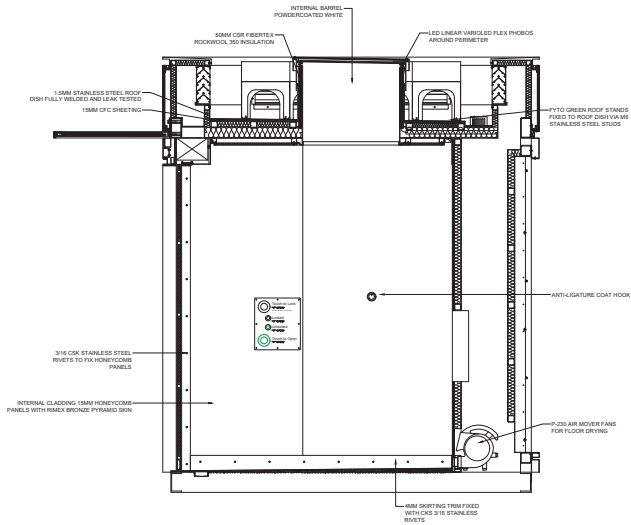
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No.	Revision	Date
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B	PRELIMINARY	02.02.23

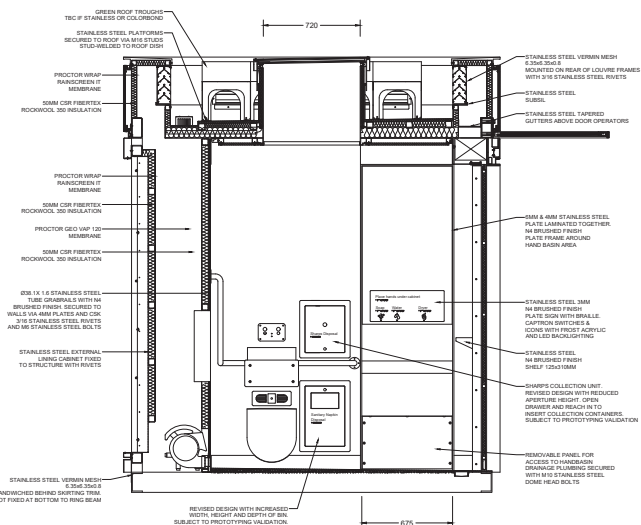
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Drawn: JW  
Date: 02.02.23

Scale: CAD File  
N/A

Project No: **APT1**  
Drawing No: **A02**  
Revision: **B**



SECTION F A01  
Scale 1:20



SECTION E A01  
Scale 1:20

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Certifying Engineer

Project  
**QMS MEDIA  
APT1**

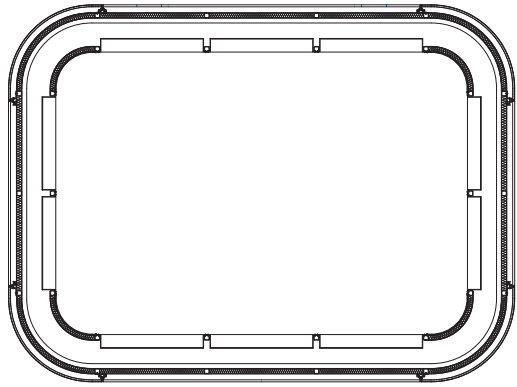
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**DETAILS**

No.	Revision	Date
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B	PRELIMINARY	02.02.23

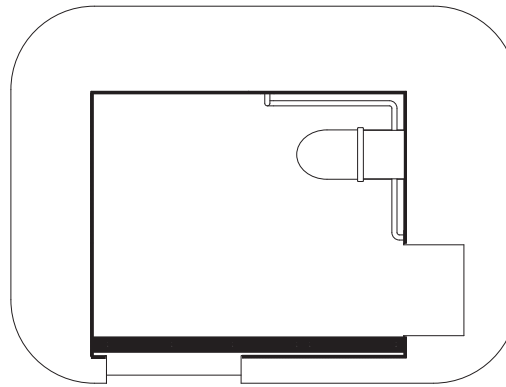
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Date: 02.02.23

Scale: CAD File  
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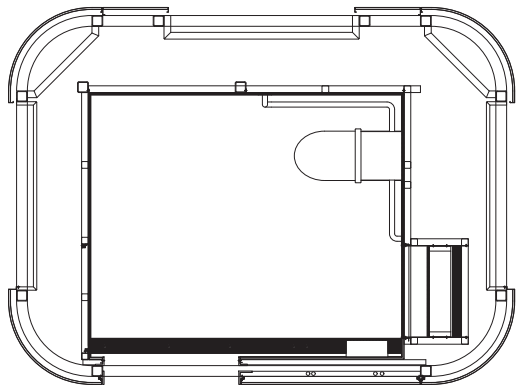
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Drawing No: **A03**  
Revision: **B**



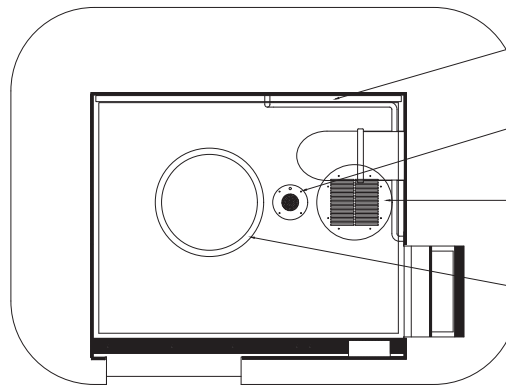
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A01



INTERNAL FLOOR PLAN  
Scale 1:20



SECTION **H**  
Scale 1:20  
A01



REFLECTED CEILING PLAN  
Scale 1:20

- COOLON AIR - ELECTRIC P.  
DOW 3.16x - STAINL. ST. B.A.  
WRODS - WS - IP68
- 4MM GRILL PLATE FOR  
SPRINKLER AND DETECTOR SENSOR.  
STAINLESS STEEL.  
POWDERCOATED WHITE.  
SECURED WITH GSK  
M6 STAINLESS STEEL ALLEN  
KEY BOLTS
- 4MM GRILL PLATE FOR  
EXTRACTION FAN. STAINLESS  
STEEL. POWDERCOATED  
WHITE. SECURED WITH GSK  
M6 STAINLESS STEEL ALLEN  
KEY BOLTS
- STAINLESS STEEL  
SPRINKLER TRIM SECURED  
WITH US STAINLESS CONE  
HEAD BOLTS

50

0 100 200 300 400  
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Certifying Engineer

Project  
**QMS MEDIA  
APT1**

Drawing Title  
**DETAILS**

No.	Revision	Date
<b>A</b>	<b>PRELIMINARY</b>	<b>15.12.22</b>
<b>B</b>	<b>PRELIMINARY</b>	<b>02.02.23</b>

Designed: JW  
Drawn: JW  
Date: 02.02.23

Scale: N/A  
CAD File: N/A

Project No: **APT1**  
Drawing No: **A04**  
Revision: **B**

# APT Signage

## Door signage

51

Icons for male, female, transgender, and wheelchair accessible.

**All Gendered Public Toilet**  
D \*\*\*\*\*

Hyde Park Macquarie St Toilet  
APT2001

**Vacant**  
D \*\*\*\*\*

**Occupied**  
D \*\*\*\*\*

**Cleaning**  
D \*\*\*\*\*

**Closed**  
D \*\*\*\*\*

**Touch to Open**  
D \*\*\*\*\*

For maintenance, facilities and property management, repairs and clearing contact the City of Sydney on 9269 9333, 24 hours, 7 day a week.

The nearest alternative public toilet is near the Hyde Park St James Road - a 3-minute walk away.

National Toilet Map – for information about the location, opening times and features of other public toilets in the area.

D \*\*\*\*\*

Icons for male, female, wheelchair accessible, and baby changing.

**All Gendered Bathroom LH Public Toilet**  
D \*\*\*\*\*

1600 AFFL

1200 AFFL

900 AFFL

52



ARCHITECT  
**GRIMSHAW**  
 GRIMSHAW ARCHITECTS LLP  
 T +61 2 9253 0200 Level 2, 333 George Street  
 www.grimshaw.global Sydney, NSW 2000, AUS

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 • Structural information shown on architectural drawings is indicative only. Refer to structural engineer's design drawings.  
 • All dimensions shown in millimeters unless otherwise stated.

KEY:

**CLIENT**  
 QMS MEDIA

**CONSULTANTS**  
 Lead contractor: BRCC  
 Structural: CIV engineers  
 Electrical engineers: E&C  
 Mechanical engineers: Ecome  
 Hydraulic engineers: Akuma Engineering  
 Lighting designers: Electrolight  
 DDA/DAEPT: Olivia Access  
 SCA: Steve Watson & Partners  
 Safety in Design: Conesale  
 Sustainability: Edge Environment  
 Signage: Maynard  
 Town Planning: Microne

**PROJECT NAME**  
 CITY OF SYDNEY  
 STREET FURNITURE

**PROJECT NO.**  
 20158

**ADDRESS**  
 SYDNEY, NEW AUSTRALIA

REV	BY	DATE	DESCRIPTION
A	GAS	12.02.21	80% DESIGN DEVELOPMENT (SP3-1, SP4-1, SP4-2) & 60% DESIGN DEVELOPMENT (SP3-2)
B	GAS	06.08.21	DA - APT

**NOTES**

**DRAWING TITLE**

APT - COVER SHEET

SCALE

@A1

STATUS

PRELIMINARY

DRW	CH	APPR	DRW DATE	REV
GA	KJ	MG	06.08.21	B

**DRAWING NO.**  
 A04 1000

**APT ADVERTISING SIGNAGE PANEL DIMENSIONS AND SPECIFICATIONS**

Table - Dimensions of Proposed Signage Panels	
Measurement (mm)	Proposed Signage panels
Panel Height	2100 mm
Panel Width	1338 mm
Visible Screen size	1895 x 1066 mm
Visible Screen area	2.02 m <sup>2</sup>

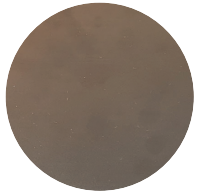


Digital Signage Panel Dimensions. NTS (Source: Dynascan)

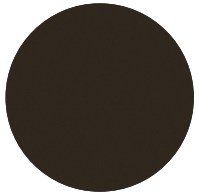


# APT Finishes

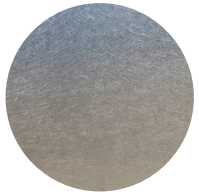
## External



**External high level cladding**  
Rimex INCO Champagne Granex



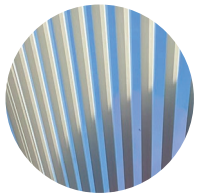
**Roof capping**  
Paint to match Metropolis Bronze



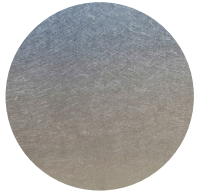
**Door external cladding**  
Brushed 4BF, 316 stainless steel



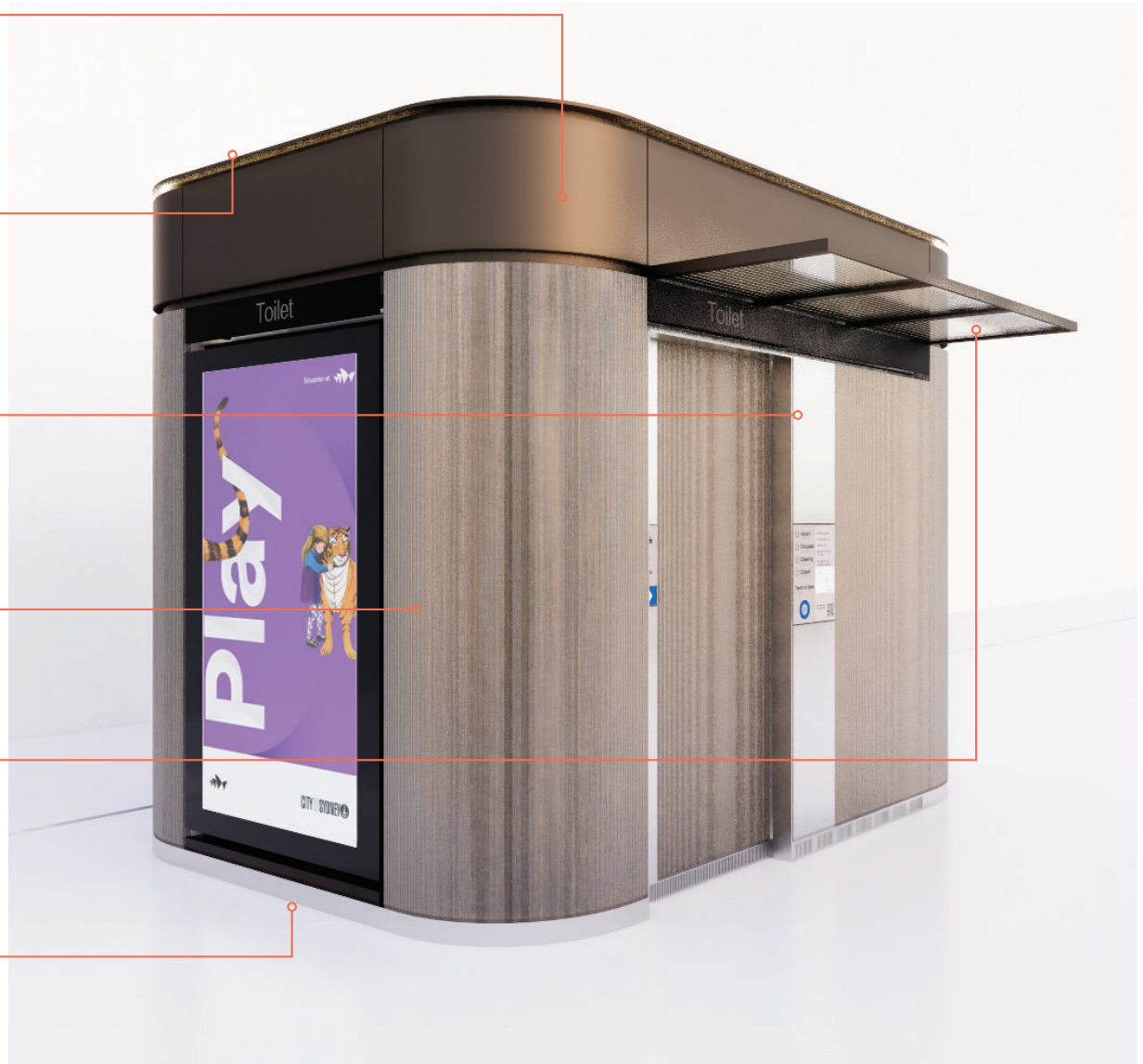
**External low level cladding**  
Rimex INCO Bronze Pinstripe



**Canopy**  
Clear, low iron glass with white ceramic frit



**Skirtings**  
Brushed 4BF, 316 stainless steel with machined openings



# **Attachment C**

## **Clause 4.6 Variation Request – Height of Buildings**

# New Automated Public Toilet – Rosebery Park

Clause 4.6 variation request to 'Height of Building' development standard

On behalf of  
QMS Media Pty Ltd  
**Update – July 2023**



# 1 Introduction

This Clause 4.6 Variation Request accompanies a development application (DA) for a new automated public toilet (APT) north of the intersection of Confectioners Way and Crewe Place, Rosebery Park (the site). The development proposes to vary the development standard for Height of Buildings under Clause 4.6 of *Sydney Local Environmental Plan 2012* (SLEP 2012).

The variation in this instance is only 7.5 centimetres (0.075m) – in order to accommodate the 3.075m height of the proposed automated public toilet (APT) structure so that it can be located within the new Rosebery Park – which has a Height of Buildings control under Clause 4.3 of the *SLEP 2012* of 3.0m.

This Clause 4.6 Variation Request demonstrates that compliance with the height of building development standard is unreasonable and unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds based on the public benefit arising from the provision of the APT to justify the very minor contravention.

This Clause 4.6 Variation Request demonstrates that, notwithstanding the non-compliance, the proposed development:

- Is consistent with the objectives of the *Environmental Planning and Assessment Act 1979* (EP&A Act);
- Is consistent with, and achieves the objectives of the Height of Buildings development standard set out under Clause 4.3 of *SLEP 2012*;
- Is consistent with the objectives of the **MU1 Mixed Use** zone under *SLEP 2012*;
- Does not raise any matter of State or regional planning significance;
- Will deliver a development that is appropriate for its context, despite the numerical breach to the development standard, with sufficient environmental planning grounds to justify the variation; and
- Is therefore in the public interest.

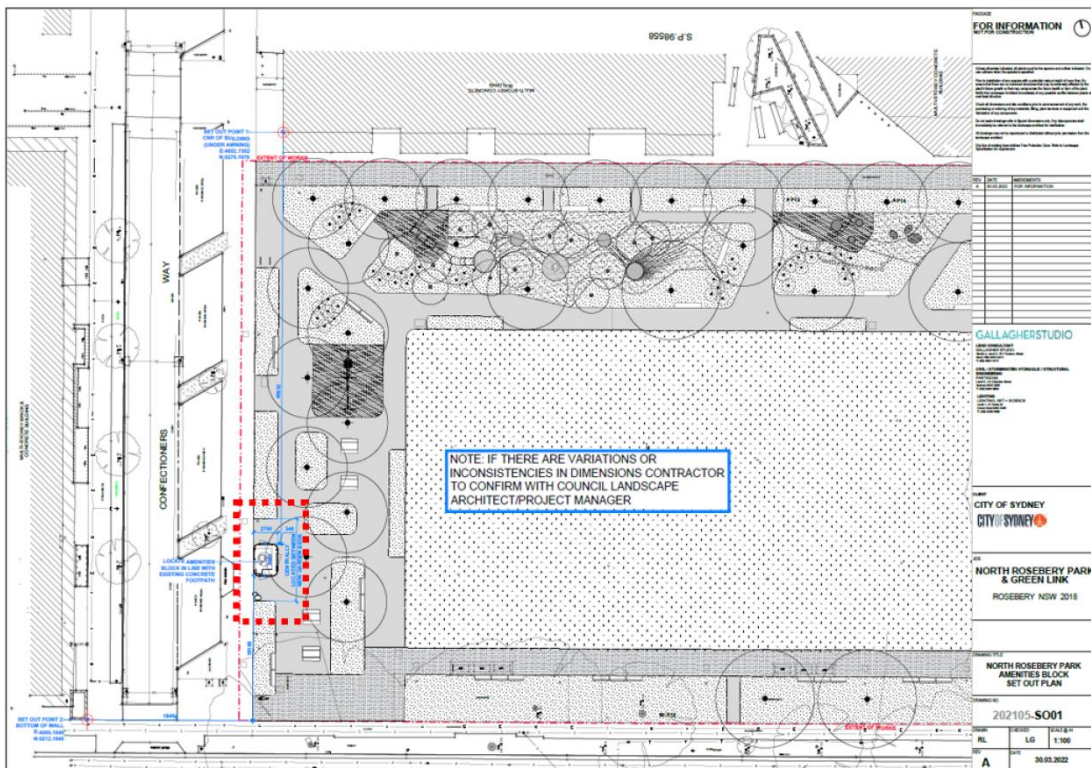
As a result, the development application may be approved notwithstanding the breach of the Height of Buildings development standard in accordance with the flexibility afforded under Clause 4.6 of *SLEP 2012*.

## 2 Background

The site is located in North Rosebery Park within Sydney LGA, to the north of the intersection of Confectioners Way and Crewe Place, Rosebery.

This Clause 4.6 request accompanies a Development Application which seeks development consent for the installation of a new automated public toilet (APT) with associated digital advertising signage (three panels) and is identical to other APTs recently approved by the City of Sydney in other locations across the LGA.

The location of the proposed APT is shown on **Figure 1** below within the red dashed line below, overlaid on to the setting out plan for the park, prepared for City of Sydney.



**Figure 1.** Proposed location for the APT  
Source: Gallagher Studio for the City of Sydney

These APTs, all of standard dimensions and heights, are being installed as part of the wider *City of Sydney Street Furniture and Outdoor Media Services Agreement* (Agreement) between the City of Sydney (City) and QMS Media. All existing APTs, bus shelters, street kiosks, double-sided advertising bollards and the majority of payphones are being removed by JCDecaux/Telstra, with new communications pylons, kiosks, and APTs being installed by QMS under the Agreement.

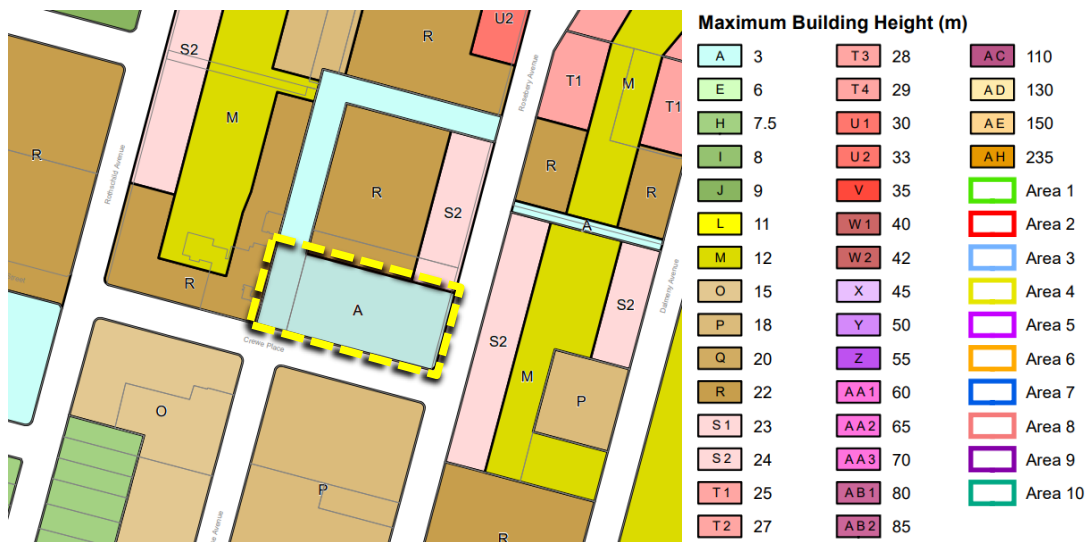
### 3 Development standard to be varied

The development standard sought to be varied under this written request is Height of Buildings as specified in Clause 4.3 of SLEP 2012.

#### Clause 4.3 Height of Buildings

Clause 4.3(2) specifies that the height of a building on any land is not to exceed the maximum height shown for the land on the *Height of Buildings Map*. The Map specifies a building height limit of 3 metres for Rosebery Park and Confectioners Way, along which the APT is proposed to be located.

The maximum building height limit as per SLEP 2012 is shown below in **Figure 2**.



**Figure 2.** Height of Buildings Map (site outlined yellow)  
Source: SLEP 2012

## 4 Extent of the variation sought

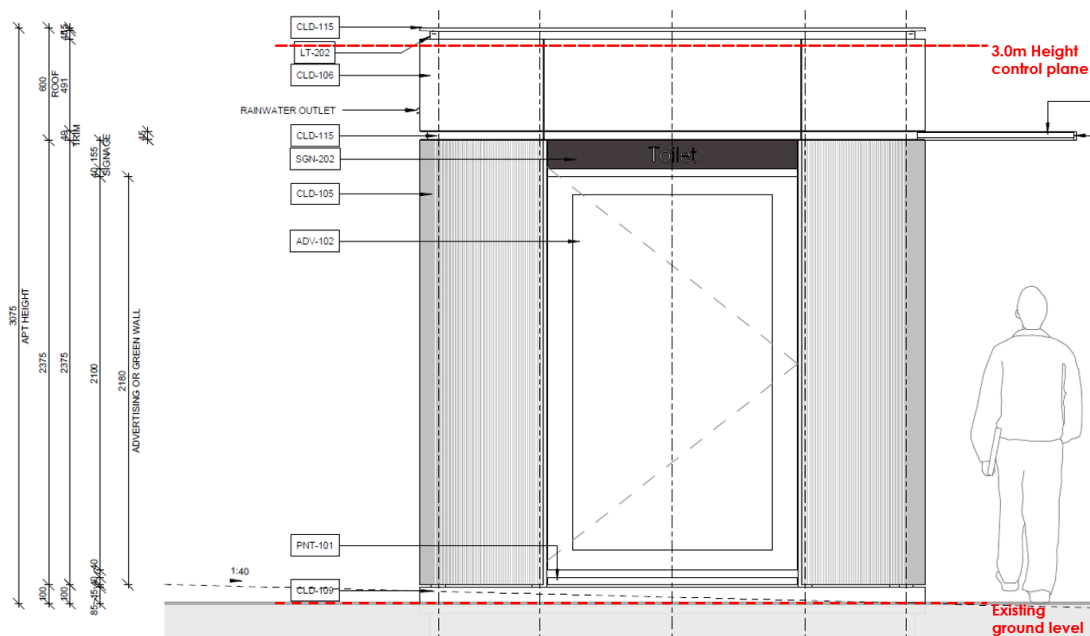
As identified above, Clause 4.3 of SLEP 2012 requires all development on the site to comply with a maximum height limit of 3 metres.

A maximum building height of 3.075 metres is proposed on the site, representing a variation of 0.075 metres or 2.5% (**Table 1**).

The proposed height exceedance is attributed to the capping of the roof elements necessary for the functioning of the APT, which include ventilation and exhaust structures, green roof cassettes, and rainwater channels.

Table 1 – Proposed Variation to Development Standard		
Standard	Proposed	Variation
Maximum building height limit of 3m	3.075m	0.075m or 2.5%

The element of the structure where the exceedance arises above the 3m building height limit is shown below:



**Figure 3.** Exceedance of Height of Building control by proposed APT  
Source: Mecone

## 5 CI4.6(3) Justification for contravention of the development standard

Clause 4.6(3) of SLEP 2012 provides that:

### **4.6 Exceptions to development standards**

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Assistance on the approach to justifying a contravention to a development standard is also to be taken from the applicable decisions of the NSW Land and Environment Court in:

1. *Wehbe v Pittwater Council [2007] NSW LEC 827*
2. *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*

The relevant matters contained in clause 4.6 of SLEP 2012, with respect to the Height of Buildings development standard, are each addressed below, including with regard to these decisions.

### 5.1 CI 4.6(3)(a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

In *Wehbe*, Preston CJ of the Land and Environment Court provided relevant assistance by identifying five traditional ways in which a variation to a development standard had been shown as unreasonable or unnecessary. However, it was not suggested that the types of ways were a closed class.

While *Wehbe* related to objections made pursuant to *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1), the analysis can be of assistance to variations made under clause 4.6 where subclause 4.6(3)(a) uses the same language as clause 6 of SEPP 1 (see *Four2Five* at [61] and [62]).

As the language used in subclause 4.6(3)(a) of SLEP 2012 is the same as the language used in clause 6 of SEPP 1, the principles contained in *Wehbe* are of assistance to this clause 4.6 variation request. The five methods outlined in *Wehbe* include:

- *The objectives of the standard are achieved notwithstanding non-compliance with the standard (First Method).*



- *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Method).*
- *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Method).*
- *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Method).*
- *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Method).*

The First Method, in establishing that compliance with a development standard is unreasonable or unnecessary, is relevant to this matter.

### 5.1.1 The underlying objectives or purposes of the development standard

The objectives of the Height of Buildings development standard are specified in Clause 4.3 of SLEP 2012 as follows:

- (a) *To ensure the height of development is appropriate to the condition of the site and its context,*
- (b) *To ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,*
- (c) *To promote the sharing of views outside Central Sydney,*
- (d) *To ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,*
- (e) *In respect of Green Square –*
  - i. *To ensure the amenity of the public domain by restricting taller buildings to only part of a site, and*
  - ii. *To ensure the built form contributes to the physical definition of the street network and public spaces.*

### 5.1.2 The underlying objectives of the standard are achieved notwithstanding non-compliance with the standard (Wehbe – First method)

**Objective (a) To ensure the height of development is appropriate to the condition of the site and its context.**

The proposed height variation will not detract from the condition and character of the site and its context. The height variation is concentrated in a small section of Rosebery Park with a blanket 3-metre height limit. This is in contrast to the 15m, 18m, 22m, and 24m building height limits surrounding the park. The proposed 7.5cm

variation is very minor and appropriately maintains the intended height contrast between the open space of the proposed APT services and the surrounding medium- to high-rise mixed-use buildings that frame the open space.

**Objective (b) To ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas.**

The site is not in proximity to any heritage conservation areas or special character areas. However, the site is located within the vicinity of a local heritage item situated approximately 50 metres south, known as the 'Former Wrigley's Factory'.

The proposed building height is respectful of and leads to a largely imperceptible change to the existing height transitions in place in the vicinity; maintaining a low height around Rosebery Park in contrast to the 15m, 18m, 22m, and 24m building height limits surrounding and framing the park. The variation will not detract from the aesthetic, historical significance, or views of the heritage item.

**Objective (c) To promote the sharing of views outside Central Sydney.**

The proposed variation is not of a height nor located in a manner that will obstruct private view corridors from surrounding mixed-use residential flat buildings to the surrounding landscape or to Rosebery Park.

**Objective (d) To ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas.**

The proposal is located within the Green Square Locality (Locality and Site Identification Map, Sheet 018) and approximately 900m southeast of the Green Square Town Centre. In the context of the surrounding built form, the proposed variation will continue to provide an appropriate transition in height and scale to adjoining areas. The proposed height is well below that of the aforementioned height controls of surrounding buildings and offers an appropriate transition from the taller residential flat buildings to the open space in Rosebery Park.

**Objective (e) in respect of Green Square—**

**(i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and**

**(ii) to ensure the built form contributes to the physical definition of the street network and public spaces.**

The proposal (and variation in the height control of 7.5cm) would maintain public domain amenity of North Rosebery Park, and also maintain the physical definition between the street network and public spaces network.

Overall, with regard to CI 4.6(3)(a), the variation requested is so minor that rigid application of the standard would unreasonably prevent the provision of a beneficial public amenity in a location identified by Council as suitable for this purpose.

## 5.2 CI 4.6(3)(b) - Are there sufficient environmental planning grounds to justify contravening the development standard?

The environmental planning grounds justifying contravention of the development standard are outlined below.

### 5.2.1 City of Sydney Street Furniture and Outdoor Media Services Agreement

The proposed Automated Public Toilet (APT) has been architecturally designed by Grimshaw Architects to create a clean contemporary appearance, forming one of several new APTs to be installed across the City of Sydney in accordance with the *City of Sydney Street Furniture and Outdoor Media Services Agreement* between the City and QMS Media. The design and appearance of the new suite of street furniture has been subject of a rigorous process addressing all aspects of design, function, meeting necessary *Disability Discrimination Act* (DDA) and Australian Standards (AS). Without revisiting every aspect of the design, functioning, DDA and AS compliance, it is not practical to redesign the APT for this location to reduce the height to achieve strict Height of Building compliance.

It is also not possible to set the structure further into the ground. Given the requirements to achieve accessible wheelchair access to the APT, incorporating a step or ramp makes this option impractical.

### 5.2.2 To promote good design and amenity of the built environment

The proposed height variation will not result in adverse amenity impacts to the built environment, including the surrounding public domain and private properties. The proposal is of an insufficient height to overshadow surrounding residential units, which are elevated above ground floor retail uses.

Furthermore, any potential increased overshadowing cast to the east on Rosebery Park in the late afternoon due to the 7.5cm exceedance will be negligible. Further, given that the APT is substantially lower in height than the existing mixed-use residential building sited across Confectioners Way to the west, it is likely to fall within the shadow envelope of the aforementioned building and thus the exceedance will not cast any significant additional shadows of its own across North Rosebery Park.

### 5.2.3 Absence of Adverse Environmental Impacts

The very minor non-compliance with the development standard does not result in any adverse environmental planning impacts.

Specifically, the proposal:

- Will not impact the surrounding street network or pedestrian movement patterns;
- Provides minimal overshadowing impacts that do not affect sensitive residential uses;
- Provides any accessible community facility for all members of the public;
- Does not materially or adversely impact the visual amenity of the area; and

- Provides an appropriate built form and massing outcome.

For the reasons discussed above, and in relation to CI 4.6(3)(b) there are sufficient environmental planning grounds to justify the contravention to the development standard in the circumstances of the case.

## 5.3 Clause 4.6(4)(a)(i) – The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

### 5.3.1 Consistency with the objectives of the development standard

The proposed development is consistent with the objectives of the Height of Buildings development standard for the reasons discussed in **section 5.1.2** of this report.

### 5.3.2 Consistency with the MU1 Mixed Use zoning

The site located within the MU1 Mixed Use zone. As outlined below, the proposed development is in the public interest because it is an ancillary community facility which will support and be consistent with all objectives of the zone, including notably:

- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling.*
- *To ensure uses support the viability of nearby centres.*

This is expanded as follows:

#### **To contribute to vibrant, diverse and functional streets and public spaces**

The proposed development contributes to the existing mixture of compatible land uses by providing a highly accessible public amenity for all members of the public outside of their homes – particularly pedestrians using the street and those using North Rosebery Park as a public recreational and space.

It is important in providing a functional asset for the welfare needs of a wide range of the local population, including families; mature aged adults; people with disabilities, including people living with incontinence; visitors; and people working outdoors.

Additionally, the proposed development is compatible with the recreational land use provided in Rosebery Park by providing amenity for the park's diverse user group such as joggers, walkers and cyclists, and by supporting prolonged visitation by families and the elderly.

***To integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling***

The proposed development is located such that it is integrated with surrounding local retail, residential and recreational uses, which will encourage active modes of travel such as walking and cycling.

***To ensure uses support the viability of nearby centres***

The proposal contributes to the liveability of the local area, allowing for city living that supports active travel, shopping, and recreational activities in the precinct. It will not detract from the commercial or residential viability of the local area, or Green Square town centre.

## 6 Secretary's concurrence

Under Clause 4.6(5) of SLEP 2012, the Secretary's concurrence is required prior to granting consent to a variation. Consistent with Clause 55 of the *Environmental Planning and Assessment Regulation 2021*, the Secretary has given written notice to each consent authority (dated 21 February 2018), that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under Clause 4.6, subject to the conditions in the table in the notice.

Planning Circular PS 20-002, issued on 5 May 2020, outlines the conditions for assuming concurrence. The Planning Circular establishes that all consent authorities may assume the Secretary's concurrence under Clause 4.6 of the *Standard Instrument (Local Environmental Plans) Order 2006* with some exceptions. SLEP 2012 is a standard instrument LEP and accordingly, the relevant consent authority may assume the Secretary's concurrence in relation to Clause 4.6(5).

Under the Planning Circular this assumed concurrence is subject to conditions. Where the development contravenes a numerical standard by greater than 10%, the Secretary's concurrence may not be assumed by a delegate of council unless the Council has requested it. The variation to the clause in this case is 2.5% and accordingly the Secretary's concurrence can be assumed.

### 6.1 Clause 4.6(5)(a): any matters of significance for state or regional environmental planning

The very minor contravention of the Height of Buildings development standard does not raise any matter of State or regional planning significance. The proposed variation will not contravene any overarching State or regional objectives or standards.

### 6.2 Clause 4.6(5)(b): any public benefit of maintaining the development standard

There is no public benefit in maintaining the development standard in this instance. As addressed in this variation request, the non-compliance is exceptionally minor in nature and continues to respond to the surrounding urban context.

Strict compliance with the Height of Buildings development standard would encumber the community benefits capable of being provided by the proposal, including:

- Improvement to the amenity of the streetscape and public domain by way of introducing an accessible community facility; and
- A scale of development that positively responds to the scale of existing and future developments surrounding the site, which are earmarked to support high-density mixed-use and residential buildings; and
- A scale appropriate for the site's MU1 Mixed Use zoning.

### 6.3 Clause 4.6(5)(b): other matters required to be taken into consideration before granting concurrence

Other than those identified above, there are no further matters that the Secretary (or consent authority under delegation) must consider before granting concurrence.

## 7 Conclusion

This written request is for a variation to the Clause 4.3 Height of Buildings development standard under Clause 4.6 of SLEP 2012. The request justifies the contravention of the development standard in the terms required under Clause 4.6 of SLEP 2012.

The variation requested is very minor and is an exceedance of the current height control by only 7.5 cm or 2.5%.

This request demonstrates that in the circumstances of the case compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravention to the development standard.

This Clause 4.6 Variation Request demonstrates that, notwithstanding the non-compliance, the proposed development:

- Is consistent with the objectives of the *Environmental Planning and Assessment Act 1979* (EP&A Act);
- Is consistent with, and achieves the objectives of the Height of Buildings development standard set out under Clause 4.3 of *SLEP 2012*;
- Is consistent with the objectives of the MU1 Mixed Use zone under *SLEP 2012*;
- Does not raise any matter of State or regional planning significance;
- Will deliver a development that is appropriate for its context, despite the numerical breach to the development standard, with sufficient environmental planning grounds to justify the variation; and
- Is therefore in the public interest.

Consistent with the aim of Clause 4.6 to provide an appropriate degree of flexibility to achieve better outcomes for and from development, the contravention of the development standard is appropriate under the circumstances.

In affording the proposal this flexibility, the proposal will facilitate public benefits, including the provision of an accessible community facility in a mixed-use urban environment and an enhanced public domain capable of supporting the welfare needs of a diverse user base.



# **Attachment D**

## **Urban Design Analysis**

# APT Urban Design Report

07 June 2023  
Rev. 06

Date	Description	Reason for Issue	Report Revision No.	Format
18/10/22	First issue - Crewe Place (A1019) and Cowper Wharf Road (A1020)	For review	00	A3
24/10/22	<ul style="list-style-type: none"> <li>Second issue - Crewe Place (A1019) and Cowper Wharf Road (A1020)</li> <li>First issue - Erskineville Square (A1016), Boomerang Place (A1024), Dowling Street (A1028) and Castlereagh Street (A1027)</li> </ul>	<ul style="list-style-type: none"> <li>For submission - Crewe Place adjacent heritage item annotated; Cowper Wharf Rd adjacent heritage item annotated, APT type changed to Double with 2 digital ad panels and one green wall as per QMS request</li> <li>For review - Erskineville Square, Boomerang Place, Dowling Street and Castlereagh Street</li> </ul>	01	A3
31/10/22	Third issue	Minor amendments and updates	02	A3
9/11/22	Fourth Issue	Minor amendments and updates	03	A3
16/11/22	Fifth Issue	Minor amendments and updates	04	A3
12/12/22	Sixth Issue	Minor amendments and updates	05	A3
07/06/23	Seventh Issue	Response to Planning Assessment	06	A3

# Content

## **Crewe Place (A1019)**

1. Overview - Public Toilet Network Map
2. Investigation/Explanation of Siting
3. APT Site Plan
4. APT Location Setout
5. Impact on Landscaping
6. Visual Impact and Clutter
7. Key Views
8. Response to Planning Assessment

## **Cowper Wharf Road (A1020)**

1. Overview - Public Toilet Network Map
2. Investigation/Explanation of Siting
3. APT Site Plan
4. APT Location Setout
5. Impact on Landscaping
6. Visual Impact and Clutter
7. Key Views
8. Response to Planning Assessment

## **Erskineville Square (A1016)**

1. Overview - Public Toilet Network Map
2. Investigation/Explanation of Siting
3. APT Site Plan
4. APT Location Setout
5. Impact on Landscaping
6. Visual Impact and Clutter
7. Key Views
8. Response to Planning Assessment

## **Boomerang Place (A1024)**

1. Overview - Public Toilet Network Map
2. Investigation/Explanation of Siting
3. APT Site Plan
4. APT Location Setout
5. Impact on Landscaping
6. Visual Impact and Clutter
7. Key Views
8. Response to Planning Assessment

## **Dowling Street (A1028)**

1. Overview - Public Toilet Network Map
2. Investigation/Explanation of Siting
3. APT Site Plan
4. APT Location Setout
5. Heritage
6. Impact on Landscaping
7. Visual Impact and Clutter
8. Key Views
9. Response to Planning Assessment

## **Supporting Documentation**

07 June 2023

# Crewe Place

## APT no. A1019



# Content

## **Crewe Place (A1019)**

1. Overview - Public Toilet Network Map
2. Investigation/Explanation of Siting
3. APT Site Plan
4. APT Location Setout
5. Impact on Landscaping
6. Visual Impact and Clutter
7. Key Views
8. Response to Planning Assessment

# Overview - Public Toilet Network Map

## Crewe Place

SLEP 2012 6.21C (2)(a), (b) and (d)(iii)  
and Section 3.13.1 of SDCP 2012

### APT Number A1019

- Rosebery Park, Crewe Place Opposite Primrose Avenue
- Development application: 9A Rosebery Avenue, ROSEBERY NSW 2018; Reference No: D/2022/306
- **This location at North Rosebery Park was endorsed by City of Sydney Environment Committee, October 2022**




### Comments by City of Sydney Program Manager, Urban Design:

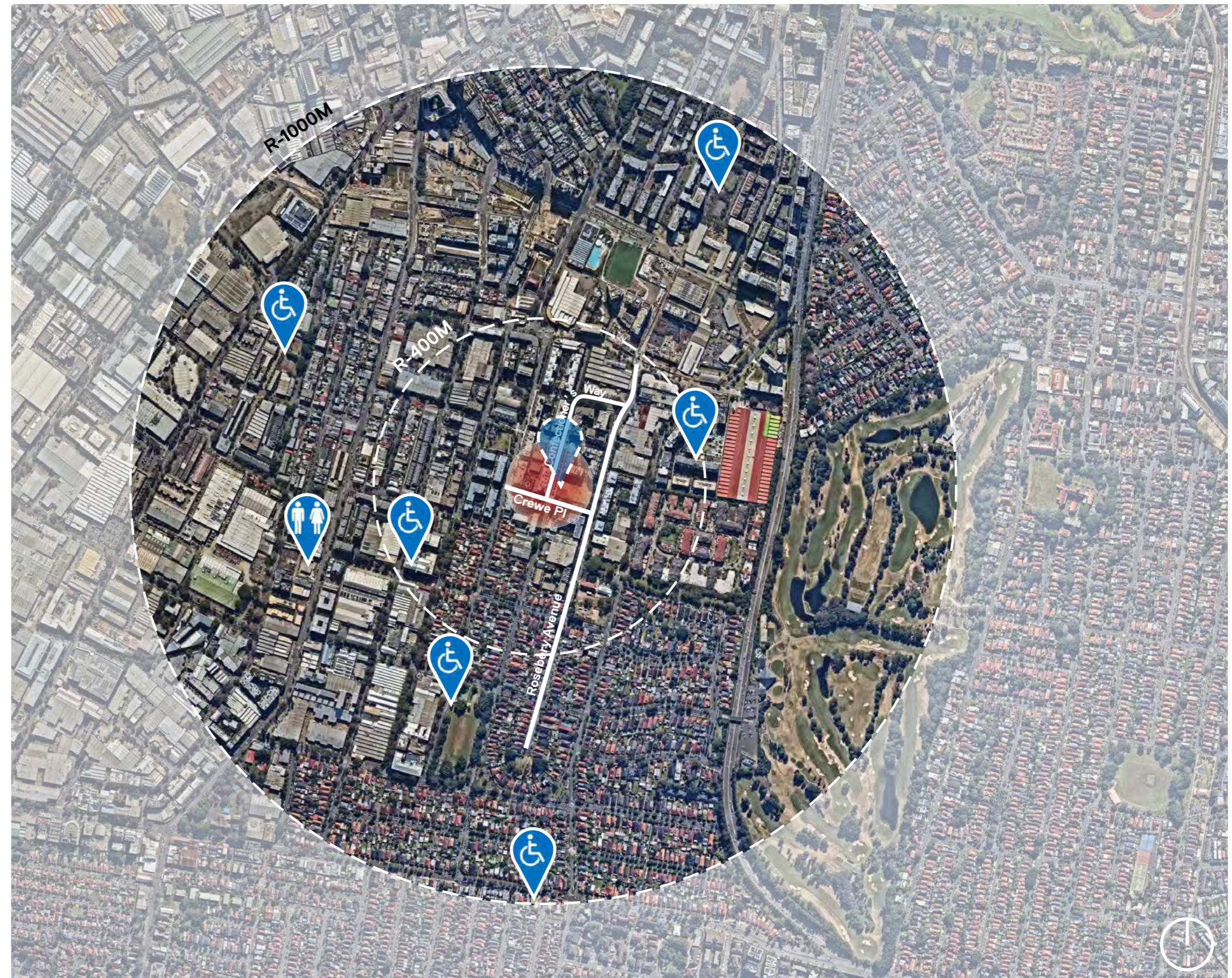
#### → Siting Options

North Rosebery is a residential suburb of detached houses, some light industrial / commercial property and medium density residential apartment buildings. The need for an APT in this area is driven by the redevelopment of North Rosebery Park. Designed by Gallagher Studio, the park will provide a safe and accessible meeting place for the community and will contain much needed children's play space. The proposed APT is ideally situated adjacent to the park and play area. The proposed location has been coordinated with the landscape design to meet CPTED principles. Alternative locations (on residential or commercial streets) were discounted as inappropriate. The co-location of toilet facilities with public parks is a well-established principle of good planning. This will be the main park and playground in this area, and an APT here will be in high demand.

#### → Anti-Social

The APT location is opposite busy supermarkets, restaurants, and other commercial shopfronts. This provides excellent passive surveillance as well as regular pedestrian traffic passing the site. A CCTV system is also opposite the proposed location. It is therefore considered that anti-social behaviour is unlikely to occur.

LEGEND :  PROPOSED APT LOCATION  APPROVED APT LOCATIONS  EXISTING PUBLIC TOILET LOCATIONS





# Investigation/Explanation of Siting Crewe Place

## → Lighting Strategy and CCTV

The new park will comply with all relevant statutory requirements for lighting of public places. An existing CCTV system is installed across the road. Given the highly visible location and excellent passive surveillance additional CCTV is not considered necessary.

## → Heritage

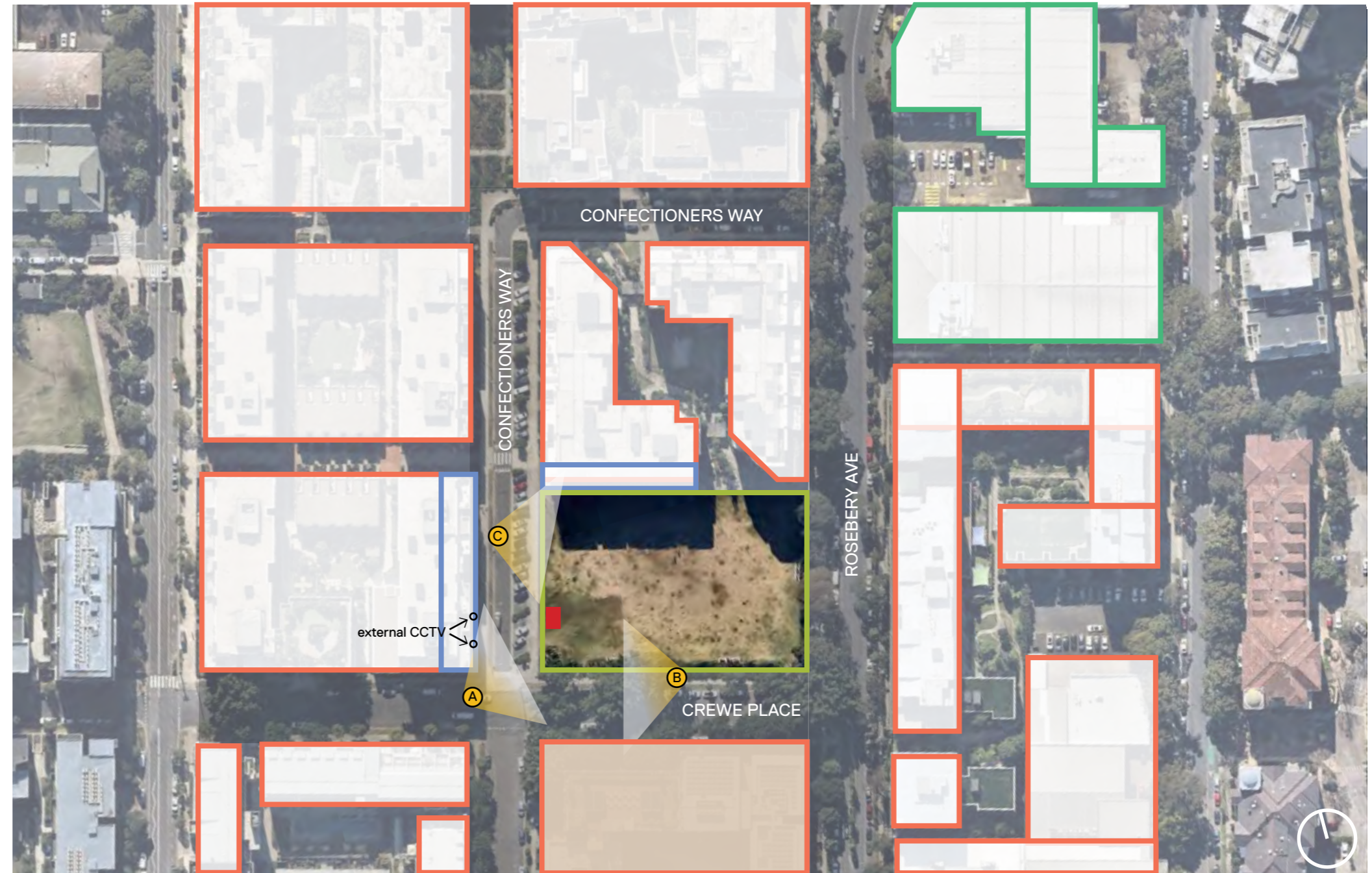
The proposed location is within a new park and there are no heritage items in the vicinity. The APTs and other new street furniture items were designed in Sydney by Grimshaw. Their design development was overseen by The City. Consideration for heritage streetscapes and precincts was discussed with the City and the architects. The City endorsed the contemporary architectural expression and consider it complementary to heritage places and spaces.

## Proposed APT characteristics

- Single left hand (Accessible)
- 3 digital advertising panels
- No green roof
- APT includes baby change facility

## LEGEND :

- RESIDENTIAL
- RETAIL
- INDUSTRIAL
- PARK
- HERITAGE
- APT LOCATION



VIEW A



VIEW B



VIEW C












# APT Site Plan

## Crewe Place

SLEP 2012 6.21C (2)(d)(iii) and (ix)

LEGEND :

 LIGHT POLES	 SEATS	 SIGNAGE
 BINS	 WATER	 PEDESTRIAN FLOW
 SEWER	 PIT	 WALKING SPACE



Source:  
Gallagher Studio Concept Landscape Plan

SITE PLAN 1:200





# Impact on Landscaping

## Crewe Place

81



Existing site conditions



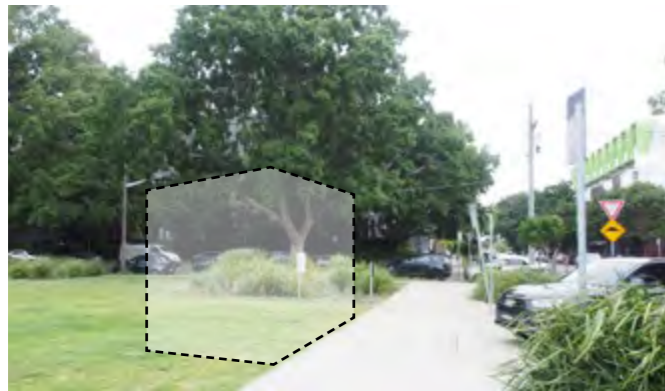
Proposed site conditions

LEGEND

- Existing trees
- Proposed trees

# Visual Impact and Clutter

## Crewe Place



VIEW A



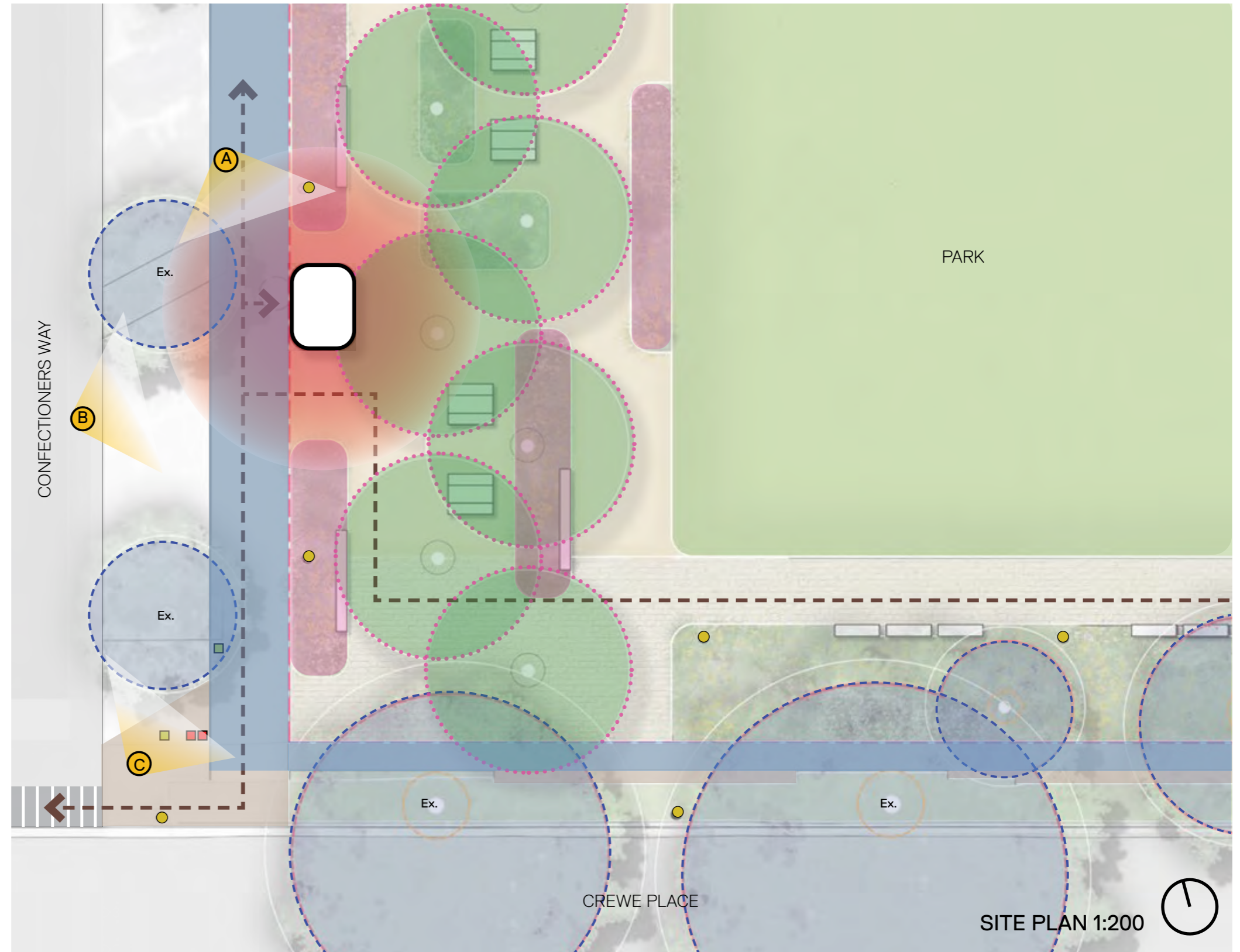
VIEW B



VIEW C

### LEGEND

- |                         |             |
|-------------------------|-------------|
| Indicative APT location | Light poles |
| Existing trees          | Bins        |
| Landscaping             | Sewer       |
| Footpath - Type 3       | Seats       |
| Planting path           | Water       |
| Secondary footpath      | Signage     |
| Proposed APT location   |             |



# Key Views

## Crewe Place

SLEP 2012 6.21C (2)(b), (c) and (d)(x) and (xiii)

VIEW LOOKING SOUTH FROM CONFECTIONERS WAY



VIEW LOOKING NORTH-EAST FROM CONFECTIONERS WAY



# Response to Planning Assessment

## Crewe Place

Following the City of Sydney Planning Assessment, this response seeks to demonstrate other location options and assess why the selected proposed location is preferential.

The following alternative locations were investigated:

### 1. In Sweetacres Park:

Although it would be located close to a playground, Sweetacres Park is an already well-established Park and the placement of an APT would disturb its day-to-day functioning. It would also mean a loss in public green space.

### 2. On Rothschild Avenue, or any other residential or commercial street:

A site located in close proximity to a residential or commercial building is discounted as unsuitable due to the potential impact on residents or business owners' amenities, for example; noise impacts, or increased anti-social behaviour .


This location, where the demand is lower, is also constrained by narrow footpaths and an APT along this roadside would compromise clear and safe access.

### 3. Proposed location, in North Rosebery Park, on the corner of Crewe Place and Confectioners Way:

The proposed location for the APT is ideally situated adjacent to the park and play area in a higher demand area. It has been coordinated with the landscape design to meet CPTED principles. The APT location is opposite busy supermarkets, restaurants, and other commercial shopfronts. This provides excellent passive surveillance as well as regular pedestrian traffic passing the site. A CCTV system is located on the opposite side of the road.



KEY:

 Alternative considered location

 Proposed Location





1. On Sweetacres Park



2. On Rothschild Avenue



3. Proposed location, in North Rosebery Park, on the corner of Crewe Place and Confectioners Way



# Supporting Documentation

# Reference Documentation

## **As attached:**

- City of Sydney – Local Planning Panel Meeting Minutes (Meeting No 67, 27.04.22)
- Automated Public Toilets Location Study - The City (June 2022)
- City of Sydney Request for Information (5.08.22, Development Application: 9A Rosebery Avenue, Rosebery NSQ 2018, Reference No.: D/2022/306)
- Project Scope - North Rosebery Park and Green Link (Licorice Allsorts Park and Honeykiss Park), File No: X022419.003
- North Rosebery Park and Green Link Developed Concept Development - Attachment B (Gallagher Studios)
- City of Sydney Request for Information and UD Analysis (4.08.22, Development Application: 5020 Sydney Place, Woolloomooloo NSW 2011, Reference No.: D/2022/431)
- Assessment of potential heritage impacts - City Plan Heritage P/L (18 May 2022)
- Arboricultural Impact Assessment Report & Tree Protection Plan and Specification Report - Moore Trees (21 April 2022)

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## **Additional Relevant Reference Materials:**

- Transport for NSW Walking Space Guide (July 2020)
- City of Sydney Public Toilet Strategy (- 2013 460160 02 Policy Attachment C)
- National Public Toilet Map <https://toiletmap.gov.au/>





## Item 6.

### Report to the Local Planning Panel - Status of Applications

File No: X019228

#### Summary

The purpose of this report is to inform members of the Local Planning Panel (LPP) of the current applications under assessment that are to be reported to the LPP, applications that have been previously determined by the LPP and have been subject to modification applications, and of appeals relating to LPP applications.

Attachment A contains a list of applications due to be determined by the LPP. This list includes the application reference number, address of proposal, the description of the proposal, the target meeting date, and the reason why the application is referred to the LPP for determination.

Attachment B contains a summary of Land and Environment Court appeal information relating to applications determined by the LPP or appeals relating to deemed refusals of applications that would have been determined by the LPP.

Attachment C contains a list of applications for modifications lodged in the fourth quarter of 2022/23 on previous LPP approvals.

#### Recommendation

It is resolved that the subject report be received and noted.

#### Attachments

- Attachment A.** Applications to be Reported to the Local Planning Panel.
- Attachment B.** Appeals Related to the Local Planning Panel
- Attachment C.** List of Modification Applications Lodged on Local Planning Panel Approvals

## **Background**

1. There are currently 42 applications lodged with the City that are to be considered and determined by the Local Planning Panel including two modification applications. These applications are listed in Attachment A. The application list is sorted by target meeting date.
2. Attachment B details Land and Environment Court appeals that relate to Local Planning Panel decisions or applications that were due to be determined by the Local Planning Panel but were subject to a deemed refusal appeal.
3. Attachment C lists modification applications relating to Local Planning Panel approvals lodged in the fourth quarter of 2022/23. There were nine modification applications lodged, two remain under assessment.

## **Relevant Legislation**

4. Environmental Planning and Assessment Act 1979

## **ANDREW THOMAS**

Executive Manager, Planning and Development

James Farrar, Information and Systems Officer



# **Attachment A**

**Applications to be Reported to the Local  
Planning Panel**

## Applications to be reported to the Local Planning Panel

Application number	Address	Description	Meeting target	Reason for LPP determination
D/2020/1071/C	56-78 Oxford Street DARLINGHURST NSW 2010	Section 4.55(2) modification of consent for a mixed use development. Proposed changes include internal amendments including floor level adjustments and reconfiguration, shopfront modifications, minor roof change to accommodate a new internal lift core, and new and modified external openings, including deletion of an approved loading dock.	30/08/2023	Conflict of interest
D/2017/582/A	357 Glebe Point Road GLEBE NSW 2037	Section 4.56 modification of Land and Environment Court concept approval to modify the building envelope to be consistent with the detailed development application D/2021/711.	30/08/2023	Contentious development
D/2021/711	357 Glebe Point Road GLEBE NSW 2037	Detailed design for the demolition of the existing MRC building, remediation, construction of a 3 to 7 storey residential flat building containing 56 apartments, 7 x 2 storey terraces, shared basement over 3 levels with associated car parking, landscape works, tree removal, use of Bidura House Group as a single residence, conservation works with new garage and amendment to curtilage, and public domain improvements to Ferry Lane for footpath widening and land dedication. The application is Integrated Development, requiring approval from Heritage NSW under the Heritage Act 1977. The application is being assessed concurrently with concept modification D/2017/582/A.	30/08/2023	Sensitive development SEPP 65 and contentious development
D/2022/1248	5050 Cowper Wharf Roadway WOOLLOOMOOLOO NSW 2011	Installation of new automated public toilet (APT) and associated digital advertising signage.	6/09/2023	Conflict of interest

Application number	Address	Description	Meeting target	Reason for LPP determination
D/2022/306	9A Rosebery Avenue ROSEBERY NSW 2018	Installation of new automated public toilet (APT) and associated digital advertising signage panels in Rosebery Park.	6/09/2023	Conflict of interest
D/2022/431	5010 Sydney Place  WOOLLOOMOOLOO NSW 2011	Installation of new automated public toilet (APT).	6/09/2023	Conflict of interest
D/2023/55	644 George Street SYDNEY NSW 2000	Alterations to use tenancies 10.41 and 11.05 of World Square as a nightclub, karaoke bar and licensed food and drink premises. Proposed indoor trading hours of the nightclub and karaoke bar are 8.00pm to 3.00am (the following day) and the licensed food and drink to operate from 11.00am, Monday to Sunday. The proposed outdoor trading hours are 11.00am to 1.00am (the following day), Monday to Sunday.	30/08/2023	Sensitive development - new licensed premises
D/2022/1278	50 Bray Street ERSKINEVILLE NSW 2043	Demolition of existing buildings and construction of three dwellings, with subdivision of land into three lots.	20/09/2023	Departure from development standards
D/2022/600	272-276 Cleveland Street SURRY HILLS NSW 2010	Substantial demolition of existing buildings on site and construction of a part-4 and part-5 storey commercial development, comprising ground level retail and commercial office above. The proposal involves excavation to create a two level basement providing 29 car parking spaces and services, in addition to associated landscaping and earthworks.	20/09/2023	Departure from development standards
D/2022/831	349 Liverpool Street DARLINGHURST NSW 2010	Demolition of the existing residential flat building, tree removal, excavation and construction of a new residential flat building with 7 storeys, 3 basement levels, 15 car parking spaces, 14 apartments, rooftop communal and private open space, and associated landscape works.	20/09/2023	Sensitive development SEPP65

Application number	Address	Description	Meeting target	Reason for LPP determination
D/2023/228	82-106 Oxford Street DARLINGHURST NSW 2010	Alterations to levels 1 to 4 as commercial offices	20/09/2023	Conflict of interest
D/2023/403	545-549 South Dowling Street SURRY HILLS NSW 2010	Demolition of existing structures and construction of a four storey residential flat building for affordable housing.	20/09/2023	Departure from development standards
D/2023/71	28-30 Bayswater Road POTTS POINT NSW 2011	Alterations and additions to existing buildings including the heritage listed terrace group at 28-30 Bayswater Road, demolition of various buildings and structures, and construction of a mixed-use development comprising commercial, retail and residential uses, and new off-street parking. The application is Integrated Development requiring the approval of WaterNSW under the Water Management Act 2000.	20/09/2023	Sensitive development SEPP65
D/2022/1359	19-21 Buckland Street CHIPPENDALE NSW 2008	Demolition of existing warehouse interior and construction a commercial building with retention of existing facade.	20/09/2023	Departure from development standards
D/2021/893	28-30 Orwell Street POTTS POINT NSW 2011	Alterations and additions to the existing building including new basement levels, for a mixed use development. The proposed uses include a hotel with 63 rooms; cafe with hours of operation between 7.00am – 12.00 midnight, Mondays to Sundays inclusive; entertainment facility, restaurant and bar with hours of operation between 7.00am – 2.00am the following day, Mondays to Sundays inclusive; and small bar with hours of operation between 7.00am – 3.00am the following day, Mondays to Sundays inclusive. The application is Integrated Development requiring the approval of Heritage NSW under the Heritage Act 1977, and from Water NSW under the Water Management Act 2000.	11/10/2023	Departure from development standards

Application number	Address	Description	Meeting target	Reason for LPP determination
D/2023/349	5 Victoria Road GLEBE NSW 2037	Alterations and additions to existing dwelling, and construction of a new dwelling to create a dual occupancy (detached).	11/10/2023	Departure from development standards
D/2022/998	142 Victoria Street POTTS POINT NSW 2011	Construction of mixed use development including terrace houses with apartments and ground floor retail space.	1/11/2023	Departure from development standards
D/2023/5	48 Victoria Street BEACONSFIELD NSW 2015	The amended application involves demolition of existing dwelling, construction of a three storey dwelling with rear garage and studio above. A public benefit offer has been made with the amended application, relating to additional floor space in the Green Square locality.	11/10/2023	Sensitive development VPA
D/2023/50	46 Victoria Street BEACONSFIELD NSW 2015	The amended application involves demolition of existing dwelling, construction of a three storey dwelling with rear garage and studio above. A public benefit offer has been made with the amended application, relating to additional floor space in the Green Square locality.	11/10/2023	Sensitive development VPA
D/2022/1107	107-109 Darlinghurst Road POTTS POINT NSW 2011	Alterations and additions to an existing mixed use building, including two additional levels; consisting of a backpacker hostel over 5 levels and some small retail tenancies at street level arcade.	11/10/2023	Departure from development standards
D/2022/1332	56 Allen Street GLEBE NSW 2037	Demolition of existing dwelling and construction of new dwelling with garage and swimming pool.	11/10/2023	Departure from development standards
D/2022/677	145-151 Cleveland Street DARLINGTON NSW 2008	Alterations and additions to commercial development, including demolition works, retention of building structure and construction of two additional levels.	11/10/2023	Departure from development standards

Application number	Address	Description	Meeting target	Reason for LPP determination
D/2022/792	51-53 Wells Street REDFERN NSW 2016	Alterations and additions to residential development including secondary dwelling.	11/10/2023	Contentious development
D/2023/21	82 Wentworth Park Road GLEBE NSW 2037	Demolition of existing buildings, tree removal, and construction of a four storey residential flat building for 43 affordable housing dwellings.	11/10/2023	Sensitive development SEPP65
D/2023/292	31A Alfred Street SYDNEY NSW 2000	Demolition of existing canopy structures and construction of two new single-storey pavilions on the eastern and western sides of Customs House Square, with associated signage zones. The pavilions are proposed to be used for outdoor seating areas in association with a food and drink premises that will occupy the ground floor tenancies of the adjacent Customs House (subject to separate approval).  The hours of operation sought for the use of the pavilions is between 9.00am - 12.00 midnight, Mondays to Sundays inclusive on a permanent basis. Extended operating hours between 12.00 midnight - 2.00am the following day on Thursdays, Fridays and Saturdays and New Year's Day is sought on a trial period basis.	11/10/2023	Conflict of interest
D/2023/445	86-90 Bay Street ULTIMO NSW 2007	Construction of a six storey commercial building, including ground floor retail tenancy.	11/10/2023	Departure from development standards
D/2022/1343	5-19 Mary Street SURREY HILLS NSW 2010	Construction of mixed use development including commercial, the Salvation Army office, residential flats and co-living housing.	11/10/2023	Sensitive Development SEPP65
D/2023/243	898 Elizabeth Street ZETLAND NSW 2017	Subdivision of land. Construction of a new dwelling sited above a garage at the rear of the site, and alterations and additions to existing residential dwelling.	11/10/2023	Departure from development standards

Application number	Address	Description	Meeting target	Reason for LPP determination
D/2023/273	273 Lawrence Street , ALEXANDRIA NSW 2015	Alterations and additions to residential dwelling, including a new secondary dwelling above garage and a swimming pool	11/10/2023	Departure from development standards
D/2023/267	132-138 McEvoy Street ALEXANDRIA NSW 2015	Demolition of existing structures and construction of a 4 storey mixed use building comprising of commercial premises and storage premises with parking and loading facilities, signage and landscaping.	1/11/2023	Sensitive development. VPA
D/2022/1251	95 Macleay Street POTTS POINT NSW 2011	Demolition of existing building and construction of six (6) storey shop top housing development including basement, ground floor commercial, and residential uses above.	01/11/2023	Sensitive development. SEPP65 and Contentious development
D/2022/961	20-26 Bayswater Road POTTS POINT NSW 2011	Alterations and additions to the Mansions Terrace Group for a mixed-use development comprising commercial and residential uses	01/11/2023	Departure from development standards
D/2022/1021	11 Collins Street BEACONSFIELD NSW 2015	Alterations and additions to existing industrial buildings for reuse as commercial premises including a Public Benefit Offer to provide a monetary contribution for the provision of community infrastructure in Green Square.	22/11/2023	Sensitive development VPA
D/2022/1334	73-75 Parramatta Road CAMPERDOWN NSW 2050	Demolition of existing buildings and construction of a 7 and 5 storey mixed use development with 2 basement levels for one retail tenancy and co-living housing for 113 units. Proposed trading hours of the retail tenancy are between 7.00am and 12.00 midnight, 7 days per week.	22/11/2023	Departure from development standards
D/2022/1363	61-63 Macleay Street POTTS POINT NSW 2011	Significant demolition of, and alterations and additions to the existing building, including excavation and construction of a new basement level, new ground floor extension, two storey addition, ground floor restaurant with hours of	22/11/2023	Departure from development standards and contentious

Application number	Address	Description	Meeting target	Reason for LPP determination
		operation between 7.00am and 1.00am the next day, Monday to Sunday inclusive, and hotel accommodation at levels 1-4.		
D/2022/1367	23-25 Doody Street ALEXANDRIA NSW 2015	Alterations and additions to an existing 4 storey warehouse building to provide access to and use of rooftop terrace.	22/11/2023	Departure from development standards
D/2023/375	4-4A Barncleuth Square ELIZABETH BAY NSW 2011	Demolition of structures, construction of a 5 storey residential flat building containing 9 apartments, with 2 basement levels and vehicle access from Amos Lane.	22/11/2023	Sensitive development SEPP65
D/2023/388	12-18 Stokes Avenue ALEXANDRIA NSW 2015	Demolition of the existing warehouse at 18 Stokes Avenue and construction of a new 5-storey office building with basement car parking.	22/11/2023	Sensitive development VPA
D/2023/702	9-13 Hay Street HAYMARKET NSW 2000	Food and drink premises (food markets) within Paddy's Markets. Proposed trading hours are 7.30am to 12.00 (midnight) Monday to Saturday, and 7.30am to 10.00pm Sundays.	22/11/2023	Contentious development
D/2023/721	134-136 Botany Road ALEXANDRIA NSW 2015	Demolition of existing structures and construction of 6 storey commercial	13/12/2023	Sensitive development. VPA
D/2023/535	70-74 O'Riordan Street ALEXANDRIA NSW 201	Demolition of an existing building, excavation and construction of a 4-storey commercial building over a basement.	13/12/2023	Departure from development standards



Application number	Address	Description	Meeting target	Reason for LPP determination
D/2023/682	375-387 Cleveland Street REDFERN NSW 2016	Demolition of existing structures and erection of a 3 storey commercial building	07/02/2024	Departure from development standards

List is current as at 22/08/2023

## Applications Previously Reported now Withdrawn or Delegated

Application number	Address	Description	Note
D/2023/36	278 Palmer Street DARLINGHURST NSW	Alterations to use premises as a gym, including new signage. Proposed trading hours are: 5am - 12.30pm and 4pm - 7.30pm, Monday to Friday (inclusive); and 6am - 9am, Saturdays	Withdrawn
D/2022/799	83 Bourke RoadALEXANDRIA NSW 2015	Demolition of existing buildings, construction of new buildings and weighbridges, and use of the site as a waste management facility, handling general solid waste from the construction industry (non-putrescible and not including asbestos materials). Landscaping and public art are proposed. Proposed operating hours are between 7:00am and 6:00pm, Monday to Saturday, with no work on Sunday or public holidays.	Withdrawn
D/2020/1288/A	38-44 Mountain Street ULTIMO NSW	Section 4.55(2) modification of consent including internal reconfigurations and external changes relating to building access, lift overrun and materials and colours, and rooftop additions including storage room, solar panels, cooling tower, trees and amenities.	Determined under delegation
D/2019/1470/A	274-276 Glebe Point Road GLEBE NSW	S4.55(2) - Modification of consent to approved boarding house to include a reduction in rooms and associated works.	Determined under delegation
D/2022/998	142 Victoria Street POTTS POINT NSW 2011	Construction of mixed use development including terrace houses with apartments and ground floor retail space.	Withdrawn

List is current as at 22/08/2023

# **Attachment B**

## **Appeals Related to the Local Planning Panel**

## Appeals Related to the Local Planning Panel

New appeals filed				
Application number	Address	Description	Appeal date	Status
No new LPP related appeals received				

Ongoing appeals				
D/2021/1491	25-27 Dunning Avenue ROSEBERY	Conversion to five storey commercial development with three additional floor levels, outdoor terraces and 10 car parking spaces.	14/02/2023  Appeal 188 days after LPP refusal	S34 conciliation conference adjourned to 23/8/23.
D/2022/476	23A Hickson Road MILLERS POINT	Designated Development application for the installation of a mooring facility with associated services and access ramps. The application is an Integrated DA requiring approval under the Heritage Act 1977, Fisheries Management Act 1994 and Water Management Act 2000.	29/07/2022  Appeal on day 66 of assessment	S34 conference adjourned for online court communication on 17/8/23.
D/2022/643	41-45 Erskine Street SYDNEY	Demolition of existing building on site and construction of a new seventeen storey residential flat building with 14 apartments and nine basement levels.	21/11/2022  Appeal on day 147 of assessment	Listed for hearing 29/9/23 to 5/10/23.
D/2022/456	1 Onslow Place ELIZABETH BAY	Demolition of existing building on site and construction of a new seven storey residential flat buildings comprising 6 dwellings and two basement levels. The application is Integrated Development requiring the approval of Water NSW under Water Management Act, s90(2).	22/12/22  Appeal filed on day 220 of assessment	Section 34 agreement filed. Judgment reserved.

Completed appeals				
Application number	Address	Description	Appeal date	Status
D/2021/304	93-105 Quay Street HAYMARKET	Alterations and additions to existing building and change of use to a boarding house and retail premises.	8/07/2021  Appeal on day 100 of assessment	Section 56A appeal against the decision of Commissioner.  Appeal upheld 25/07/2023
D/2022/199	20-28 Munni Street NEWTOWN	Construction of childcare centre	15/09/2022  Appeal on day 184 of assessment	Appeal upheld 27/07/2023
D/2021/1445	34 Pirrama Road PYRMONT  26-28 Pirrama Road PYRMONT	Amending DA to include an additional use for a function centre for maximum of 130 persons. Proposed hours of operation are 7.00am to 10.00pm seven days per week with a trial period from 10.00pm to midnight for 12 months.	21/10/2022  Appeal 9 days after LPP refusal	Appeal upheld 14/07/2023

List current as at 07/08/2023

# **Attachment C**

**List of Modification Applications Lodged on  
Local Planning Panel Approvals**

## List of Modification Applications Lodged on Local Planning Panel Approvals

Application number	Address	Description	Lodgement date	Status	Decision date
D/2020/529/C	74 Rosebery Avenue ROSEBERY NSW 2018	Section 4.55(1A) modification of consent as per the Notice of Modification in relation to modifying Conditions 1, 8, 9, 11, 12, 15, 17, and adding 4 conditions relating to tree protection, pruning, and planting.	05/04/2023	Approved with Conditions	17/04/2023
D/2020/1409/C	634 Botany Road ALEXANDRIA NSW 2015	S4.55(1A) - Modification of consent to amend configuration of substation, adjust Botany Road glazing, reconfigure end of trip facilities, entry lobby and to increase vertical clearance to the driveway/basement entry.	12/04/2023	Approved with Conditions	30/06/2023
D/2020/529/D	74 Rosebery Avenue ROSEBERY NSW 2018	Section 4.55(1A) modification of consent to include new underground water quality treatment units and water quality chamber tank	12/04/2023	Approved with Conditions	09/06/2023
D/2020/529/E	74 Rosebery Avenue ROSEBERY NSW 2018	Section 4.55(1A) modification of consent to include a new awning adjacent to the public entry off Rosebery Avenue	19/04/2023	Approved with Conditions	09/05/2023
D/2018/871/A	11 Birmingham Street ALEXANDRIA NSW 2015	S4.55(1A) modification application to amend the noise attenuation and alternative natural ventilation measures and devices applied in the development and various modifications to facade design.	27/04/2023	Under Assessment	
D/2022/274/B	16-18 Meagher Street CHIPPENDALE NSW 2008	S4.55(1A) - Modification of consent to amend condition 5 "general heritage" and condition 7 "retention and protection of internal features" to reflect changes to internal works methodology	28/04/2023	Approved with Conditions	08/05/2023
D/2020/1387/A	410 Pitt Street HAYMARKET NSW 2000	Section 4.55(2) modification application to amend rooftop plant, internal and external design changes and amendments to materials and finishes	02/05/2023	Under Assessment	
D/2019/1249/E	59-99 Belmont Street ALEXANDRIA NSW 2015	Section 4.55(1A) modification of the existing consent for the construction of a 4-storey residential development with 23 apartments and basement parking.  The modification application involves amending the approved staging of various conditions of consent.	31/05/2023	Approved with Conditions	25/07/2023

D/2020/917/D	21 Missenden Road CAMPERDOWN NSW 2050	S4.56 - Modification to a development consent granted by the NSW Land and Environment Court	27/06/2023	Rejected	12/07/2023
D/2020/529/C	74 Rosebery Avenue ROSEBERY NSW 2018	Section 4.55(1A) modification of consent as per the Notice of Modification in relation to modifying Conditions 1, 8, 9, 11, 12, 15, 17, and adding 4 conditions relating to tree protection, pruning, and planting.	05/04/2023	Approved with Conditions	17/04/2023
D/2020/1409/C	634 Botany Road ALEXANDRIA NSW 2015	S4.55(1A) - Modification of consent to amend configuration of substation, adjust Botany Road glazing, reconfigure end of trip facilities, entry lobby and to increase vertical clearance to the driveway/basement entry.	12/04/2023	Approved with Conditions	30/06/2023