

Item 9.**Development Application: 1B Elizabeth Street, Waterloo**

File No.: D/2018/212

Summary

Date of Submission: 6 March 2018

Applicant: Rudolf Lapan, BGIS (on behalf of the City of Sydney)

Architect: Cooper Construction Services

Owner: City of Sydney

Cost of Works: \$61,750

Proposal Summary: The application seeks consent for alterations to the existing male and female toilets at Waterloo Park and Oval.

The scope of works includes the reconfiguration of toilets, installation of new fixtures, new windows and doors, and the addition of a new pathway to male toilet entrance.

The application is reported to the Local Planning Panel as the land owner of the site is the City of Sydney and the application proposes works to a heritage item.

Waterloo Park and Oval are identified as an item of local heritage significance under SLEP 2012. The toilet block building built in the 1960s is not specifically referenced in the statement of heritage significance.

The scope of work associated with the toilet block and ancillary new hard paving has been assessed by the City's Heritage Specialist as being acceptable and not impacting on the significance of the heritage item.

The proposed development satisfies the provisions of Sydney Local Environment Plan 2012 and Sydney Development Control Plan 2012, and is recommended for approval.

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

- Development Controls:**
- (i) Environmental Planning and Assessment Act 1979 and Regulation 2000;
 - (ii) State Environmental Planning Policy No. 55 - Remediation of Land;
 - (iii) State Environmental Planning Policy (Infrastructure) 2007;
- (i) Sydney Local Environmental Plan 2012
 - (ii) Sydney Development Control Plan 2012

- Attachments:**
- A. Recommended Conditions of Consent
 - B. Selected Drawings

Recommendation

It is resolved that consent be granted to Development Application No. D/2018/212 subject to the conditions set out in Attachment A to this report.

Reasons for Recommendation

The reasons for the recommendation are as follows:

- (A) The proposed development is consistent with section 4.15 of the Environmental Planning and Assessment Act 1979 in that it satisfies the provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012 and for the reasons outlined in the report submitted to the Local Planning Panel;
- (B) The development does not result in any adverse heritage impacts;
- (C) The public interest is served by the approval of an application that improves the quality and safety of the public toilets whilst maintaining and enhancing the surrounding conservation area and the heritage item it is situated within.

Background

The Site and Surrounding Development

1. The site is irregular in shape, with an area of approximately 20,758sqm. It is bounded by McEvoy Street, Pitt Street, Allen Street, and Elizabeth Street.
2. The Waterloo Oval Sportsfield and Waterloo Park are contained within the site. The subject works are to the public toilets, situated at the north-western corner of the site, near the intersection of Pitt Street and McEvoy Street.
3. Development surrounding the site are predominately residential and commercial. To the north of the site, on the opposite side of McEvoy Street, is Our Lady of Mt Carmel Catholic Primary school. To the west of the site, on the opposite side of Pitt Street, are residential apartments and commercial uses.
4. The site is locally listed as a heritage item, but is not within a Heritage Conservation Area.
5. Figures 1 to 5, below, illustrate a site plan and photographs :



Figure 1: Aerial image of subject site and surrounding area. Note toilet block at north-west corner of site.



Figure 2: The site as viewed from McEvoy Street looking towards the Female Toilets



Figure 3: The site viewed from the corner of McEvoy Street and Pitt Street



Figure 4: The site as viewed from the Pitt Street side of building looking towards Male Toilets



Figure 5: The site looking towards the proposed location for new footpath

Proposal

6. The application seeks consent for alterations to the existing public toilets at Waterloo Oval. In detail, the application includes:
 - (a) Internal changes to both male and female toilets including demolition of internal walls, new fixtures and reduction in size of storage room. The works reduce the number of toilet pans in each facility from two (2) to one (1);
 - (b) External works including relocation of male toilet door and new windows to match existing;
 - (c) New footpath to the male toilet entrance;
 - (d) Landscaping on the southern side of the toilet block, including a new path to the Oval and the area near the Port Jackson Fig. No detail or plans have been provided regarding this aspect of the development application.
7. Plans of the proposed development are provided at Figures 6 to 9, below.

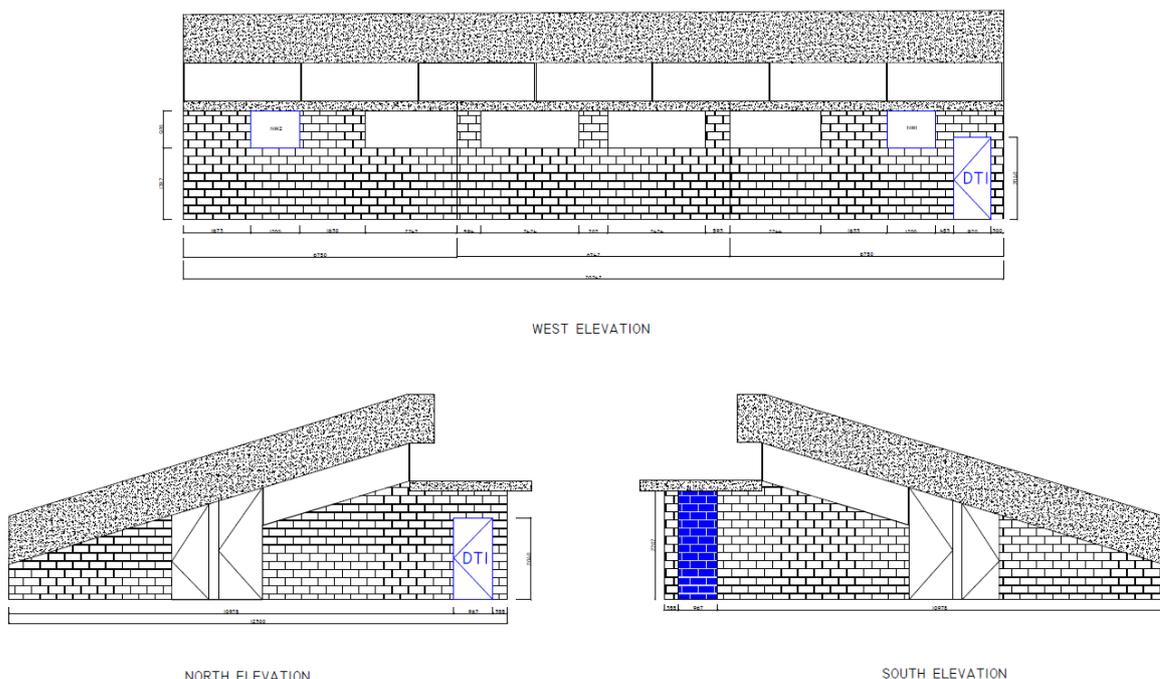
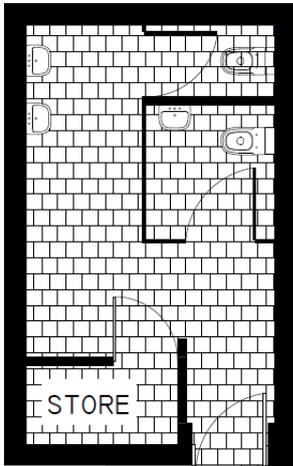
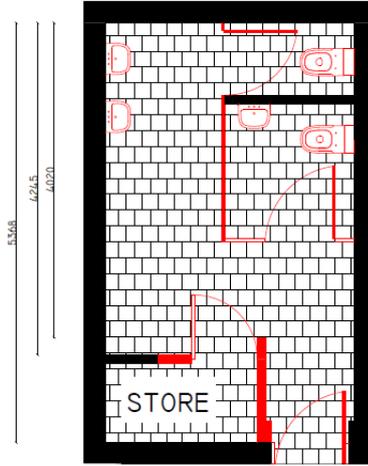


Figure 6: Proposed elevations

EXISTING FLOOR PLAN



DEMOLITION PLAN



PROPOSED FLOOR PLAN

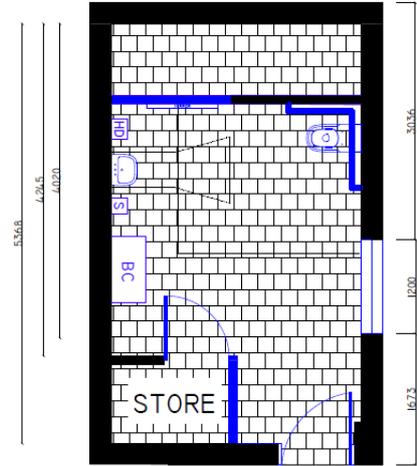
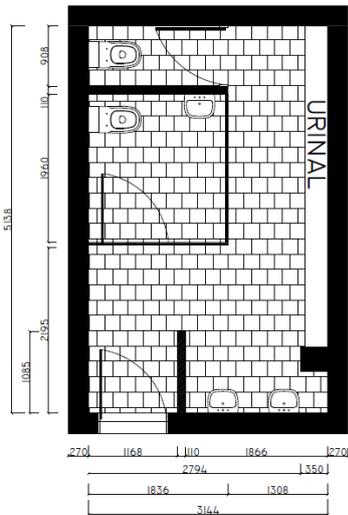
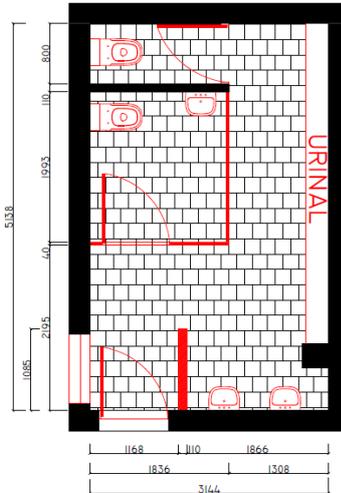


Figure 7: Existing and proposed floor plan for Female Toilet

EXISTING FLOOR PLAN



DEMOLITION PLAN



PROPOSED FLOOR PLAN

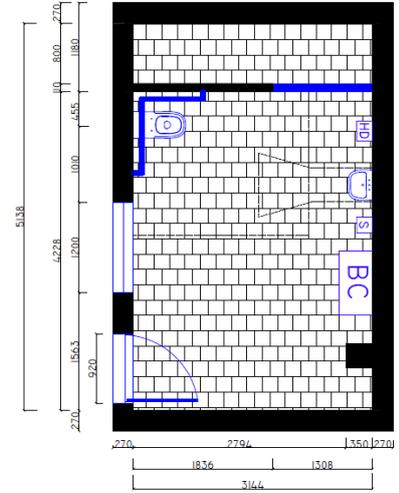


Figure 8: Existing and proposed floor plan for Male Toilet

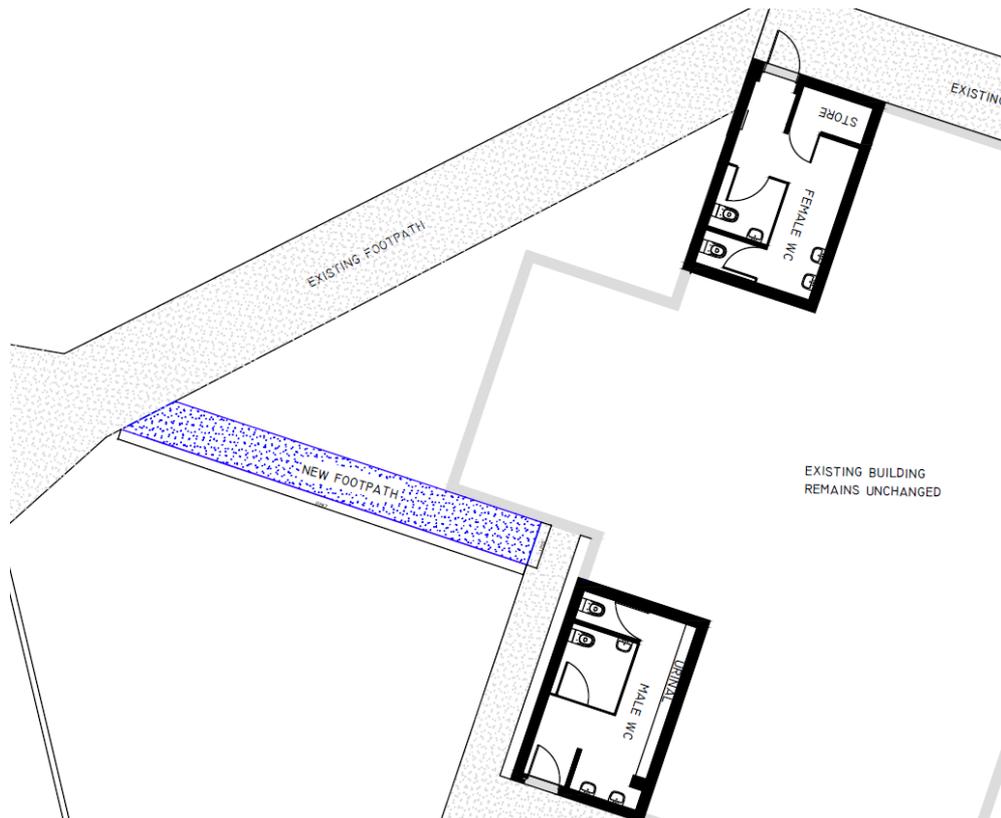


Figure 9: Proposed location plan for new footpath

History Relevant to the Development Application

8. Development Application D/2017/1614 was lodged on 20 November 2017 for the proposed works. The application was subsequently withdrawn on 8 December 2017, on the basis that insufficient information had been provided.
9. The applicant has also been advised during the assessment of this application of the option of carrying out the proposed under Part 5 (Infrastructure and Environmental Impact Assessment) of the Environmental Planning and Assessment Act 1979. The applicant decided not to pursue this option and requested determination of the subject development application.
10. Minor alterations to the layout of the female toilet have been made during the course of the assessment to ensure compliance with the Building Code of Australia.

Economic/Social/Environmental Impacts

11. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
 - (a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy (Infrastructure) 2007

12. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 101

13. The application is subject to Clause 101 of the SEPP as the site has frontage to McEvoy Street, which is a classified road. The application is considered to satisfy Clause 101 of the Infrastructure SEPP as it does not provide access to the site from the classified road and the works include only minor alterations to the existing toilet structure.

Sydney LEP 2012

14. The site is located within the RE1 Public Recreation zone. The works proposed to the toilet structure are ancillary to the use of the site as a "recreation area", and are permissible, with consent in the zone.
15. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	No building height development standard applies to this site. The proposed works do not seek to alter the height of the existing building, and as such are considered to be acceptable.
4.4 Floor Space Ratio	Yes	No FSR development standard applies to this site. The proposed works do not seek to alter the FSR of the existing building and as such are considered to be acceptable.
5.10 Heritage conservation	Yes	The subject site is a heritage item (Item no: I2079) of local significance under SLEP 2012. The listing includes 'Waterloo Park and Oval including grounds and landscaping'. The Statement of Significance for this item does not outline any specific requirements or heritage value associated with the toilet block that is the subject of this development application. The Statement of Heritage Impacts identifies that the toilet block was built in 1964.

Development Control	Compliance	Comment
		The proposal was referred to the City's Heritage Specialist who advised there were no objections to the proposed works, subject to a condition requiring new materials to match the existing.
6.21 Design excellence	Yes	The proposal involves limited external works, and subject to the imposition of conditions requiring that materials match the existing, it is considered that the development satisfies the requirements of this provision.
7.13 Contribution for purposes of affordable housing	Yes	The proposal does not result in the creation of additional GFA and is a form of 'excluded development' under Clause 7.13(6). Therefore, the proposal does not require an affordable housing contribution.

Sydney DCP 2012

16. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

2. Locality Statements – Waterloo Park

The subject site is located in the Waterloo Park locality. The proposed alterations to the toilets is considered to be in keeping with the unique character of the area and design principles in that it ensures Waterloo Park continues to provide civic amenity.

3. General Provisions	Compliance	Comment
3.1 Public Domain Elements 3.1.4 Public open space	Yes	<p>The proposal will contribute to the public domain through the upgrade of the toilet block, providing more accessible and safe facilities at the public open space area.</p> <p>The proposed development involves a new footpath to the Male Toilet side of the building. The footpath improves access to the toilets and will not significantly impact the landscaping at the site.</p>

3. General Provisions	Compliance	Comment
3.5 Urban Ecology	Yes, subject to conditions	<p>The Statement of Environmental Effects accompanying the application states 'landscaping towards the southern side of the toilet block is also proposed, which includes the path to the Oval and the area near the large Port Jackson Fig'. The location of the path is considered acceptable.</p> <p>The application was referred to the City's Tree Management officer who advised the works were considered acceptable subject to the inclusion of conditions relating to the protection of the significant Fig tree on the southern side of the toilet building.</p> <p>Details of other landscaping works as referenced in the SEE were not provided. Therefore, a condition is recommended for imposition that no landscaping works be approved with the exception of the new path.</p>
3.9 Heritage	Yes	Refer to discussion in the LEP compliance table.
3.12 Accessible Design	Yes	A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.
<p>3.13 Social and Environmental Responsibilities</p> <p>3.13.3 Crime prevention through environmental design</p>	Yes	<p>The proposed development will improve safety at the toilet blocks through the reduction from two pans to one.</p> <p>Changes to the toilet door in the male block will improve casual surveillance as it will be located on the street frontage side of the building. The proposal is generally designed in accordance with the CPTED principles.</p>

3. General Provisions	Compliance	Comment
3.14 Waste	Yes	A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.

5. Specific Areas 5.2 Green Square	Compliance	Comment
5.2 .6 Public open space	Yes	The site is identified as an area of existing open space under Section 5.2.6(1) of SDCP 2012. The proposed works do not alter the existing use of this site, however, do upgrade existing amenities for use by the public in association with the use of the public open space and sporting facilities.

Other Impacts of the Development

17. The proposed development is capable of complying with the BCA.
18. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

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

Internal Referrals

20. The conditions of other sections of Council have been included in the proposed conditions.
21. The application was discussed with the Building Services Unit, Safe City Unit, Tree Management Unit, and Heritage and Urban Design Specialists who advised that the proposal is acceptable subject to the recommended conditions of consent.

External Referrals

Notification, Advertising and Delegation (Submission(s) Received)

22. In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development is required to be notified. As such the application was notified for a period of 14 days between 16 March 2018 and 31 March 2018. As a result of this notification one submission was received.
23. The submission was in support of the application, noting that an upgrade to the toilet facilities is well overdue. The submission requested that further budget be given to improving lighting and installing surveillance cameras.

Response - Support of the proposal is noted. The scope of this application is limited to the toilets and new hard paving.

Public Interest

24. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

S7.11 Contribution

25. The development is exempt from the provisions of the City of Sydney Development Contributions Plan 2015 as the works entail development undertaken by or on behalf of Council.

Relevant Legislation

26. The Environmental Planning and Assessment Act 1979
27. The Heritage Act 1977.

Conclusion

28. The proposed development is for minor upgrade works to the existing toilet block facilities associated with Waterloo Park and Oval, at 1B Elizabeth Street, Waterloo.
29. The application is reported to the Local Planning Panel as the land owner of the site is the City of Sydney.
30. Waterloo Park and Oval are identified as an item of local heritage significance under the SLEP 2012. The toilet block facilities built in the 1960s is not specifically referenced in the statement of significance. The scope of work associated with the toilet block and ancillary new hard paving has been assessed by the City's Heritage Specialist as being acceptable and not impacting on the significance of the heritage item.
31. The proposed development satisfies the provisions of the Sydney Local Environment Plan 2012 and Sydney Development Control Plan 2012.
32. The application is recommended for approval subject to conditions of consent included on the Notice of Determination.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Amy-Grace Douglas, Planner