

Item 9.**Development Application: 4010 and 5010 William Street, Paddington****File No.:** D/2018/693**Summary****Date of Submission:** 22 June 2018**Applicant:** City of Sydney Council**Architect:** JC Decaux**Owner:** City of Sydney Council**Cost of Works:** \$120,000**Zoning:** SP2 Classified Road and B4 Mixed Use. The proposal is permissible with consent.**Proposal Summary:** Construction of a public toilet and tree planting.

Amended plans have been received which relocate the proposed public toilet so that it is located entirely within lot 5010; paving of the remainder of the existing planting bed; and the planting of one tree.

The application is reported to the Local Planning Panel as the application has been lodged by Council and the subject properties are owned by Council.

The application was notified on two occasions for 14 days, owing to an administrative error. As a result of this notification four submissions and one petition containing 42 signatures were received. The objections raised the following concerns:

- facilitation of a 'tent city';
- noise from use and patrons;
- use and dealing of narcotics;
- sufficient toilet facilities in private businesses;
- detracting from the character of the area;

**Proposal Summary
(continued):**

- public safety;
- quality of pedestrian entry to Telstra building;
- national security concerns for Telstra telecommunications facilities; and
- odour impacts.

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

Development Controls:

- (i) Sydney Local Environmental Plan 2012
- (ii) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Location Plan
- C. Selected Drawings

Recommendation

It is resolved that consent be granted to Development Application No. D/2018/693 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 is consistent with the provisions of Sydney LEP 2012 and Sydney DCP 2012.
- (B) The proposal is consistent with the City of Sydney Public Toilet Strategy 2014.
- (C) The proposed development will enhance the public domain by adding facilities which contribute to the functionality and amenity of the area.
- (D) As such, the proposal is considered to be in the public interest.

Background

The Site and Surrounding Development

1. A site visit was carried out by staff on 14 September 2018.
2. The sites are irregularly shaped, with a combined area of approximately 1,044sqm. The sites have a primary street frontage to Oxford Street. The works are to be carried out at the junction of William Street and Oxford Street adjacent to 379 Oxford Street. This part of William Street, on the south-western side of Oxford Street, is a dead end with parking on either side and presents as a car park with two planting beds.
3. Surrounding land uses are primarily commercial. Commercial buildings neighbour the site to the north-west and south-east, and Victorian buildings occupy sites to the north-east across Oxford Street.
4. The site is not a heritage item but is located within the Paddington South Conservation Area (C48).
5. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding area.



Figure 2: Site viewed from Oxford Street.



Figure 3: Neighbouring site to the south-east.



Figure 4: Neighbouring site to the north-west.

Proposal

6. The application seeks consent for the construction of an automated public toilet and the planting of one tree. The toilet block structure does not include third party advertising.
7. Plans of the proposed development are provided below.

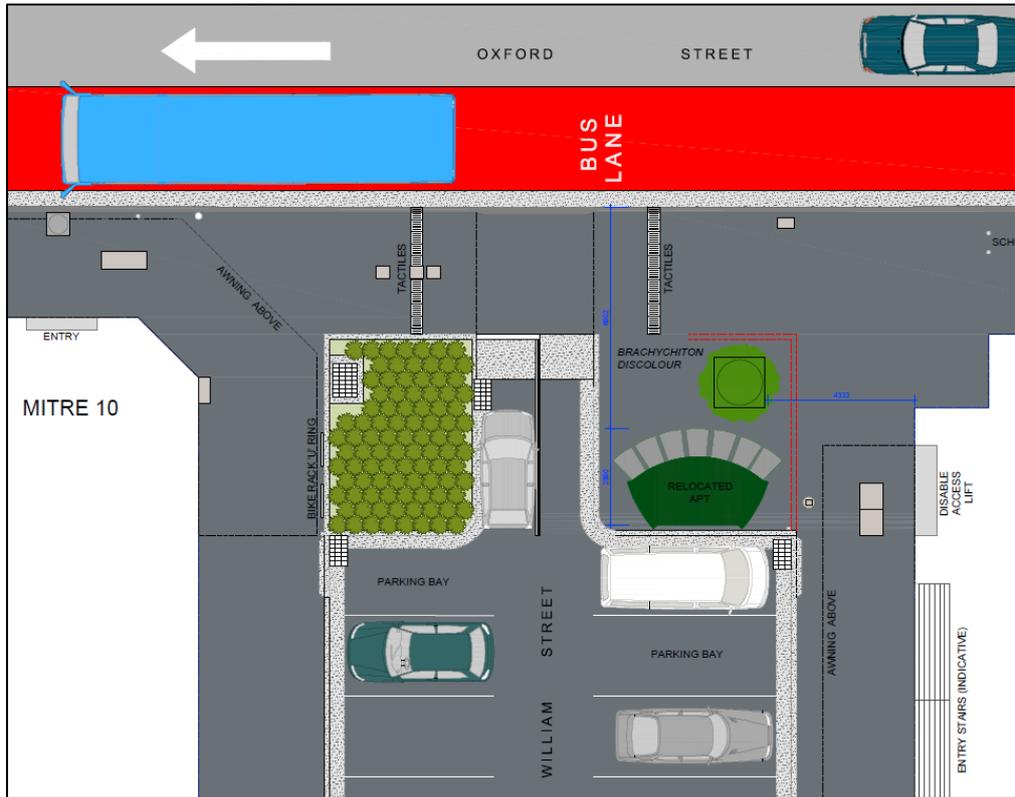


Figure 5: Site plan.

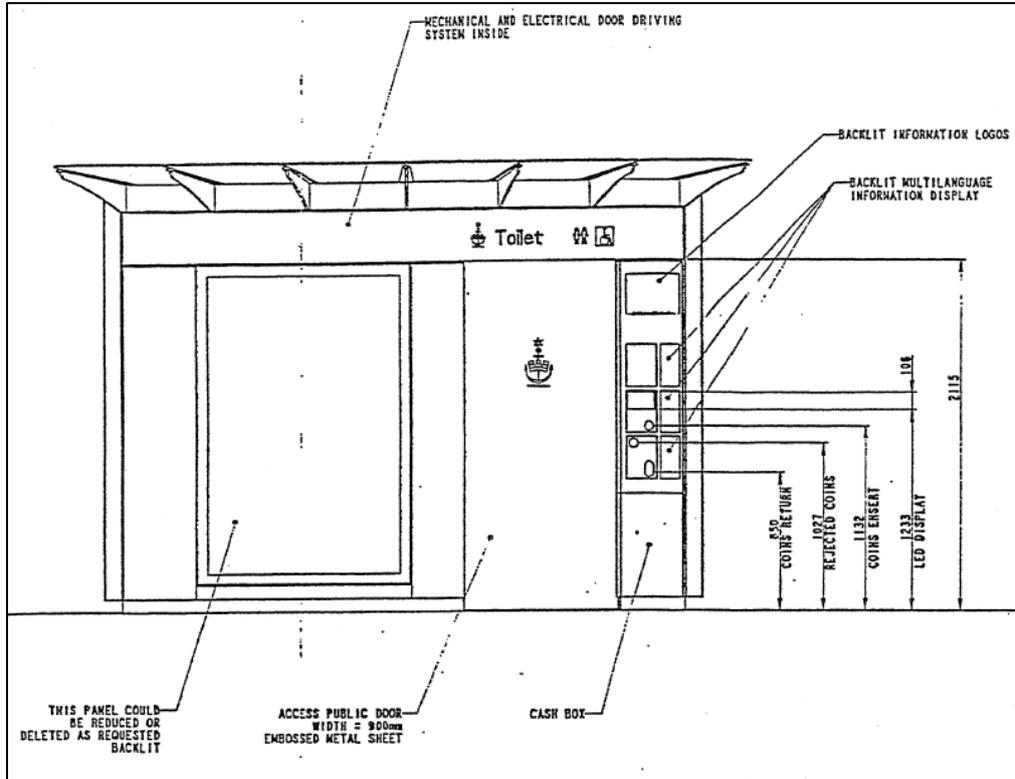


Figure 6: Front (south-eastern) elevation.

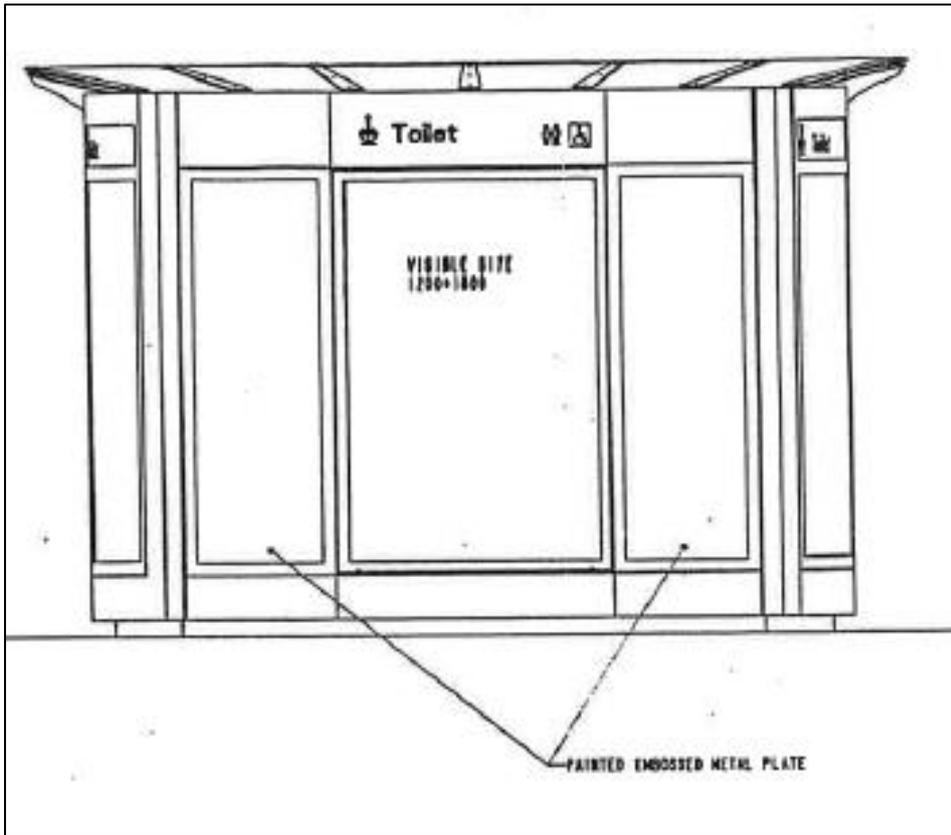


Figure 7: Rear (north-western) elevation.

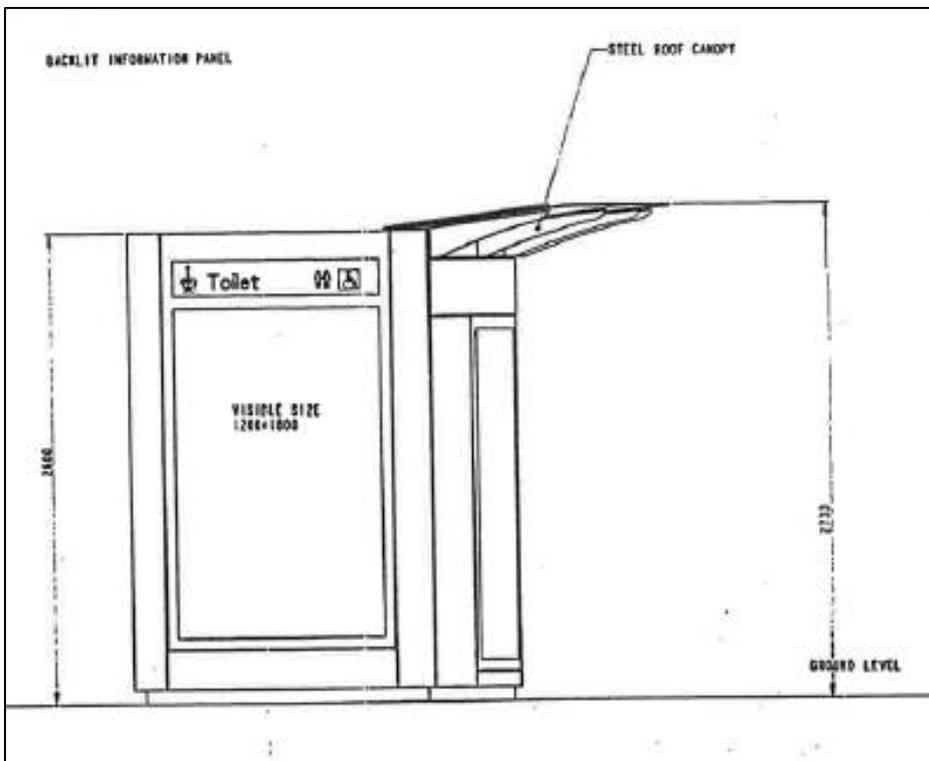


Figure 8: Side (south-western) elevation.

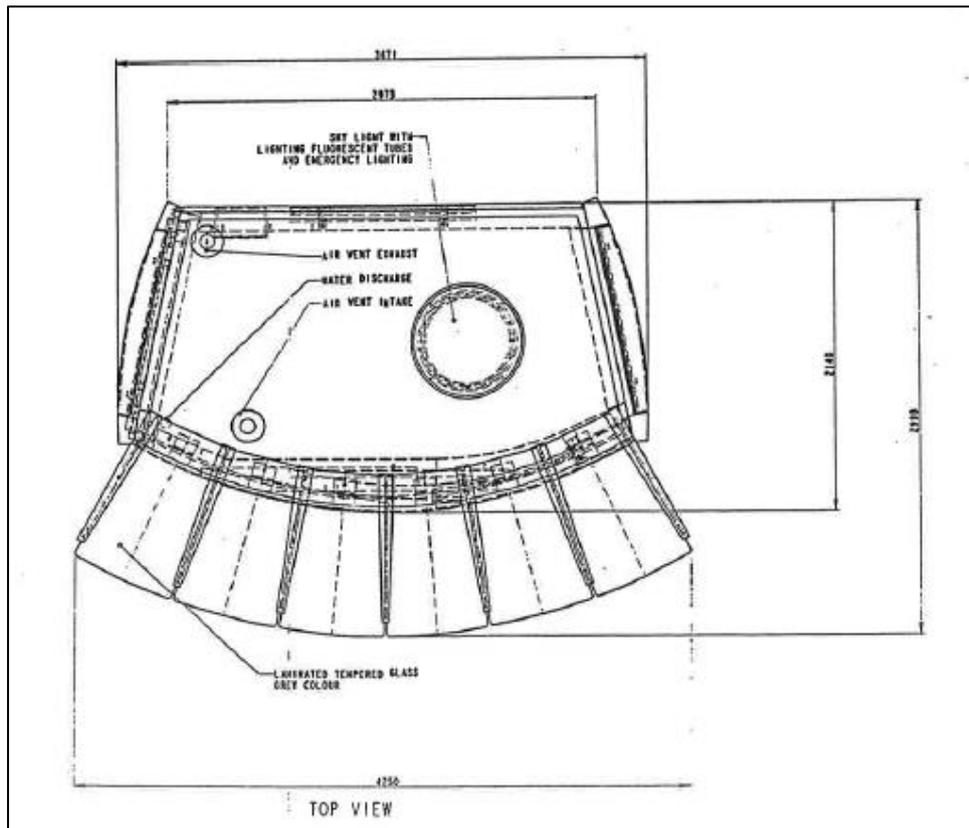


Figure 9: Roof plan.

Economic/Social/Environmental Impacts

8. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
 - (a) Sydney Local Environmental Plan 2012.
 - (b) Sydney Development Control Plan 2012.
 - (c) Sydney Regional Environmental Plan (Sydney harbour Catchment) 2005 (Deemed SEPP).

State Environmental Planning Policy (Infrastructure) 2007

9. The application is subject to Clause 101 of the SEPP as the site has frontage to Oxford Street, which is a classified road. The application is considered to satisfy Clause 101 of the Infrastructure SEPP subject to conditions of consent, as the proposed development does not provide vehicular access from the classified road. Nonetheless, the Roads and Maritime Services has been consulted as part of this assessment.

Sydney LEP 2012

10. The land to which the development relates comprises two sites zoned SP2 Classified Road zone (Lot 4010) and tB4 Mixed Use zone (Lot 5010).

11. The proposed public toilet structure is located wholly within the B4 Mixed use zone, and as such the proposed use is permissible with consent.
12. 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
5.10 Heritage conservation	Yes	The subject site is located within a heritage conservation area. See discussion under the heading Issues.

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
Division 4 Design excellence	Yes	The proposed development satisfies the requirements of this provision.

Sydney DCP 2012

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

2. Locality Statements – Oxford Street, Paddington
The subject site is located in the Oxford Street, Paddington locality. The proposed public toilet is considered to be in keeping with the unique character of the area and design principles in that it contributes to services within the public domain at the 'nub' of Williams Street as encouraged in Part 2.9.1 (j).

3. General Provisions	Compliance	Comment
3.2 Defining the Public Domain	Yes	The proposed development will enhance the public domain by adding facilities which contribute to the functionality and amenity of the area.
3.5 Urban Ecology	Yes	Though the proposed development involves the removal of an existing planting bed, the planting of one tree is proposed. The proposal is not considered to adversely impact on the local urban ecology.

3. General Provisions	Compliance	Comment
3.9 Heritage	Yes	The proposed public toilet is within a heritage conservation area. See discussion under the heading Issues.
3.12 Accessible Design	Yes	A condition has been recommended for the proposed toilet building to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.

Issues

Location of the proposed structure

14. Amended plans have been received which relocate the public toilet structure so that it will be located entirely within Lot 5010. It is noted that the original plans showed the toilet building being partly located on the SP2 Classified Road zone which would not allow such a structure to be built.
15. Although both Lots 5010 and 4010 are owned by the City of Sydney, only approximate boundaries are available due to street sections typically not being individually surveyed other than those in new developments prior to being dedicated to Council. Accordingly a condition is recommended to ensure that the proposed public toilet is constructed entirely within lot 5010.



Figure 10: Zoning map including approximate site boundaries and footprint of proposed works.

Public Toilet Strategy

16. The City of Sydney Public Toilet Strategy 2014 identifies the need for a readily accessible network of public toilets within the City, in order to meet the growing demand of a world-class city. This report cited such aims as negating public urination, addressing the lack of facilities in key locations such as village centres, and improving the quality and availability of facilities in general.
17. The report also identified the lack of public toilets in Darlinghurst and Paddington south of Taylor Square, particularly those with 24 hour availability. As such, it was recommended that construction of public restrooms take place in key village centres including Oxford Street, Paddington.
18. The subject site, being located on Oxford Street within Paddington, aligns with this plan.

Heritage

19. The site is located within a Conservation Area and is therefore subject to the heritage provisions of this DCP. The proposal generally complies with the relevant aims, objectives and controls of the DCP as the unit features recessive colours, uses a standard design in keeping with those of public toilets through the City, does not include advertising, and is not adjacent to contributory buildings within the streetscape.

Other Impacts of the Development

20. The proposed development is capable of complying with the BCA.
21. 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

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

Internal Referrals

23. The conditions of other sections of Council have been included in the proposed conditions.
24. The application was discussed with the Public Domain unit, Safe City officer, Waste Management officers and the Tree Management officer who advised that the amended proposal is acceptable subject to the recommended conditions.
25. Council's Tree Management officers recommended the planting of 1 tree within the existing planting bed, in order to replace a tree which was previously planted but was removed prior to the submission of this application. Amended plans were received which propose the planting of 1 Lacebark Tree adjacent to the proposed public toilet.
26. Council's Public Domain unit recommended several conditions primarily surrounding damage rectification within the public way and the transplanting of existing plantings within the subject planting bed to an adjacent planting bed to the west.

27. Council's Safe City officer raised no objection to the proposal.

External Referrals

Notification, Advertising and Delegation

28. In accordance with Schedule 1 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 17 July 2018 and 1 August 2018. Due to an error in the initial notification period, the application was re-notified for a further 14 day period between 5 October 2018 and 22 October 2018. As a result of this notification there were 4 submissions received in addition to one petition with 42 signatures. These submissions raised the following:

- (a) Toilets are available in a nearby church, school and in multiple businesses in the vicinity.

Response - It is not appropriate and is unreliable for the public/community to have rely on access to private property for the use of restrooms. It is further noted that the City of Sydney Public Toilet Strategy 2014 has identified the need for public toilets within the area.

- (b) Noise and health issues.

Response - Minimal noise issues are envisaged above reasonably expected levels of pedestrian or vehicle movement in the area. As the facility will be subject to regular cleaning and maintenance, no adverse health issues are envisaged.

- (c) Public toilet cleaning costs.

Response - The costs associated with the maintenance of this facility are a matter for the applicant and not considered relevant in the consideration of a development application.

- (d) Public toilet facilitates drug use and crime.

Response - Illegal behaviour such as drug taking or crime is the role of the local police command and is not a planning consideration in this instance.

- (e) Opportunity for sale and use of drugs.

Response - The sale or use of drugs is a police matter.

- (f) Public toilet awning will encourage a 'tent city', and include occupants that suffer from drug problems, domestic abuse and associated mental disorders.

Response - This is not a planning-related matter.

- (g) Public toilet will ruin the nature of Paddington's unique stylish streetscape.

Response - The design of the proposed unit is considered to be appropriate as a standardised unit used throughout the City.

- (h) Security risk being located next to the Telstra data centre, including opportunities for concealment and facilitating terrorist attacks using explosives.

Response - If any unattended packages are left in the toilets the local police can be contacted. The location of the toilet structure does not increase the risk of terror attacks in the locality.

29. As the subject site fronts a classified road, being Oxford Street, the application was referred to the RMS. The proposal was supported subject to conditions surrounding stormwater discharge, construction management and utility adjustment/relocation if required.

Public Interest

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

S7.11 Contribution

31. The development is excluded from the provisions of the City of Sydney Development Contributions Plan 2015 as the proposal includes works being undertaken by or on behalf of Council.

Conclusion

32. Having regard to all of the above matters, it is considered that the proposed automatic toilet satisfies the relevant strategy, objectives and provisions of Sydney LEP 2012, Sydney DCP 2012 and the City of Sydney Public Toilet Strategy 2014, is acceptable and as such is recommended for approval.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Nicholas Beck, Planner