

**Item 6.****Development Application: Installation of Four New Automatic Public Toilets at Various Locations - D/2021/1087**

File No.: D/2021/1087

**Summary****Date of Submission:** 11 October 2021**Applicant:** QMS Media Pty Ltd**Architect/Designer:** Grimshaw Architects**Developer:** Mecone Ltd**Owner:** City of Sydney**Planning Consultant:** Mecone Ltd**Heritage Consultant:** City Plan Heritage**Cost of Works:** \$2,100,560

**Zoning:** The proposed structure (A1017) within Wentworth Park is located in a Public Recreation zone under the State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021 - Chapter 4 City West. The proposed structure is permissible with consent in this location.

The proposed structure (A1018) within Victoria Park is located in a RE1 Public Recreation zone under the Sydney Local Environmental Plan 2012. The proposed structure is permissible with consent in this location.

The proposed structure (A1020) located on Cowper Wharf Road, Woolloomooloo is located in a B4 Mixed Use zone under the Sydney Local Environmental Plan 2012. The proposed structure is permissible with consent in this location.

The proposed structure (A1016) in Erskineville Square is located in a R1 General Residential zone, under Sydney Local Environmental Plan 2012. The proposed structure is permissible with consent in this location.

- Proposal Summary:** The application seeks consent for four new automated public toilets (APTs) in Wentworth Park, Victoria Park, Cowper Wharf Road and Erskineville Square.
- 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 15 October 2021 and 13 November 2021. Seventy-four (74) submissions were received. 15 relate to the proposed APT located on Cowper Wharf Road, Woolloomooloo (A1020). 52 relate to the proposed APT in Erskineville Square (A1016), Erskineville.
- It is considered that the APT located at Erskineville Square (A1016) will have adverse impacts and is not supported as detailed later in the report. Subject to the imposition of conditions, the three APTs at Wentworth Park (A1017), Victoria Park (A1018) and Cowper Wharf Road Woolloomooloo (A1020) are supported and will provide for appropriately located APTs that are of a high design standard.
- Summary Recommendation:** The development application is recommended for approval, subject to conditions, with three of the installations to be approved and one not approved.
- Development Controls:** Environmental Planning and Assessment Act 1979  
Environmental Planning and Assessment Regulation 2000  
Sydney State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 10 Sydney Harbour Catchment  
State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021 - Chapter 4 City West  
Sydney Local Environmental Plan 2012  
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/2021/1087 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 Public Recreation zone under Chapter 4 of the State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021 - Chapter 4 City West.
- (C) The development, subject to conditions, is consistent with the objectives of the RE1 Public Recreation zone and the B4 Mixed Use zone under Sydney Local Environmental Plan 2012.
- (D) The development is compatible the character of the University of Sydney and Royal Prince Alfred Hospital Special Character Area.
- (E) Appropriate conditions are recommended to ensure the development does not adversely impact on the heritage significance of nearby sites.
- (F) The development, subject to conditions, will promote the orderly operation of the automated public toilets.
- (G) The development accords with objectives of relevant planning controls.
- (H) 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 subject sites are four (4) locations within the public domain of City of Sydney. None of the sites contain an existing Automatic Public Toilet (APT). Details of each location is provided in the table below.

Existing Location as referenced in Figure 1	Proposed Asset Number	Site Address
APT1	A1020	Woolloomooloo - Cowper Wharf Rd and Brougham St
AP2	A1016	Erskineville Square - Erskine St and Charles St
APT9B	A1018	Victoria Park - City Rd opposite Myrtle St
APT12A	A1017	Wentworth Park - Wattle St and Quarry St

2. The application as originally submitted also included an additional APT at All Sorts Park, Rosebery (A1019). The applicant subsequently amended the application to delete this installation from the proposal on 3 March 2022.
3. The proposed APT (A1017) is located in Wentworth Park which is identified as a local heritage item under Chapter 4 of the State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021 - Chapter 4 City West.
4. The proposed APT (A1018) is located in Victoria Park which is part of the State Heritage Item 01974 - 'The University of Sydney, University Colleges and Victoria Park'.
5. The proposed APT (A1016) is located in Erskineville Square which is located within the Burren Estate Heritage Conservation Area (C21).
6. Land uses surrounding all sites are a combination of commercial and residential and mixed-use buildings, of various styles and ages.
7. Photos of the sites and surrounds are provided on the following pages.



**Figure 1:** Aerial view of site and surrounds. Sites marked in pink (DA1) relate to the subject application.





**Figure 2:** Site at Victoria Park (A1018)



**Figure 3:** Site at Wentworth Park (APT1017)





Figure 4: Site at Erskineville Square (A1016)



Figure 5: Site at Cowper Wharf Road, Woolloomooloo (A1020)

## History Relevant to the Development Application

### Development Applications

8. The subject application forms part of upgrade works to existing and new street furniture items across the local government area.
9. This application is one of 5 applications seeking development consent for new and replacement of APTs, some of which include digital advertising panels or green walls, or a combination of both, in various locations throughout the City of Sydney. 9 APTs and associated advertising panels currently exist within the City of Sydney, and 11 new APTs are proposed. The subject application relates to 4 of these.
10. The 5 applications being, D/2021/969, D/2021/971 and D/2021/1213 which have been approved, and D/2021/1087 and D/2021/1088 have been assessed concurrently are being considered at the Local Planning Panel meeting.

### Amendments

11. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information was sent to the applicant on 1 December 2021. In particular, as insufficient information was provided to demonstrate that the proposed green roof and green wall systems were feasible, additional landscaping information was requested.
12. Further landscaping information was provided on 10 December 2021 which included a more detailed information landscape package which identified Fytogreen as the specialist supplier for the proposed green roof and walls. Further information for wall and roof fixing details was provided on 13 December 2021.
13. On 19 January 2022, Council's Landscape Officer requested further information to assess the feasibility of the design. Additional information on the green wall design was required to address queries regarding soil depth, planting design and maintenance details etc. The applicant responded to the request on 27 January 2022 and submitted further specifications together with details of ongoing management. See further details under the sub-heading 'green panels' in the 'Discussion' section below.
14. On 14 February 2022, the applicant was informed of the concerns Council officers had with the proposed APTs in Erskineville Square (A1016) and All Sorts Park, Rosebery (A1019).
15. On 14 February 2022, the applicant confirmed that the proposed APT (A1016) in Erskineville Square was to be retained for consideration.
16. On 3 March the applicant confirmed that the proposed APT in Rosebery Park (A1019) was to be removed from the application for consideration.

## Proposed Development

17. Approval is sought for four new APTs, three having integrated green roof and walls.
18. One APT (1020) on Cowper Wharf Road in Woolloomooloo includes 3 digital signage panels



19. APT (1017) in Wentworth Park, APT (1018) in Victoria Park and APT (1016) in Erskineville Square, which do not include signage, are located in heritage areas in which signage is prohibited.
20. There are two types of APTs sought, 'single' comprising 1 x accessible toilet and 'double' comprising 1 x accessible toilet and 1 x ambulant toilet.
21. These are listed below with their respective asset number, proposed type and green wall panels and green roofing provided.

Location/Asset Number	Type	Green Walls	Green Roof	Signage
Wentworth Park (A1017)	Single	3 x panels	No	No
Victoria Park (A1018)	Double	3 x panels	Yes	No
Erskineville Square (A1016)	Single	3 x panels	No	No
Cowper Wharf Road, Woolloomooloo (A1020)	Double	No	No	3 x panels

22. The proposed APT's are the following dimensions:

Measurement (mm)	Single APT	Double APT	Signage
Height	3075mm	3075mm	2100mm
Width	3660mm	6060mm	1338mm
Depth	2770mm	2700mm	-
Visible Screen Area	-	-	2.02sqm

23. The proposed APTs 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.
24. As advised above, some APTS will comprise advertising panels. The advertising signage component will also include up to 10% of the screen time of all advertising displays to be used for material and content managed by City of Sydney to advertise

public information, community messages and promotion of events. If an emergency arises, public information or messaging can also be displayed by the panels.

- 25. Selected drawings and illustrations of the new APTs are provided below.



**Figure 6:** Illustration of single APT's with green panels/roofs



**Figure 7:** Illustration of double APT with advertising panels (Cowper Street Wharf Rd only)

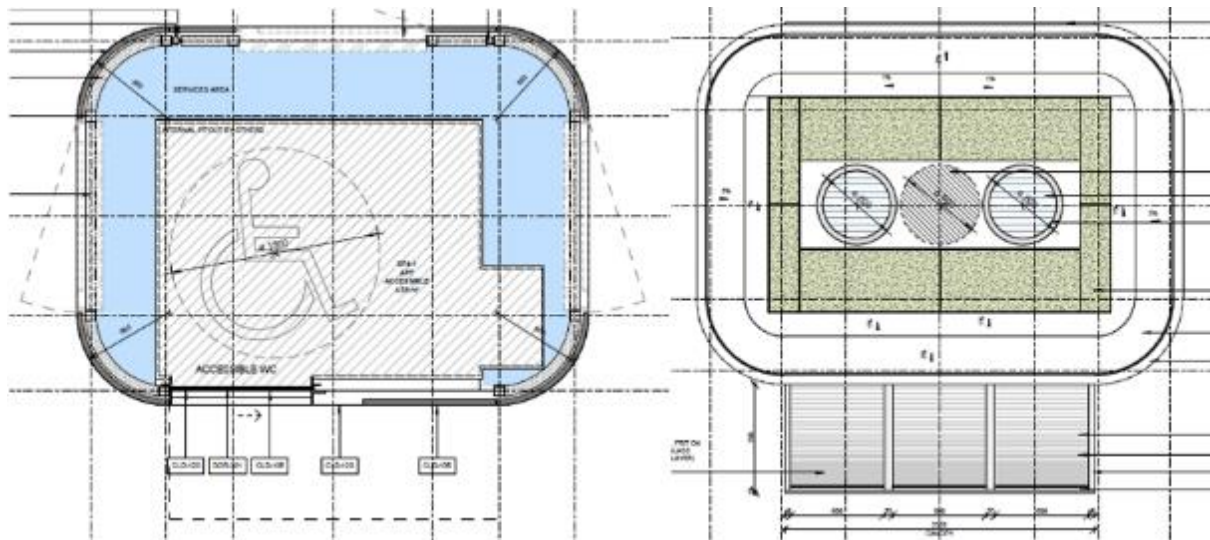


Figure 8: Proposed floor plan and roof plan of single APT

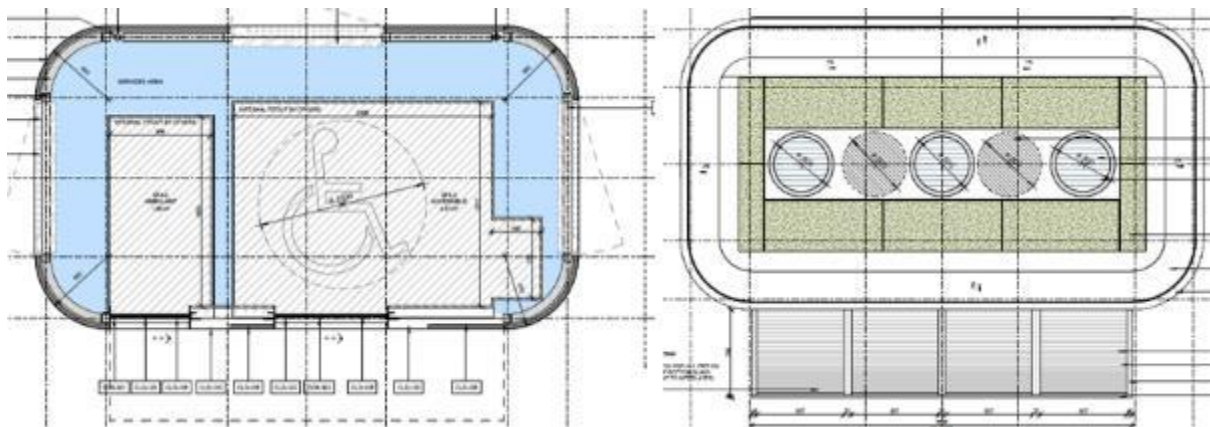


Figure 9: Proposed floor plan and roof plan of double APT

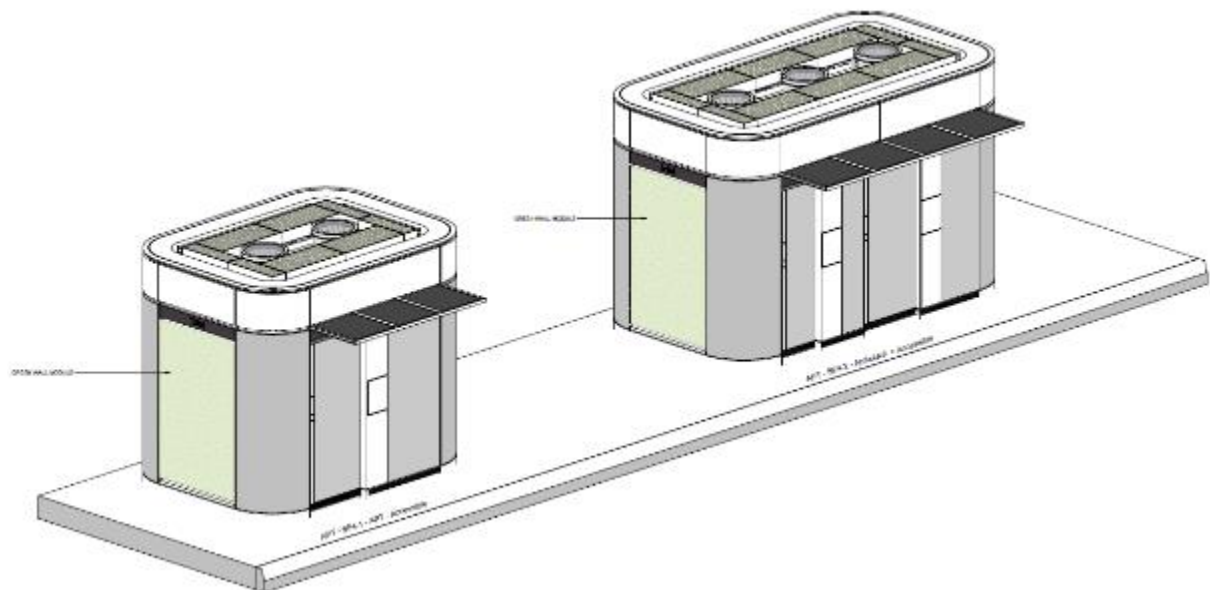


Figure 10: 3D view of single and double APTs.

## Assessment

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

## Heritage Act 1977

27. Proposed APT (A1018) is located in Victoria Park which is listed as an item known as I39 on the State Heritage Register under the Heritage Act 1977
28. As Integrated Development requiring approval under the Heritage Act 1977, a copy of the application was referred to the Heritage Council on 21 October 2021 in accordance with Clause 66 of the Environmental Planning and Assessment Regulation 2000.
29. On 8 December 2021, the Heritage Council of NSW issued the General Terms of Approval subject to recommended conditions which are included in the Notice of Determination.

## State Environmental Planning Policies

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

30. 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.
31. One APT (A1020) on Cowper Wharf Road in Woolloomooloo includes three digital advertising panels for consideration.
32. 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 5 is provided in the table below.

Provision	Compliance	Comment
1. Character of the area	Yes	The proposal includes new digital advertising with a new standard design which is consistent across the local government area and is acceptable.
2. Special areas	Yes	Subject to conditions, the proposal does not detract from the amenity or visual quality of the locality or the heritage conservation areas.
3. Views and vistas	Yes	The proposal includes new digital advertising, and subject to conditions, will not further 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	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 the existing signage being replaced.
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.

33. It is also noted that Clause 3.12 of the SEPP restricts the duration of any development consent to a maximum of 15 years.
34. Subject to conditions, the proposed signage is consistent with the objectives of the SEPP 64 and satisfies the assessment criteria specified in Schedule 5.

#### **State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 10 Sydney Harbour Catchment**

35. The sites are 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.
36. The sites are located 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. The development is consistent with the controls contained within the deemed SEPP.

**State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021 - Chapter 4 City West**

37. The site is identified in the plan as being located within Ultimo-Pyrmont/Eveleigh/Bays Precinct. The aims of the plan include:
- To establish planning principles of regional significance for City West as a whole with which development in City West should be consistent; and
  - To establish planning principles and development controls of regional significance for development in each precinct created within City West by this plan and by subsequent amendment of this plan; and
  - To promote the orderly and economic use and development of land within City West.
38. Proposed APT (A1017) in Wentworth Park would be located in the Public Recreation zone as detailed in Map 2 of the SEPP. This APT does not include any digital advertising panels. Under Chapter 4 of the SEPP only uses which the consent authority is satisfied are generally consistent with the zone objectives are permissible in this zone. The objectives of the zone are:
- to establish public recreation areas which serve the needs of residents and workers within City West and the adjoining suburbs, and
  - to provide public access to all parts of the public domain, especially waterfront areas and escarpments, and
  - to provide a variety of public areas and recreational opportunities, and
  - to provide for facilities which accommodate or are ancillary to recreation opportunities relating to the use of the public domain, and
  - in the Bays Precinct, in addition to the other objectives of this zone—to allow for the continued operation and development of Wentworth Park as a major public open space and recreational facility
39. The proposed APT is consistent with the zone objectives which include the provision of facilities which accommodate or are ancillary to the existing public recreation zone and facilitate the continued development of Wentworth Park as a major public open space and recreational facility.
40. Wentworth Park is identified as a local heritage item in Map 4 of the SEPP. Under Chapter 4 of the SEPP, before granting consent to any such development, the consent authority must consider:
- the heritage significance of the heritage item or conservation area, and
  - the impact that the proposed development will have on the heritage significance of the heritage item and its setting or the conservation area, and
  - the measures proposed to conserve the heritage significance of the heritage item and its setting or the conservation area, and

- whether any archaeological site or potential archaeological site would be adversely affected
41. Councils Heritage Specialist has reviewed the proposal and confirmed that the proposed APT is consistent with the above requirements and supports the development.

## Local Environmental Plans

### Sydney Local Environmental Plan 2012

42. 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	<p>Proposed APT (A1018) in Victoria Park is located in the RE1 Public Recreation Zone. The proposal is permitted with consent as being ancillary to an outdoor recreation facility.</p> <p>APT (A1020) located on Cowper Wharf Road, Woolloomooloo is located in the B4 Mixed Use and is permissible with consent.</p> <p>APT (A1016) in Erskineville Square is located in the R1 General Residential zone. This installation is not supported. Refer to discussion section of the report.</p>

#### Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	The proposed APTs are 3.075m in height.
4.4 Floor space ratio	Yes	The proposed APTS will not exceed applicable FSR controls

#### Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	Proposed APT (A1018) in Victoria Park is located within a State Heritage Item 01974 - 'The University of Sydney,

Provision	Compliance	Comment
		<p>University Colleges and Victoria Park. Heritage NSW support the application subject to condition.</p> <p>Proposed APT (A1016) in Erskineville Square is located within the Burren Estate heritage conservation area (C21). Councils Heritage Specialist does not support the proposal and it is not recommended for approval.</p> <p>See further details in the 'Discussion' section below.</p>

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

Provision	Compliance	Comment
6.19 Overshadowing of Certain Public Spaces	Yes	The APTs will not cause additional overshadowing given their size and their locations being within existing shadows cast by adjacent buildings.
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

43. 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

44. Proposed APT (A1018) is located within the University of Sydney/Royal Prince Alfred Hospital Special Character Area. Subject to conditions, the proposal is in keeping with the unique character and the design principles of the Special Character Area.
45. Proposed APT (A1016) is located in Erskineville Road Special Character Area. The proposed APT is not considered to be in keeping with the unique character as detailed in the 'discussion' section.



## Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposal APTs in Wentworth Park, Victoria Park and Woolloomooloo will maintain an acceptable contribution to the public domain.
3.5 Urban Ecology	Yes	<p>The proposed green panels and roofs make a 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. However, precautionary conditions recommended by the City's Tree Management Unit have been included in the recommended conditions of consent.</p>
3.9 Heritage	Partial compliance	<p>Proposed APT (A1018) in Victoria Park is located within a State Heritage Item 01974 - 'The University of Sydney, University Colleges and Victoria Park. Heritage NSW support the application subject to condition.</p> <p>Proposed APT (A1016) in Erskineville Square is located within the Burren Estate heritage conservation area (C21). Councils Heritage Specialist does not support the proposal and it is not recommended for approval.</p> <p>See further details in the 'Discussion' section below.</p>
3.12 Accessible Design	Yes	The proposal provides for accessible and ambulant toilets. Conditions of consent are recommended to ensure DDA compliance.
3.13 Social and Environmental Responsibilities	Yes	The proposed development is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	A condition has been recommended to ensure the proposed development complies with the relevant provisions of

Provision	Compliance	Comment
		the City of Sydney Guidelines for Waste Management in New Development.
3.16 Signage and Advertising	Yes	The proposed development includes the provision of dynamic content signage.  The relevant provisions of this section are considered below.
3.16.3 General requirements for signage	Yes	The signage is compatible with the materials, finishes and colours of the streetscape, and will not detract from the amenity or visual quality of heritage items or open space areas.
3.16.4 Illuminated signage	Yes	Appropriate conditions of consent have been recommended to ensure the illumination of proposed signage does not result in unacceptable glare.
3.16.6.9 Dynamic content signs	Partial compliance	The proposed signs generally comply with the requirements of this section in that they will comprise a motion of images that are slow and smooth, and will not cause a safety risk for road users.  Despite the proposal not meeting the 1.5m <sup>2</sup> requirement, it is considered acceptable given that new digital replacements are smaller than the existing electronic signs.
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.
3.16.7.2 Replacement, modification or conversion of an existing approved advertising structure to an electronic variable content advertising structure	Yes	Approvals have already been granted for some electronic advertising signs. As discussed elsewhere in this report, and 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

Provision	Compliance	Comment
		<p>with either the existing or approved advertising panels.</p> <p>While it is noted that subsection (3)(g) recommends a minimum dwelling time of 45 seconds if a visual impact assessment report is not provided, the proposed minimum dwell time of 10 seconds have previously been approved and is consistent with the recommendations of the Transport Corridor Outdoor Advertising and Signage Guidelines – Assessing development applications under SEPP 64 (2017). The impacts of the 10 seconds dwell time can also be observed at locations where they have been installed to existing street furniture structures. Overall, the 10 seconds dwell time is considered acceptable subject to conditions.</p>
3.16.11 Signage related to heritage items and conservation areas	Yes	As discussed under Clause 5.10 of Sydney LEP 2012, the proposal is considered acceptable.

## Discussion

### 46. City of Sydney Public Toilet Strategy 2014

47. 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.

48. 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 APTs in locations of high demand including Oxford Street, Paddington.
- Advocate for the provision of new public toilets to service urban renewal areas and projects includes George St light rail corridor.
- 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.
49. With the exception APT (A1016) in Erskineville Square (refer below), the proposed development and locations sought in this application are generally consistent with the recommendations of the Strategy.

### A1018 Victoria Park

50. APT (A1018) in Victoria Park is located in the RE1 Public Recreation Zone. The proposal is permitted with consent as being ancillary to an outdoor recreation facility. Victoria Park is a State Heritage Item 01974 - 'The University of Sydney, University Colleges and Victoria Park.
51. Given the location of the proposed APT within a State Heritage Item, the application was referred to Heritage NSW as integrated development. Heritage NSW have issued general terms of approval. These terms of approval are included in the recommended conditions of consent.
52. The proposed APT is a double APT with an accessible booth and an ambulant booth with three green wall panels and a green roof. The specifications of the proposed green roofs/panels have been provided and are supported by Council's Landscape Specialist subject to conditions.
53. The proposed APT does not include signage, which is prohibited in heritage areas under the State Environmental Planning Policy (Industry and Employment) 2021 - Chapter 3 advertising and signage.
54. The location of the proposed APT is to be on a grassed area fronting onto a pedestrianised footway close to City Road (see below). In accordance with the requirements from Heritage NSW, details of landscape screening and paving around the proposed toilet block is to be required by condition.

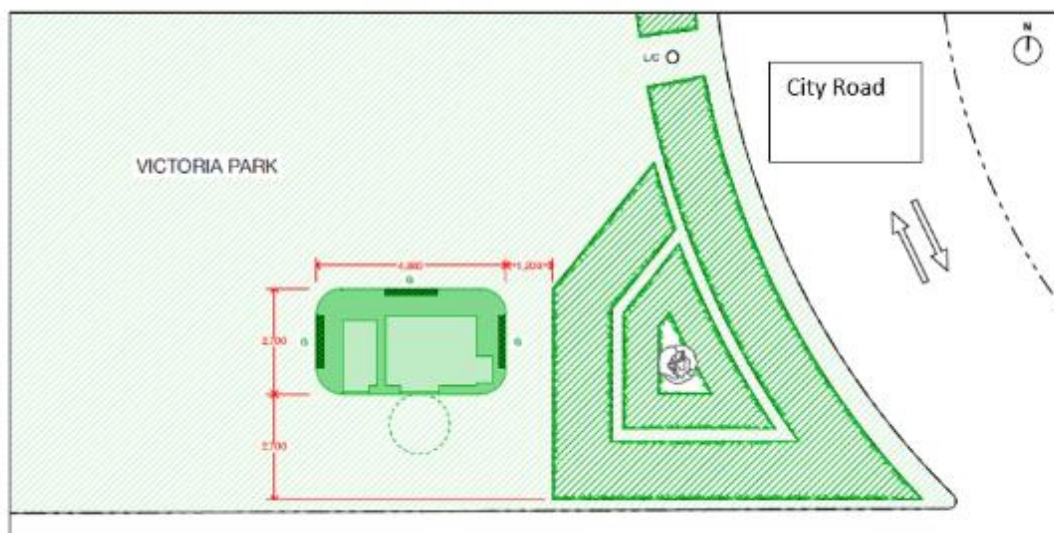


Figure 11: Proposed site plan of APT





**Figure 12:** Aerial View with site in red



**Figure 13:** Images of proposed site looking northward in red



**Figure 14:** View of proposed siting in red looking eastward towards City Road



**Figure 15:** View of proposed siting looking southward in red







Figure 17: Aerial View with site in red



Figure 18: View of proposed location in red looking southward





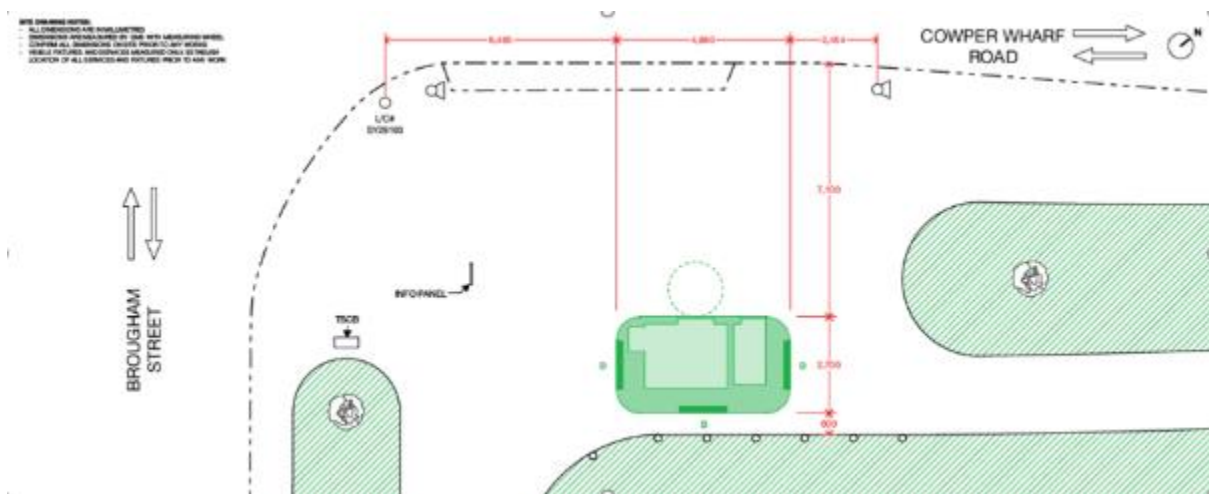
**Figure 19:** Images of proposed location in red looking northward

#### **A1020 at Cowper Wharf Road Woolloomooloo**

61. The proposed APT at Cowper Wharf Road has been the subject of a number of submissions. Refer to notification section below.
62. Cowper Wharf Road in Woolloomooloo is identified as high priority for the location of a Public Toilet in Council's Public Toilet 2014. The proposed APT is positioned close to McElhone Stairs which is a highly used pedestrian route as it connects the city to Kings Cross and surrounding suburbs. It is also frequented by tourists viewing the nearby Embarkation Park, Naval Reserve together with the amenities in Woolloomooloo. It is therefore considered suitably located for the provision of the community facility.
63. The site is located within the B4 zone of the Local Environmental Plan 2012 in which new public toilets and signage are permissible with consent.
64. The proposed site is not a Heritage Item or located within a Heritage Conservation Area. The proposed single storey structure is not considered to have an adverse impact on surrounding heritage items including the existing multi-storey car park to the north that forms part of the Sydney Harbour Naval Precinct State Listed Building (I1116). The site is also located a minimum distance of 20m from the nearest residential property Admiralty Gardens which is sufficient to ensure amenity are not adversely affected.
65. The proposed APT is well placed on the road reserve being sufficiently set back from the road frontage. The pavement is wide enough to locate the proposed APT without

restricting the footpath and there is also sufficient distance from existing structures including the existing bus shelter approximately 15m to the north.

66. The proposed APT measures 3.1m in height and 3.7m in width. Consequently, the proposed single storey structure will not have a significant adverse impact on visual amenities.
67. Conditions of consent are recommended to control the luminance and display of the proposed signage to protect amenity.
68. The proposed APTs 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. Given the position of the APT in a highly prominent location fronting Cowper Wharf road, public safety is not likely to be an issue. Notwithstanding, the management plan for the APT includes emergency response requirements for any public safety issue including damage, offensive graffiti, drug use or otherwise.
69. The advertising signage component will also include up to 10% of the screen time of all advertising displays to be used for material and content managed by City of Sydney to advertise public information, community messages and promotion of events. If an emergency arises, public information or messaging can also be displayed by the panels.
70. A1020 is a new APT located at Cowper Wharf Woolloomooloo as shown below:



**Figure 20:** Proposed Site Plan of APT





**Figure 21:** Aerial View with site outlined in red



**Figure 22:** View eastwards with APT in red





Figure 23: View northwards with APT in red



Figure 24: View southwards towards Brougham Street with APT in red



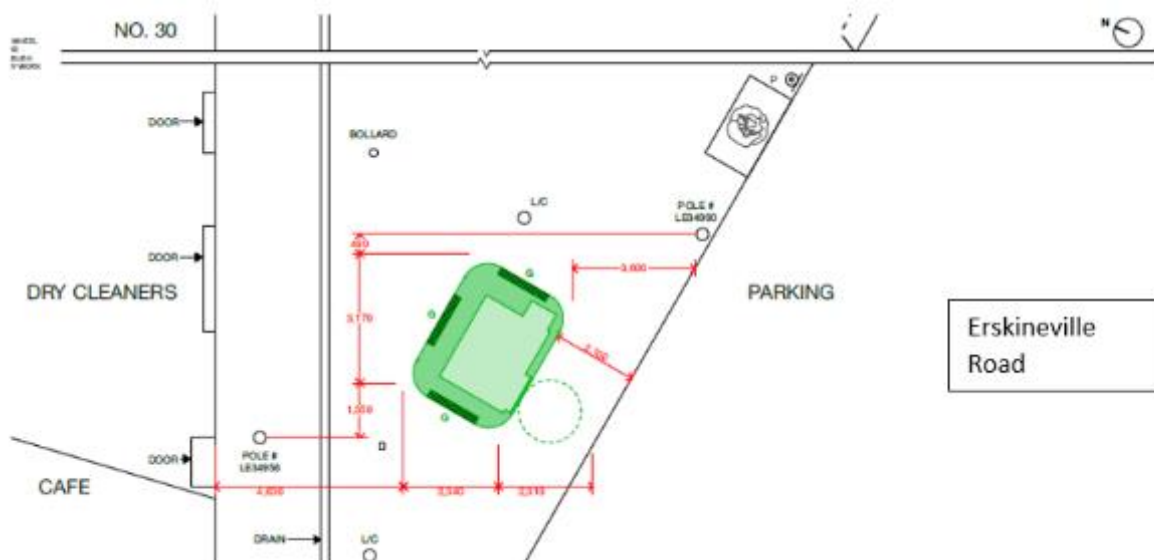
**Figure 25:** View eastwards with existing multi-storey car park behind site

### **A1016 at Erskineville Square**

71. The proposed APT at Erskineville square has been the subject of numerous submissions. Refer to notification section below.
72. The Erskineville Road locality is identified as a medium priority for the location of a Public Toilet in Council's Public Toilet 2014.
73. Erskineville Square consists of a small triangular site with an area of approximately 416.04 sqm (37m x 27m x 27m). There are two retail premises - the Full Moon Café at number 128 Erskineville Road and a dry cleaner's at number 128A Erskineville Road. Number 130 and 132 Erskineville Road are residential dwellings. There are currently 2 telegraph poles, 2 bollards and 2 light columns located within the square and 6 car parking spaces adjoin the southern boundary of the Square.
74. The proposed public toilet is to be located within a paved footpath at the narrower northern end of the Square
75. By reason of the constricted size of the Square together with the existing structures (bollards/telegraph poles), the positioning of the proposed public toilet will obstruct pedestrian movement within the Square and lead to clutter of the already limited sized area and is not supported by Council's Public Domain Unit.
76. The proposal is not supported by Council's Heritage Specialist. The proposed APT is not in keeping with the traditional character with the area, it will be visually dominant and incompatible to the site context in terms of the historic building characters, village setting and streetscape having an adverse impact on the Burren Estate heritage conservation area (C21).



77. The public toilet is to be located adjacent the existing outdoor seating area of the Full Moon Café approved under FA/2016/8 as detailed in Figure 26 below which would have an adverse impact on users of the dining area.
78. The siting of the public toilet directly in front of the existing retail premises as detailed in Figure 26 below will have an adverse impact on the existing retail businesses and will block the frontages when viewed from Erskineville Road.
79. There is existing public toilet provision in proximity to the site at Erskineville Train Station which can be freely accessed. Many of the nearby uses including The Rose of Australia pub also provide toilet facilities.
80. Council's Public Toilet Strategy 2014 identifies the provision of a new APT on Erskineville Road as medium priority. Whilst there is no objection in principle to the possible location on Erskineville Road in accordance with the objectives of the Strategy, the proposed siting is not appropriate for the above reasons.
81. Overall, the proposed APT is not considered to meet the City's design excellence provisions under Clause 6.21C of the Sydney LEP 2012, which requires that the land is suitable for the proposed development.
82. As such, a condition of consent is recommended in Attachment A to delete the APT from the approval.
83. A1016 is a new APT located at Erskineville Square as shown below:



**Figure 26:** Proposed siting of APT (A1016)



Figure 27: Aerial view with site in red



Figure 28: View of existing square looking eastwards with approximate siting in red





Figure 29: View of Erskineville Square in a northward direction with approximate siting in red



Figure 30: Approximate location of APT looking northwards in red

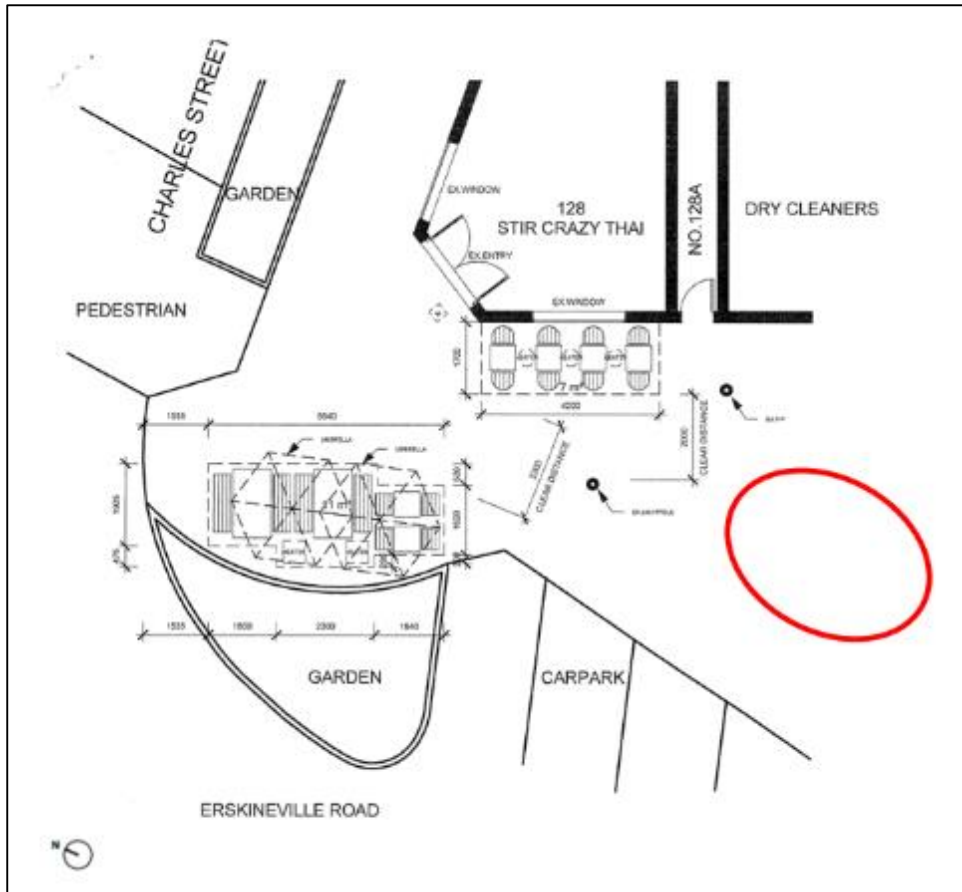




Figure 31: Approximate location of APT looking southwards in red



Figure 32: Approximate location of APT in red with existing outdoor dining area



**Figure 33:** Approved outdoor dining area serving the Full Moon Café (FA/2016/8) with the proposed location of the APT in red

### Green Roofs and Wall Panels

84. Full details have been provided of the proposed green wall panels and roofs including details on soil depth, soil specification, drainage and irrigation design, planting species, wall and roof fixing details.
85. The proposal is supported by Council's Landscaping Officer subject to a recommended condition which requires that the applicant provides a decommissioning strategy should any of the planters happen to fail for any reason due to aspect, sun/shade, park or urban street environment.
86. In addition, the applicant has engaged Fytogreen to be responsible to the maintenance and upkeep of the green walls and roofs for the initial contract term of 10 years, which is supported by Council's Street Furniture Contract Manager.

### Consultation

#### Internal Referrals

87. Prior to the lodgement of the development applications, the Design Advisory Panel reviewed and commented on the design of the suite of street furniture items.

88. The application was referred to, or discussed with the following referral officers and bodies during the assessment:
- (a) Director Planning, Development and Transport;
  - (b) Executive Manager Planning and Development;
  - (c) City Design Unit;
  - (d) Urban Design and Heritage Manager;
  - (e) Heritage Specialist;
  - (f) Urban Design Specialist;
  - (g) Public Domain Unit;
  - (h) Transport and Access Unit;
  - (i) Waste Management Unit;
  - (j) Safe City Unit;
  - (k) Landscaping Officers;
  - (l) Tree Management Unit; and
  - (m) Council's Surveyor.
89. The above referral officers and bodies advised that the proposal is acceptable subject to conditions. Where appropriate, these are included in the recommended conditions of consent included at Attachment A.

## **External Referrals**

### **Ausgrid**

90. Pursuant to Section 45 of the SEPP (Infrastructure) 2007, the application was referred to Ausgrid for comment.
91. A response was received raising no objections to the proposed development.

### **NSW Heritage Council**

92. Pursuant to the Heritage Act 1977, the application was referred to NSW Heritage Council on 21 October 2021 for comment.
93. General Terms of Approval were issued by NSW Heritage Council on 8 December 2021 and have been included in the schedules within the recommended conditions of consent.

### **Transport for NSW**

94. Pursuant to Section 101 of the SEPP (Infrastructure) 2007, the application was referred to Transport for NSW (TfNSW) for comment.



95. Comments were received on 3 November 2021. Conditions of consent were recommended which are included in the Notice of Determination.

### NSW Police

96. The application was referred to NSW Police for comment.
97. No response was received.

### Advertising and Notification

98. In accordance with the City of Sydney Community Participation Plan 2020, the proposed development was notified for a period of 28 days between 15 October 2021 and 13 November 2021. A total of 582 properties were notified and 74 submissions were received. 52 objections relate to the proposed APT (A1016) in Erskineville Square, 15 objections relate to the proposed APT (A1020) on Cowper Wharf Road, Woolloomooloo and 7 objections relate to the proposed APT (A1019) at All Sorts Park, Rosebery which has been withdrawn for consideration from the application.
99. No submissions were raised regarding the proposed APTs located in Wentworth Park (A1017) and Victoria Park (A1018) which are recommended for approval.
100. The submissions raised the following issues:
- (a) **Issue:** Proposed APT (A1016) located in Erskineville Square is inappropriately located and would have an adverse impact on visual amenities, existing retail premises, pedestrian movement and the heritage character of the area.
  - (b) **Response:** Proposed APT (A1016) is not supported by Council officers as detailed in the 'discussion' section. It is recommended that this APT be deleted as part of the recommended conditions.
  - (a) **Issue:** Proposed APT (1020) on Cowper Wharf Road, Woolloomooloo would have an adverse impact on the visual amenities of the area.
  - (b) **Response:** The proposed APT would be 3.1m in height and 3.7m in width. Consequently, the proposed single storey structure would be relatively limited in size. It would not have significant adverse impacts on visual amenities or the surrounding buildings including the multi-storey car park which forms part of the State Heritage Item - Sydney Harbour Naval Precinct (I1116).
  - (a) **Issue:** Proposed APT (1020) on Cowper Wharf Road, Woolloomooloo is not a suitable site for the location of a new APT.
  - (b) **Response:** Cowper Wharf Road is identified as being high priority for the provision of a new APT in Councils Public Strategy 2014. The site is also located within the B4 zone of the Local Environmental Plan 2012 in which new public toilets are not a prohibit form of development and signage is permissible with consent. The proposed APT would be sufficiently set back from the road frontage sufficiently wide to locate the proposed APT. There is also sufficient distance from existing structures including the existing bus shelter situated approximately 15m to the north which would be retained.
  - (a) **Issue:** No requirement toilet facilities on Cowper Wharf Road

- (b) **Response:** The site is situated close to McElhone Steps which serves as an important pedestrian/commuter route from the city to adjoining suburbs including Kings Cross and Potts Point. The area is also frequented by tourist visiting the Naval Precinct and the nearby Embarkation Park. There is consequently a lot of footway traffic justifying the need for a public toilet in the proposed location.
- (a) **Issue:** Signage would have impact on residential amenities
- (b) **Response:** Conditions of consent include restrictions on the signage illumination to protect the amenities of the area.
- (a) **Issue:** Impact on nearby residential properties on Brougham Street.
- (b) **Response:** The nearest residential property Admiralty Gardens is located over 20m away from the proposed APT which is sufficient to protect the amenities of residents.
- (a) **Issue:** Public safety concerns with use of APT.
- (b) **Response:** The APT's will be jointly managed by the City and the Applicants. Given the position of the APT in a highly prominent location fronting Cowper Wharf road, the proposed siting is not considered to raise significant safety concerns. Notwithstanding, the management plan for the APT includes emergency response measures for any public safety issue including damage, offensive graffiti, drug use or otherwise.
- (a) **Issue:** Impact on Heritage Items
- (b) **Response:** The proposed site is not a Heritage Item or located within a Heritage Conservation Area. To the east of the site is located the multi-storey car park which forms part of the Sydney Naval Harbour Precinct and is a State Listed Building (I1116). The proposed single storey APT is not considered to considered to adversely affect the setting of the Heritage Item.

## Financial Contributions

### Levy under Section 61 of the City of Sydney Act 1988

101. The Central Sydney Development Contributions Plan 2013 applies to 1 of the 4 sites within this application.
102. The cost of the development is in excess of \$200,000. As required by the Contributions Plan, a written request for an exemption from development contributions was submitted on 29 October 2021.
103. Section 2.2(c) of the Contributions Plan sets out works that may be exempted from the levy upon written application, including:  
  
***"15. City of Sydney development – development undertaken by or on behalf of the City of Sydney including but not limited to items listed in the Schedule of Works to this Plan."***
104. It is noted the proposed APT is not listed in the Schedule of Works in the Contributions Plan, however the proposed development is to be delivered by QMS Media Pty Limited

on behalf of the Council, as per the City of Sydney Street Furniture and Outdoor Media Services Agreement.

105. Given that the proposed works are to be undertaken on behalf of the Council, it is appropriate to allow for the development to be exempted from payment of development contributions in accordance with Section 2.2(c) of the Contributions Plan.

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

106. The City of Sydney Development Contributions Plan 2015 applies to some sites within this application.
107. 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.

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

108. The application was lodged prior to 26 November 2021, therefore is not subject to a levy under the Central Sydney Development Contributions Plan 2020.

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

109. 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**

110. Environmental Planning and Assessment Act 1979.

#### **Conclusion**

111. Subject to recommended conditions, two of the proposed new APTs are appropriate in their settings and are generally compliant with the relevant planning controls in the Sydney LEP 2012 and Sydney DCP 2012.
112. The development is compatible with the existing heritage items and appropriate conditions have been imposed to ensure the development does not detrimentally impact on the heritage significance of relevant sites.
113. Council officer's do not support the APT located in Erskineville Square (A1016). It is recommended that these APTs be deleted as part of the recommended conditions.
114. 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.
115. Subject to the recommended conditions, it is considered that the proposed development will provide for appropriately located new APTs that are of a high design standard which can contribute positively to the public domain of local government area.

**ANDREW THOMAS**

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**DEREK SMYTH**

Specialist Planner