

**Item 7.****Development Application: Installation of Five New Automatic Public Toilets at Various Locations – D/2021/1088****File No.:** D/2021/1088**Summary****Date of Submission:** 11 October 2021**Applicant:** QMS Media**Architect/Designer:** Grimshaw Architects**Owner:** City of Sydney Council**Planning Consultant:** Mecone**Heritage Consultant:** City Plan Heritage**Cost of Works:** \$2,289,760.00**Zoning:** The sites are located within the B8 Metropolitan Centre, RE1 Recreation and SP2 Infrastructure zones.

The proposed structures are permissible with consent in the B8 Metropolitan Centre and RE1 Recreation zones, however, are prohibited within the SP2 Infrastructure zone.

As detailed later in this report, the site located in the SP2 zone (A1022) is not supported and does not form part of the recommended approval.

**Proposal Summary:** The application seeks consent for five (5) new automated public toilets (APTs) in the Central Sydney area between Alfred Street in the north and Quay Street in the south, as well as in Paddington on William Street. The APTs include green walls, with some also including green roofs. No advertising panels are proposed to be attached to the APTs.

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

The application was notified and advertised for a 28 day period between 21 October 2021 and 19 November 2021.

Three (3) objections were received, which raised concerns relating to the proposed APT located at Boomerang Place and William Street outside Cook & Philip Park (A1024).

TfNSW raised concerns regarding the APT located on Alfred Street (A1026) adjacent to the light rail line, with it potentially obscuring lines of sight in a highly pedestrianised environment. This APT is not recommended to be approved as further consultation with TfNSW and the Light Rail operator is required.

Council planning staff have concerns regarding the APT located on Bathurst Street (A1022) in that it is not permissible within the zone, and as it is adjacent to the Greenland tower building entrance and its potential impacts on pedestrian movements and the public domain. It is recommended that this APT be deleted as part of the recommended conditions.

Subject to the imposition of the above recommended conditions, three of the five APTs are supported. They will provide for appropriately located new APTs that are of a high design standard which can contribute positively to the public domain of the local government area.

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

**Development Controls:** Environmental Planning and Assessment Act 1979  
Environmental Protection & Biodiversity Conservation Act 1999  
Environmental Planning and Assessment Regulation 2000  
State Environmental Planning Policy (Biodiversity & Conservation) 2021 - Chapter 10 Sydney Harbour Catchment  
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/2021/1088 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 B8 Metropolitan Centre zone and RE1 Recreation Centre zones.
- (C) The development is compatible with the character of the Circular Quay and Railway Square/Central Special Character Areas.
- (D) Appropriate conditions have been imposed to ensure the development does not adversely impact on the heritage significance of nearby sites.
- (E) The development, subject to conditions, will promote the orderly operation of the automated public toilets.
- (F) The development accords with objectives of relevant planning controls.
- (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 subject sites are five (5) locations within the public domain of the Central Sydney area between Alfred Street in the north and Quay Street in the south, as well as in Paddington at the southern end of William Street. None of the sites contain an existing APT. A description of each location is provided in the table below.

Existing Location as referenced in Figure 1	Proposed Asset Number	Site Address
APT3	A1021	Oxford Street at William Street outside the car park area that is adjacent to Oxford Street
APT13	A1022	Bathurst Street and Pitt Street outside the Greenland tower at 115 Bathurst Street
APT5A	A1023	Quay Street and George Street adjacent to Railway Square
APT6A	A1024	Boomerang Place and William Street adjacent to Cook and Philip Park
APT11	A1026	Alfred Street and George Street opposite 1 Alfred Street

2. Some sites are adjacent to state or local heritage items. One (1) site, being 1021, is located within the Paddington South Heritage Conservation area. Two (2) sites are also located within Circular Quay and Railway Square/Central Special Character Areas, being A1026 and A1023 respectively.
3. Land uses surrounding all sites are a combination of commercial and residential and mixed-use buildings, of various styles and ages.
4. Photos of the site and surrounds are provided on the following page.



**Figure 1:** Aerial view of site and surrounds. Sites marked in blue (APT DA2) relate to the subject development application.



**Figure 2:** Site at Oxford Street (A1021)



**Figure 3:** Site at Bathurst Street (A1022)



**Figure 4:** Site at Quay Street (A1023) - replacement of existing kiosk



Figure 5: Site at Boomerang Place (A1024)



Figure 6: Site at Alfred Street (A1026)



## History Relevant to the Development Application

### Development Applications

5. The subject application forms part of upgrade works to existing and new street furniture items across the local government area.
6. 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 through the City of Sydney. Nine (9) APTs and associated advertising panels currently exist within the City of Sydney, and 11 new APTs are sought. The subject application relates to 5 of these.
7. The 5 applications include D/2021/969, D/2021/971, and D/2021/1213 which have already been approved, and D/2021/1088 and D/2021/1087 which have been assessed concurrently, and are being considered at the Local Planning Panel.

### Amendments

8. The applicant submitted a written request for an exemption from development contributions required by the Central Sydney Development Contributions Plan 2013 on 29 October 2021. Refer to the Contributions Section later in this report.
9. Following a preliminary assessment of the application by Council Officers, a request for additional information was sent to the applicant on 1 December 2021. The following information and amendments were requested:
  - A1022 on Bathurst Street: this APT is inappropriately located due its proximity to the main lobby of the recently constructed mixed-use development at 115 Bathurst Street, and there being insufficient pedestrian walking space on the footpath and even less when the turning circle of a wheelchair is considered. The site is also located within the SP2 Infrastructure zone. Its relocation is to be considered.
  - A1021 on Oxford Street: this APT is located across two zonings, being the SP2 Infrastructure zone to the northern portion and the B4 Mixed Use zone to the south. Attention was drawn to the previous approval on this site for an APT, D/2018/693, which required the relocation of the APT wholly within the B4 Mixed Use zoning. It is noted that this approval was not enacted and no APT has been installed in this location. Nonetheless, for consistency it is requested that the APT be relocated to also sit wholly within the B4 zone which would likely involve reorienting the APT.
  - A1023 on Quay Street: there is a co-ordination issue with the proposed APT and an advertising panel (AB1007) approved under D/2021/1025. To avoid a visual cluttering of and impacts on pedestrian flow on this street corner at the Quay and George Street intersection, it is recommended that the APT be relocated.
  - A1024 at Boomerang Place: it is required that consideration be given with interaction of the proposed APT and the development of the City Centre Playground in Cook and Phillip Park. It is also queried why the proposed APT is not located in the same location as the existing kiosk on William Street nearby the Cook and Phillip Pool Café entrance.

- A1026 at Alfred Street: TfNSW raised concerns regarding the proposed APT in this location with a very high volume of pedestrians reducing the effective footpath width and as a result will reduce capacity and flow impact on pedestrians. The location would also likely obscure the light rail driver's line of sight to pedestrians. It is requested that this APT be relocated in consultation with TfNSW and the Sydney Light Rail Operator to provide clear light rail drivers' line of sight to pedestrian movements
  - Green roof and green walls: insufficient information was provided to demonstrate the green roof and green wall system are feasible.
10. Further landscaping information was provided on 10 December 2021 which included 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.
  11. On 19 January 2022, Council's Landscape Officer requested further information to assess the feasibility of the design. At this stage, a green roof was not supported as the design was insufficient to support the healthy growth of a green roof, drainage and irrigation, and an alternate design was suggested. Additional information on the green wall design was required to address queries regarding soil depth, planting design and maintenance details.
  12. 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.
  13. Regarding the other matters raised in Council's letter dated 1 December 2021, the applicant provided a response on 2 March 2022 which in summary advised:
    - A1022 on Bathurst Street: the APT is permissible with consent and approvable in this land use zone. The APT is not located to obscure or interfere with the main entrance of the adjacent mixed-use development and is located where the existing payphone is currently located. The clearance provided between the APT and the adjacent building is 2.8m which exceeds the minimum distance required in the City of Sydney – Street Furniture Placement and Design Guidelines, March 2021.
    - A1021 on Oxford Street: the location has been re-surveyed, and the APT will be amended to be positioned so that it sits wholly within the B4 zone. Maintenance access to the rear from the adjacent car park is being resolved and confirmation will be provided as soon as possible. Amended plans showing this re-positioning was provided on 9 March 2022.
    - A1023 on Quay Street: a modification application has been lodged to adjust the location of AB1007 (D/2021/1025/A) by 20 metres to the north-east; addressing the comments raised regarding cluttering from the APT and ad bollard together. It is noted that at the time of writing this report, this modification application was approved (on 7 April 2022).
    - A1024 at Boomerang Place: The slope of the footpath further along William Street near the Cook and Phillip Pool Café entrance is approximately 1:13. This is not suitable as it will exceed the maximum continuous accessible path of travel gradient of 1:20 (as stated on page 26 of the adopted City of Sydney – Street

Furniture Placement and Design Guidelines, March 2021 (Appendix C, Section 2.4)).

- A1026 at Alfred Street: the 1200mm footpath width between the APT and adjacent verge complies with the minimum 1.2m setback specified at page 18 of the adopted City of Sydney – Street Furniture Placement and Design Guidelines, March 2021. Through engagement with TfNSW, the smart poles near the APT are set back 1.5 metres off the Dynamic Kinematic Envelope (DKE) line. The APT aligns with this setback as a clear delineation between footpath and light rail line environment. The gutter is a clear signal to pedestrians that they are stepping off the footpath and into a road / light rail environment. Therefore, the location of the APT is suitable.
14. As detailed in the 'Discussion' section of this report, A1021 (Oxford Street) remains not supported by Council officers, and the location of A1026 (Alfred Street) will require further consultation with TfNSW and the Sydney Light Rail Operator.

### Proposed Development

15. Approval is sought for five new APTs with integrated green roofs and walls. No advertising panels are proposed to be attached to any of the APTs subject to this report.
16. 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.
17. These are listed below with their respective asset number, proposed type and green wall panels and green roofing provided.

Asset Number	Type	Green Walls	Green Roof
A1021 Oxford St	Single	3 x panels	No
A1022 Bathurst St	Double	3 x panels	No
A1023 Quay St	Double	3 x panels	No
A1024 Boomerang Place	Double	3 x panels	Yes
A1026 Alfred St	Double	3 x panels	Yes

18. The proposed new APTs comprise a contemporary design which is generally rectangular in shape with round edges. Refer to the table below for proposed dimensions.

Measurement	Single APT	Double APT
Height	3075mm	3075mm
Width	3660mm	6060mm
Depth	2700mm	2700mm

19. 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.
20. Selected drawings of the new APTs are provided below.



**Figure 7:** Proposed photomontage of single APT

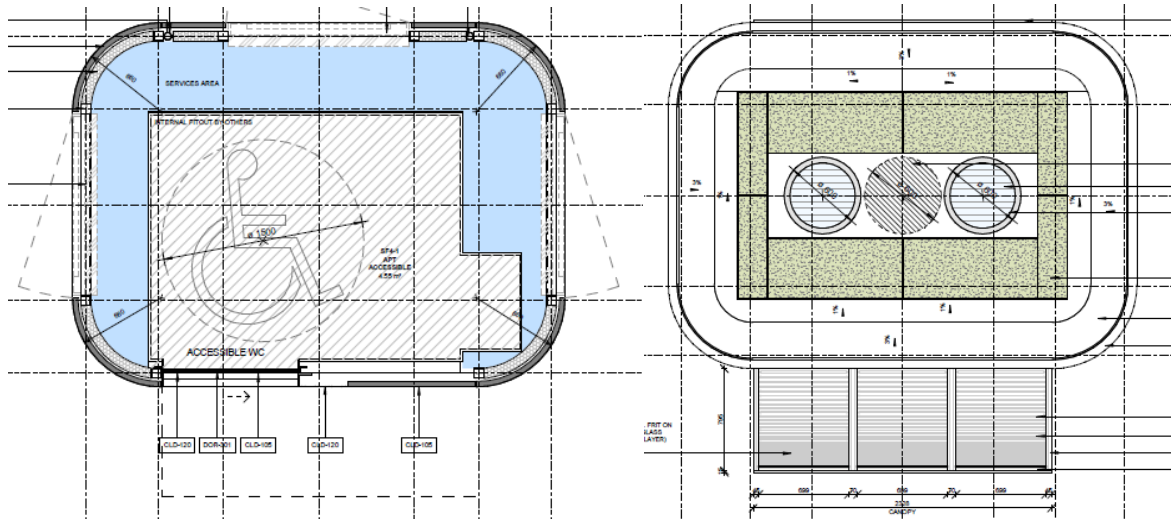


Figure 8: Proposed floor plan and roof plan of single APT

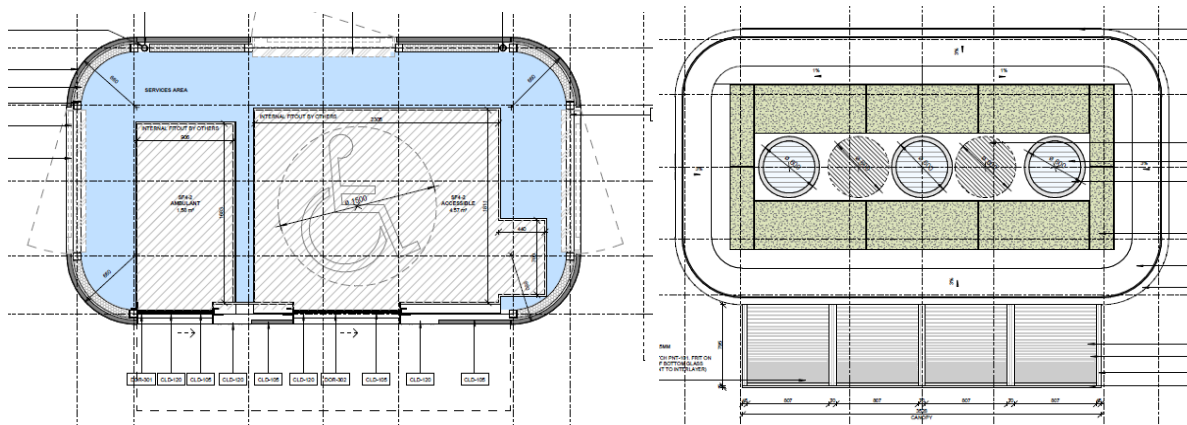
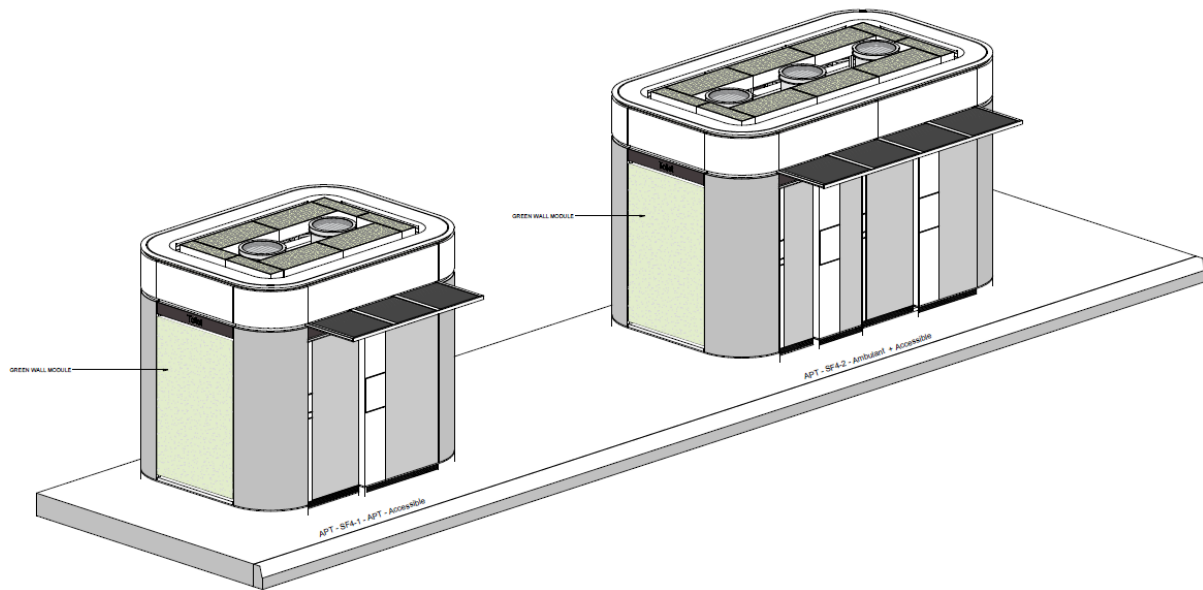


Figure 9: Proposed floor plan and roof plan of double APT



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

## Assessment

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

### Environmental Protection and Biodiversity Conservation Act 1999

22. The Governor's Domain and Civic Precinct, Macquarie Street, Sydney NSW (the Precinct) was listed on the National Heritage List during the assessment of this application. One (1) of the proposed structures (A1024) is within the curtilage of the Precinct.
23. The applicant has provided sufficient information to demonstrate that the proposed development will not have 'significant impact' on the heritage values of the Precinct. A referral to the Wildlife, Heritage and Marine Division is therefore not required

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

24. 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.
25. 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. The development is consistent with the controls contained within the SEPP.

## Local Environmental Plans

### Sydney Local Environmental Plan 2012

26. 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	Partial compliance	<p>The sites are located in the B8 Metropolitan Centre, RE1 Recreation and SP2 Infrastructure (Classified Road) zones.</p> <p>The proposed development is defined as an automated public toilet and is permissible with consent in the B8 and RE1 zones.</p> <p>APTs are prohibited in the SP2 (Classified Road) zone. See further details in the 'Discussion' section below regarding A1022 which is located in the SP2 zone.</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	<p>Some of the site are within the vicinities of heritage buildings (on footpaths in front of sites).</p> <p>The proposed APTs are not considered to have an adverse impact on these heritage items.</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**

27. 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**

28. Some of the sites are located within the Circular Quay and Railway Square/Central Special Character Areas.
29. Subject to conditions, the proposal is in keeping with the unique character and the design principles of the Special Character Area.

**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 APTs is generally in accordance with the Sydney Streets Design Code.
3.5 Urban Ecology	Yes	The proposed green panels and roofs make 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. However, precautionary conditions recommended by the City's Tree Management Unit have been



Provision	Compliance	Comment
		included in the recommended conditions of consent.  As APT 'A1021' proposes to replace a garden bed on Oxford Street at William Street, Paddington, there is an opportunity for planting a street tree in the second garden bed in William Street. A condition is recommended to ensure this.
3.9 Heritage	Yes	As per Clause 5.10 of Sydney LEP 2012, several sites are in proximity to heritage items, and the proposed APTs are acceptable subject to conditions.
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 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

### Sydney Public Toilet Strategy 2014

30. Council's Public 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.
31. 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.

32. The APTs that are supported are generally consistent with the recommendations of the Strategy.

### A1022 on Bathurst St

33. A1022 is a new APT proposed on Bathurst Street located in the public domain area in front of and in proximity to the entrance of Greenland tower, a recently constructed mixed-use development at 115 Bathurst Street (as shown below).

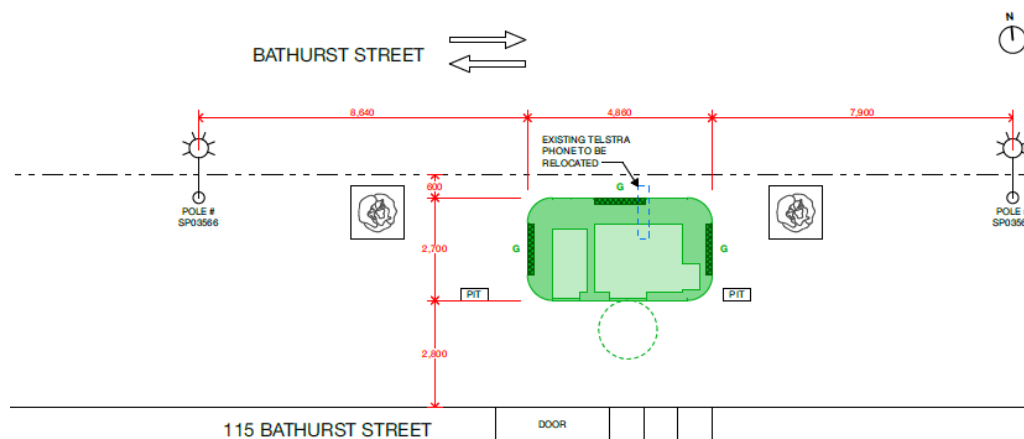
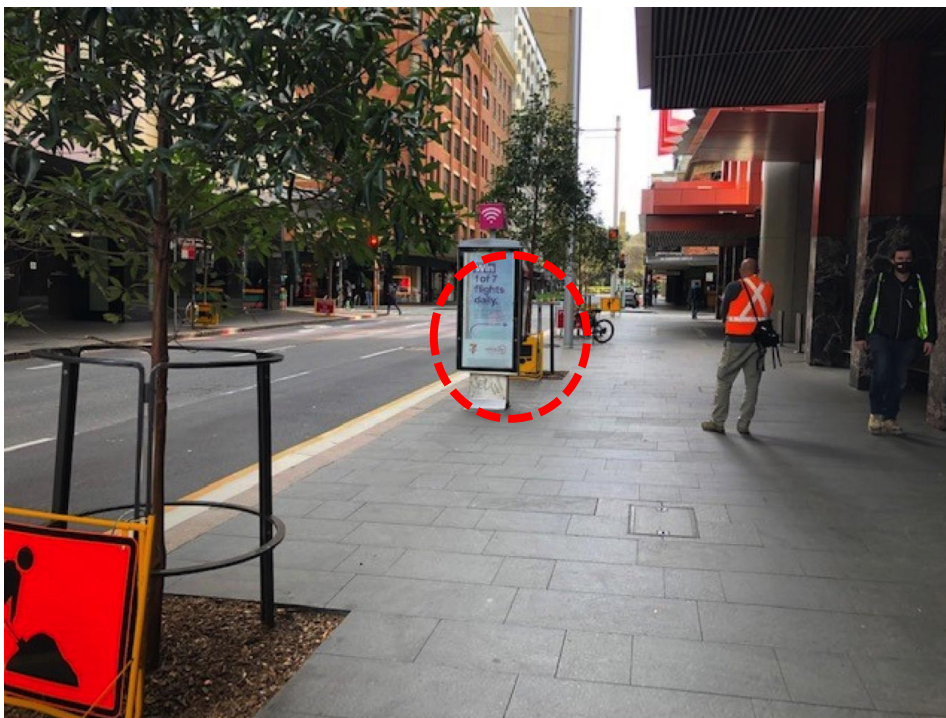


Figure 11: Site plan of A1022



**Figure 12:** Site at Bathurst St facing south-east



**Figure 13:** Site at Bathurst St facing east

34. The site is located within the SP2 Infrastructure (Classified Road) zone. As identified in the Sydney LEP 2012 compliance table above, APTs are prohibited in the SP2 Infrastructure (Classified Road) zone. The Applicant submits that the proposal is permissible with consent in the zone, in that the proposed APT being ordinarily incidental or ancillary to development for 'infrastructure' with it providing free-to-use,

convenient and accessible public amenities installed by or behalf of a public authority which serves pedestrians, cyclists and motorists as 'users' of the 'infrastructure'.

35. Council's Planning Unit does not support this position. The public toilet serves its own purpose, it is not component of the dominant purpose (as a road) but an independent use in the SP2 classified road zoning. The proposed facility is not considered to be ordinarily incidental or ancillary to the road use, it is not considered to be a minor element and is not required for the road to function properly as may be the case with other ordinarily incidental and ancillary structures such as road signage, traffic lights etc.
36. As the APT is prohibited in the zone, its sought location is not supported.
37. Additionally, during the assessment of the application, Council's Planning Assessment Unit raised concerns regarding the proposed location of A1022 due its proximity to the main lobby of 115 Bathurst Street, and there being insufficient pedestrian walking space on the footpath in this location of high pedestrian volumes.
38. In response, the applicant submitted that the proposed APT is not located to obscure or interfere with the main entrance of the adjacent mixed-use development and is located where the existing payphone is currently located, as well as that the clearance provided between the APT and the adjacent building is 2.8m which exceeds the minimum distance required in the City of Sydney – Street Furniture Placement and Design Guidelines, March 2021.
39. Despite the above, Council staff are of the opinion that A1022 is an inappropriate location for a public toilet. The footpath has a high pedestrian usage with residents and workers entering the mixed-use development and with Bathurst Street being a main east-west thoroughfare for pedestrians in the city. The proposed location will impact on this pedestrian flow. The proposed APT installation will also obstruct ground floor views from the recently constructed development at 115 Bathurst Street, which offers active surveillance to the street.
40. Overall, the proposed new APT in this location 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, that pedestrian access and circulation requirements are addressed, and appropriate interfaces at ground level between the building and the public domain are achieved.
41. As such, a condition of consent is recommended in Attachment A to delete this APT from the approval.

#### **A1026 on Alfred St**

42. A1026 is a new APT proposed on Alfred Street located north of the light rail line (as shown below).

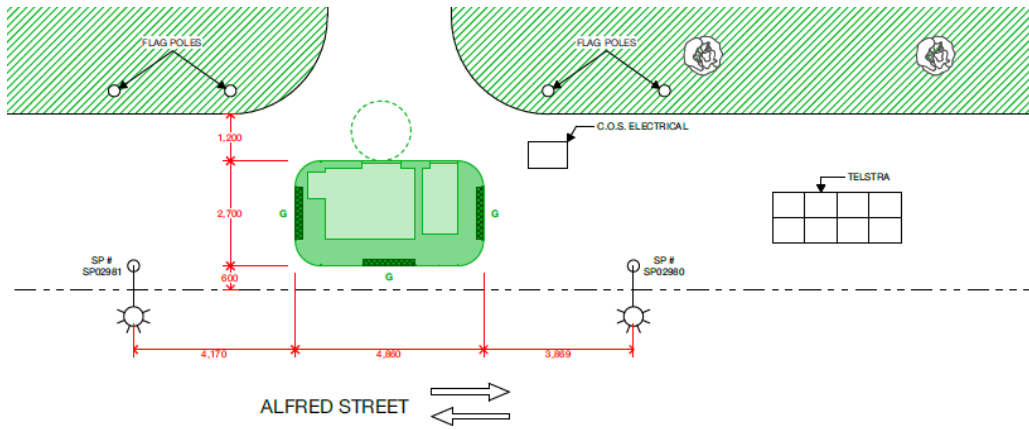


Figure 14: Site plan of A1026



Figure 15: Site at Alfred Street facing west



**Figure 16:** Site at Alfred Street facing north

43. During the assessment of the application, TfNSW raised the following concerns regarding A1026:
- It reduces the effective footpath width to 1200mm and as a result reduces the capacity of the footpath and may impact the flow of pedestrians.
  - It is located 600mm away from the street kerb, however the distance between the APT and a light rail vehicle on Alfred Street is unclear.
  - It is not supported as the light rail drivers' line of sight to pedestrian movements would be obscured in the vicinity of this site and this would likely increase pedestrian related incidents at this location.
  - It was requested that the APT be relocated in consultation with TfNSW and the Sydney Light Rail Operator to provide clear light rail drivers' line of sight to pedestrian movements.
44. As discussed in the 'Amendments' section above, the applicant responded to the above requests, advising that the location of the APT is suitable for the following reasons:
- The 1200mm footpath width between the APT and adjacent verge complies with the minimum 1.2m setback specified at page 18 of the adopted City of Sydney – Street Furniture Placement and Design Guidelines, March 2021.
  - Through engagement with TfNSW, the smart poles near the APT are set back 1.5 metres off the Dynamic Kinematic Envelope (DKE) line, which is the outline of the space occupied by a light rail vehicle when in motion. The APT aligns with this setback as a clear delineation between the footpath and light rail line environment. The gutter is a clear signal to pedestrians that they are stepping off the footpath and into a road / light rail environment.

45. Following the applicant's response, TfNSW provided comments on 18 March 2022. TfNSW advised that although the APT at this location is setback 1.5 metres from the Light Rail dynamic kinetic envelope, which aligns the smart pole locations, the agency believes that the APT will block the line of sight between the Light Rail operator's vision and pedestrians significantly more than a smart pole.
46. As such, TfNSW reiterated that consideration is to be given to relocate the APT in consultation with TfNSW and the Light Rail operator to ensure a clear line of sight in a highly pedestrianised environment.
47. A condition of consent is recommended in Attachment A so that A1026 is not approved at this stage, and that any consideration of an APT in this location involves further consultation with TfNSW.

### **Green Roofs and Wall Panels**

48. Full details have been provided of the proposed green wall panels and roods including details on soil depth, soil specification, drainage and irrigation design, planting species, wall and roof fixing details.
49. 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.
50. 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.

### **Street Furniture Location**

51. 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 5m 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 relocated position/s complies with all the relevant standards and do not conflict with existing street furniture and fixtures.
52. It is considered that the above condition is not appropriate for the subject application, and instead a condition is recommended that restricts the relocation of the proposed APTs to the footprints as shown on the plans, to ensure that they do not have a detrimental impact on their settings within their landscape environment.

### **Consultation**

#### **Internal Referrals**

53. 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.
54. The application was referred to, or discussed with the following referral officers and bodies during the assessment:
  - (a) City Design Unit;

- (b) Heritage Specialist;
  - (c) Urban Design Specialist;
  - (d) Public Domain Unit;
  - (e) Transport and Access Unit;
  - (f) Waste Management Unit;
  - (g) Safe City Unit;
  - (h) Landscaping Officers;
  - (i) Tree Management Unit; and
  - (j) Council's Surveyor.
55. The above referral officers and bodies suggested appropriate conditions. Where appropriate, these are included in the recommended conditions of consent included at Attachment A.

### **External Referrals**

#### **NSW Police**

56. The application was referred to NSW Police for comment.
57. No response was received.

#### **Transport for NSW**

58. The application was referred to Transport for NSW (TfNSW) for comment.
59. As described in the 'Issues' section above, comments were received on 9 November 2021 raising concerns regarding the proposed new APT on Alfred Street (A1026). It was requested that the APT be relocated in consultation with TfNSW and the Sydney Light Rail Operator to provide clear light rail drivers' line of sight to pedestrian movements.
60. TfNSW provided further comments on 18 March 2022 which stated that TfNSW considers that the APT will block the line of sight between the Light Rail operator's vision and pedestrians significantly more than a smart pole, and reiterated consultation is required with TfNSW and the Light Rail operator.
- As stated above, a condition of consent is recommended so that this APT is not approved as part of this application, and that any consideration of a public toilet in this location involves this consultation process. Other conditions of consent recommended by TfNSW are also included in the conditions of consent included at Attachment A.



## Advertising and Notification

61. 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 21 October 2021 and 19 November 2021. A total of 2087 properties were notified and 3 submissions were received.
62. The submissions raised the following issues:
  - (a) **Issue:** Concerns regarding the proposed APT at Boomerang Place and William Street outside Cook & Phillip Park (A1024), including tree impacts, safety issues and inappropriate location being nearby the new playground as well as the entrance of Park Lane Towers (1 Boomerang Place). Suggestion for APT to be relocated to the position of an existing flower stall on William Street or the off street parking area beside the Cook and Phillip Park Pool.
    - **Response:** As discussed in the 'Amendments' section above, Council requested for the applicant to consider relocating the proposed APT in the same location as the existing kiosk on William Street nearby the Cook and Phillip Pool Café entrance.
    - The applicant advised that they considered a relocation further up the slope of William Street near the Cook and Phillip Pool Café entrance, however the slope there is approximately 1:13 which is not suitable as it will exceed the maximum continuous accessible path of travel gradient of 1:20.
    - Conditions of consent are recommended to ensure that the proposed APT will result in no tree, safety or amenity impacts.
  - (b) **Issue:** Concerns regarding the City Centre Children's Playground Project at Yurong Parkway, including issues with the community consultation process and the need for a playground in this area.
    - **Response:** The approved City Centre Playground in Cook & Phillip Park does not relate to the subject street furniture application.

## Financial Contributions

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

63. The Central Sydney Development Contributions Plan 2013 applies to some sites within this application. 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.
64. 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."

65. It is noted the proposed APTs are 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.
66. 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**

67. The City of Sydney Development Contributions Plan 2015 applies to some sites within this application.
68. 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**

69. The application was lodged prior to 26 November 2021, and 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**

70. The subject sites are located in Central Sydney and on residual land. 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**

71. Environmental Planning and Assessment Act 1979.

#### **Conclusion**

72. Three of the five proposed APTs are supported. Subject to recommended conditions, the APTs that are supported are appropriate in their settings and are generally compliant with the relevant planning controls in the Sydney LEP 2012 and Sydney DCP 2012.
73. The supported APTs are compatible with the character of the relevant Railway Square/Central Special Character Area and appropriate conditions have been imposed to ensure the APTs do not detrimentally impact on the heritage significance of nearby sites.
74. TfNSW raised concerns regarding the APT located on Alfred Street (A1026) adjacent to the light rail line, with potential issues regarding obscuring lines of sight in a highly pedestrianised environment. A1026 is not recommended to be supported at this stage and further consultation with TfNSW and the Light Rail operator is required to address this.

75. Council officers do not support the APT located on Bathurst Street (A1022) adjacent to the Greenland tower building in that it is considered that the development is not permissible within the SP2 Infrastructure (Classified Road) zone, and as a result of its potential impacts on pedestrian movements and the public domain. It is recommended that this APT be deleted as part of the recommended conditions.
76. The public interest is served by the approval of the proposal subject to recommended conditions.
77. Subject to the recommended conditions, it is considered that the proposed development will provide for three 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**

Executive Manager Planning and Development

Mia Music, Senior Planner