

Relevant Information for Local Planning Panel

FILE: D/2022/1248 **DATE:** 6 September 2023

TO: Local Planning Panel Members

FROM: Andrew Thomas, Executive Manager Planning & Development

SUBJECT: Information Relevant To Item 4 – Development Application 5050 Cowper Wharf Roadway, Woolloomooloo – D/2022/1248

For Noting

That the Local Planning Panel note the information contained in this memo.

Background

On 4 September 2023 the City received late correspondence outlining further objections to the subject application. Council's assessment planner has discussed these objections with the objector. The submission contains the following objections:

"My criticism is the utter dishonesty of a DA being presented to council about the location of the APT ostensibly to serve Harry's Cafe de Wheels (Harry's) when:

- 1) *It is at least 120 metres away from Harry's.*
- 2) *It is around a bend in the road from Harry's and therefore cannot even be seen from Harry's.*
- 3) *There is land ADJACENT to Harry's upon which the toilet may be erected, albeit with less advertising exposure.*
- 4) *The DA overlooks the concerns of the occupants of 53 units in Admiralty Gardens directly opposite. Of those units only 2 are one bedroom units - so in fact at least 135 people live there. My submission underestimated the number.*
- 5) *The north facing side of the building will now look over a large APT.*
- 6) *None of the photos presented to Council show the true picture of the impact on the amenity on Admiralty Gardens. There is an oblique view of Admiralty Gardens taken*

looking up McElhone Street but none looking at the proposed APT site from the front of Admiralty Gardens.

- 7) *If the site was so innocuous why are there no photos clearly showing the impact on Admiralty Gardens?*
- 8) *As for being near Navy land- the Navy has its own toilets.*
- 9) *The entire location is therefore about advertising exposure for the applicant rather than amenity.”*

The objector's submission is attached as Attachment A.

The following comments are provided in response to the objector's submission:

- 1) The proposed Automated Public Toilet (APT) is located 80m from Harry's Café de Wheels (Harry's) when measured along the footpath.
- 2) The proposed APT is not within a direct line of site to Harry's and is indeed obscured by a 2m high fence and Navy base infrastructure. However, it is not considered likely that this would preclude use of the APT by Harry's customers. The APT is also sited to serve the general area and people travelling between the CBD and Potts Point. The APT is not intended for the sole purpose of serving Harry's.
- 3) There is sufficient space next to Harry's which may be able to accommodate an APT. This alternate location was identified within the applicant's Urban Design Analysis and is identified as Location 1. Location 1 was considered by the Design Advisory Panel (DAP) during assessment and was noted as a possible suitable location but was dismissed as DAP understood the site to be Crown Land. DAP also noted that an APT in this location should be sensitive to water views from the café. It is noted that the Panel concluded that the proposed DA location is the preferred location.

Council further considered Location 1 during assessment and note that the site is in fact privately owned, is listed as part of a local and a State heritage item, is located on the harbour foreshore, and within a 'right of footway.' While these considerations do not necessarily preclude Location 1 as a site, they do impose constraints on approval (e.g. The need for owners consent and approval of the Heritage Council). In this regard the proposed site is considered to be the preferred location.

- 4) The objector's comments are not specific as to how the subject development application (DA) has overlooked the concerns of the occupants of the Admiralty Gardens apartment building – located at 67 Cowper Wharf Roadway. Council's assessment of the application has considered potential impacts presented by the proximity of the proposed APT to the apartment building and has addressed the objections raised by submitters from the premises.
- 5) Apartments on the north-east facade of the apartment building will view the APT. The APT is considered to be of a high quality design and will present minimal obstruction or impacts to harbour views or the adjacent State heritage item.
- 6) The applicant has provided site photos of the proposed APT location and has provided artist renders of the proposal. While the supplied images do not show the full north-west facade of Admiralty Gardens, Council staff have conducted multiple site visits and have provided photographs of the neighbouring apartment building within the

Assessment Report. The proximity of the proposal to the apartment building has been a key consideration during assessment of the application.

- 7) As noted above, Council has considered the impact of the proposal on the apartment building during assessment of the application.
- 8) The proposal does not comment on the use of the proposed APT by Navy personnel. The applicant submits that the proximity to the naval wharf entrance and guardhouse will provide passive security to the site. Council's assessment has considered that off-duty Navy personnel may also benefit from the toilet, and notes that Navy personnel moving between the nearby barracks and Cowper Wharf Roadway provide passive surveillance to the APT.
- 9) While the APT does propose associated advertising panels and is adjacent to a busy roadway, the proposed siting is consistent with the City of Sydney Public Toilet Strategy 2014. The applicant has also provided an Urban Design Analysis to justify the proposed location in consideration of alternative locations along Cowper Wharf Roadway.

Prepared by: Thomas Walters, Planner

Attachments

Attachment A. Objector's email to Council

Approved



ANDREW THOMAS

Executive Manager Planning & Development