

Item 4.**Development Application: 116-126 Erskineville Road, Erskineville - D/2024/129****File No.: D/2024/129****Summary****Date of Submission:** 28 February 2024**Applicant:** Mecone Group Pty Ltd**Architect/Designer:** Grimshaw Architects**Developer:** QMS Media Pty Ltd**Owner:** Transport for NSW**Planning Consultant:** Mecone Group Pty Ltd**Heritage Consultant:** City Plan Heritage**Cost of Works:** \$413,270.00**Zoning:** The proposal is located within the RE1 Public Recreation zone under the Sydney Local Environment Plan 2012. The proposal is permissible with consent.

Proposal Summary: The application seeks consent for the installation of a public amenities facility - Automated Public Toilet (APT).

The application is referred to the Local Planning Panel (LPP) for determination as the development is proposed on land under the control of the Council and more than one objection has been received.

The application was notified for 28 days between 13 March 2024 and 11 April 2024. 25 submissions were received (one support and 24 objections). The issues raised in the submissions have been considered in this assessment.

The application has been amended to address issues identified by Council officers in relation to the maintenance of the grounds immediately adjacent the proposed APT. An amended plan and amended Plan of Management to address this issue, and additional information to support selection of subject site for the proposed APT were

received by the Council on 30 April, 27 May, and 31 July 2024.

In consideration of the amendments made during assessment and subject to recommended conditions, the proposal is supported. The APT is a high-quality design, and is appropriately located in terms of safety, local amenity and need of the Erskineville village centre.

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

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) Environmental Planning and Assessment Regulations 2021
- (iii) SEPP (Transport and Infrastructure 2021
- (iv) SEPP (Biodiversity and Conservation) 2021
- (v) Sydney Local Environmental Plan 2012
- (vi) Sydney Development Control Plan 2012
- (vii) City of Sydney Public Toilet Strategy 2014

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Urban Design Analysis
- D. Submissions

Recommendation

It is resolved that consent be granted to Development Application Number D/2024/129 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 proposed public amenities facility is permissible within the RE1 Public Recreation zone. The proposal, subject to conditions, is consistent with the objectives of the RE1 zone.
- (B) The development will not result in detrimental impacts to the character of the Erskineville Road Village Centre locality and the Burren Estate Heritage Conservation Area.
- (C) Appropriate conditions are recommended to ensure the proposed development does not result in detrimental impacts to the existing trees on site.
- (D) The development, subject to conditions, will facilitate the orderly operation of the APT and will not unreasonably compromise the amenity of the locality.
- (E) The development exhibits design excellence and accords with the objectives of relevant planning controls and the City of Sydney Public Toilet Strategy 2014.
- (F) The proposal, subject to conditions, and as demonstrated by additional information provided by the applicant to address issues raised by Council officers, is in the public interest.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 2 of DP 731273, and is known as 116-126 Erskineville Road, Erskineville. It is also known as the Ellen Lawman Rest Area. The site is irregular in shape with area of approximately 493.8 sqm. The site is located on the north side of Erskineville Road, between the intersections of Erskineville Road to John Street and Charles Street.
2. The subject APT is located within the eastern section of the Ellen Lawman Rest Area, to the rear of an existing bus shelter, 2.6m from the footpath and immediately south of an existing park bench.
3. The surrounding area is characterised by a mixture of land uses, primarily being residential, commercial, and public recreation. The site is in the vicinity of residential dwellings to the north and adjoins 61A Charles Street, a single storey cottage fronting Charles Street, and a rear courtyard which backs onto John Street.
4. Located to the east of the site, across Charles Street is a row of two storey buildings with a restaurant and other commercial premises located on the ground floor level, fronting Erskineville Square. A row of residential dwellings is located further east of the commercial developments.
5. To the west of the site, across John Street is the Maureen Oliver Reserve, and playground. A row of single storey commercial premises and the Erskineville Town Hall are located further west of the reserve.
6. The site is not a heritage item. It is located within the Burren Estate heritage conservation area (C21).
7. The site is located within the Erskineville Road Village Centre locality and is not identified as being subject to flooding.
8. A site visit was carried out on 4 March 2024. Photos of the site and surrounds are provided below:



Figure 1: Aerial view of proposed APT location (identified in red) and surrounds, including the Erskineville Christmas tree (identified in blue; aerial image from November 2023 prior to Christmas celebrations)



Figure 2: Site viewed from Erskineville Road facing northwest. Proposed APT is located behind existing bus shelter circled in red.



Figure 3: Site viewed from intersection between Erskineville Road and Charles Street, facing west



Figure 4: Site viewed from intersection between Erskineville Road and John Street, facing east



Figure 5: View towards proposed APT location

History Relevant to the Development Application

Development Applications

9. The following applications are relevant to the current proposal:

- **D/2021/1087** – A DA was lodged on 11 October 2021 for the installation of 4 new APTs in various locations, one of which included Erskineville Square to the east of the subject site. The DA was approved by the Local Planning Panel on 27 April 2022, subject to conditions, which included Condition (2)(a) requiring the deletion of the APT located at Erskineville Square. Condition (2)(a) is as follows:

'(a) The APT located in Erskineville Square (A1016) is not approved and is deleted.'

The site for the Erskineville APT proposed in the previous application was at the narrower end of Erskineville Square approximately 36m to the east of the subject site, directly in front of commercial premises including a laundromat and café. An image showing the proposed APT location in relation to the location proposed under the subject application is attached below:



Figure 6: Aerial view of proposed APT (identified in red), in relation to location of APT previously proposed under D/2021/1087 (identified in orange)

The APT at this location was not approved for reasons including adverse impact on the existing retail businesses and the frontages obstructed when viewed from Erskineville Road, obstruction of pedestrian movement within the Square, not in keeping with the Erskineville Road Special Character Area, and having an adverse impact on the heritage conservation area.

- **D/2022/1360** – A DA was lodged on 13 January 2023, proposing installation of a new APT at the Erskineville Square, at the same location as proposed in the earlier DA noted above (D/2021/1087). The applicant provided an Urban Design Analysis (UDA) as part of the submission to justify the proposed location.

The DA was withdrawn on 18 July 2023, due to ongoing concerns with the proposed location.

10. Eighteen other APTs have been approved at various locations across the City. Some of the approved APTs include digital advertising panels and/or green walls.

Amendments

11. Following a preliminary assessment of the proposed development, a request for additional information was sent to the applicant on 21 March 2024. The applicant was required to provide an Urban Design Analysis report (UDA), to include an assessment of alternative locations along Erskineville Road and comparison with the subject site, and owner's consent from Transport for NSW (TfNSW).
12. Further requests for information were sent to the applicant on 17 April 2024 and 9 May 2024 following receipt of submissions and referral comments. The applicant was requested to provide the following items:

- (a) additional information for TfNSW (current Plan of Management for the reserve and information of any known contaminants on the land)
 - (b) a comparison of alternative locations suggested in submissions
 - (c) details on the edge and landscape treatment around the APT structure to ensure an easily maintained edge is provided, and
 - (d) an updated Plan of Management (POM) to provide additional information on APT servicing, noting that service vehicles are not to drive onto the lawn or soft landscape areas when servicing the structure.
13. On 30 April 2024, the applicant provided owner's consent from TfNSW and additional information on the subject site.
 14. On 27 May 2024, the applicant provided an initial comparative analysis of the additional alternative sites suggested in submissions and requested that the submission of the initial analysis be in lieu of an UDA. The applicant was advised a UDA was still required. Further guidance was provided on information required in the UDA, including photomontages of the APT in proposed location.
 15. On 31 July 2024, the applicant provided the requested information in full, including a UDA, an updated location plan and an updated POM.

Proposed Development

16. Development consent is sought for the installation of a new Automated Public Toilet (APT). The APT is a 'single' type, comprising an accessible toilet with integrated green wall panels on three sides. No advertising signage panels are proposed.
17. The proposed APT is of a contemporary design, consistent with other approved APT's, which is generally rectangular in shape with round edges and with the dimensions as follows:

Measurement	Proposed APT
Height	3,075mm
Width	3,760mm
Depth	2,800mm (plus an awning of depth 811mm)

18. The APT will be operational 24 hours a day.
19. The external cleaning and maintenance will be undertaken by QMS, while the internal cleaning and maintenance will be the responsibility of the City of Sydney.
20. The APT also features an internal cleaning system, featuring floor cleaning jets and drying fans located just above the floor.

21. Selected drawings of the new APT are provided below.

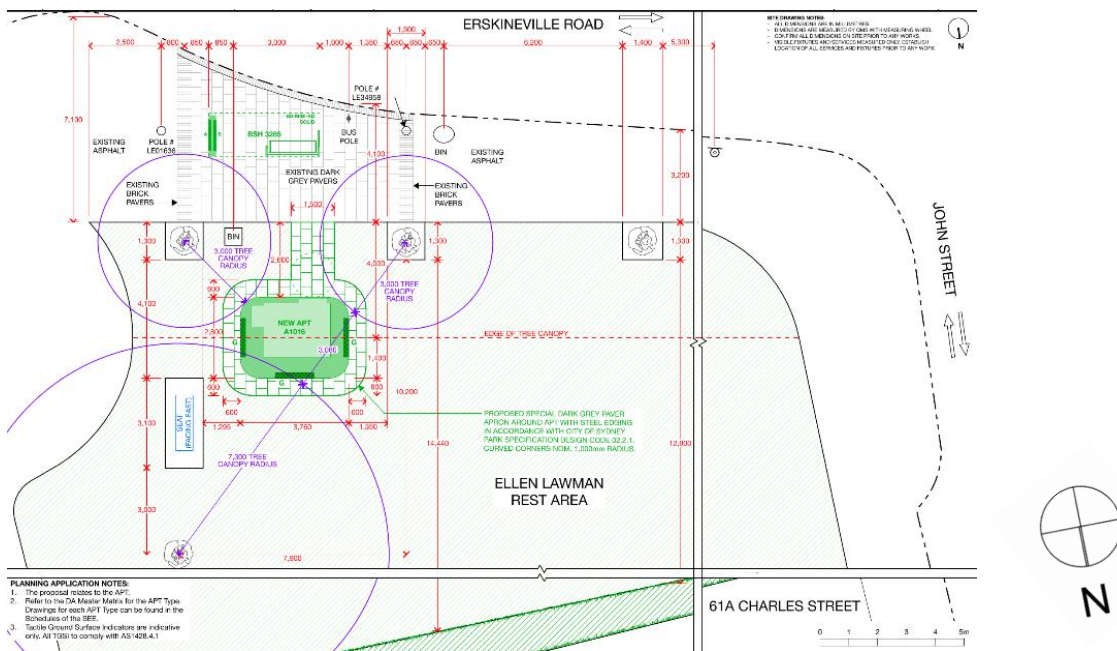


Figure 7: Proposed location plan

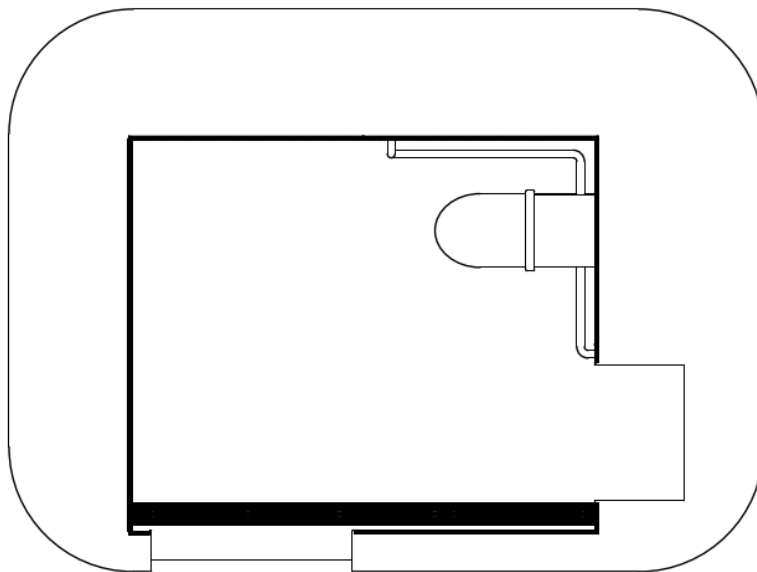


Figure 8: Proposed internal floor plan

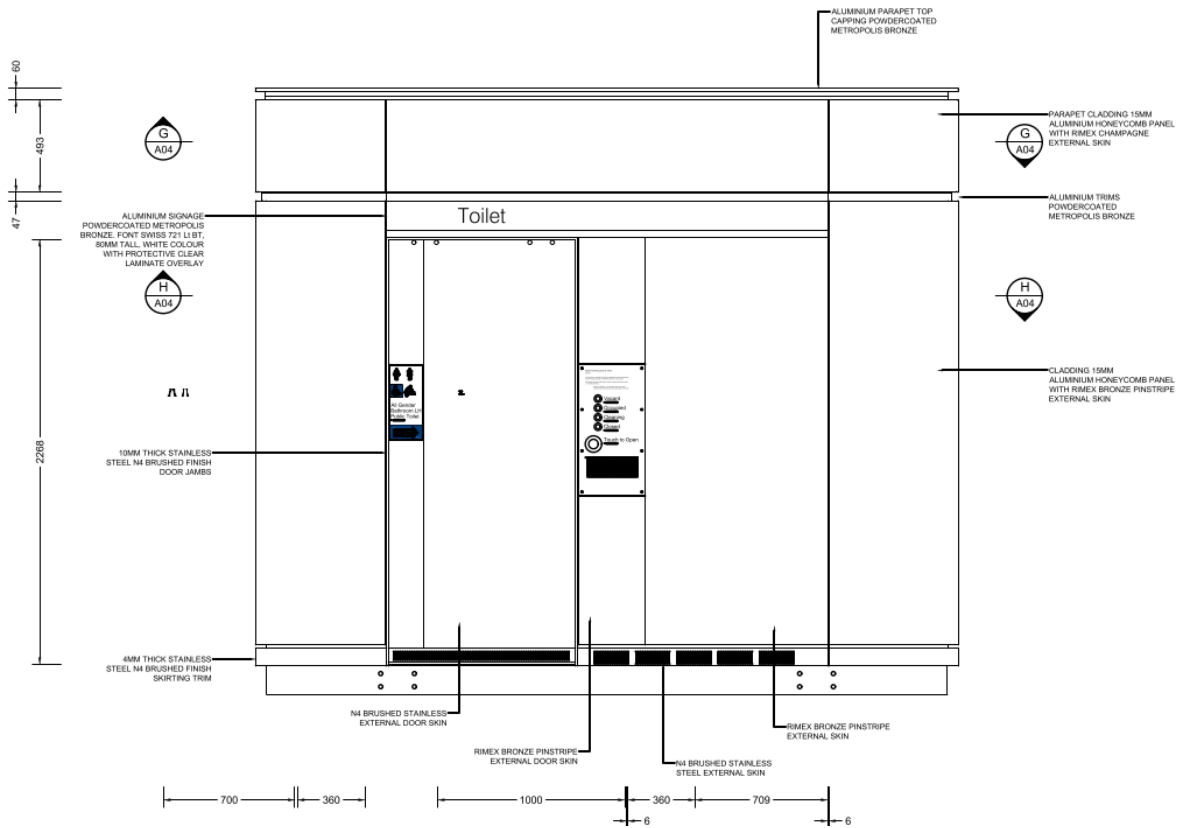


Figure 9: Proposed front elevation



Figure 10: Proposed rear elevation

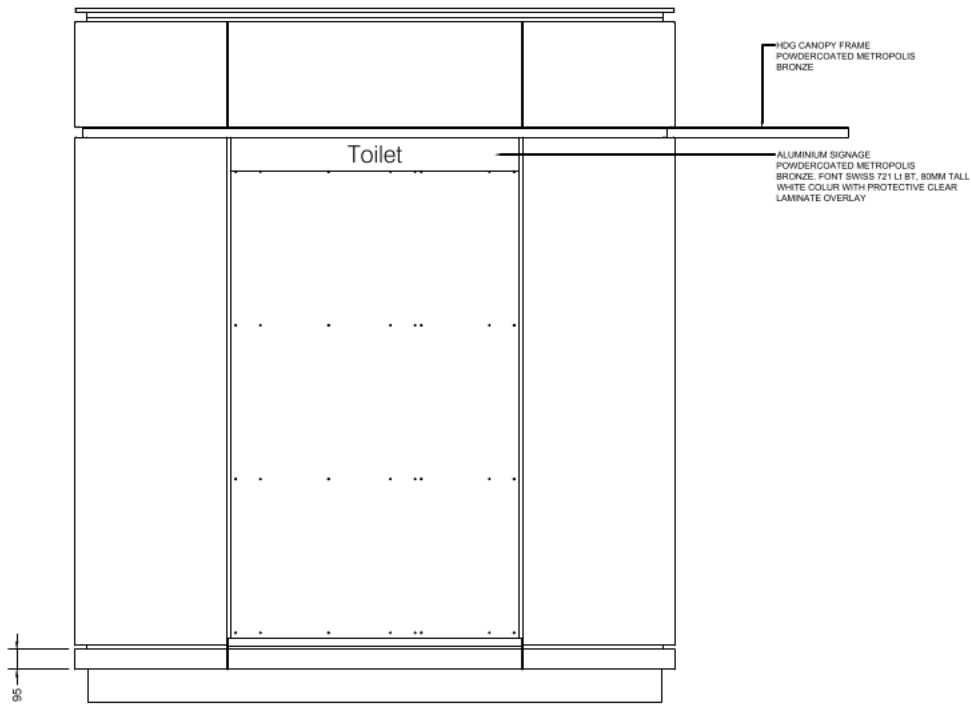


Figure 11: Proposed side elevation

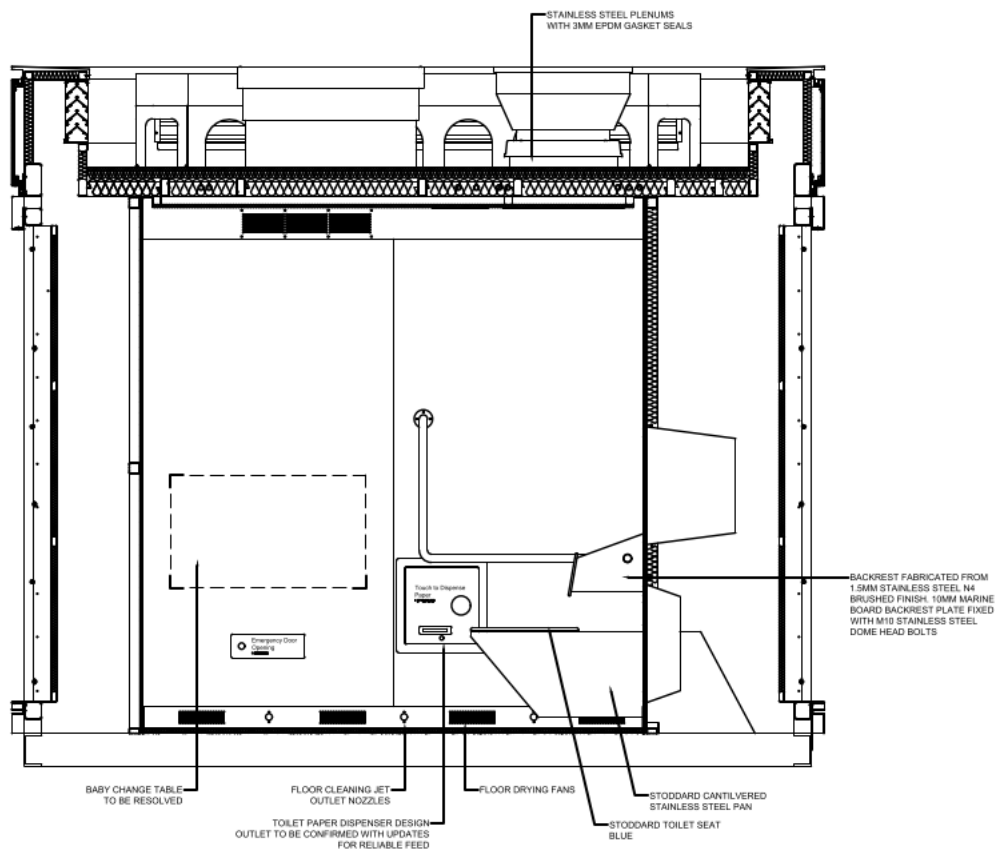


Figure 12: Proposed section



Figure 13: Photomontage of proposed APT looking east along Erskineville Road

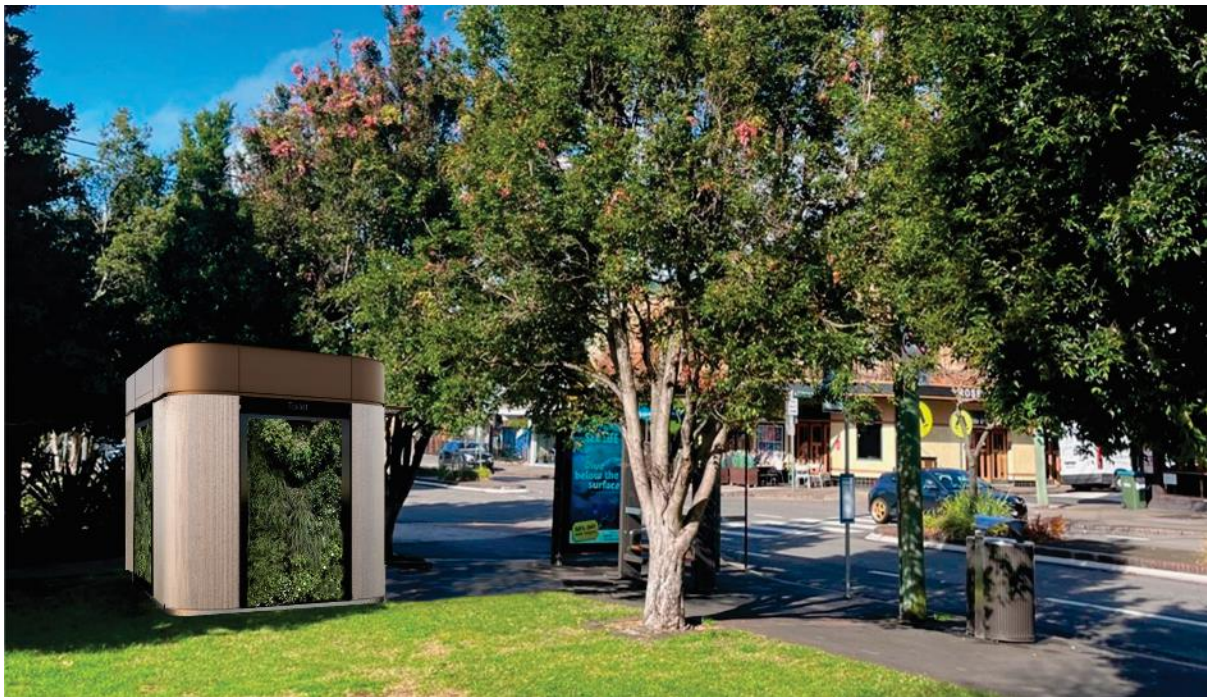


Figure 14: Photomontage of proposed APT viewed from rear of the Ellen Lawman Rest Area looking southeast

Assessment

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

State Environmental Planning Policy (Transport and Infrastructure) 2021

23. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network**Clause 2.48 Determination of development applications – other development**

24. The application is subject to Clause 2.48 of the SEPP as the development will be carried out within 5m of an exposed overhead electricity power line.
25. As such, the application was referred to Ausgrid for a period of 21 days. Ausgrid raised no objection to the proposal and recommended the imposition of standard conditions.

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations**Clause 2.119 – Development with frontage to classified road**

26. The application is subject to Clause 2.119 of the SEPP as the site has frontage to Erskineville Road which is a classified road.
27. The application was referred to Transport for NSW (TfNSW) for a period of 21 days. TfNSW raised no objection to the proposal and recommended the imposition of standard conditions which include the requirement for all works to be contained within the site, a Road Occupancy Licence (ROL) for any works that may impact on traffic flows on Erskineville Road during construction activities, and any authority issued by Council for temporary occupation of a classified road reserve of the APT must require TfNSW and Council to be suitably indemnified against any claim as a result of such occupation.
28. The proposed development satisfies the provisions of Clause 2.119 subject to conditions of consent, as access to the site is not provided from the classified road and the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development, subject to the recommended conditions of consent.

Local Environmental Plans**Sydney Local Environmental Plan 2012**

29. 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	The site is located in the RE1 Public Recreation zone. The proposed development is defined as public amenities facility and is permissible with consent in the zone. The proposal meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	<p>A maximum building height of 9m is permitted.</p> <p>A height of 3.075m is proposed for the APT.</p> <p>The proposed development complies with the maximum height of buildings development standard.</p>
4.4 Floor space ratio	N/A	The site is not subject to a maximum floor space ratio standard.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is not a heritage item.</p> <p>The site is located within the Burren Estate heritage conservation area (C21). The subject site is located diagonally across Erskineville Road from the Rose of Australia hotel, which is identified as a local heritage item (I624).</p> <p>The proposed development is of high-quality design and is partially visually obstructed by the adjacent bus shelter and nearby established trees and canopies when viewed from the street and nearby heritage item. The proposal will not have detrimental impact on the heritage significance of the heritage conservation area or the nearby heritage item.</p> <p>Council's Heritage and Urban Design Officers have reviewed the application and have raised no issues with the proposal in this regard.</p>

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	The proposed development is of a high standard of design and is of appropriate height, bulk and scale, and uses

Provision	Compliance	Comment
		<p>materials and detailing which are compatible with the existing development along the street. Further, the green walls proposed to the sides and rear of the APT visually soften the built form and appropriately integrates the APT into the greenery of the park and the landscape character of the area.</p> <p>As such, the proposed design will not result in significant detrimental impacts to the character of the area and can contribute positively to the public domain.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.

Development Control Plans

Sydney Development Control Plan 2012

30. 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

31. The site is located within the Erskineville Road Village Centre locality. The proposed APT design is in keeping with the unique character and the design principles of the locality.
32. The proposal will not result in a visually dominant or overbearing development relative to the existing development in vicinity and will not detrimentally impact on the character of the heritage conservation area and streetscape. The proposed APT provides toilet amenity to an area identified as high demand by the City of Sydney Public Toilet Strategy and supports the village centre locality as a vibrant and active hub with diverse uses including retail, business and commercial uses.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposed APT is located 2.6m from the existing footpath along Erskineville Road and will not create an obstruction to pedestrian movement patterns. The proposal will maintain an acceptable contribution to the public domain.
3.2. Defining the Public Domain	Yes	The proposed APT provides an accessible toilet facility to the public, is of high-quality design and uses resilient materials which are vandal resistant. The proposal is well-located to optimise passive surveillance from the village centre and is well-lit by existing nearby streetlights.
3.5 Urban Ecology	Yes	<p>The proposed development does not involve the removal of any trees and will not have an adverse impact on the local urban ecology.</p> <p>Council's Tree Management Officer has reviewed the application and raised no objections to the proposal, subject to recommended conditions requiring tree protection and tree sensitive methods be employed during construction to protect existing trees nearby.</p> <p>The conditions include tree root investigation prior to installation of the new edging around the APT, and for the edging to be amended to avoid removal of any structural roots greater than 40mm diameter.</p>
3.9 Heritage	Yes	<p>The site is not a heritage item.</p> <p>The site is located within the Burren Estate heritage conservation area (C21). The subject site is located diagonally across Erskineville Road from the Rose of Australia hotel, which is identified as a local heritage item (I624).</p> <p>The proposed development is of high-quality design and is partially visually obstructed by the adjacent bus shelter and nearby established trees and canopies when viewed from the street and nearby heritage item. The proposal will not have detrimental impact on the</p>

Provision	Compliance	Comment
		<p>heritage significance of the heritage conservation area or the nearby heritage item.</p> <p>Council's Heritage and Urban Design Officers have reviewed the application and have raised no issues with the proposal.</p>
3.12 Accessible Design	Yes	The proposal provides an accessible toilet. Conditions of consent are recommended for compliant access.
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.</p> <p>The proposal is well-located to optimise passive surveillance from the village centre and nearby streets and is well-lit by existing nearby streetlights. The proposed APT includes safety features such as timed use (up to 10 minutes), internal emergency door opening button located near the floor, a sharps collection unit and routine cleaning management of waste and sharps disposal.</p> <p>Council's Safe City Unit and NSW Police have reviewed the application and raised no objections to the proposal.</p>
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

City of Sydney Public Toilet Strategy 2014

33. 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.
34. 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 Automated Public Toilets at locations of high demand, including the "construction of nine new public toilets in key village centres..... Erskineville Road, Erskineville" (extract from Public Toilet Strategy 2014).
 - 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 the public toilets are well-designed and built using robust, high-quality, vandal-resistant materials and fixtures that reflect the character of their setting.
 - Regular auditing of the servicing of council's public toilets to ensure the City's high standards and community expectations are met.
35. The proposed APT is consistent with the recommendations of the Strategy.
36. The proposed APT is easy to locate as it will be in an open/visible area, readily accessible from the adjacent footpath, adjacent to an existing bus-shelter and nearby shops.
37. The APT is unisex, wheelchair accessible, and includes audible messages and tactile and Braille elements. The APT will provide equitable access to toilet amenity for the public in a central location that is easy to find and can meet the requirements of the Disability Discrimination Act 1992, relevant BCA standards and Australian Standards.
38. The APT is of high-quality design and uses resilient materials which are vandal resistant. The design of the APT is consistent with the new APTs approved under other development applications for different locations across the city. The design of the new APT's has been reviewed and is supported by the City of Sydney Design Advisory Panel.
39. The Plan of Management and Maintenance details regular cleaning of the APT internally and externally, and monthly reporting to the Council and QMS of on-site quality inspections of the APT. The APT includes automated self-cleaning functions and details of a contact that is available 24-hr a day, 7 days a week to repair a fault or issue.

Location assessment

40. A review has been undertaken outlining the positive and negative aspects on the suitability of the subject site for the APT in comparison to alternative locations along Erskineville Road. The review finds a number of issues with the alternative locations as detailed in the discussion below and identified on Figure 15 and concurs that the Ellen Lawman Rest Area is the preferred location for a new APT within the Erskineville village.

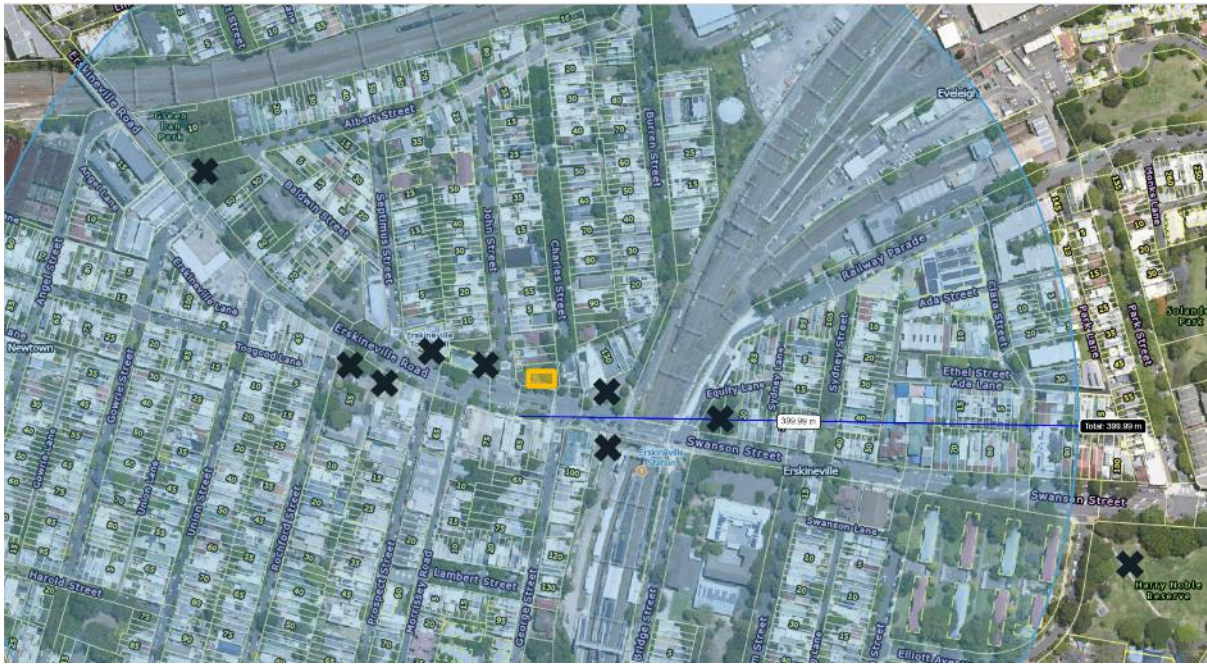


Figure 15: Alternative locations considered. Subject site identified in orange, alternative locations identified in black

41. Harry Noble Reserve:

(a) **Negative:**

- (i) Although the reserve is located along Swanson Street which continues from Erskineville Road, it is located outside of the 400m radius from the heart (hub) of Erskineville village and does not satisfy the City of Sydney Public Toilet Strategy.

42. Swanson Street Reserve:

(a) **Negative:**

- (i) The reserve is located further away from the Erskineville village hub on the other side of the railway and bridge compared to the subject site.
- (ii) Unlike the subject site, the reserve is not located within the commercial hub. The reserve does not have good passive surveillance (particularly at night), and therefore potentially increase safety risks to the users, the community, and nearby residential properties.
- (iii) The reserve is a small park with established canopy trees and existing park benches. Siting for an APT is limited and may potentially result in adverse tree impacts.
- (iv) The reserve is located adjacent to the Erskineville station which provides toilet facilities.

43. Land adjacent to fish shop at 1/9 Swanson Street:

(a) Negative:

- (i) The land is not owned or controlled by the Council.
- (ii) The land is a small, gated service area, providing maintenance vehicle access to the Erskineville station.
- (iii) The land does not have good passive surveillance as an APT in this area would be visually obstructed by the adjoining building.
- (iv) An APT in this location will have potential detrimental amenity impacts to the food and drink/takeaway premises adjoining this land.

44. Maureen Oliver Reserve:

(a) Positive:

- (i) The reserve is centrally located within the Erskineville village hub and close to bus stops.
- (ii) An APT in this location will not result in detrimental impacts to the heritage conservation area and streetscape.

(b) Negative:

- (i) An APT in this reserve will have poorer passive surveillance compared to the subject site, as it will be partially obstructed from view from the main street by the adjoining row of commercial premises.
- (ii) An APT in this reserve will conflict with a recently installed playground and encroach on the children's play area.
- (iii) As illustrated in the Urban Design Analysis (extract below), an APT will need to be positioned with its entry facing John Street, to avoid conflict with the existing footpath and pedestrian movement through this reserve, an existing water meter and tree. However, the topography of the area falls towards John Street as shown below on Figure 17, therefore resulting in potential safety and accessibility issues, particularly for wheelchair users accessing the toilet. Further, entry to the APT in this location may potentially conflict with pedestrian movement on the footpath adjacent John Street as well.
- (iv) The Urban Design Analysis notes a number of services and underground infrastructure connections within or in close proximity to the reserve, of which may conflict with the installation of an APT.

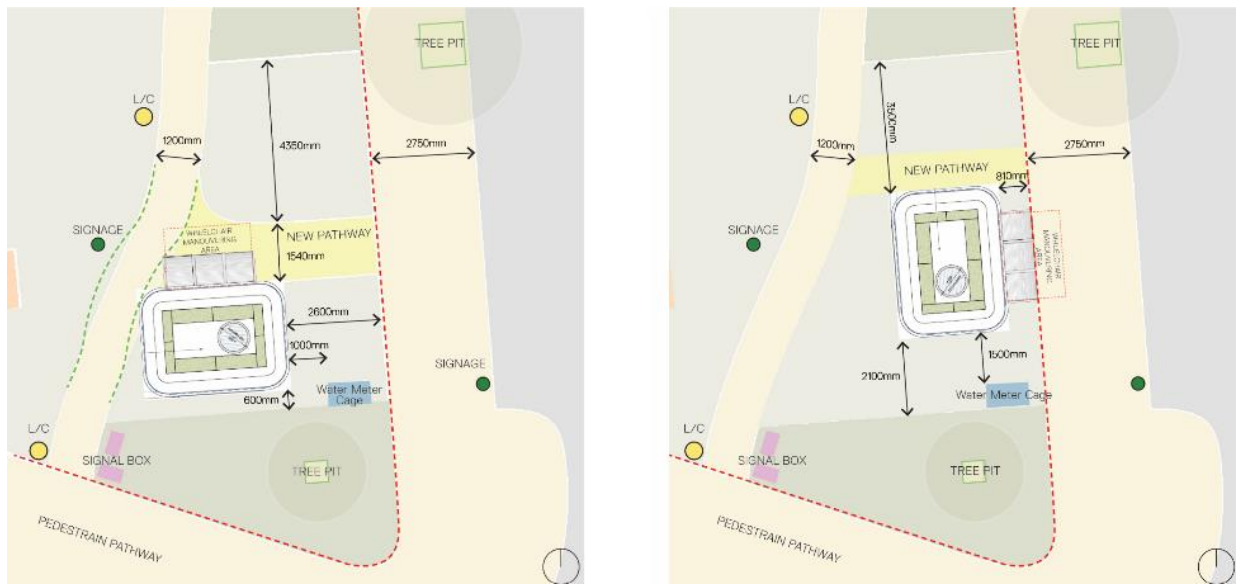


Figure 16: Analysis of alternative siting of APT on Maureen Oliver Reserve



Figure 17: Photomontage of new APT looking south along John Street

45. Erskineville Town Hall:

(a) Positive:

- (i) The Town Hall is located within the Erskineville village hub and close to a bus stop.

(b) Negative:

- (i) The existing public toilets are located within the Town Hall building and are opened during business hours only. The toilets are not visible from the streets and have poorer passive surveillance compared to the subject site. Leaving the building open to provide access to the toilets after business hours will result in potential risks to security of the building and safety of the users and the community.
- (ii) The existing public toilets are not accessible. Notwithstanding, it is noted the Public Toilet Strategy recommends accessible public toilets are included in the upgrade of the Town Hall, in addition to a new APT in Erskineville.

46. Ada Villa Terrace, 59 Erskineville Road:

(a) Positive:

- (i) The land is located within the Erskineville village hub and close to a bus stop.

(b) Negative:

- (i) An APT in this location will have poorer passive surveillance compared to the subject site, as it will be partially obstructed from view from the main street by the adjoining row of commercial premises.
- (ii) The Ada Villa Terrace is a constrained space. An APT will conflict with the planned upgrades to this land to improve amenity to the users and community, which was approved by Council on 6 May 2024.
- (iii) The Ada Villa Terrace immediately adjoins the Erskineville Village Anglican Church, which is listed as a heritage item (I609, 'Holy Trinity Church group including buildings and their interiors and fence to Richford Street'). An APT may potentially result in adverse visual impacts to the heritage item.

47. Carpark adjacent to the Erskineville Village Anglican Church:

(a) Positive:

- (i) The land is located within the Erskineville village hub and close to a bus stop.

(b) Negative:

- (i) The land is not owned or managed by Council. It is privately owned by the church and therefore is not considered.

48. Green Ban Park:

(a) Negative:

- (i) The park is located towards the edge of the Erskineville Village, and well away from the village hub compared to the subject site.

- (ii) Unlike the subject site, the reserve is not located within the commercial hub. The reserve does not have good passive surveillance (particularly at night), and therefore potentially increase safety risks to the users, the community, and nearby residential properties.
- (iii) The reserve contains several established canopy trees. An APT may potentially result in adverse impacts to the local ecological community.

49. Subject site - Ellen Lawman Reserve:

(a) Positive:

- (i) The reserve is centrally located within the Erskineville village hub and close to bus stops.
- (ii) The APT is well-located to optimise passive surveillance from the village hub and nearby streets and is well-lit by existing nearby streetlights.
- (iii) The APT is readily accessible from the adjacent footpath, bus-shelter and nearby shops, whilst minimising obstruction to pedestrian movements through the reserve and the adjacent footpath and use of the park.
- (iv) The APT is located behind the existing bus-shelter and is partially screened by the transparent structure and nearby established trees when viewed from the street.
- (v) Further, the APT is of a high-quality design and appropriate bulk and scale and will not have a detrimental impact on the streetscape character, the heritage conservation area and the nearby heritage item. Figures 18, 19 and 20 below show the APT is of a scale that is compatible and not overbearing to the surrounding development and streetscape, and appropriately integrated into the landscape with high quality design incorporating visually softening green walls.

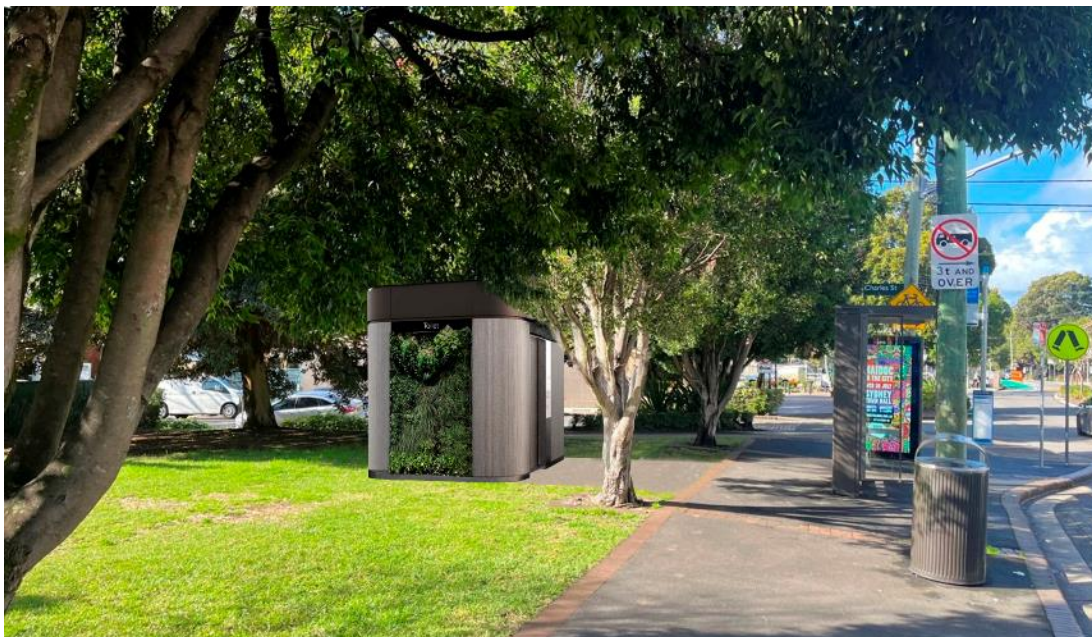


Figure 18: Photomontage of proposed APT looking east along Erskineville Road



Figure 19: Proposed APT location when viewed from rear of Ellen Lawman Rest Area looking southeast towards Erskineville Road



Figure 20: Proposed APT location when viewed from corner of Erskineville Road and John Street looking northeast

- (vi) The proposed location within the reserve is adequately set back from 3 established trees nearby and will not detrimentally impact the health of the trees, subject to recommended conditions requiring tree protection and tree sensitive measures be employed during construction.
- (vii) As discussed above in the section 'City of Sydney Public Toilet Strategy 2014', the proposal is consistent with the recommendations of the Strategy.

50. Erskineville Square has been excluded from the list above as it was not approved in the previous applications due to adverse impacts on the nearby existing commercial premises, the heritage conservation area, and obstruction to pedestrian movement within the Square.
51. In consideration of the above discussion and in other sections of this report, the proposed siting at the Ellen Lawman Rest Area is considered to demonstrate more positive outcomes than negative outcomes when compared with alternative locations and is therefore acceptable on its merits.

Consultation

Internal Referrals

52. The application was discussed with Council's;
 - (a) Environmental Health Unit;
 - (b) Heritage and Urban Design Unit;
 - (c) Public Domain Unit;
 - (d) Safe City Unit;
 - (e) Surveyors;
 - (f) Transport and Access Unit;
 - (g) Tree Management Unit;
 - (h) Landscaping Unit;
 - (i) City Greening and Leisure Unit;
 - (j) City Cleansing and Waste Recovery Unit; and
 - (k) Project Manager for Sydney Christmas.
53. The above advised that the proposal is acceptable subject to conditions included in the recommendation.
54. The City Greening and Leisure Unit has commented the Ada Villa Terrace (59 Erskineville Road) as an alternate location for the new APT. However, the applicant has noted the Ada Villa Terrace is an unsuitable location as it is a constrained space, immediately adjoins the Heritage listed Erskineville Village Anglican Church, and has limited passive surveillance due to the surrounding developments. Further, upgrades to this space to improve amenity to the community have been approved by Council on 6 May 2024.

55. The Tree Management Unit and Urban Forest Unit have commented the Maureen Oliver Reserve as an alternative location for the new APT. However, it is noted that an APT at the Maureen Oliver Reserve will conflict with a recently installed playground, encroach on the children's play area, partially obstructing passive surveillance from the main street (Erskineville Road), and is not supported by the City Greening and Leisure Unit. An APT at this reserve will have poorer passive surveillance than the proposed site at the Ellen Lawman Rest Area as it will be partially obstructed from view from the main street by adjacent row of commercial premises. An Urban Design Analysis prepared by the applicant on this reserve notes a number of services and underground infrastructure connections within or in close proximity to the reserve and which may also conflict with the installation of an APT.

External Referrals

Ausgrid

56. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
57. A response was received raising no objections to the proposed development, subject to standard conditions which are included in the Notice of Determination.

NSW Police

58. The application was referred to NSW Police for comment.
59. A response was received noting the following items:
- (a) **Comment:** Toilets should be routinely monitored and cleaned to detect any anti-social behaviour and ensure no issues with drug use. The use of sharps containers should be considered.
- Response:** The APT features a sharps collection unit. The submitted Plan of Management also noted management of waste and sharps disposal. The Plan of Management also includes regular cleaning.
- (b) **Comment:** There should be adequate lighting around the facility.
- Response:** The proposed location for the APT has adequate passive surveillance and is well-lit by existing nearby streetlights.
- (c) **Comment:** The rear of toilet doors can be a useful place to utilise space for educational materials on topics such as Crime Prevention and/or harm minimisation.
- Response:** Noted.
60. The above responses for Items (a) and (b) were provided to the NSW Police, who subsequently raised no further concerns to the proposal.

Transport for NSW

61. As detailed above the application was referred to Transport for NSW (TfNSW) for comment pursuant to Clause 2.119 of the SEPP (Transport and infrastructure) 2021 for a period of 21 days. TfNSW raised no objection to the proposal and recommended the imposition of standard conditions

Advertising and Notification

62. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 28 days between 13 March 2024 and 11 April 2024. A total of 143 properties were notified and 25 submissions were received.

63. The submissions raised the following issues:

- (a) **Issue:** Potential safety risks as APT will attract anti-social behaviours, including vandalism and drug use.

Response: The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED (crime prevention through environmental design) principles.

The proposal is well-located to optimise passive surveillance from the village centre and nearby streets and is well-lit by existing nearby streetlights. The proposed APT includes safety features such as timed use (up to 10 minutes), internal emergency door opening button located near the floor, a sharps collection unit and routine cleaning management of waste and sharps disposal.

The submitted Plan of Management (POM) states that offensive graffiti will be removed within 8 hours of reporting, with the offensive content no longer able to be distinguished before departing the site. Further, the POM details regular cleaning of the APT internally and externally, and monthly reporting to Council and QMS of on-site quality inspections of the APT, which will facilitate monitoring of any vandalism in addition to the cleanliness of the APT.

Council's Safe City Unit and NSW Police have reviewed the application and have raised no objections to the proposal.

- (b) **Issue:** Potential safety risks as APT will visually obstruct traffic exiting adjacent streets. The bus stop at the top of Prospect Street will visually block all oncoming traffic and traffic is now forced to edge out of the street as the signage is too bright and too large.

Response: The proposal does not contain advertising signage. Traffic exiting Prospect Street will not be affected by the proposed development as Prospect Street is located well away from subject site as shown on Figure 21 below.

Further, the proposed location for the APT is adequately setback from the intersections of Erskineville Road with Charles Street and John Street and will not visually obstruct traffic existing from the adjacent streets.

Council's Transport Planner has reviewed the application and has raised no concerns in this regard.

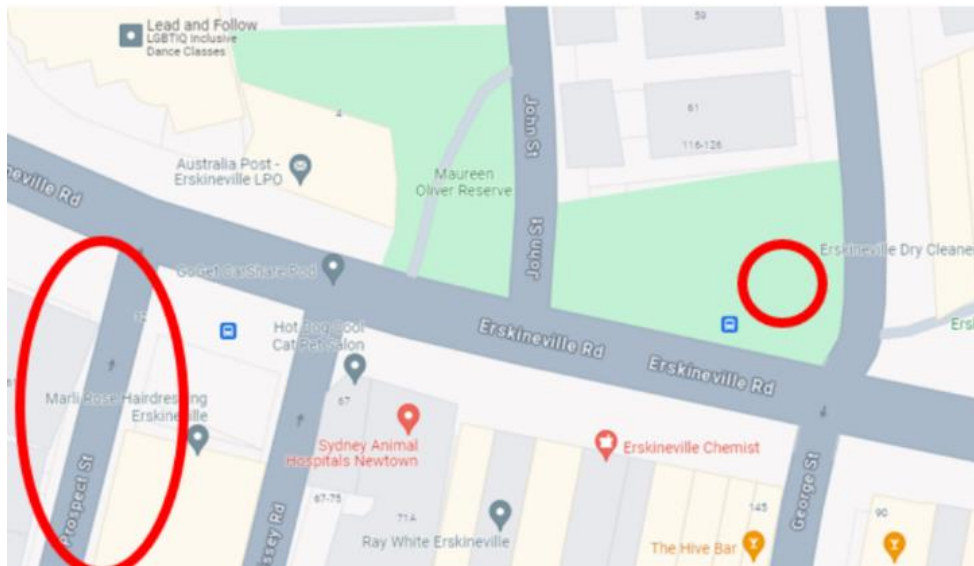


Figure 21: Location of proposed APT and Prospect Street

- (c) **Issue:** Adverse impacts to amenity and health due to waste, unpleasant odours, vermin, noise from the APT audio messages, and light pollution from the advertising signage.

Response: The automated public toilet proposed under the subject DA does not include advertising panels/billboards.

The submitted POM details regular cleaning of the APT internally and externally, and monthly reporting to the Council and QMS of on-site quality inspections of the APT. Further, the APT includes automated self-cleaning functions and details of contact that is available 24-hr and 7 days a week to repair a fault or issue.

The new APT audio messages will not result in significant adverse noise impacts over the ambient noise in the area, which consists of commercial uses and high pedestrian and vehicle traffic. Further, the proposed APT design is consistent with the new APTs approved under other development applications for different locations across the city considered by the City of Sydney Design Advisory Panel.

- (d) **Issue:** Reduced useable space in the park, conflict with location of the annual Erskineville Christmas tree.

Response: The new APT is proposed to be located towards a corner of the Ellen Lawman Rest Area and will continue to maintain space in the centre of the park for activities whilst retaining two existing park benches. As shown on Figure 22 below, the new APT is able to coexist with the Christmas tree during the period of two-three months it is installed.



Figure 22: Location of proposed APT (identified in red) in context with the Erskineville Christmas tree (identified in blue)

- (e) **Issue:** Adverse visual impacts to the Burren Estate HCA and locality.

Response: The proposed APT is of high-quality design, of appropriate height, bulk and scale, and uses materials and detailing which are compatible with the existing development along the street. The APT will be partially visually obstructed by the adjacent bus shelter and nearby established trees and canopies when viewed from the street and nearby heritage item. The proposal will not have detrimental impact on the heritage significance of the heritage conservation area or the nearby heritage item.

Council's Heritage and Urban Design Officers have reviewed the application and have raised no issues with the proposal in this regard.

- (f) **Issue:** Risk of damaging trees from the installation of the APT and extensive excavation to connect to sewer at Baldwin Street.

Response: The proposed development does not involve the removal of any trees and will not have an adverse impact on the local urban ecology.

Council's Tree Management Officer reviewed the application and raised no objections to the proposal, subject to recommended conditions requiring tree protection and tree sensitive methods be employed during construction to protect existing trees nearby. The recommended conditions are included in Notice of Determination.

Further, there is a nearby sewer main which the new APT can potentially tap into as shown in Figure 23 below.



Figure 23: Nearby sewer main adjacent to proposed location of new APT

- (g) **Issue:** Location for APT is not suitable – alternative sites are suggested.

Response: Extensive analysis of alternatives to the Ellen Lawman site proposed under this application was undertaken, including alternatives suggested by the submissions as well as the adjacent Maureen Oliver Reserve. The location proposed under the subject application is concluded to be the preferred option for reasons as follows:

- The proposed APT location is well-located within the heart of the Erskineville village and has better accessibility compared to the other alternatives, particularly for people with mobility or health issues.
- The subject location receives adequate passive surveillance, whilst minimising adverse amenity and environmental impacts, including to established trees as well as the character of the streetscape, heritage conservation area and nearby heritage item.
- As discussed above, the adjacent Maureen Oliver Reserve is less preferred to the subject location due to reduced park area for users/children of the playground, reduced passive surveillance, and results in potential conflicts to nearby services and underground infrastructure connections.

- Alternative locations within close proximity to the heart of the Erskineville village (including Erskineville Square which was previously not approved, Ada Villa Terrace at 59 Erskineville Road, carpark adjacent to heritage listed Erskineville Village Anglican church, and land adjacent to fish shop at 1/9 Swanson Street) are considered unsuitable as the properties are either owned privately, or have constrained lot size, and poorer passive surveillance. The land adjacent to 1/9 Swanson is not owned or controlled by the Council. The applicant has provided additional information that the land is gated and provides maintenance vehicle access to Erskineville Station. An APT here would obstruct this access and have potential detrimental amenity issue being located next to a food and drink/takeaway premises. It is also noted that the Erskineville Station provides toilets adjacent to this site.
 - Other alternative locations suggested in the submissions such as the Green Ban Park are located towards the edge of the village centre, away from the main commercial strip/heart of the Erskineville village, and consequently are less accessible than the subject location. Further, the suggested Swanson Street Reserve, Harry Noble Reserve and Erskineville Oval are not located along Erskineville Road or are located outside of the 400 metres zone required by the City of Sydney Public Toilet Strategy 2014.
- (h) **Issue:** New APT is unnecessary and existing toilets should be upgraded. There are no similar toilets throughout Newtown, Alexandria, Waterloo, St Peters, which have much higher influx of people.

Response: The City of Sydney Public Toilet Strategy 2014 identifies 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. As per recommendations and objective of the Strategy, a new Automated Public Toilet in Erskineville is to be installed, to be located along Erskineville Road, within 400 metres (5-10 minute walk) of the village centre. The subject application seeks to address the recommendations and objectives of the Strategy.

It is also noted that the Strategy has identified a need for an APT at other suburbs such as Newtown (King Street Newtown – jointly with Inner West Council to service the Newtown shopping and entertainment precinct) and Waterloo (Regent Street). Further, the Strategy recommends upgrades of existing toilet facilities, including upgrade and opening of public toilets during daylight at Erskineville Oval, and upgrade Town Hall House to provide accessible toilets, in addition to the new APTs required in key locations.

- (i) **Issue:** High costs associated with the new APT.

Response: Associated costs for the development do not impact on the environmental impacts of the proposal and is not a relevant planning consideration.

- (j) **Issue:** Lack of public notification.

Response: The proposal was notified for a period of 28 days as part of the community consultation process for a Council-related Development Application. This included letters to premises within with a radius of 75m from subject property, a site notice and notification on Councils website.

Financial Contributions

Contribution under Central Sydney Development Contributions Plan 2020

64. The site is located outside of the areas subject to the Central Sydney Development Contributions Plan 2020 and is therefore not subject to a contribution levy under this Plan.

Contribution under Section 7.11 of the EP&A Act 1979

65. The City of Sydney Development Contributions Plan 2015 applies to the site. However, the development will not result in an increase in population and is therefore not subject to a contribution levy under this Plan.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

66. 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.

Housing and Productivity Contribution

67. The development is not subject to a Housing and Productivity Contribution under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
68. While the site is located with the Greater Sydney region, the development is not a type of residential, commercial, or industrial development to which the Housing and Productivity Contribution applies.

Relevant Legislation

69. Environmental Planning and Assessment Act 1979.

Conclusion

70. Subject to recommended conditions, the proposed APT is considered appropriate and compliant with the relevant planning controls required by the Sydney LEP 2012 and Sydney DCP 2012.
71. Having regard to all above matters, the proposed development will not result in significant detrimental impacts on the natural and built environment of the Erskineville Road Village Centre locality.
72. The development is compatible with the character of the locality, the Burren Estate Heritage Conservation Area, and nearby heritage items, and does not result in detrimental impacts to the heritage significance of the area.
73. Subject to recommended conditions, the proposed development will provide for an appropriately located new APT that is of high design standard which can contribute positively to the public domain of the local government area.

74. The proposal represents a benefit to public amenity and aligns with the City of Sydney Public Toilet Strategy 2014.
75. Issues raised in the submissions have been taken into account in the assessment, and conditions to address these issues where appropriate, including the operation and maintenance of the amenity are included in the recommendation.

ANDREW THOMAS

Executive Manager Planning and Development

Reese Goh, Planner