

Item 4.**Development Application: 2 Northcote Road, Glebe - D/2025/4****File Number:** D/2025/4**Summary****Date of Submission:** 13 January 2025**Applicant:** The Council of the City of Sydney**Owner:** NSW Government**Cost of Works:** \$76,000.00**Zoning:** Zone RE1 Public Recreation

Proposal Summary: The subject Development Application (DA) D/2025/4 seeks development consent for the demolition of two public toilets and the umpire's building within Jubilee Park.

The application does not seek approval for replacement buildings. A separate process under Part 5 of the Environmental Planning and Assessment Act 1979 will be undertaken for the assessment of a replacement amenities building.

Notification and exhibition

In accordance with the City of Sydney Engagement Strategy and Community Participation Plan 2024, the proposed development was notified and exhibited for a period of 28 days between 16 January 2025 and 14 February 2025. A total of 209 properties were notified and 3 submissions were received.

Issues raised in submissions include:

- new replacement toilets should be provided prior to demolition of existing toilets
- the design of replacement toilets
- tree protection.

Concerns raised in submissions are addressed in this report.

Assessment

The proposed demolition works are consistent with the relevant planning objectives and controls of Sydney Local Environmental Plan 2012, Sydney Development Control Plan 2012 and with the City's program of works to upgrade the facilities within Jubilee Park.

The subject application is referred to the Local Planning Panel for determination as the Council of the City of Sydney is both the applicant and landowner.

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

Development Controls:

- (i) State Environmental Planning Policy (Biodiversity and Conservation) 2021
- (ii) State Environmental Planning Policy (Resilience and Hazards) 2021
- (iii) Sydney Local Environmental Plan 2012
- (iv) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings of Proposed Demolition Works
- C. Drawings of Replacement Amenities Building
- D. Submissions

Recommendation

It is resolved that consent be granted to Development Application Number D/2025/4 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 development accords with the objectives of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (B) The proposal is in the public interest because it is consistent with the objectives of the RE1 Public Recreation zone.
- (C) The development will not result in detrimental impacts to the character of the Glebe and Forest Lodge locality and the Toxteth heritage conservation area.
- (D) Appropriate conditions are recommended to ensure the proposed development does not result in any detrimental impacts to the existing trees on site.
- (E) The development, subject to the recommended conditions, will not unreasonably compromise the amenity of nearby properties.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 1 DP 120209, Lot 4 DP 120209, Lot 5 DP 120209, Lot 6 DP 120209, Lot 2 DP 120209, Lot 3 DP 120209, Lot 668 DP 729291, known as 2 Northcote Road, Glebe. It is irregular in shape with area of approximately 48,019 square metres.
2. The site contains a public oval (Jubilee Park), recreational and public facilities, extensive vegetation and landscaping.
3. The subject parkland is Crown land managed by the NSW government. The Council of City of Sydney is the appointed Crown land manager for the subject park.
4. The site is located within the Glebe and Forest Lodge locality and is identified as being subject to flooding.
5. The surrounding area is characterised by a mix of land uses, primarily being recreational to the north and west and residential uses to the east. The Jubilee Park light rail station is located to the south of Jubilee Park.
6. The site is identified as containing a local heritage item, described as 'Jubilee Park & Oval' (I648). Parts of Jubilee Park are located within the Toxteth heritage conservation area (C34).
7. A site visit was carried out on 10 February 2025. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site (outlined in orange) and surrounds



Figure 2: The Umpire's building to be demolished



Figure 3: The eastern public toilet building to be demolished



Figure 4: The western public toilet building to be demolished

History Relevant to the Development Application

Development Applications

8. The following applications are relevant to the current proposal:
- **D/2020/1129** – Development consent was granted on 25 November 2020 for the installation of wall mural/public art on the western wall of a public toilet building.
 - **PDA/2023/195** – Pre DA advice was issued on 29 November 2023 for proposed demolition of three existing amenities buildings, remediation, construction of a new consolidated amenities building on the western side of Jubilee Park and associated landscaping.

Compliance Action

9. There is no record of compliance actions pertaining to the subject site.

Amendments

10. On 28 February 2025 Council officers requested that the applicant provide an updated arborist report to detail impacts to nearby trees and any proposed tree protection measures.

11. The applicant responded to the request on 28 March 2025 by submitting an updated arborist's report.

Proposed Development

12. The application seeks development consent for the demolition of two public toilet buildings and the umpire's building within Jubilee Park and remediation of the demolition sites.
13. The demolition of the eastern toilet building is staged to occur after a new replacement toilet is built and in use.
14. A replacement amenities building be will sought through a separate process under Part 5 of the Environmental Planning and Assessment Act 1979.
15. The proposed demolition plans are shown below and provided at Attachment B.

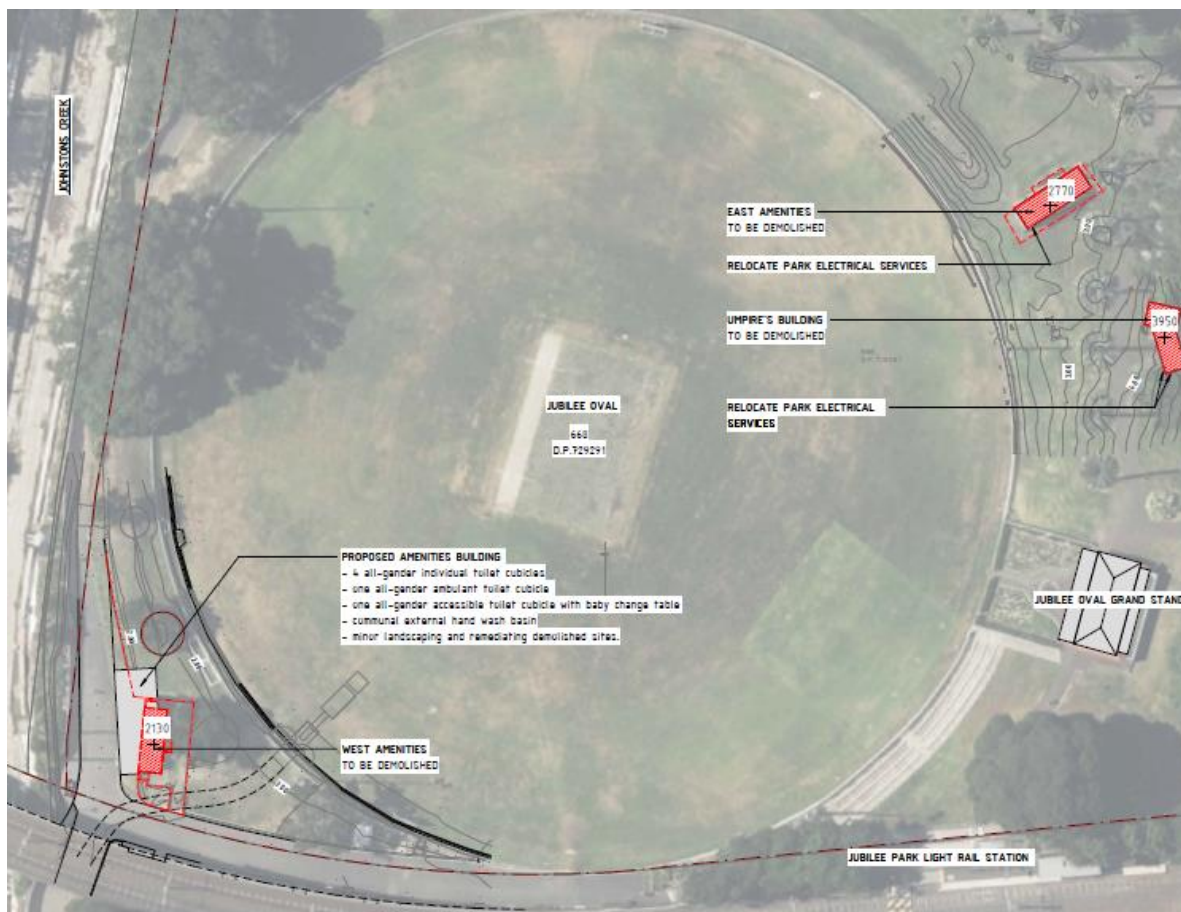


Figure 5: Proposed demolition of two public toilets and the umpire's building

Assessment

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

State Environmental Planning Policies

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 Vegetation in non-rural areas

17. The SEPP states that the Council must not grant consent for the removal of vegetation within heritage sites or heritage conservation areas unless Council is satisfied that the activity is minor in nature and would not impact the heritage significance of the site.
18. The development does not involve any tree removal and is not subject to this SEPP.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments

19. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of Chapter 6 of the above SEPP. In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the relevant provisions of the SEPP as detailed below.

Provision	Compliance	Comment
6.6 Water quality and quantity	Yes	The proposal will not affect the quality of water entering the natural waterbody, and the impact on waterflow will be minimal, subject to conditions requiring erosion and sediment control measures to be implemented prior to the commencement of demolition works.
6.7 Aquatic ecology	Yes	The proposal does not involve any clearing of vegetation. Conditions are recommended for tree protection, sediment control and remediation. Subject to these conditions, the proposal will not have adverse impacts on aquatic animals, vegetation or erosion.
6.8 Flooding	Yes	The proposal will not affect the natural recession of floodwaters into wetlands and other riverine ecosystems.
6.9 Recreation and public access	Yes	The proposal will maintain public access to the harbour and the Foreshore Area.
6.10 Total catchment management	Yes	The proposal will not have adverse environmental impacts upon other

Provision	Compliance	Comment
		adjacent local government areas with foreshores to the harbour.
6.24 Application of part	Yes	The site is located within the Foreshore Waterways area and is subject to the foreshores and waterways controls.
6.25 Consent authority	Yes	<p>The proposed works are not identified as requiring the consent of the Minister for Planning or the Minister for Transport (who has responsibility for the Ports and Maritime Administration Act 1995).</p> <p>The Local Planning Panel is the consent authority for the subject application.</p>
6.28 General	Yes	The proposal is consistent with the principles as it will support the foreshore waterways area as a public resource, it will not promote excessive water traffic or obstruct views to and from the foreshore.

20. Refer to the assessment against the Sydney Harbour Foreshores and Waterways Area DCP elsewhere in this report.

State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of land

21. The aim of State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4, Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
22. The site is contaminated by metals, total recoverable hydrocarbons (TRH) and polycyclic aromatic hydrocarbons (PAH), which is likely the result of ash from coal / coke waste present in the fill.
23. A Remediation Action Plan (RAP), accompanied by a letter of interim advice has been submitted with the development application.
24. The recommended remediation approach is to adopt a cap and contain method. The interim advice confirms the above approach is appropriate.
25. Council's Environmental Health Unit has reviewed the information provided, and has recommended conditions of consent to ensure compliance with the remediation measures outlined, and for Council to be notified should there be any changes to the strategy for remediation.
26. Subject to the recommended conditions, the site can be made suitable for its future use.

Local Environmental Plans

Sydney Local Environmental Plan 2012

27. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	<p>The site is located in the RE1 Public Recreation zone.</p> <p>The proposed development involves demolition of public amenity facilities that are ancillary to Jubilee Park, which is defined as a 'recreation area' and is permissible with consent in the zone.</p> <p>The proposal generally meets the objectives of the zone.</p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is a local heritage item, described and is located within a heritage conservation area.</p> <p>The proposed development will not have any detrimental impact on the significance of the heritage conservation area and the heritage item.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	<p>The site is located on land with class 1 and class 2 Acid Sulfate Soils. The submitted Remediation Action Plan concludes that no indicators of potential acid sulfate soils were noted on site.</p>

Development Control Plans

Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

28. The Sydney Harbour Foreshores and Waterways Area DCP 2005 applies to the site.
29. The provisions of the DCP seek to guide development within the foreshores and waterways area identified in Part 6.3 of the SEPP. The proposed demolition and remediation works will not have a detrimental impact upon trees, vegetation or the water quality of the harbour. As such the proposal complies with the relevant provisions of the DCP.

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 Glebe and Forest Lodge locality. The proposed development is in keeping with the unique character and the design principles of the locality.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposed development does not result in any adverse impact to the public open space.
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not have any adverse impact on the local urban ecology. Council's Tree Management Officer has reviewed the application and raises no objections, subject to recommended conditions requiring tree protection measures to be implemented during demolition works.
3.9 Heritage	Yes	The proposed development will not have any detrimental impact on the significance of the heritage conservation area and the heritage item.
3.14 Waste	Yes	A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

Provision	Compliance	Comment
3.17 Contamination	Yes	<p>A Remediation Action Plan has been prepared and submitted to accompany the DA.</p> <p>Council's Environmental Health Officer has reviewed the application and raises no objections to the proposal, subject to imposition of the recommended conditions.</p>

Consultation

Internal Referrals

32. The application was discussed with Council's:
- (a) Environmental Health Unit
 - (b) Heritage and Urban Design Unit
 - (c) Tree Management Unit
33. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

Advertising and Notification

34. In accordance with the City of Sydney Engagement Strategy and Community Participation Plan 2024, the proposed development was notified and exhibited for a period of 28 days between 16 January 2025 and 14 February 2025. A total of 209 properties were notified and 3 submissions were received.

35. The submissions raised the following issues:

- (a) **Issue:** The toilet block near the cricket pavilion should not be removed until the replacement facilities have been built and both toilet blocks should be replaced to service the large park.

Response: The existing eastern public toilet block is aging and does not comply with current accessibility standards. The demolition of the eastern toilet building is staged to occur after the construction of a new replacement amenities building in the location of the existing western toilet building.

The replacement western amenities building is subject to a separate internal approval process under Part 5 of the Environmental Planning and Assessment Act 1979 which is to be lodged in July 2025. The design for the replacement amenities building has been prepared. It has been through a public consultation phase and is subject to a separate internal approval process. The construction is expected to be completed in mid to late 2026.

- (b) **Issue:** In redeveloping the public facilities in Jubilee Park / Bicentennial Park, please consider the needs of people using the playground and other areas of Bicentennial Park as you design new facilities, including whether the new toilet block, which is planned to be situated further away on the other side of the oval (replacing the second set of toilets currently at the oval) be functional enough for use by people with small children.

Response: The design for the replacement amenities building is not the subject of this assessment.

- (c) **Issue:** In recent years, council has removed almost all of the avenue of trees that run along the path starting at public toilets next to the cricket pavilion, to the intersection at the Alan Truss footbridge. This avenue previously had about 22 palm trees running on either side of the path. Council has removed these one by one over the last few years, without replacing any, and there are now only about 7 trees remaining. I appreciate that council may no longer wish to plant palm trees, but please replace this beautiful avenue of trees as part of the development of this area, even if a different variety is chosen.

Response: The subject application does not propose removal of any trees. Council's Tree Management Officer has reviewed the application and raised no objections, subject to the imposition of recommended conditions requiring tree protection measures to be put in place during the proposed demolition and remediation works.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

36. The development is not subject to a Section 7.11 development contribution as it is a development undertaken by Council, which is a type of development listed in Table 2 of the City of Sydney Development Contributions Plan 2015, and is excluded from the need to pay a contribution.
37. Conditions relating to development contribution are not required to be included in the attached Notice of Determination.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

38. The site is identified as residual lands however the proposed development does not involve the creation of new floor space or a change of use to residential or tourist and visitor accommodation, clause 7.13 is not applicable.
39. The development is therefore not subject to an affordable housing contribution.

Housing and Productivity Contribution

40. The development is not subject to a Housing and Productivity Contribution under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024.
41. 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

42. Environmental Planning and Assessment Act 1979.

Conclusion

43. Subject to recommended conditions, the proposed demolition of two public toilet buildings and the umpire's building within Jubilee Park is appropriate and is consistent with the relevant planning objectives and controls contained within the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
44. Having regard to all above matters, the proposed development will not result in significant detrimental impacts on the natural and built environment of the Glebe and Forest Lodge locality.
45. The development is compatible with the character of the locality, the Toxteth Heritage Conservation Area, and nearby heritage items, and does not result in detrimental impacts to the heritage significance of the area.
46. The proposal represents a benefit to the upgrade of public amenity facilities and aligns with the City of Sydney Johnston Creek Parklands Masterplan.
47. The subject application is recommended for approval subject to conditions.

ANDREW THOMAS

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