

REPORT ON PROCEEDINGS BEFORE

PORTFOLIO COMMITTEE NO. 8 - CUSTOMER SERVICE

PUBLIC TOILETS

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At Macquarie Room, Parliament House, Sydney, on Monday 7 April 2025

The Committee met at 9:45.

PRESENT

Dr Amanda Cohn (Chair)
The Hon. Aileen MacDonald (Deputy Chair)

PRESENT VIA VIDEOCONFERENCE

The Hon. Anthony D'Adam
The Hon. Stephen Lawrence
The Hon. Peter Primrose

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The CHAIR: Welcome to the fourth hearing of the Committee's inquiry into public toilets. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respect to Elders, past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. My name is Dr Amanda Cohn and I am the Chair of the inquiry. A number of Committee members are attending the hearing via Webex today. I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures.

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Ms LIZ WEBSTER, Associate, SGS Economics and Planning, affirmed and examined

Ms SARIKA SHASIDHARAN, Advisory Committee Member, Australian Institute of Landscape Architects, affirmed and examined

The CHAIR: Welcome and thank you for making time to give evidence this morning.

SARIKA SHASIDHARAN: Thank you. I should also note that I am the Coordinator of Recreation Planning and Design at Blacktown City Council. I acknowledge the traditional owners of the lands where we are, the Gadigal people, as well as the Dharug people, from where I come from.

The CHAIR: Thank you. Would you like to start by making a short opening statement?

LIZ WEBSTER: Yes, please. Good morning, everyone. Firstly, I wish to thank the Committee for the invitation to give evidence before the inquiry on the provision, design, accessibility and inclusivity of public toilets. I am Liz Webster, an associate at SGS Economics and Planning. Today, I speak on behalf of our team at SGS Economics and Planning. SGS is a B Corp-certified and Australian employee-owned independent public policy advisory firm. Our collaborative work with government and the for-purpose sector shapes policy and investment decisions that create sustainable places, communities and economies. We bring extensive experience in community infrastructure planning, service delivery, design and funding and delivery options—that includes public toilets. We've led the preparation of numerous projects on behalf of advocacy groups and local government, preparing analysis, guidance and strategic plans for public toilets. We've been a vocal advocate for better public toilet planning, contributing through thought leadership and media engagement.

Our submission focuses on the importance of planning for public toilets and the role that State government must play in delivering more inclusive outcomes. It calls for stronger guidance and financial support to protect community access for this essential piece of infrastructure and puts forward some solutions to address the current gaps. Our submission raises first a few key points that highlight the challenges under the current settings, mainly the ad hoc planning and management undertaken by the authorities and providers of public toilets, a lack of standards and guidelines, and funding challenges.

We suggest that State government play a role in establishing clear access and provision standards for public toilets to guide providers in determining where and how many public toilets should be provided; developing guidelines that focus on universal design, accessibility, safety and environmental considerations, including through case studies; introducing alternative funding models, such as advertising user-pays systems and community toilet schemes to help offset costs to provision and maintenance; and creating new funding streams dedicated to public toilets to ensure better prioritisation and support for their development, renewal, maintenance and cleaning. Finally, we commend the New South Wales Government for initiating this inquiry and for considering whether new standards, guidelines, funding models, legislation or other forms of regulation are warranted. Thank you for the opportunity to give evidence today. I look forward to answering your questions.

SARIKA SHASIDHARAN: Hi, I am here of behalf of the Australian Institute of Landscape Architects. The Australian Institute of Landscape Architects is the peak national body of landscape architecture. We champion quality design for public open space, stronger communities and greater environmental outcomes. We provide our members with training, recognition and a community of practice to share knowledge, ideas and action. We have been in operation since 1966. AILA represents over 3,500 landscape architects and promotes excellence in planning, design and management for life outdoors. We are committed to designing and creating better spaces in Australia. Landscape architects have the skills and expertise to improve the nation's liveability through a unique approach to planning issues via innovative, integrated solutions.

We believe that the Australian Institute of Landscape Architects, through its advocacy, will significantly contribute to a better informed urban development decision-making process and the enhancement of our urban green space and long-term community wellbeing. In our submission, we have outlined the current state of public toilets in New South Wales and the current challenges, such as a lack of legislation and policy, a lack of design standards or strategy, no guidance on the provision ratio, current funding gaps, operational and maintenance challenges, a lack of maintenance standards and enforcement and a lack of community education and awareness. We can provide guidance and are happy to answer some of the questions that are raised today. We are very thankful for the opportunity to provide comment. We believe that through our expertise to identify policy gaps and develop strategies, frameworks, design principles and standards that focus on toilets within our public spaces, we will be able to contribute.

The CHAIR: Thank you very much. Both of your submissions have highlighted a gap in guidance or support from governments in the way that public toilets should be provided. That has been very well illustrated by the other evidence we have received so far as well. In terms of the solutions, I am interested in the real detail

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of what you think that looks like in terms of guidelines, regulation or legislation that comes from the Government. What does that need to include?

LIZ WEBSTER: I think that the State Government can play a role in developing a set of standardised guidelines in a few different areas, including provision. What that would look like is maximum distances from areas where communities regularly gather, such as activity centres and open spaces, to guarantee that public toilets are provided. I think that design is another aspect where there could be further specifications set out in minimum requirements under the National Construction Code, which are not inclusive to everyone still. That could look like a national policy on public toilets that actually sets out a minimum set of provision, design and accessibility guidelines. Then local governments could prepare strategies on that basis. Currently, local governments are, for the most part, doing the research themselves, coming up with guidelines as best they can, and trying to implement them in their communities. Having that sort of guidance come from State Government would really help local governments and other providers to plan more effectively.

SARIKA SHASIDHARAN: I agree with Liz's suggestions. In our submission, we have highlighted that there are three key stakeholders who actually assist in delivering public toilets. One is local government. Liz has just mentioned the challenges. Local governments have to start on their own. However, they have no guidance. This is something for the State Government or Federal Government. It has to be, firstly, in legislation, and then in policies and guidance tools. Federal or State governments could help local councils by providing the economic valuation, demand analysis—how to understand where there is demand—what is the meaning of equitable access, design principles, what are the maintenance standards, how to do work on community engagement and what is the ongoing monitoring and evaluation.

In terms of the New South Wales Government, there is a bit that can be done. It can be a planning instrument. At the moment, our SEPP doesn't talk about the importance of public facilities. Even for new precinct planning—State Environmental Planning Proposals—public toilets are not considered to be essential infrastructure. What happens is that there is no funding to deliver public toilets in the new release areas. Also, there is no funding for the maintenance and management of public toilets. At the moment, through the planning system, the funding is allowed for just the land acquisition. However, IPART does not allow councils to levy funds towards the design, delivery or maintenance of this essential community infrastructure. That is one.

In terms of New South Wales Government, they look after train stations, bus interchanges, ferry terminals, national parks, beaches, highways, rest areas and tourist attractions. These are the places where New South Wales Government themselves can look at their provision ratio and provide these facilities. In terms of private ownership—private owners like shopping centres and retail precincts—there should be a consolidated approach where although it's provided by private organisations, however, community is allowed to access those after the operating hours as well.

The CHAIR: If the State Government took on the job of creating best practice guidelines or that kind of support for local councils or for other private providers who are building public toilets, do you think it's sufficient just to provide information? If we had a gold-standard toolkit to support those designers or builders, is that enough, or does it also need to be a legislated or a regulated responsibility?

LIZ WEBSTER: I do think that while a toolkit or a suite of design guidelines and case studies would be incredibly helpful, it's important that the provision of public toilets is mandated somewhere in policy. It's currently not. As I understand it, under the National Construction Code, you do have to provide toilets for office buildings, community buildings and other classes of public buildings. These buildings often have those toilets that play a role in public access. But there's nothing that actually mandates provision of toilets within, say, open spaces where many people gather, have barbeques, engage in sport and recreation, or in plazas at major tourist destinations—places where people gather and there may not be a community building where toilets are already mandated to be included under the National Construction Code. These places are the ones where nothing currently mandates that toilets be provided, and many times there are gaps on train stations and some other places that were mentioned. But, yes, I think that somewhere in legislation needs to require that provision.

SARIKA SHASIDHARAN: I just want to add that in addition to the legislative framework, there is an important need to have a funding source identified, not just for planning design but also for keeping the maintenance and operations of those public toilets. They are the most critical factors that are actually, right now, hindering the provision of public toilets.

The CHAIR: Both of you have mentioned these kinds of community schemes or partnerships where private businesses or shopping centres et cetera can be asked or required to provide access to toilets to the general public, either during their hours or after their hours. Are you aware of any examples of where that works well or how, in practice, that can be established?

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LIZ WEBSTER: I'm aware of many examples in Australian communities where this is kind of operating under an informal agreement or where it's just kind of a longstanding expectation that, say, a shopping centre provides public toilets to the users of the shopping centre but users of the nearby park also access that. That does create challenges sometimes, though, for management, who may feel like there's an undue burden on them in terms of use of their facilities. I think, like any good public-private partnership, there should be a more formalised agreement in place that is amenable to both sides.

What this looks like under something like a community toilet scheme is that there are incentives, usually, whether that comes in the form of tax breaks or support—in that the local council, for example, pays for some of the maintenance costs or the cleaning costs for that privately owned facility, or they supply soap or other materials to support its higher level of use that's not just from a customer base, and there's also signage to make clear that that toilet is for public use; it's not only for paying customers. Those formalised arrangements with those sorts of incentives—I don't know of any examples, currently, in Australia, but there are many overseas in, say, Europe and the US.

SARIKA SHASIDHARAN: I just want to say that public toilet maps have currently identified locations where these public toilets are available for community, which is along the train stations. These are available 24/7. Shopping centres are only available during operating hours. Petrol stations, they are paid. You have to buy something to get access to it, and they are only available during daylight hours. Very few of the parks across councils are open during daylight hours. What we are looking at—I think the biggest challenge is to provide 24/7 free public toilets, which is a basic human right for every citizen. This is the key challenge that we want to break.

We don't have good examples at the moment, but some of the councils, they are changing their current practices. I will give you an example of one of the councils. Councils do not provide public toilets in their local parks simply because they don't have funds to manage it. Now the demographic is changing; people, they are elderly parents, they accompany their children to parks. They want to access parks, but they don't have access to a public toilet. That's hindering their opportunity to stay outdoors for a longer time. However, the current scenario is that a lot of public toilets are within the sporting clubs, sporting buildings. The only access to those public toilets is to the people from that sports club and things like that. It's exclusive. It's not 24/7; it's not free community access.

Some of the councils, what they're trying to do is changing the design of their amenities building while designing their sportsground. One of the good examples is Blacktown City Council, where what they've tried to do, instead of having a common access door to enter into a building, they have provided separate access to individual toilet blocks so community can use it in spite of no sporting clubs or activities happening. It's open for community 24/7.

The Hon. AILEEN MacDONALD: You just mentioned the human rights principle. How can public toilets better reflect that human rights principle?

SARIKA SHASIDHARAN: As I mentioned, the public toilets should not just be safe, accessible and inclusive. It should be 24/7 open for community without having to pay. It should be clean and hygienic. That's the standard. There's no standard at the moment as to what the level of hygiene or cleanliness it is. There has to be some standard to maintain that hygiene and cleanliness.

The Hon. AILEEN MacDONALD: Why do you think the Committee, after hearing so many different submissions—it's obvious now, but why do you think that it needs to be have a statewide strategy in public toilet infrastructure design?

SARIKA SHASIDHARAN: There has to be guidance at a State level. Local government are struggling to do their business as usual. It is a New South Wales government responsibility to lead and provide that direction, guidance—and not just design guidance or legislative framework but also supported with funding. If we have funding, we'll be able to deliver what community needs today. We're not talking about opening public toilets at certain times of the day, but we are talking about free public toilet usage 24/7 for our community.

The Hon. AILEEN MacDONALD: This question is open to you both. How might State funding unlock innovation in public toilet design?

LIZ WEBSTER: I think there are a few different ways. I believe you're familiar with the Continence Foundation; they also made a submission, I think. They run competitions every year. They award for good design and for other positive outcomes like economic development. I think there could be a similar kind of competition. I think that you can hold up case studies, both domestic and international examples, that are outstanding examples of design—iconic public toilets that are destinations within themselves. That would be another great way.

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SARIKA SHASIDHARAN: Yes, I agree with that. Western Sydney Local Health District is already doing some work around improving communities' access to public toilets that improves their walkability, health and things. That's some of the ways we could pick up some of the learnings from their studies in Western Sydney. Changing Places is also another way, but it has huge financial implications for council to fund \$200,000 for public toilets, where councils are already struggling for the day-to-day maintenance and operations. Coming back to the legislative framework, if it is there, everybody is liable to deliver it. With that gap, if there is no legislation, it will be hard to abide by something. It's very important that we have a legislation and we have a funding source to support those public toilets.

The Hon. AILEEN MacDONALD: What do you think a national provision standard should look like in practice?

SARIKA SHASIDHARAN: The Greener Places framework, that's New South Wales Government, they've got a distribution of 200 to 400 metres of local parks within high-density development, and local parks within an 800 metre walking distance in low-rise development. That could be a benchmark—or they have a two-kilometre radius for the district park. As part of AILA, we haven't done any investigation yet about what is the provision ratio which can be done, but that's your starting point. I believe that where you already have an equal distribution of parks and public spaces, you could base on that and use those frameworks to guide you for the public toilet provision as well.

LIZ WEBSTER: I think that specifically even just a list of the places that should provide public toilet access should be provided. That's open spaces, activity centres or commercial high street areas and shopping centres, it's tourist destinations, it's train stations. The spaces that community gathers and should be able to spend time in the public realm, all of these places should provide public toilet access. In just looking at provision and setting accessibility aside—and universal design and some of the other principles—there's still a lot to consider in the provision, even the maximum walking distances from those places and the guaranteed public access, which Sarika has touched on as well. For a lot of what we now consider public toilets, and even a lot of the toilets in the National Public Toilet Map, "public" is potentially a misnomer. The owners can turn away anyone. Petrol stations and other sites are just technically for customer access. Even in some community centres, access is only guaranteed for the people currently using the facility at the time. That means that the public access is restricted. I think that not only the guidelines need to set out where public toilets should be provided, but that "public toilets" means that it is public access at all times and doesn't require use or patronage of a facility.

The Hon. AILEEN MacDONALD: Could you describe a successful community toilet scheme or model or something that you've seen?

LIZ WEBSTER: I highlighted a few aspects earlier. Yes, I would describe the community toilet schemes that we use as case studies. There are ones where there is an agreement between government and a private provider of a toilet facility that's in a space that the public frequents and gathers in, whereby an incentive is offered in exchange for guaranteed public access and signage also clearly marks that public access is available.

The Hon. ANTHONY D'ADAM: I have a couple of questions. The first one is about the issue around private provision and customer access, and safety concerns that might drive a restrictive approach to public access. I wonder whether there's any comment you might want to make about the kind of design features that might be able to be applied to maximise or to mitigate those safety concerns to facilitate greater public access where you've got commercial private providers that are, perhaps, sensitive to the potential safety risks that might arise if they have broader unfettered access.

LIZ WEBSTER: Do you mean safety for users or safety for the property of the provider?

The Hon. ANTHONY D'ADAM: Both elements, I think, are important. Obviously the safety for the property and for the provider is one of the drivers of a reluctance to open a facility. I don't know whether there are design considerations that could be taken into account that might mitigate those concerns.

LIZ WEBSTER: I'll first say that we always recommend consultation—when it comes to concerns around safety or community use at specific sites—with stakeholders in the community, because every site is different. Certain arrangements, like 24-hour access, aren't appropriate at every site. That consultation is really important to determine where that should occur, where it's appropriate and exactly how. When it comes to protecting the property of the provider, we do recommend using durable materials that are difficult to vandalise and just have better longevity. But, yes, we mostly focus on the safety of the user, of course, which is paramount. We make recommendations based on the Crime Prevention Through Environmental Design principles, which I think were first developed by Queensland police some years ago. They provide a lot of really useful guidance around siting, even within a park or facility, how the placement of a facility can increase that passive surveillance and other

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ways to reduce antisocial behaviours and protect the user and the facilities. We refer to those guidelines quite a bit.

SARIKA SHASIDHARAN: I can provide some of the local examples that we have seen recently in terms of public-private partnership. Some of our district parks have cafes or outdoor canteens where they partner. The operator will have the access to the keys and will open it for the community and close it after their working hours. Similarly in our libraries and community centres we have operating hours where the operating hours can be used for extended hours. I mentioned the previous local example of one of the sporting amenities building design, where the design is a little bit modified to allow community access 24/7. Instead of entering through the building, you have individual access to individual toilets. There are other mechanisms that other councils have taken into consideration, like automated lock systems, provision of CCTV cameras and providing signage at strategic locations as to where the nearest public toilets are. These are some of the strategies. However, there is a cost and funding implication as well in terms of determining how to provide these.

The Hon. ANTHONY D'ADAM: I also wanted to ask about hygiene standards and cleaning regimes. There doesn't appear to be a lot available in terms of specifying frequency of cleaning and intensity of maintenance. Obviously, depending on the intensity of the usage, the cleaning regime and the maintenance requirements change. Can you point us to any good examples of best practice cleaning standards or hygiene routines that we could look to for establishing some benchmark for application in New South Wales?

LIZ WEBSTER: I'm not aware of any current standards or benchmarks for level of cleaning, as you said, because there is a lack of that guidance currently. Our experience is that most councils, who are the main providers of public toilets, are currently undertaking a cleaning schedule based on historical trends. They've observed different levels of use and different levels of uncleanliness at facilities and developed a cleaning schedule to respond to that. But yes, I think some of the things you've already pointed out really correspond with the level of use. Larger sites that get a lot of usage need more frequent cleaning, but others not so much. One useful thing that we see is newer systems around community's ability to report cleaning and maintenance issues, and things like QR codes and other solutions that are onsite, where communities can actually report that cleaning is needed to improve the ongoing level of hygiene at individual sites.

SARIKA SHASIDHARAN: Yes, I agree with Liz. I haven't come across any standards for maintaining hygiene and cleanliness. However, council has their own checklists. Some of the councils have identified the need for modern amenities like sanitary product bins, touchless soaps, CCTV and automated locking systems—that is another one that some of the councils have identified. But yes, it is specific to each council. They've developed their own checklist. There's no standard at the moment.

The Hon. ANTHONY D'ADAM: I think the submission from the landscape architects had the idea around community education and awareness in terms of facilitating cleaning and hygiene standards being maintained. Can you point to any examples where those strategies have been applied successfully?

SARIKA SHASIDHARAN: I don't have any good written examples. However, because our community is getting diverse, people from different multicultural backgrounds are travelling from one place to another, and language is a barrier. Some of the councils have got guidance on public toilets and its provision or location or how to use them in different languages.

The Hon. STEPHEN LAWRENCE: Thanks to both organisations. Your submissions are really helpful and detailed. I might go to the Institute of Landscape Architects first. In your evidence a bit earlier, you talked about the possibility of a planning instrument being the mechanism to set out the statewide standard. I just wonder if you could briefly explain what role the SEPPs play and how such an instrument would be formulated.

SARIKA SHASIDHARAN: Currently with the growth centre planning instrument, there is no mention of public toilets. Even community infrastructure, which is the most essential infrastructure, such as your community centres and libraries—where public toilets could be part of it—are not currently included in that system. Local councils are able to apply for levy contributions towards the buying of land, but they do not have money for designing or building new community infrastructure or community facilities, including these public toilets. What happens is, in the new release areas, based on these SEPPs, when the contribution plans are worked out by local councils they go to IPART for review. IPART does not consider community infrastructure as an essential infrastructure within their essential works list. It is very important to change the perception that community infrastructure is not nice to have but must-have infrastructure. It will play a key role in how councils can further look towards the planning and designing of these public toilets.

The Hon. STEPHEN LAWRENCE: Is a SEPP a form of delegated legislation under the Environmental Planning and Assessment Act?

SARIKA SHASIDHARAN: That's right.

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The Hon. STEPHEN LAWRENCE: That basically can require local governments to do certain things in the way that they make planning decisions. Is that right?

SARIKA SHASIDHARAN: That's right. And how they levy—

The Hon. STEPHEN LAWRENCE: You're saying that a SEPP under the Environmental Planning and Assessment Act could, for example, require local councils to provide these facilities to a certain extent and in certain ways.

SARIKA SHASIDHARAN: Yes. It should not be a base-level embellishment. It should meet the current standards of what's required to build these public toilets. Right now there is no funding for maintenance and management of these public toilets. This is something else that could be outside those frameworks—some funding associated to help local councils to provide these public toilets.

The Hon. STEPHEN LAWRENCE: In terms of the range of issues involved here, there are obviously issues about local government responsibilities. There are things that could be done maybe through planning legislation. There are public health and human rights issues. Have you got a view about whether there should be a single piece of legislation—a public toilet Act, for example—that speaks to these matters? Or do you think it can be properly addressed through changes to individual pieces of legislation and regulations and the like?

SARIKA SHASIDHARAN: As a starting point, yes. If we have a single public toilet Act, it can then be integrated into different policies and frameworks. That's my thought.

LIZ WEBSTER: It's a difficult question to answer. I think it depends on what the public toilet Act in question would contain. But, as you've said, the issues are widening, including design, accessibility, inclusivity, hygiene and human rights. It's certainly something that a unique Act could address. Alternatively, I think there probably are pathways where you could address it through existing legislation, amendments and development of guidelines. There are probably different ways.

The Hon. STEPHEN LAWRENCE: This is a question for you both, perhaps, to address: One theme that has run through the inquiry is that of public toilets consisting of shared interior public space with multiple cubicles. People then share public space in that sense, as opposed to the single-use cubicle accessible from public space, where the person has a private cubicle. I'm wondering if I could have your views on what you think is ideal and perhaps some elaboration on what the considerations are that might dictate whether either type is appropriate in different circumstances.

LIZ WEBSTER: Can you clarify the two different designs you're referring to?

The Hon. STEPHEN LAWRENCE: I'm sorry if there's some background noise. I've got two dogs that I'm about to kick outside that are now having a bit of a fight on my feet. I'm talking about the first type being the old-style public toilet where you enter shared public space and then there are multiple cubicles, as opposed to the more modern design, which is the single-use cubicle. You might have two, three or four single-use cubicles. You enter them from public space and you are then in a private space. Those are the two types. I'm wondering about your views on which is ideal or best practice and what some of the considerations are that might dictate which type is used in different circumstances.

SARIKA SHASIDHARAN: I can jump in on this one. With the old public toilets, which were designed in, say, 1952 or during those times, the standard practice was where you entered into one common space and then got distributed into different cubicles. However, the trend is changing. The brief some of the councils are providing to the architects is that these toilets should not be for the exclusive use of sporting clubs. I'm picking up an example of a local park. This is a brief which is being sent to architects saying not to have one entry point, which will be managed by the sporting club and where the key will be available with them. Now the design trend is changing. The architects are getting on board and designing separate access doors for male, female, unisex and disabled access, with showers and additional infrastructure.

We are seeing a trend, but it's not a consistent design which is followed throughout yet. Because there is no legislation or there is no standards to guide that, people are just picking up from the best practice example and implementing it. The biggest challenge for other local councils is only 20 per cent of their existing public toilets might be open for public, for community access. The others are left locked because they do not meet the current standards for accessibility, inclusivity; therefore they are being locked and not even being thought about retrofitting. Also there is a significant funding challenge associated with it, to retrofit the old public toilets into modern ones.

LIZ WEBSTER: I would say with the two designs that you're referring to, one is the traditional toilet block, as you said, which is usually a gendered facility with shared sink spaces. The other is that sort of exclusive access to a singular stall; those often have shared sink spaces, as well, for handwashing. I think that, again, not

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one particular design is right for every site and that consultation with stakeholders and community is very important. But I think that we've seen there are space efficiency considerations at certain sites. As well, with the kind of all-gender access, we've heard from providers and community that the design that does offer that single point or single door access to a stall that doesn't have any shared spaces, aside from, potentially, a shared outdoor handwashing station, often feels safer; you're not walking into a facility where you're then sharing a space where several people before you enter into a stall. It has a lot of passive surveillance of the entry and exit because the door is directly to the public. It can achieve some of those space efficiencies as well by having the handwashing stations as the shared space, but the cubicles are still private spaces. For that design, we do hear a lot of positive feedback from providers and community.

The Hon. STEPHEN LAWRENCE: Just staying with you, Ms Webster, in the SGS submission you talk about the provision of public toilets and about certain facilities being available within 400 metres or within 800 metres, where you're talking about distance from places of gathering where people go. Are you aware of any other rules of thumb or standards that are formulated based on how many people might be using a particular space? For example, you might have a relatively small suburban park—is it normal for calculations to be done of how big the events are and then working out "We need three toilets per 400 people and we have X amount of events that might exceed that in a per year period", or something like that? I'm wondering about the formulas for public spaces, in that sense.

LIZ WEBSTER: Absolutely. The distance thresholds that you're referring to are conventional accessibility standards around a five-minute walk and a ten-minute walk, the 400 and 800 metres. In terms of the quantum of provision, yes, there are calculations that I have seen architects apply to specific sites to develop the number of cubicles that are needed to service the population. Rather than a resident population, you're spot on that it's based on the expected occupancy or number of people at any one time that would be on a site, and there are assumptions applied around how many people may use the toilet, how long that would take and what a reasonable wait time is, and then the number of cubicles are calculated from there.

The Hon. STEPHEN LAWRENCE: Do you have any idea how we would access those sorts of formulas? Say we wanted to put in our report that those calculations exist and this is how they're done. Are they online somewhere? Or is that commercial-in-confidence information that consultants keep? Where does that sort of stuff exist?

LIZ WEBSTER: I'm not aware of any that are now in public circulation. I have only seen ones that, yes, say, an architect has developed for a specific site that would have been commissioned by the provider to develop that calculation. The other thing that you can refer to is the National Construction Code, as they actually do have standards around the number of cubicles that are required based on, say, office building occupancy and shopping centre occupancy. They have applied similar calculations and that would be a useful starting point.

The Hon. STEPHEN LAWRENCE: I'm not sure which of you mentioned this but someone talked about petrol stations generally having public toilets and those being available strictly for customers but maybe there's a bit of discretion and maybe some people just use them anyway even if they're not a customer. I've noticed that not all petrol stations have public toilets. Are either of you aware of any prevailing standard that applies that would suggest that they should or shouldn't?

SARIKA SHASIDHARAN: I'm not aware of this. However, the map of public toilets, which is a publicly available website, has highlighted the petrol stations that provide access to public toilets. It may not have all petrol stations.

The Hon. STEPHEN LAWRENCE: Obviously, the Building Code applies, right? I'm wondering if it's because they're a very small petrol station with a small retail space so maybe they don't have to have a public toilet. But I'm wondering whether there should be a truer form of regulation in the sense that it doesn't really matter how big the retail space is in terms of what the need is, because the real test is how many people stop there to refill. I'm just wondering how they manage to evade that requirement—if either of you could speak to that.

LIZ WEBSTER: I believe that premises that provide food and drink that can be consumed onsite are required to provide public toilets but, in the case of some small petrol stations that do only have a retail component that does takeaway food and drinks, I think that that is the reason that some are able to avoid the requirement to have a toilet. You'd have to refer to the construction codes, but I think that's the difference.

The Hon. STEPHEN LAWRENCE: The form of regulation is not petrol station specific, so it depends on whether you're consuming food or drink onsite.

LIZ WEBSTER: Yes, not that I'm aware of.

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The Hon. STEPHEN LAWRENCE: I wonder if there ought to be a particular regulation for petrol stations because they don't seem very analogous to me to, for example, the distinction between a milk bar and a cafe.

LIZ WEBSTER: It's certainly a facility that the public often looks to to access a toilet. I think why they come up so often on the public toilet map is that many do provide toilets. But, again, that public access isn't guaranteed. But certainly there is a lot of potential to provide for public toilets, yes.

The Hon. STEPHEN LAWRENCE: One of you talked about—I think it might have been the institute in your written submission—the desirability of an Australian standard for public toilets. Could you speak to what the Australian standards are and what the difference would be between such a standard for public toilets and the Building Code standards which already exist but obviously only regulate buildings or building?

SARIKA SHASIDHARAN: At the moment, for the design of public toilets within its amenities building or as a standalone public toilet, the National Construction Code is referred to or there is a DDA that needs to be complied to. However, the principles that are missing from there are CPTED, accessibility, technology and gender inclusivity in terms of not only design standards but also clean, dignified facilities like sanitary products, self-cleaning equipment and inclusivity. The National Construction Code doesn't specifically talk about the standards or requirements, but there has to be a particular standard that brings all these components together, not just the building standards but also CPTED, accessibility and all the items that I mentioned previously.

The Hon. STEPHEN LAWRENCE: Is the National Construction Code an Australian standard? Is that part of the standard system?

SARIKA SHASIDHARAN: That's my understanding, yes.

The Hon. STEPHEN LAWRENCE: Are you aware of what legislation, if any, those Australian standards rest upon or rely on their authority for?

SARIKA SHASIDHARAN: I'm not fully aware of that. I will have to check with the architects.

The Hon. STEPHEN LAWRENCE: If you wouldn't mind, that'd be great. I'm just wondering, if there can be an Australian standard promulgated, what limits there might be on the content of it—for example, is it dependent upon a Federal piece of legislation and can only speak to things authorised by the Act? Would an Australian standard on public toilets be able to address the full range of matters that you've been talking about, for example?

SARIKA SHASIDHARAN: I'll have to check on that.

The Hon. STEPHEN LAWRENCE: If you wouldn't mind, thank you. It has been really helpful.

The CHAIR: I have a couple more questions that have arisen out of the discussion so far. One was the issue of disability access. We've had a significant body of evidence provided to the Committee about the needs of various groups of people. Just now you mentioned the DDA requirements. It's my understanding that only applies when you're building a new building under the National Construction Code. What would your advice be in terms of how we can improve disability access to existing toilets?

SARIKA SHASIDHARAN: It's the ongoing discussion we have with the council staff because that's the biggest challenge. Our old buildings, which were designed in the 1950s and '56, did not comply with DDA, and their designs are not suitable for the current practice. What happens is they remain locked. In order to open that, in order to demolish and build a new one, the cost established is significant, which is a significant risk. Hence, most of the toilets remain locked. That's my observation from the current scenario.

The CHAIR: You can add to that if you'd like.

LIZ WEBSTER: I would just emphasise that, yes, cost is the principal challenge that providers face when they have many existing public toilets that aren't DDA compliant. But I'd also just like to emphasise, and I think a lot of the other submitters have spoken to this as well, that DDA compliance is seen as the absolute minimum in terms of accessibility. There are many users of wheelchairs and other mobility devices who report to providers that they still aren't able to use DDA-compliant facilities. There are a lot of design components that are within those standards, even, that mean that they're not usable. We usually encourage providers to look to universal design principles and consult with their communities to develop a higher standard of accessibility for their facilities, but cost is significant.

The CHAIR: Thank you, that's helpful. SGS, in your written submission you talked about a design toolkit that already exists. Can you speak to the aspects of design that are covered in that?

LIZ WEBSTER: Yes. It's a toolkit that we've used in several of our public toilet strategies that we've worked with local government on and have seen actually now other others who have written similar strategies

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pick up a kind of similar toolkit. It addresses provision; accessibility; design; quantum of provision, where it gives guidance around higher order locations such as major activity centres that are used by more people in the community and providing a higher level of service; the fixtures and fittings that might be included in some public toilet facilities, especially those higher order facilities that more people are accessing; and the crime prevention through environmental design principles and how those relate to public toilets. It includes case studies as well that illustrate environmentally sensitive designs that have generated economic development outcomes for local communities and other exemplar case studies.

The CHAIR: I understand that document may well be commercial in confidence, but it would be of interest to the Committee if it would be possible to provide that on a confidential basis. You can take that on notice.

LIZ WEBSTER: Yes, I can take that on notice.

The CHAIR: Was there anything that either of you were really hoping to raise today, or explain in more detail, that we haven't asked?

LIZ WEBSTER: I don't think so. For me, I think there have been some good questions, especially the focus around developing a more robust system of legislation and standards.

SARIKA SHASIDHARAN: Thank you for the opportunity. It's great to hear that you all have put your minds together to opening up the public toilets free 24/7 for our community. This is very much needed for the community.

The CHAIR: Thank you both so much again for making the time to share your expertise with us today. It has been really helpful as we try to work out how to solve this really complex problem. There were a couple of questions taken on notice, and there may be supplementary written questions from the Committee as well. The secretariat will be in touch with you about those.

(The witnesses withdrew.)

(Short adjournment)

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Ms RUTH NEAVE, Manager, Community and Recreation Services, Liverpool Plains Shire Council, affirmed and examined

Mr ANTHONY McMAHON, Chief Executive Officer, Bega Valley Shire Council, before the Committee via videoconference, affirmed and examined

Mr JOHN GRADY, Manager, Parks, Aquatics and Recreation, Bega Valley Shire Council, before the Committee via videoconference, affirmed and examined

Mr MURRAY WOOD, Chief Executive Officer, Dubbo Regional Council, before the Committee via videoconference, affirmed and examined

The CHAIR: Welcome back, everyone. I welcome our next witnesses. We have representatives of three very different rural and regional councils—Bega Valley Shire Council, Dubbo Regional Council and Liverpool Plains Shire Council. Would anyone like to start by making a short opening statement?

RUTH NEAVE: I will.

The Hon. STEPHEN LAWRENCE: Chair, I want to disclose that I know Mr Wood. When I served on Dubbo Regional Council, Mr Wood worked there in various capacities, including CEO.

The CHAIR: Thank you very much. That's noted. Ms Neave, you can continue.

RUTH NEAVE: In preparing our submission, some of the things we considered were individual wellbeing, community wellbeing, events, sports, dog walking, droughts, the design of pedestals, signage, the distance travelled by our cleaning crew, carting water, carting waste, bodily fluids, lighting, paths, building standards, budgets, funding opportunities, travel routes, and hinges and handles. This was an exercise that had us reconsidering many areas of our day-to-day work. We considered the needs of our community in micro-detail, the design possibilities and what inclusive design might look like, as well as the possibility of designing and building for better management of waste and water. We encountered the macro issues of geography and funding. Thank you for initiating this inquiry and for the opportunity to take part in today's session.

The CHAIR: Thank you very much. Is there an opening statement from Bega Valley?

ANTHONY McMAHON: We're happy to just take questions when they come. We have made our written submission. We are happy to just answer any questions.

The CHAIR: Thank you. Is there an opening statement from Dubbo?

MURRAY WOOD: No. Like Bega Valley, we are happy to take questions as they come.

The CHAIR: Thank you very much. My first question is to all of you—whoever wants to jump in. Obviously funding is a huge issue in local government. I was a member of the inquiry into the financial sustainability of local governments. That issue has been made very clear to the Legislative Council. For the significant number of toilets that councils manage, if the State Government or Federal Government was going to provide funding support for councils, what should that actually look like? I am interested in the quantum and how we calculate that, but also what the mechanism of that should be. Do we need some kind of grant program for toilet upgrades? Does it need to recurring annual baseline funding? What are the practicalities of meaningful funding support for you?

ANTHONY McMAHON: I think we probably set the scene in our submission that we've got an astronomical amount of toilets down here in the Bega Valley. One of the reasons is that we need to cater for peak demands over the summer period for tourists. If you're not aware, we don't actually generate any income as a council from tourists in the area to support the infrastructure that we need. In terms of what a financial contribution might look like and the mechanism, our preference would always be some sort of recurring funding. That could be relative to the number of assets that we are required to have to cater for the demand in our areas, but even anything along the lines of recurring capital renewal funding that takes up some of that financial burden would be of benefit. At the moment, we are very limited for any sort of funding source unless we apply for other competitive grant programs that are related but not directly associated with toilets—things like tourism infrastructure funding or accessibility grant programs. They are really hard to plan around. That is the challenge for us. Any form of funding would be welcome.

MURRAY WOOD: I'll jump in there, Madam Chair. We do have a rolling program of asset renewal, so it is in the mix and we tend to replace—only at a very slow and steady pace, I hasten to add. But somewhat to Anthony and Bega Valley's perspective, I think the power is in making sure grant programs, be that tourism—it might sound like such a low level from tourism, but it is about that comfort. I think freeing up existing grant

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programs to have that flexibility will be required, and councils can, whether it's Dubbo or whether it's Bega, actually successfully target those grant programs. As a merged council back from 2016, I guess our largest liability and asset management backlog is our roads, and that remains our focus. We are attempting our small renewals program and then, as we go for bigger budgets on higher worth programs, we can look at those facilities as well.

To be honest, if I was asking for a new funding bucket, I'd be after the bigger infrastructure pieces that actually can drive us bankrupt, as it were, like roads and the asset backlog that way, or stormwater. We have enough, certainly, as a leader and as a larger regional centre for western New South Wales. I would suggest that the smaller councils will find greater power in having access to bespoke grant programs on the amenities. Dubbo is somewhat big enough to cater for that, whereas our smaller hinterland communities, as far out as Bourke, would be more in need of bespoke funding to do with public amenities.

RUTH NEAVE: I would say certainly, yes, funding will be an issue. Wherever there's a grant program, there are a whole lot of resources required to administer, to apply, to be competitive and to implement. So I'd be looking at some sort of model that doesn't require a lot of core resources to actually be competitive in that process. That would be important, and the money itself doesn't resolve the challenge. The challenge is also having people on the ground to implement and having the resources for a design and construct capacity, because it's not just money that's void. As the previous speaker just said, we're a smaller council and we have great challenges in just getting people to implement, even when the money is there in a grant.

MURRAY WOOD: That goes to the point we talk about in our submission, where the Government has a standard for toilets established, a bit like a pattern book that they have for housing. That means a council wouldn't have to go through a design, and that means suppliers could efficiently design products that fit those standards. Therefore, grants—it's an easier hoop to go through if you're installing something that's in line with that pattern book of standards. Obviously it's in our submission, so we think there's some merit in that, but it goes to that point of smaller councils that don't have the resources to design. They don't have resources. So the easier we can lower the gates to get through, the better it is for all communities, particularly smaller communities.

ANTHONY McMAHON: I was just going to add, there was a program that the State Government did previously have in place. It's one that we certainly looked at as a good opportunity for funding toilets and amenities, and that was the Stronger Country Communities Fund. One of the benefits of that was, rather than it being more of a competitive basis across the State, we essentially knew as local governments what our allocation might be and could prioritise our community infrastructure based on needs. I know, from a Bega perspective, we certainly looked at that as a great program to access toilet funding through, and we've delivered some great outcomes as a result of that program. The mechanisms around that might be worth relooking at.

The CHAIR: On a completely different note, many of your written submissions raised the question of vandalism and how that impacts costs and maintenance long term. We've also heard significant evidence from a broad range of people about the ways in which toilets can be designed to reduce vandalism that then make them far more unpleasant for people to use and, particularly, less accessible for various marginalised groups of people. So how do we strike the right balance between what's practical, in a sense, to build or upkeep, while supporting the needs of the people who use the facility?

MURRAY WOOD: If we find that secret sauce, we'll be more than happy to have it. I think I've had the vandal-proof toilet and it hasn't lasted at all, and others that you think are more vulnerable have lasted. As a local government sector, we share lessons quite well with each other so I think there is the power in our normal networks. The challenge will be more equipment, and that's with the adult change rooms, which is necessary in our diverse community. It's those very vulnerable members of the community that need specific infrastructure that seem to be the most at risk. In our case, we're probably looking at where the opportunities are for co-location where there's more direct supervision. That may mean there's less after hours, but can we provide that public amenity in libraries in our CBD and what have you. I guess it's exercising our mind. I'm yet to come up with the recipe that I can share with everyone that is a genuine success. It's a tough gig.

RUTH NEAVE: I think one of the things that I noticed about comparing our submission to the other submissions was we actually didn't raise vandalism. It's not because it's not something that does occur in a community, but in our discussions in preparing the submission we were trying to manage the perception and the fear of vandalism versus the reality. In our community—and we do have less people and less concentrated spots, if I can describe it that way—we found that the fear of vandalism, from a design perspective, actually outweighed the reality. That's probably contrary to what the colleagues on the screen have experienced, but that was our sort of final conclusion on that.

The CHAIR: That's very interesting. I have one specific question for you, Ms Neave. Your written submission raised the issue of very remote toilets that require septic systems. This is something that hasn't come

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up at all yet in this inquiry. If we're looking at setting regulation or design standards or other things, what do we need to be taking into account for your context?

RUTH NEAVE: Listening to the previous conversations, I think one of the things we need is a decision-making matrix that enables local council to have a consideration of what is actually the best option given the usage at the site, the systems that are in place and then distance management issues around that. I hesitate to be too prescriptive because it's not my area of expertise, the systems—that's a whole different crew within council. But one of the things that came up again in the discussion in preparing the paper was the reality of—this is micro, so I do apologise, but if you stack too much toilet paper in an isolated toilet because the cleaners are only there once a week, what tends to happen is a lot of that toilet paper ends up in the system and that actually blocks the system.

For everything as simple as the complicating factor of toilet paper in a septic system, plus those people that are using the system that aren't familiar with septic systems don't understand what you can't put in the system without compromising the system, I know in the previous session someone was talking about education about usage of different systems. That would be something that would need to be considered. But one of my concerns is when we—because I think your question was about regulation and policy. Is that right?

The CHAIR: I can be more specific, if you like. We've had lots of suggestions that we either legislate or regulate a design standard. Dubbo Regional Council earlier mentioned this idea of a pattern book like the Housing Pattern Book; there are potentially lots of ways we can do this. We of course wouldn't want to impose a design standard that's completely unimplementable in remote communities. I'm interested whether septic systems are similar enough to each other that there could be a pattern book option for a septic system, or does it need to be more localised than that?

RUTH NEAVE: Again, I'm happy to come back with some information on that. But proximity to water sources is an issue, usage is an issue, and how often that system is cleaned out is an issue. You could possibly have minimum standards, but I go back to a decision-making matrix on what's going to work in site-specific locations. But I am happy to come back with information.

The Hon. AILEEN MacDONALD: I will start with Ms Neave. Thank you for coming in person. Could you elaborate on the benefits of what you call a lifestyle framework for toilet management?

RUTH NEAVE: Was that in mine? Could you point me to the page, please?

The Hon. AILEEN MacDONALD: Sure. Sorry—maybe it's my interpretation. But it goes to that you don't just put a toilet there and then hope, depending on when it can be cleaned—those kinds of things. There is a lifestyle to toilet infrastructure, not just build it and people will use it. You have to plan toilet paper and all those kinds of things, and how remote they might be.

RUTH NEAVE: Again, going back to some of the comments in the previous session—and I'm not being facetious when I say this. In the discussion in the previous session on safety, I was thinking, "Yes, one of our safety concerns in a remote toilet would be snakes. How do we protect someone from that?" That's actually about keeping the grass mown, having clear pathways and maybe advising people on what you do—how to behave around snakes. I was amazed, when we were having the conversations about it, that the designs of the toilets themselves came up as an issue around cleanliness and hygiene, because it was very hard to get to the back of the toilet because of the design of that pipe at the back.

In the submission, we point out that our cleaning crews are basically travelling from Sydney to Brisbane every week, just in the course of their business, to cover the geography of our shire and to get everything clean as a bare minimum. And ten minutes after they've cleaned it, someone can use it and destroy all their work. Then half an hour later, someone else is there and complains about the state of the toilets. It's very resource intensive—both travel, people and the chemicals that are required to clean. There are design considerations. The water, how often—and climate and weather is going to affect this, because things are going to dry up. The pit and the septic systems are going to dry up in hot, dry weather. Does that partially answer your question?

The Hon. AILEEN MacDONALD: I think so. This is open to everyone, with regard to a possible statewide guide. We've got councils that are bigger regional centres, plus smaller ones, plus some like Blacktown. Just having a pattern book or a cookie-cutter approach isn't going to work for all councils, but you also don't want to restrict the local design choices. What would you like to see, if there was a statewide design framework, that would assist rural councils and also the bigger councils and ones that are metro based?

ANTHONY McMAHON: I'm happy to have a go at that first. I think if there was an option for local government to actually pick something up and utilise it, that is standard, that would be an improvement. But I think we also need to recognise that there's always going to be the need for flexibility and choice for local

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communities, because quite often amenity might actually be the driver for why we might renew a facility, if it's associated with something else. Just to give you some practical examples, touching back on the points earlier, onsite systems are all unique. It depends on a number of factors. There are already NSW Health guidelines and standards that govern how they're designed, and so that's already catered for.

Examples in our area, though, are where we have toilet facilities associated with halls out in rural areas. A standard off-the-shelf toilet block design that's going to be associated with a community hall—that might be a heritage hall that's 100 years old—is not actually going to be a desirable outcome. I think flexibility is always going to be important, but also having standard off-the-shelf designs that councils can pick up and know are going to be relatively low cost and know they're going to have certainty around their durability from a vandalism perspective—that would be great.

MURRAY WOOD: I just endorse those comments. I think the beauty of a pattern book style is that here is a path of least resistance, as it were, or a path that's easier. But for those very bespoke or those nuanced local conditions, you don't have to. I think that's the strength of that approach, rather than saying thou shalt at all times.

The Hon. AILEEN MacDONALD: If you have a statewide guide, how do you also incorporate community feedback to inform your toilet design? You mentioned that it might be on a cultural or a heritage site and so a pattern book isn't going to help, but maybe the community feedback would inform.

RUTH NEAVE: One of the ways that we prepared our submission was we did what I called a mini hackathon. We had the senior managers in council sit around and we put a whole lot of scenarios down. Most of those scenarios started with an individual and their individual needs around bathrooms and then we aligned that with the feedback that we had in developing our inclusion plan, plus other community engagement that we had done. I think there's a lot to be said about the framework—and I'm talking about a physical framework—of the building there that meets the minimum standards and then the cosmetics of that and the plumbing of that be site specific.

If you can involve people at a community level at site and give them some information about what the requirements are, the majority of people at community level want their facilities to be available to each and every one in the community. Particularly when the communities are small; they have a knowledge of those individuals. They know that that person down the road is now using a walker. They know that that family over there has five children, and it's mostly the father that's bringing them to football training. They have a knowledge of community or the people in their community. If you can combine that expertise at local level, then you will get an outcome. But, again, that is about resourcing. It's about time. It's not just shipping in a model that works in another—and I mean a physical structure as well as a decision-making model that may work in another area.

ANTHONY McMAHON: Perhaps Mr Grady could explain how we typically go through our community engagement around toilet block renewals and some of the factors that often drive it, like funding program criteria.

JOHN GRADY: When we do an upgrade to a facility, it's normally associated with a number of other parkland improvements in the area. We go through a process of looking at the key aspects of that site and trying to make sure we maximise the opportunities of the site and also get inclusive design as part of that outcome for all the facilities on that site, so taking a broader approach. That's where we would ask the community more directly what is important about this site as a whole? What is important about the access and the facilities that these toilets actually service? People often go to sites to utilise the facilities around the sites, particularly in tourism areas like down here on the far South Coast.

The toilets service the facilities surrounding them at high-profile sites. We're really interested in how it all comes together. In that, people will often talk about accessibility, convenience, parking, pathways linking other facilities—barbeques, picnic areas, playgrounds—back to those toilets as well. When we were talking a little bit earlier about the pattern book or guidelines, the flexibility in those sorts of things is great. That enables us to go and achieve an improvement in an outcome. In some instances, it might be really challenging to get strict compliance with a set of guidelines or standards, but if we aim for an improvement, we can often get a good result for the project.

The Hon. STEPHEN LAWRENCE: Thanks to all the councils for your submissions. They were really helpful. In the first instance, I have a question that all three councils might care to comment on. We had some evidence earlier this morning from experts who were talking about the desirability of a statewide standard for public toilets, specifically one that spoke to the provision of public toilets. They suggested, for example, that public toilets should be within 400 metres or 800 metres of certain facilities, and they also talked about formulas based on the amount of people who might be using a certain public space and how many toilets might then be provided in that public space based on expected usage. I wonder how useful you think it would be for your councils

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to have a statewide planning document that spoke to those formulas around provision, rather than that question of design that we were talking about earlier.

ANTHONY McMAHON: I think that is quite an altruistic thing to try to achieve when, ultimately, the level of service that any council decides to provide for their community is going to vary. I think if there was a minimum standard expectation, I know I'd certainly want to see what that looks like to understand if there's a negative financial impact on our council before I decided if it was a good idea or not. From my perspective, I think we have very high provision here in the Bega Valley, but that's because we've got such a dispersed population. There are around 36,000 people, but they are certainly not all clustered in one location. I know if you compared the population distribution between Bega Valley and Dubbo Regional, for example, it's a very different profile.

I think trying to standardise that too much would come with potential risks from a financial perspective and then also a level of service. If I look at our area, for example, we've got villages of 200 people that have a public toilet there, and that's an important asset in that community. But if you try to standardise that across the State, you may say, "They don't need a toilet block." So what does the council then do? Do they take that one toilet block away from there and put it more into the larger centre? I know from Murray's perspective, for example—he could probably comment on this—if you cluster too much where the population is, and the smaller areas don't get any level of service for the rates they pay, it becomes a nightmare to try to manage expectations.

MURRAY WOOD: Yes, I'm envisaging community hall meetings that would overhear some passion and plea. I think that would be the challenge for that approach, because we have very disparate—the villages are very small, but they need that, and that's where the travellers happen as well. But do we have good data on some of the ad hoc travel we have around western New South Wales, as opposed to a major tourism destination like Bega? There'd be value from an open space planning or community space planning context but, again, a bit like the pattern book, you wouldn't want to make it too compulsory because we'll have these challenges both for the very small communities but then also an impost on financial sustainability. As our colleague who's in the room with you said, it's not just about the built asset; it's about serviceability. The community certainly expects a level of service in public toilets so they can remain useful to them. So it's got merit, but I think it's more like a planning framework as opposed to a compulsory rule.

RUTH NEAVE: I think one of the other challenges is, if it's on a per capita or a distance formula, communities like ours just end up like Mars because we don't have the per capita and the distances are so large that we fall through the cracks or it's not financially viable to be looking at those options. One of the challenges in communities like ours is there will be multiple sites within our shire where one or two reasonable toilets are sufficient for the majority of the year, but then there are critical events in those communities that are important for the sense of community as well as perhaps bringing in dollars and fundraising opportunities for the community. The facilities just can't match that. The facilities are there, but it's not viable to build a facility that's going to meet that 5,000 crowd for two weekends of the year.

I think we need to be a little bit lateral in the options that we look at to meet those needs. I'm coming up with this idea on the hop, so work with me. Maybe we need a fleet of portable toilets that are available and that are designed very cleverly. They are inclusively designed. They are able to adapt to low water levels yet refill quickly. Or there is an on-site composting toilet. One of the things we raised in our submission was the opportunity or the potential to look at research and design around wastewater and management, because for a lot of our communities the portability and mobility of the infrastructure itself would be advantageous. Also, looking at how can we resource those communities for maybe the four weekends a year that they need more?

The Hon. STEPHEN LAWRENCE: That's really useful, thanks. Mr Wood, can I ask you a couple of questions about maybe the most famous public toilet in the State—the Lions Park West 3D-printed toilet. You've addressed in your submission the issues about the plan the council had to 3D print homes and the connection between that and the project. What's the connection between the ultimate design of the toilet, in terms of utilising the traditional model of the male/female toilets as well as the disability accessible toilet, and the use of 3D printing? What's the connection between the ultimate design and the mode of construction that was chosen?

MURRAY WOOD: There's nothing beholden to 3D printing. As you know, it's a wall construction technique. What that's alluding to is that the fit-out can be changed to suit. You could have a single cubicle with 3D printing. It's new technology that keeps evolving all the time. I don't see there being a constraint on using 3D or, indeed, what is probably going to get ahead of that, which is modular installation. I don't see that being a constraint in terms of your internal design. For example, another toilet that's going to be kicking off is at the main park in the Dubbo urban area. A deeper consultation with community has given us some challenges because there's such a breadth of feedback. We're trying to incorporate that in all design. I don't think 3D printing itself rules out how you fit out a toilet and whether that's single cubicles with an external facing or whether it's, as you describe, more traditional cubicles within and washbasins in one shared room.

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The Hon. STEPHEN LAWRENCE: Prior to the construction of this toilet, when was the last time either Dubbo City Council or the current regional council constructed that traditional mode of public toilet in a park?

MURRAY WOOD: I will have to take that on notice. I had a bit of a gap between Dubbo regional—I know the more recent ones before Lions Park, at the showground. That was based more on getting people through in events. They had large banks of single cubicles and an opening, with a facade to stop people seeing in as you went in. I'd have to take that on notice to get you that detail.

The Hon. STEPHEN LAWRENCE: With the 3D-printed toilet, was the final design put out for community consultation?

MURRAY WOOD: I don't believe so but, again, I'll confirm.

The Hon. STEPHEN LAWRENCE: Was the final design sent to the councillors in a public council meeting?

MURRAY WOOD: The exact example of what's there now? Again, I'll have to go back through the records and see what was put to the elected body. I'll use Victoria Park, where we've done a lot of deep consultation. We're going to go to market, and they will have to meet our specs as well as they can. That level of detail may not necessarily come back to the elected body because they've allocated the budget. We've done the consultation, and we're going to meet it. Part of the decision criteria will be meeting that consultation as deeply as possible. It doesn't necessarily mean the elected body gets to see the detailed design of an individual amenity block. I'd say that's the likely outcome with Victoria Park toilets. Although, again, I'll have to check the latest resolution of council in that regard and get back to the Committee.

The Hon. STEPHEN LAWRENCE: In terms of comparable parks in Dubbo, I know that there's a new public toilet block in Elston Park in Dubbo. That's single-use cubicles. I think it's got three: a male, a female and a unisex/disability access one. Would you say that's a park that's got a higher volume of use than Lions Park West?

MURRAY WOOD: Much so. There are three parks that have the most use in Dubbo: Victoria Park, Elston Park and Wahroonga Park. They're very dominated by family use, lots of gatherings. Elston Park has an outdoor water play feature that is chlorinated or what have you, so it is designed to attract a lot of people in a very clustered environment.

The Hon. STEPHEN LAWRENCE: I think I am right in saying that Lions Park West now has a higher number of individual toilets. Is that right? I think the 3D printed ones has four, four and one, does it?

MURRAY WOOD: Cubicles? Yes, I'd suggest that's correct.

The Hon. STEPHEN LAWRENCE: I'm curious why the higher volume use park has got a lower number of toilets, and they're single use cubicles. I'm curious about the methodology for deciding what park gets how many toilets.

MURRAY WOOD: In that circumstance of Lions Park West, it was the manager getting best value for money. In their view at the time, they sought to get as many toilets as possible. It is a much lower use park except for—and I think I mentioned this in our submission—where there are some festivals. Like the Eid, the Islamic community has a celebration there. It gets some disparate pulses of activity, as it were. It's just a particular circumstance for that particular park at that time. For Elston Park, there was a lot more consultation over a longer period of time because the old whirly toilets were at a very distant part of the park. There was more deep consultation again, because there was a higher level of service at that particular park.

The Hon. STEPHEN LAWRENCE: The current mayor put a question on notice to a council meeting, in respect of the 3D printed loo, whether consideration was given to 3D printing single-use cubicles. The answer in summary said that, yes, consideration was given, but it would have been outside the budget for the project. Could you speak to that in terms of why it wasn't possible within the budget to 3D print single-use cubicles. I suspect it might have something to do with the number of walls, because, as you said, it's fundamentally a wall printing mode of technology.

MURRAY WOOD: Sure. This is based on recollection. I don't have documentation in front of me, I hasten to add. I would imagine effectively the 3D printer walls are like double-skin brick walls. That's how they affect and how they're in operation. There would have been less toilets and a greater number of walls would have been greater expense to have the dual brick walls, as it were, the 3D printed walls, in between individual cubicles. That was the case based on the feedback from the relevant staff at that time. Given the movement of technology, that's probably a very different story if you're going to market today, I would suggest.

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The Hon. STEPHEN LAWRENCE: Within that project budget, do you think it would have been possible not utilising 3D printing to, for example, have built three single-use cubicles in a smaller toilet block, but one that involved single use cubicles?

MURRAY WOOD: Potentially. But ultimately you're talking about a snapshot in time for a decision of that then elected body.

The Hon. STEPHEN LAWRENCE: Mr Wood, just to get to the point of it all, I'm concerned that a particular mode of technology was chosen because of a different purpose, in terms of the housing issue, and I'm not questioning that that was legitimate. A particular mode of technology was chosen to print a public toilet because of that other purpose. That meant that, effectively, single-use cubicles weren't pursued because it would have been too expensive to 3D print them. That other objective meant that a traditional-style toilet was built, in circumstances where there was no community consultation on that.

MURRAY WOOD: That was the decision at that time. It went through council, the elected body, and so resolved.

The Hon. STEPHEN LAWRENCE: I thought you said the design didn't go to council.

MURRAY WOOD: Not detailed design, but the ultimate awarding of the tender was put to council. They chose. Again, in the submission it calls out that there was a focus on this housing as a solution to stimulate different technologies to address the housing crisis. That was the decision at that time.

The Hon. STEPHEN LAWRENCE: But what do you say about the suggestion that a less than best practice design of toilet was chosen because of this other objective? What would you say to people, for example, who don't think that traditional style is inclusive and accessible? Should they really bear the consequence of some other objective in terms of 3D printing homes in a completely different part of Dubbo?

MURRAY WOOD: That's a view that they can put forward. Again, we've done a deep dive in consultation at Victoria Park toilets. Ultimately people will tell us. We haven't had direct feedback on that particular amenity and, including as part of our community safety and crime prevention plan, they haven't provided that feedback that they feel unsafe or there's anything untoward about that experience there. In our submission we call that out that we always learn about interactions with community and we always learn project by project and we apply those learnings to the next one. In terms of a service, most people are using that amenity largely walking around the river, riding their bikes around the river. Yes, there is sometimes peaks of use. We haven't had much direct negative feedback. Yes, there's the standard Facebook page that gets hooked into like every local government area does. In relation to that, we learn and we apply those lessons and we also scale up our consultation depending on where assets are.

Well, it's in the draft budget. Councillors have asked us, based on community feedback, for toilets in cemeteries, for example. We'll be doing some consultation given the sensitivity—much deeper in terms of the sensitivity around toilets in cemeteries. Because of that lack of regular passive surveillance by people, they will be highly likely to be subject to vandalism as well, because there's not many people around until these pulses of activity. Again, we'll need to apply our learnings on robust infrastructure, and 3D printed walls are about as robust as you get. They're cured at 50 MPa. You'd break your hand before you break a wall fitting. I'm not saying that we're going down that path, but that's an example of the thinking we'll have to bring to a cemetery toilet, because that's what we've heard from community is the priority.

The Hon. STEPHEN LAWRENCE: But, in terms of community feedback, was there any way for members of the Dubbo community to give that feedback prior to the construction of that 3D printed loo?

MURRAY WOOD: In terms of a deep conversation and design, no, I don't believe there was. But we have regular channels post and during the construction for community to give feedback and we haven't received that through our normal channels. People aren't shy in telling us what they think formally.

The Hon. STEPHEN LAWRENCE: In terms of the Facebook group that you talked about—you talked about it in your written submission as well. I think you might be aware there are probably 3,000 or 4,000 members of that group. I'm a member myself, I should disclose. Is that a group that council monitors for the purpose of picking up that consultation?

MURRAY WOOD: No. The logic there is that we have, if people do ask us—even on our own Facebook page, they may have a strong view, not expressed very coherently but very bluntly. We ask people to go back through our channels so we can capture that data. Unfortunately, Facebook groups don't necessarily encourage nuance in terms of understanding. We always encourage—we welcome our community to say it in their own words but come back through our "your say" page we've got, which is very effective at gathering data and information as well. We don't, as a rule, monitor Facebook pages because that will have a certain bent. There are

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villages that have their own Facebook page that they have issues that they talk about as well. It would be unfeasible to monitor all Facebook pages. Despite that point about villages have the same equity as a larger centre, we'd have to pay the same attention to every Facebook group and that wouldn't be feasible.

The Hon. STEPHEN LAWRENCE: You say in your written submission that there was feedback on that Facebook group about the design. Then you say:

There was, in a search of records, very limited complaints or queries received by Council through its normal/official customer channels.

I suppose the point that I'm getting to is you've got this Facebook group with, I don't know, thousands of members in it—and I looked at a lot of the feedback about this particular toilet. It ranged from supportive to reasonable criticism to unreasonable criticism. I'm just a bit concerned, from a consultation point of view, that council is quarantining itself from all of that and then making the point in a written submission to an inquiry that there was limited feedback through the usual council feedback channels. Can council really quarantine itself in that way and just rely, in that sense, on the traditional methods of consultation? Shouldn't council be taking into account that you've got this group that has got thousands of people in it who, presumably, are going to vary greatly in terms of their good faith in their interactions? Can you really ignore that sort of group?

MURRAY WOOD: No. We've asked that that group posts—for example, we have a Your Say page. It's not traditional. We have software and IT-based consultation groups. Ideally a group like that would say, "If you want to get your feedback read"—and they do promote our media releases and what have you. So I think there is a positive interaction that can be made from that, where people may get their first bit of advice from, say, a community Facebook page that then points them back to these Your Say programs and what have you. I don't think they're mutually exclusive, but the point I was making there is that there are areas where we get feedback that is informal and it's a community conversation but, in terms of people complaining and directly—and, as I say, they're not shy in talking to us regularly about our service provision across a range of things and that we have no records of that as well.

That's the point I was trying to make: not diminishing a community conversation on a community-administered Facebook page. I was more making the point that, if people are really passionate and if they take it very seriously, they tend to let us know about it through our normal channels on our Your Say page and what have you. I was certainly not dismissing, but certainly trying to create that point of difference that people aren't shy in letting us know. I think the Victoria Park consultation that's also in the submission where I put that word cloud there as well, that was through our Your Say page. You can see there it's a park that lots of people love and enjoy, and they've really given us a deep dive-in submission. So our normal channels, which are new, do work in terms of getting a feel for community understanding as well.

The Hon. STEPHEN LAWRENCE: Lastly from me, you've talked in your written submission about community feedback about preferring the single-use cubicle. In my understanding, council in recent times—perhaps in the last decade or two, maybe more—has built the single-use cubicles in public parks, certainly. Do you have any real doubt that, if it wasn't for this decision to utilise 3D printing because of the housing issue, council would have built single-use cubicles in Lions Park West—that you wouldn't have decided to replicate that traditional male/female toilet there?

MURRAY WOOD: That's conjecture. I think the challenge you have is taking it out of the context of the very real housing crisis. Council at that time was looking at ways of stimulating different ways—and using an allocated budget for an amenity block was viewed as a positive way of doing that.

The Hon. STEPHEN LAWRENCE: It's not really conjecture, Mr Wood, because, almost always, the construction of a public toilet block is separated from the housing crisis, and I suspect it will be in the future and is for most councils. So, but for that decision to utilise 3D printing, do you have any real doubt that council would have built single-use cubicles in Lions Park West?

MURRAY WOOD: I guess I'm framing the question as conjecture. Do I have any real doubt? Possibly, but I think it's the asset's built. We're doing a deep dive in consultation of Victoria Park toilets. We'll do a deep dive in cemetery toilets because it is so bespoke. So I'm comfortable with my answer.

The Hon. STEPHEN LAWRENCE: Are you accepting that, but for the decision to utilise 3D printing, council probably would have built single-use cubicles in Lions Park West?

MURRAY WOOD: No, I think I've been verballed a bit there. What I'm saying is—

The Hon. STEPHEN LAWRENCE: You're free to respond, so please do.

MURRAY WOOD: It was a decision made. For all the wraparound and thinking about that decision that was made, to go back in the future and say we'd do something different, that would be hypothetical. So—

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The Hon. STEPHEN LAWRENCE: That's a bit of an evasion of the question, Mr Wood. I'll put it again, in all fairness to you. Taking into account that the council has built single-use cubicles in every new development of public toilets that I can think of in the time that I've been in Dubbo, do you have any real doubt that, but for this decision to utilise 3D printing because of the housing issue, council would have done what council has invariably done in recent times and just build single-use cubicles in Lions Park West?

MURRAY WOOD: No, I'm comfortable with my answer as I've already given it.

The Hon. ANTHONY D'ADAM: I have a couple of questions around cleaning schedules. We have heard evidence that there isn't a clear standard in terms of cleaning frequencies for public toilets. I want to ask each of the witnesses here today how the councils determine the cleaning schedules for the various facilities that they are responsible for. What benchmark or measures do they use to determine how frequently public toilets under their control are cleaned?

ANTHONY McMAHON: John, do you want to jump into that for Bega? I will add at the end if needed.

JOHN GRADY: Yes, no problem. Largely, we have an asset hierarchy for regional, district and local-level facilities. Regional facilities get more regular servicing. They are the ones that are in the higher use towns or more populated centres that get a lot more use, particularly through holiday periods. Then we go to district-level facilities, which service smaller parkland areas, if you like. Then we go to local-level facilities, which are in the smaller villages and towns. In terms of how we would determine that, a big part of that is budget based and about trying to fit our service frequencies into our set budget allocation and basically doing the best cleaning jobs we can with the funding we've got. Distance is a big issue for us here, as it is for a lot of large regional areas as well. The time that the guys are in the vehicle travelling to site is allocated against cleaning that facility. It's part of their jobs. They are on the clock when they're in the vehicle. That's got to be accounted for as well. I think that has pretty much answered the question from Bega Valley's perspective. Anthony, do you have anything to add?

ANTHONY McMAHON: I will add that there are some facilities that are maintained by volunteers too, particularly the ones associated with halls and cemeteries. I'd say that there are some that get a different level of service outside of what council provides, but that is relying on volunteers.

The Hon. ANTHONY D'ADAM: What's the minimum frequency? In terms of outliers, how frequently would the least frequently cleaned toilet be cleaned?

JOHN GRADY: Our minimum frequency down here at the moment for our serviced facilities is twice a week. However, in saying that, if those maintenance crews are called away to another more urgent issue on that day—it might be putting out "road closed" signs for flash flooding or responding to some other urgent matter—that service will be missed. That sometimes happens as well. Our minimum programmed servicing is twice a week, but we don't always hit that target because sometimes those people are called away to other more urgent matters. At the other end of the spectrum, sometimes, particularly through summer, we are at twice a day for some of our higher use facilities in really popular areas.

The Hon. ANTHONY D'ADAM: Are those facilities cleaned by direct employees or are they employed via contract arrangements?

JOHN GRADY: They are direct employees here at Bega Valley.

The Hon. ANTHONY D'ADAM: I might hear from the other councils about how they arrange things.

RUTH NEAVE: Yes, I am happy to go. We would use a similar hierarchy to what Bega is talking about. It is about the intensity of use and driving distance—we incorporate that into the schedule. A standard part of our booking process is that if there is an event at one of our venues—an extraordinary event—the cleaning crews will be notified and they do a pre and post check. The other trigger for a clean would be complaints. If there is a pattern of more complaints over a particular facility that indicates that its usage has increased, the cleaning schedule will be modified around that.

The Hon. ANTHONY D'ADAM: And direct employees?

RUTH NEAVE: Yes, direct employees.

The Hon. ANTHONY D'ADAM: Dubbo?

MURRAY WOOD: Again, it's a maintenance service sort of approach, in much the same way we do mowing on parks and other service levels. It's a hierarchy, so our higher used parks may get cleaned twice a day; medium-level parks' amenities are cleaned daily, five days a week; and then, for the more outer lying river reserves, they might get done twice per week, for example. It's about that maintenance service level, and that's

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what we talk to our communities about. We can lift all to be at the highest level, but we can't afford it, so it's about that triage of where we put our resources in parks. Ours has, for a long time, been contractor based, so we've gone out to tender. There's been a pretty significant increase in that cost. We've just awarded that tender. That's been a longstanding contracting arrangement, not for the individual contractor but for outsourcing that service, both in Dubbo city and then in the merger with Wellington, being Dubbo regional.

The Hon. ANTHONY D'ADAM: One other question for me was just about the hygiene standards. What's the minimum and how do you arrive at that minimum in terms of the intensity of the clean and the provision of soap, paper or drying facilities? Is there any guidance that you rely on in terms of making decisions around what standard is applied across facilities and whether that varies between facilities?

MURRAY WOOD: It certainly varies, as I've described. There's a hierarchy of service levels and the contractors use them. They have high-pressure hoses and what have you, so it will depend on what's happening there at the time, and they are replacing toilet paper. We don't leave large stashes of toilet paper because they get used inappropriately. There is that opportunity in the higher resourced parks to have them replaced more regularly. We specify the standards in our tender.

ANTHONY McMAHON: John, do you want to talk about that from Bega? One thing to refer to is hand sanitisation and some of the challenges around that.

JOHN GRADY: In the Bega Valley, in terms of service levels and cleaning standards, the crews do their regular cleaning program. They'll go in and do their process—dusting, cleaning, wiping and hosing. In terms of what facilities we provide and what other things we provide at a site, that's a really good question, because then we start to get into the complexities of the little things, which are a big part of this. We do double maxi rolls in our facilities, and that generally means that there's enough paper on site between services. We don't typically provide hand sanitiser or soaps or handtowels because that stuff is more difficult to control. More often than not, unfortunately, it's not used for the right purposes, or the soap canister gets broken and splashes and spills, creating other problems.

It goes to the vandalism issue more broadly. Those things are relatively easily vandalised; they're easily not used for their purpose. Once something isn't there to be used, it's not able to be used. If we have to go and replace or repair something often, it means that it's not being able to be used much at all. It sounds a bit strange, but sometimes we're better off just not having that thing at all. We have water and handwashing and handbasins and that sort of thing but, in terms of the challenges that come with sustaining a service level, it becomes more problematic than we're able to consistently maintain. In some instances, the higher service areas, yes, we do have some soap and hand sanitiser. But as a general rule, that's the exception. More often than not, we don't provide soap or handtowels.

RUTH NEAVE: Yes, we'd be similar again to Bega in that we vary in what we offer in the different facilities because of the same thing—things being used inappropriately or they break and it's hard to replace. We've had some very detailed conversations about the type of toilet roll holdings that is best for different facilities. It really does make a difference, because if you can get a reliable wall-fixed piece of hardware then it means people using the toilet are likely to have access to toilet paper in between the two visits by the cleaning crew. That might sound like minutiae, but those are really some of the things you have to be managing in these areas where the toilets are not visited daily. In the main centres, similarly, those facilities would be cleaned daily. They have a better range of hygiene equipment, if I can put it that way.

The other factor I was just thinking about, in terms of hygiene standards—one of the things that is quite different in a lot of the areas is if you're reliant on tank water, you're not going to be singing *Happy Birthday* twice while the tap is running to wash your hands. People who are used to tank water or are using tank water tend to be very efficient and very quick and rub a lot, rather than running taps for long periods of time. That's something that needs to be considered in setting standards for hygiene as well. I've seen, particularly during the last drought, some expectations—I know this doesn't relate to public toilets per se—around hygiene standards. I know in early childhood and education the expectation of how long children are washing their hands doesn't work if you've got a centre full of kids that are using tank water at home. There needs to be some context as well around how that hygiene is achieved.

The CHAIR: We're out of time for this session. Thank you all so much for making time today to share your experience and expertise with us. There were a couple of questions taken on notice, and there may well be supplementary written questions from the Committee. The secretariat will be in touch with those. Thanks so much again.

(The witnesses withdrew.)

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Mr SCOTT WILLARD, Coordinator, Security and Cleaning, Blacktown City Council, sworn and examined

Mr PAUL BELZ, Director, City Assets, Blacktown City Council, affirmed and examined

Ms MARCIA MORLEY, Executive Manager, Infrastructure Delivery, City of Sydney, affirmed and examined

The CHAIR: I welcome our next witnesses, from City of Sydney and Blacktown councils. Thank you so much for making the time to provide evidence today. Would any of you like to start by making a short opening statement?

PAUL BELZ: I'm happy to. Blacktown is one of the largest councils in New South Wales by population. We provided a submission to this forum previously. From what I heard before in the gallery, a number of our points are all going to be consistent. In our submission we spoke about accessibility and the provision of access, such as location and hours of operation, and accessibility for people with disabilities, parents and young children and the elderly, who have significant barriers. In our submission we talked about hygiene and cleanliness. The standard and design of public toilet facilities have become even more critical in the wake of the pandemic. There's a need for standardised cleaning protocols, modern, touch-free fittings and adequate sanitary products. We also spoke about safety. It's another major concern. Poor lighting, lack of security features, slow maintenance responses and poor behavioural issues can make public toilets unsafe, and so we recommend the introduction of minimum safety requirements.

Design standards are also very important. At Blacktown City Council, we recently implemented new design standards at our Galungara Reserve, including single unisex cubicles and fully accessible amenities. A big one for us is that with such a massive population growth over the next five years, the size of our asset base will actually double with operational costs. Maintaining public toilets involves significant operating and capital costs. For us, our annual operational expenditure is some \$15 million for cleaning, maintenance and sanitary services. We probably need a bit of help with the State-based funding framework to support councils in upgrading and maintaining public toilets. A further issue is about budget and funding. Rate capping, which commenced in 1978, means that we're funded to do what we did in 1978. If we are to do more, we need additional funding, and this is more accelerated with our growth that we've got in our area. That's all from me.

The CHAIR: Ms Morley, do you have an opening statement?

MARCIA MORLEY: I have a very short statement. Perhaps our local government area is a slightly different context to some of the other councils who have been speaking today. The City of Sydney public toilets are critical for us creating a liveable and sustainable city that provides a high quality of life for our residents, visitors and businesses. We have a number of policies and strategy documents which inform the provision of and planning for public toilets within our LGA. These documents go back to 2014, when we undertook a detailed survey and developed a public toilet strategy which sets out our guidelines for provision of toilets and design of those toilets. That's further supported by our inclusive and accessible public domain policy and guidelines, and our Inclusion (Disability) Action Plan.

The city maintains and manages a large portfolio of public toilets across the LGA. These are standalone buildings within our parks, automated public toilets in the public domain, and also we offer a number of public toilets through our community facilities and recreation facilities across the LGA. The key recommendations that we've set out in our submission relate to matters on which we feel the State government can further support councils. The first of those is that in 2024 there was some consultation around changes to the National Construction Code related to the provision of all-gender facilities. This consultation has completed, but those amendments have not been included in the draft 2025 updates to the NCC. We would really like to see the State Government advocating for those changes to be expedited and adopted. That is a really key challenge for us in terms of the NCC requirements about terminology and provision of toilets.

Within our local government area, there is a significant portion of land which is actually State Government owned land and State Government owned facilities. We would like to see the State improving the availability and accessibility of public toilet facilities, particularly at railway stations, and expanding the opening hours of all public toilets under the State's control. We would like to see the State exploring any opportunities for the provision of, and access to, a greater number of public toilets on their land or within buildings owned by New South Wales government agencies. I think the other key issue for us is actually promoting that all parties are actively locating their toilets through the National Public Toilet Map website, which is a really key amenity for the community.

The CHAIR: My first question is to both of you. The question of funding has come up a fair few times. With an understanding of the pressures that the local government sector is under, what, in your view, are the optimal ways to provide support to councils? We've had a suggestion around allowing developer contributions to be spent on toilets as part of essential infrastructure. There have been suggestions around specified grant funding

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or funding that's tied to a design pattern book. There have been suggestions around ongoing funding. What would be the optimal way for councils to be supported to improve their public toilets?

PAUL BELZ: Probably all of the above. We receive, on an annual basis, at Blacktown about \$250 million in rates. Grants help us for the capital, but then we've got the ongoing operating costs. We probably have put in our submission that some sort of State-based subsidy program for public toilets is probably the best. We find that developers provide some toilets, but with such massive growth in our area it's an ongoing challenge as to how we fund that operating cost going forward.

The CHAIR: You're welcome to add something.

MARCIA MORLEY: I have nothing to add to that.

The CHAIR: To the City of Sydney, you've had a public toilet strategy in place for a good decade now. What was achieved in that time? What do you see as the benefits of having done that work in a strategic way?

MARCIA MORLEY: I think what that has really helped us to do is actually—one of the most challenging issues is the geographic location of public toilets. There are a lot of people who want a public toilet in a specific location. But what our strategy sets out is really clear guidelines. Within the central Sydney LGA, it's geographic based. We aim to have a public toilet within a 400-metre walking distance of any location within central Sydney. And then outside of the central Sydney area across the broader LGA, we specify that there should be a public toilet available within a village centre and within major parks. We've got really clear guidance on where the toilets should be provided. The other really key factor is actually the link between the public toilet strategy and the inclusive and accessible public domain guidelines and our inclusion disability action plan. Driving that change to have all-gender toilets and moving away from that gendered provision has been really key for us.

The CHAIR: There was a specific recommendation as part of that strategy around designing and promoting a voluntary scheme for retailers, cafes and other providers. I think, City of Sydney, uniquely, you've got a lot of shopping centres. Has that work progressed? What have you learned?

MARCIA MORLEY: I can't actually speak specifically to that question, sorry. That sits within another part of the business. I could take that on notice.

The CHAIR: Feel free to take it on notice. I'm very interested because it has been raised as a suggestion by a number of other witnesses to the inquiry. I would be interested to hear how that work has gone. To both of you, you've expressed a preference for all-gender cubicles for inclusion and accessibility. I think, Blacktown, you used the word "unisex". Notwithstanding the terminology difference, why is that important?

PAUL BELZ: Mostly because it's more efficient. But, secondly, there's a high demand from the community for those types of facilities going forward. The new design standards we're applying for public amenities blocks do allow us to facilitate that type of approach in the new buildings. They are much more appealing facilities than we've had in the past. We have to accommodate the changing attitudes and needs of our community, and that's what we're doing through the new design standards. We've included that at our Galungara and Bungarribee facilities going forward.

The CHAIR: You've mentioned those specific facilities in your written submission as well. Is it possible, on notice, to provide us with some photos or an understanding of what that design standard looks like in Blacktown?

PAUL BELZ: Yes, absolutely. As a quick description, they're a much more contemporary design than the traditional brickwork structure. They incorporate timber, security, sustainable materials and a better standard for cleanliness. It's much easier for our cleaners to clean those facilities. We can provide some photos and the standards to go with them.

MARCIA MORLEY: Similar to the comments from Blacktown, it really is about our commitment to inclusion and accessibility in the public domain.

The Hon. AILEEN MacDONALD: I have a question for both of you. In toilet infrastructure, has the city adopted any—this is for your new facilities—innovative technologies or design practices in your toilet infrastructure such as, for example, contactless entry, smart monitoring or sustainable use? I know you mentioned some, but could you expand on that?

MARCIA MORLEY: In terms of our standalone public toilets, we have two primary models. We have our automated public toilets, which are actually all being refreshed within the public domain at the moment. They all have automated entry and are quite high tech, for want of a better word. Our other toilets are our park toilets. With those park toilets, we actually work on minimal technology within those park toilets. That's around

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sustainability but also the maintainability of the facility. So our APTs are fully automated, and for the park toilets, lowest embodied carbon sustainability is the key driving principle there.

PAUL BELZ: I might try to add to that and my previous comments. We incorporate a lot of sustainable materials in construction—so recycled timber and things like that. All the fittings are water efficient, triple-A water conservation fittings. The lighting is LED lighting and is linked up with times. When you go into one of these facilities, it's quite open but it still maintains privacy. For our cleaners, they're much easier to clean because of the type of materials and the design in those facilities. They're designed to minimise or stop poor behaviour. As I said, you can actually see that, or it's visible in those facilities, which might help.

MARCIA MORLEY: We adopt similar principles. Natural light and natural ventilation in those park toilets is a priority during daylight hours. And the same point regarding safety and behaviours—making sure that you can always actually see what's happening.

The Hon. AILEEN MacDONALD: I note you said you have a standalone public toilet strategy and you've had it in place for quite a while. In doing that, when you need to have a new toilet, are you integrating that into broader public space planning?

MARCIA MORLEY: Yes. At the city, we have a significant number of strategies and policies which guide all the work we do. We have an open space and recreation needs strategy, which sets out those provisions across the whole of the LGA. These two documents actually work very closely together. Of course, when we're planning for our community facilities, likewise, we're always looking at that opportunity for the amenities to be publicly available during the opening hours of the facility.

The Hon. AILEEN MacDONALD: Blacktown City Council, you don't have a standalone public toilet strategy, but how do you integrate into your planning—or do you have a standalone strategy?

PAUL BELZ: We've got a draft public domain manual, which incorporates the needs of these types of facilities into either refurbished areas that we're going through—old sporting fields—or new growth areas. We keep pointing to Galungara. It's one of our newer playing fields. I think it has two or three sporting fields with it. Part of that is a public amenities block with an outdoor play area. So we have one facility that fulfils three or four different needs. But, again, we're under significant pressure in the north-west growth area to provide these facilities as part of our big sporting field projects. Typically, those open space facilities are quite large, and they will have an amenities block put in as part of that project.

The Hon. AILEEN MacDONALD: This is a question for both councils: You mentioned maintaining facilities. What would you say are the biggest challenges in maintaining and expanding your toilet infrastructure, besides the cost to build? You've got your ongoing maintenance as well.

PAUL BELZ: For us, it is the requests from our community. Since COVID a lot of people have realised the value of open space and the linkage to personal health. We have a lot of people who now want to get out and exercise quite regularly. Some of our more aged people want to get out in the morning and exercise. With that, they want an amenities block. It's hard at times to balance those requests. Typically, we have our facilities open during daylight hours. We have about 10 cleaners that go around and service those facilities. For sporting fields, we give the sporting clubs a key so when they have soccer and cricket, the sporting groups can open the facilities to make them available for their members. We found that works quite well, actually, through the process.

MARCIA MORLEY: We are very similar. Our standalone park toilets are generally open and operational during daylight hours and closed from dusk to dawn. However, when they're associated with a sporting field, we will provide people with a field booking—generally a PIN code access—to access the toilet block. Our APTs are 24/7, which is a really fantastic service for the community.

The Hon. AILEEN MacDONALD: We've heard from previous witnesses about design standards. Is that something that you would look to as well? It may not be prescriptive standards but guidelines in future toilet infrastructure design, sort of like a framework.

MARCIA MORLEY: Within our current public toilet strategy, we set out design guidelines that we work to. What we are now working towards is what we refer to as a standardised park toilet design, which has a slightly different iteration and language depending on the location where it's installed. But the general typology is for those individual cubicles with a shared outdoor handwash basin, which can be used by general park users as well as people who've used a toilet block. There are also guidelines around how we locate those toilets within a park setting.

PAUL BELZ: For Blacktown, we have a new design standard for public amenities and public toilets. Our process goes like this: We have a design standard, which has all that good stuff in it around energy and water efficiency, sustainability and accessibility et cetera. We then have what we call a design review panel, where

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everyone in the organisation comes together for about an hour to review the design and make sure there are no problems with the design, operability or constructability process. Typically these facilities are built as part of a park or sporting field. We will go to public consultation on that. The public will have the opportunity to provide comments, and we incorporate that into the design. Then, finally, we will construct it as a council going forward. We try to apply a comprehensive process to meet the needs of all of our community.

The Hon. AILEEN MacDONALD: With your design review panel and the people who are on that, are there community representatives from different sectors—say, from the disability sector?

PAUL BELZ: In that process, no. It's more about internal to council staff, all of the people that actually are involved in the design et cetera. When we go to public consultation, then we pick up those sorts of groups through that process and we do get feedback from them. In a number of cases, typically, we provide those groups that have accessibility issues an MLAK key. They get that personally so that when they come to those facilities, they can access the toilet or whatever.

The Hon. STEPHEN LAWRENCE: Thanks to the witnesses, and the organisations, for your submissions and attendance. It's really appreciated. One of the issues that we've spent quite a bit of time on in this inquiry is the distinction between what you might call a traditional public toilet, where the user goes in and shares public space with a number of cubicles in that space, and a more modern, universal design type toilet where there are single-use cubicles. When was the last time that either of your councils built in a public park an old-style, a traditional style male/female toilet where you share public space?

SCOTT WILLARD: For us it would have been in 2022 as part of the section 7.11 contribution in Schofields. It's a dual cubicle that just services an outdoor park and barbeque area. No sporting field is attached.

MARCIA MORLEY: Sorry, I couldn't give you an exact year, but it has been quite a significant amount of time. Our general approach is for the modern inclusive standard.

The Hon. STEPHEN LAWRENCE: What would drive that choice these days? Obviously for the city council, there's a preference for the single-use cubicle. When might you build a traditional one? Would it be where maybe there's scarce public space, or could it be driven by cost issues? What would generally be the circumstances that might dictate that?

PAUL BELZ: I think maybe a cost issue or, as my colleagues has said, where there's specific use. But typically, with our new design standards, we're sort of gradually moving away from single-use cubicle.

MARCIA MORLEY: Yes.

The Hon. STEPHEN LAWRENCE: Do you mean the shared space cubicle?

PAUL BELZ: Yes, correct.

The Hon. STEPHEN LAWRENCE: We've had a lot of evidence suggesting that a statewide standard for public toilets might be desirable, perhaps addressing things like design but also provisions. So it might, for instance, include formulas about what distance from certain facilities or places of gathering you ought to have a public toilet; it might speak to how many toilets might be needed in particular areas, based on usage and so forth. From the councils' perspectives, what would be the most useful things that such a statewide standard, instrument or policy might contain—things that might save the councils doing the work themselves, for example?

MARCIA MORLEY: I think from the City of Sydney's perspective, our local government area is actually quite unique in terms of the resident, worker and tourist population that we are serving. The need for us to have a LGA-specific set of guidelines and strategy I think is an ongoing one.

The Hon. STEPHEN LAWRENCE: You might not be assisted, do you think, by a statewide instrument in the same way that, for example, smaller councils might be?

MARCIA MORLEY: Perhaps, and then, depending on what was included in that, there may be some elements which would be of assistance.

PAUL BELZ: From our perspective, we have put forward standards for hygiene and cleanliness. I think that may assist in sort of protecting us from any issues going forward. I think the other big one is safety. That's another advantage. I just qualify, with Blacktown, we've got about 159 toilets that are council owned, but there are also about another 100 public toilets that are privately owned, like in restaurants and things like cafes. A standard probably would assist in getting consistency not only across the toilets we manage but some of those private toilets as well, which help accessibility for the general public.

The Hon. STEPHEN LAWRENCE: We've had a suggestion made—I think it was from a private consultancy firm—that we should look at innovative ways to pay for public toilets. One thing they brought up

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was using the exterior walls—and maybe the interior walls, I'm not sure—for advertising. Is that something that any of your councils have done or have thought about doing or something that could be useful?

PAUL BELZ: We certainly use it for bus stops, where I think it's the—I won't say who the advertising agency is, but there are advertising agencies that have contracts with us. Then they provide a certain number of bus stops—which might help the Committee and it's a bit of guidance. That's probably the nearest analogy I've got. We haven't thought about it, though, for public toilets yet, and it may be an opportunity going forward.

The Hon. STEPHEN LAWRENCE: Has City of Sydney done anything like that?

MARCIA MORLEY: It's similar. We have a contract in place with regard to provision of our public domain furniture: bus stops, signage, kiosks and the automated public toilets. Some of those facilities do actually have advertising integrated with them—the public toilets generally not however. It's generally a signage. And in terms of our standalone public toilets, no.

The Hon. STEPHEN LAWRENCE: Does that reflect a policy choice or it just hasn't been done?

MARCIA MORLEY: It just hasn't been done.

The Hon. STEPHEN LAWRENCE: Because I have seen public toilets where—I'm not sure if it's private commercial advertising, but certainly public health messaging is not unusual to see in public toilets. I wonder whether it would be considered appropriate to have normal commercial advertising or not. Have you got any thoughts on that?

PAUL BELZ: When you go into an airport into the toilets there, there are posters on the wall about public health, about tourist locations, a whole range of things. There are other examples around where that is actively used. I think councils probably—we certainly don't in Blacktown. I presume or assume that councils treat it as a service to the community and that's basically the way it's approached. But it may be an opportunity going forward.

The Hon. STEPHEN LAWRENCE: The other thing that was raised in that same submission, which was also raised earlier in the inquiry in a different sense, was the idea of charging a fee for the use of public toilets. I'm wondering what your thoughts on that are. I suspect that a mandatory fee might have all sorts of policy issues with it, but have you got any thoughts on it and maybe an optional fee or capacity to donate or something like that? Any thoughts on that?

SCOTT WILLARD: If you have a look at Europe, Europe does that overseas in some parts. When you go to those, it doesn't mean that the amenities are any better, I don't think. As a council we try to provide the best we can for the public. Charging a fee would probably discourage people using or giving people the accessibility, especially in Blacktown. I wouldn't suggest that. I don't think that would be a very good idea at all.

PAUL BELZ: The other facet is public—we do a regular biannual customer service survey and public toilets are one of the biggest areas where we get a lot of feedback. The community just sees it as a service that council would provide.

The Hon. STEPHEN LAWRENCE: That's really useful.

The Hon. ANTHONY D'ADAM: I've just got a couple of questions consistent with the ones that I asked the previous councils who were present, particularly around cleaning standards and schedules. I wondered if perhaps you could explain how you arrive at the frequency of cleaning for facilities under your control.

PAUL BELZ: For Blacktown, we clean all of our toilets once a day. We have ten cleaners who do that across 159 toilets.

The Hon. ANTHONY D'ADAM: They're direct employees?

PAUL BELZ: Direct employees. When we get to high-use facilities like our civic centre or our community centres that might have an event on, or where there's a public toilet that may support our showgrounds or the fireworks each year, then that will be like two or three times a day we would clean those facilities. But predominantly it is just once a day that those facilities are cleaned right across the LGA. We have it split up into three regions, and the cleaners do each particular region.

The Hon. ANTHONY D'ADAM: City of Sydney?

MARCIA MORLEY: I'm sorry, that's a question that I can't answer. I don't sit on the operational side of the business but I could take that on notice and come back.

The Hon. ANTHONY D'ADAM: That'd be fine. In terms of the hygiene standards and the provision of consumables in public toilets, is there a consistent standard across all facilities or are there different approaches

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taken, akin to the responses we got from some of the rural councils around the ability to maintain those facilities in a consistent way?

PAUL BELZ: No. For us, it's consistent: We provide paper, we provide a washbasin and we provide water. Through COVID, we actually stopped the provision of cleaning soap or liquid soap or gel because what we were finding was, with high use, the gel or liquid was going onto the floor and causing a slip risk with the patrons of those facilities. We actually had a number of cases where people slipped because of the gel getting onto the floor and poor behaviours occurring. So, at this stage, we've withdrawn the use of liquid soap. We're currently re-evaluating that coming back out of COVID. It's one of the last things we've got to. But that was the only issue where we've stopped that service because of the safety issue with it. Our chief safety officer did that assessment for us independently.

The Hon. ANTHONY D'ADAM: And dryers or paper towels?

PAUL BELZ: No, we don't provide dryers.

SCOTT WILLARD: Some facilities do have dryers where they're, I'd say, monitored sites—libraries or aquatic centres and stuff like that. The outside ones in parks and recreational spaces, I think there are maybe two that have got them. Clubs have put them in themselves on their own back. Paper towels, we've removed them due to the arson risk. That was based on recommendations from the insurance.

The Hon. ANTHONY D'ADAM: Blacktown, I think you mentioned the issue around there being a range of privately provided toilets. Does the council have any enforcement authority in relation to the operation of those toilets? One of the apparent gaps in the policy or legislative or regulatory framework is that it's not clear who actually enforces standards in terms of cleanliness and safety and provision of minimum standards. Obviously, when something is initially built, it's the National Building Code. Beyond that, the ongoing question seems to be a vexed one. Does the council have any responsibility in terms of maintaining those standards in private facilities?

PAUL BELZ: No. As my colleague from City of Sydney outlined, when the facility is actually initially built, under the Building Code of Australia, there are standards to which those assets have to be built. After that, it is really up to the property owner to maintain and operate those facilities. What we are actually flagging to the public is that whilst council owns 159 facilities, there are another 100 facilities that they can access—you know, your local McDonald's or whatever—for the provision of those types of services. It's really an asset that the community can access. But in terms of a standard or enforcement powers, no, council doesn't have those.

The Hon. ANTHONY D'ADAM: You do have building safety enforcement powers, though. Do they not fall, broadly, within that ambit for ensuring that those are safe facilities?

PAUL BELZ: That's managed by another group to us. I will go out on a bit of a limb and just say, as far as I know, no. I can take that question on notice. Typically, the building safety things relate to fire safety, access et cetera.

The CHAIR: I have a couple more questions about accessibility from both a mobility sense and also things like time of day. That has been a really strong theme in this inquiry. I appreciate that some of the solutions require refurbishments or new builds—but not all of them. For City of Sydney, in an appendix to your now 10-year-old strategy, there is a list of all the toilets. I noticed a number of them were made more accessible without them having to be rebuilt. Could you speak to some of those solutions?

MARCIA MORLEY: I can probably give a couple of examples, but not comprehensively, because it goes back some time. Wherever possible when we are looking at an existing building, we will look at whether we can upgrade it to comply with current standards rather than looking at a new-build solution because, obviously, that is the most sustainable outcome. In the past, what we have looked at doing is upgrades to existing toilets where there is the spacial capacity to change a standard cubicle into an accessible cubicle. We are also looking at public domain upgrades leading up to an existing toilet facility so that there is accessible entry into it. In some circumstances, however, that is impossible. We have an active project at the moment that has just been approved by council. It is a very old toilet block that was originally built in the 1950s. It's that old segregated male and female. In that instance, we are actually demolishing the building, because it's beyond its asset life. We are building a new all-gender facility so we are catering to everyone's needs.

PAUL BELZ: We are probably in the same situation. For all of the kids early learning centres, we have just gone through and changed all of the toilets and plumbing to be much more water efficient and energy efficient. We combined single cubicles into one cubicle and things like that. We have done the same with our libraries. Where you've got an existing building or facility that is off scale, you can do that. What we find—similar to City of Sydney—is that if you've got something that is at a playing field that was built in the 1950s or 1960s, it is much,

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much harder to actually change that facility. In a lot of cases, we are actually just demolishing them and starting again with a new facility.

The CHAIR: I asked my next question of your rural and regional counterparts. I think there is a real question of trying to balance the measures that you're taking to reduce vandalism or improve safety against the amenity for people who use toilets. We have heard a variety of evidence around how people feel about going into a toilet that is, for example, entirely stainless steel, with no seat et cetera. I am thinking of the evidence you just provided about removing soap from toilets. When we are looking at rolling out statewide guidelines, standards or funding programs, how do you think we can strike the right balance between the needs of councils, in terms of being able to maintain the toilets, against people's experience of using them?

SCOTT WILLARD: When we did our research, the stainless steel fixtures—apparently they're meant to be more robust. They actually worked out to be more expensive. The toilets, for example—it is cheaper to replace a porcelain toilet than it is a stainless steel one. It's a bit more user friendly and a bit more aesthetically pleasing too, so we've gone away from that '80s style. Regarding the unisex or single cubicles, I find that they'd be a lot safer for the community. You know what you're walking into, as long as we've got a clear design, or CPTED, with clear lines of sight to the street or to the playing field, not hidden around corners or fancy—a lot of some architects' buildings are putting in barrier walls to hide it. I would probably recommend to steer clear of those.

CCTV is another good measure. A lot of councils around Sydney are putting it in just to have a look on the front doors, to assist the police if there is any antisocial behaviour or assaults that may occur in that area. I think that those would be the good safety measures. A localised sounding alarm—we've had a look at those, to put in the accessibility and adult change areas. That localised sounder—it's not remote monitored, but it alerts somebody that there is somebody in there with a potential issue.

The CHAIR: Did you have anything to add?

MARCIA MORLEY: I think just to say it is a challenge for local governments and, in fact, anyone who is providing public amenities. But I think you can use those more utilitarian facilities if you actually incorporate broader architectural good design, such as natural light, natural ventilation and ensuring that the materials that you select, whilst they may be robust and vandal resistant, can still actually be quite pleasing and welcoming spaces to be in. I think it's that balance that needs to be met, and it's that focus on good design. Looking at the Government Architect's good design principles actually provides some great guidance on that.

The CHAIR: I haven't got any more questions. If there aren't any from other Committee members in our last few minutes, is there anything you particularly wanted to speak to that we haven't given you the opportunity to?

PAUL BELZ: No, I don't think we've got anything to add.

The CHAIR: A couple of questions were taken on notice, and there may be additional supplementary questions in writing from the Committee as well. The secretariat will be in touch with you about that. Thank you so much for making the time to give evidence today. Hearing from local councils is a really important perspective for us in this work, and we appreciate it.

(The witnesses withdrew.)

(Luncheon adjournment)

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Ms ANNIE TENNANT, Director, Design and Place, Placemaking NSW, sworn and examined

Ms OLIVIA HYDE, Director, Design Excellence, NSW Department of Planning, Housing and Infrastructure, affirmed and examined

The CHAIR: Good afternoon and welcome to our next witnesses. Thank you so much for making the time to provide evidence today. I note that we do have some of our Committee members on Webex on the screen in front of you instead of in the room. Would you like to start by making a short opening statement?

ANNIE TENNANT: Good afternoon, everyone. My role is director of design and place at Placemaking NSW, and that's the role in which I'm here before you. But I'm also the mother of a newly diagnosed child with type 1 diabetes, and I'm an architect and an urban designer. I would like to thank the Committee sincerely for the opportunity to appear before you today and the process that you are currently conducting. It's really fantastic. I'd like to acknowledge that we're here on Gadi country and pay my respects to Elders past and present. Placemaking NSW is responsible for the care and control of The Rocks, Darling Harbour, Luna Park, Barangaroo headland, Barangaroo South, Ballast Point Park and other parks and waterfront boardwalks in Pyrmont. As a government agency creating and caring for many important harbourside precincts in Sydney, Placemaking NSW prioritises the value of public amenities in our precincts.

Public toilets are a community asset that is an essential part of any high-functioning, well-utilised public space, day and night. We have a duty to provide public spaces that are well managed, accessible and inclusive—places that can be enjoyed by everyone. Providing good-quality, clean, well-designed public toilets is part of that commitment. In 2024 Placemaking NSW published an amenities strategy, which aims to guide better planning, prioritisation, delivery and management of public amenities to support the use of the public domain of the foreshore. In our strategy we define a public toilet as "a facility containing one or more rooms/cubicles with one or more toilets or urinals which is available for use by the public without restriction during hours of operation". Public toilets are accessible and inclusive, and they consider the different needs of social, cultural and demographic user groups as well as children, parents with young children, culturally diverse people, the elderly, and members of the LGBTIQ+ community.

Access to public toilets is fundamental to creating welcoming and inclusive spaces and underpins vibrant public space and the 24-hour economy, which is the focus for many of our precincts. When they are not accessible, badly designed or unsafe, public toilets can exclude groups, which in turn builds negative perceptions of safety of these facilities and people simply won't return to our precincts. Good design can greatly influence usability, safety and accessibility and is important in promoting positive perceptions of public spaces and a sense of welcome. It is also important that public toilets are accessible to everyone in the community. Our submission focused on the need for high-quality amenities, the revision of disability and gender standards, as well as greater consistency across all places and States in resources and funding. As community needs and expectations evolve, it is important that together we can develop clear frameworks to guide decision-making into the future. Thank you so much for the opportunity to discuss our submission and share further insights.

OLIVIA HYDE: I don't have a full statement, but just a few things to frame why I'm here. My primary role here is as a second witness for Placemaking NSW and their submission, which Government Architect NSW supports. Government Architect provides strategic and design advisory services to the New South Wales Government to support good design outcomes for the people of New South Wales. My role at the Government Architect is to lead the State Design Review Panel. Through that panel we review the design quality of State-assessed public and private projects, including social and transport infrastructure and new parks and open places, amongst others. I'm also an architect with over 30 years experience designing and delivering projects, and also the mother of a transgender teenager, so this is a subject quite close to my heart. I think this is a very important inquiry and very well timed, and it's a privilege to be here to provide evidence.

The CHAIR: I have a few questions to start with. My first question comes out of the written submission, which was excellent. Thank you for the time you took to prepare that. The first recommendation was around updating standards to reflect the changing expectations of the community. Could you talk us through specifically what those contemporary community expectations are and how that has changed?

ANNIE TENNANT: Certainly. At Placemaking, we have 14 million visitors annually to The Rocks and 26.7 million visitors to Darling Harbour, and that was just last year. We have a pretty good idea of the broad range of different community groups and people that come to our public spaces: children, families, the elderly et cetera. What we have found is that there's an expectation that bathrooms and toilets and amenities are clean, that they're well maintained, that there are basins that work, that there are energy efficient appliances—people notice that now—and baby change tables in both men's and women's spaces, and there are family rooms. We are now focused on delivering a Changing Places amenity in each of our precincts as well. I wouldn't say there's a community

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expectation, but there's a community need, which is a bit different. And I would say 24-hour accessible. People want to be able to access bathrooms. They'd like them to be safe, well lit and easy to find. We're finding that many people say that they don't know where the bathrooms are, so we're spending a lot of time on wayfinding, and that there's a place to sit that's nearby if they're waiting for family members or friends. That's a summary.

OLIVIA HYDE: I support that. Our involvement is across a lot of different agencies and project types, so less in the detail. I think the main comment I would make is that there's a lot of variety in the way that this is approached in different government agencies and local government, and that can lead to some disparity in the quality of outcomes across different areas.

The CHAIR: There's also a specific recommendation around revising disability standards across legislative frameworks. Could you provide a bit more detail around what we need to be updating from a legislation point of view?

ANNIE TENNANT: Probably not, no. I'm not a lawyer, so I'm happy to take that under advisement and come back to you on that. But I suppose our observation would be that there's not clarity on the requirements that developers or organisations are meant to deliver. There's a misalignment at different levels, whether it's BCA or NCC or other guidelines that are given to organisations. I think it's the lack of clarity that we're suggesting is revised across other toilet numbers. For example, we are providing minimum male and female toilets. Under the Building Code of Australia, you work out how many you need to provide. But, in addition to that, we're providing all-gender, and all-gender toilets don't count towards the numbers you're meant to require under the BCA for male and female, and so we oversupply toilets. Many women here would probably say that's a good thing because we're always waiting in a queue. But it's more money that's spent on providing toilets because there's no clarity on the numbers that are needed for all-gender toilets.

OLIVIA HYDE: I'd second that. I have nothing further to add.

The CHAIR: In your opening statement you talked about wayfinding. There needs to be a toilet and people need to know how to find it. Do you have any recommendations for us in terms of what you would consider best practice?

ANNIE TENNANT: Yes. When you visit a public space, you'll notice that there are signs that tell you where to go. The City of Sydney have really great signage. They will have amenities, and then to the right on that same sign, they'll have a number of minutes to walk to a location. So if you have a disability, if you are walking with a child, you know how far it is to go to the place you're going—you know it's a five-minute walk to the amenity. I would also say that you need to have signage at all decision-making points. You need to have signage that tells you what types of toilets. If someone is looking for a Changing Places, you need to know where that Changing Places is located.

In our recommendations, we also said that online resources need to be available that are tied to physical wayfinding as well, so that the two are synchronised. And they are well lit and clear for those who may have a visual impairment. It's really important that all wayfinding is able to be accessed by the broadest range possible of people. We are developing a wayfinding strategy that is aimed at being inclusive. We are integrating braille down the side. We are making sure it's well lit. We're making sure we have minutes on the signage totems. I'm very happy to share more detail on that when it's finalised.

The CHAIR: You're obviously putting a lot of thought and effort into the precincts that you're managing. I have a broader question that you might not be able to answer. In terms of councils that are provided by private developers of shopping centres or by local councils in local parks in areas that are not as well trafficked as The Rocks, what can the State Government do to better support those decision-makers to adopt best practice?

ANNIE TENNANT: One of the things that we do that I think is often done, either by councils or other entities that are developing, is that we work with developers with their project delivery agreements or the contract. What we do is we negotiate with them so there's a public benefit delivery of, for example, trees on the promenade or amenities like family rooms, inclusive accessible male, female and all-gender, and Changing Places. We've done that with the developer of Harbourside and Cockle Bay as well as in Harbour Park at Barangaroo. Entering into agreements with whoever is contributing or developing or investing in a community and just being clear on what the expectations are is extremely important. We find that there are a lot of different opinions around what a good amenity block is or how many toilets you should have.

Often when a developer or a builder is building something, they don't have much money, necessarily—or they might have a lot of money, but let's say they don't have much money. Councils don't have much money to invest in amenities. The clearer you are from the beginning around expectations, the easier they can plan. If they do a council-wide strategy on understanding where are the bathrooms and what condition are they in—we have our amenity strategy. I'm really happy to share it with you. We did an audit of every single toilet in Darling

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Harbour and The Rocks. We looked at quality. We looked at how well it was maintained. We looked at whether it was done in the '80s or the '70s. We looked at how many toilets. We looked at basins and all of that. We were then able to strategically upgrade toilets that clearly needed it more than others. I would encourage other organisations and councils to do that same audit to understand where to best focus the funding.

OLIVIA HYDE: In terms of a role that State Government could play, some kind of simple best practice note could be within the department of planning with sufficient flexibility so that councils can adopt it and adapt it as they need to. That would give a sort of guardrails or road map for what councils could and should reasonably expect from VPAs with the private sector or, equally, MOUs with State Government. In my role, we see a lot of projects that come from different government agencies and they often include MOUs with local councils to deliver things like public amenities. The quality varies quite significantly, particularly in regards to things like safety and accessibility and signage, because I think they're considered so detailed that these big agreements are made and these kinds of things slip through the cracks. Just a simple two-pager could make a really big difference with those arrangements.

ANNIE TENNANT: For example, an amenities block might be delivered, but the path to it might not be.

The CHAIR: We've had this question come up in the inquiry of design choices that are made to prevent vandalism or to provide safety that are often a strong preference of the council or the entity that has to maintain the toilet, but that then reduces amenity for the users of the toilet. Ironically, in some cases, people feel quite unsafe because of those choices. Do you have a view on how we strike that balance?

ANNIE TENNANT: It's a debate I have every single day. Essentially, when you hire a designer to come up with materials and you have low maintenance, the brief needs to say "low maintenance" and "vandal resistant" et cetera. There are many different materials that can be chosen that can be coated with a coating that's easy to clean. As long as the brief has that in it, then the architect or designer or builder needs to come up with options for that bathroom. Yes, it's easy to go with all stainless steel. Yes, it's easy to say, "We need to be able to hose it out." The reality is, a tile is very easy to clean. A tile can be a nice tile that makes a visitor feel that it's been thought about and that the space has been considered, or it can be a tile that is alienating.

I'll give you an example. There are some bathrooms in Darling Harbour near the Chinese Garden of Friendship that were done in the early '80s. You would think, "It's time for an upgrade," and they're honestly in lollipop colours. They're very, very vibrant. We assessed them, and they are very low maintenance. They're tiles, but they use colour and other really simple mechanisms to bring a sense of life and joy, and they're very easy to maintain.

OLIVIA HYDE: One of the things we're working on at the moment is updates to the CPTED guidelines—that's Crime Prevention Through Environmental Design—which have been in place since 2020. They have four principles at the moment that are very much to do with protection. The conversation that's underway at the moment is about introducing a new principle around perceptions of safety. That's already underway. That's one way that government could look at ensuring you get that balance, which is really what it's about. Obviously you need a place to be safe, but it's true that, as you say, oftentimes systems that are put in place to create safety can actually give one the perception of it not being safe. Extremely bright lighting, for example, can lead to areas immediately adjacent that feel dark and poorly lit. When you have high contrast, that can actually lead to a sense of lack of safety.

ANNIE TENNANT: We have a document called the Women's Safety Strategy. The Department of Transport—I note they're on this afternoon—have the Safer Cities Program. It's a really great program. Under that, they've done a lot of research and studies into what makes a place feel unsafe and what can we do to address that. To Olivia's point, there are many things that can be done, and many of them are really simple. It's about, for example, getting the lighting balance right so you don't have the starkness between very, very dark and very, very bright. Even something as simple as a community mural—I know people may just think that that's a very basic thing, but it makes a place feel well loved and maintained because the community have contributed to it.

Maintenance—ensuring that the amenities block is on the maintenance schedule is absolutely critical and things are cleaned up and fixed quickly—is essential because otherwise you end up with that ongoing cycle of vandalism or people feeling, "It's not well looked after so I'm not going to go back there." Therefore no-one visits it, so therefore no-one uses it, and it's a cycle that is unending.

The CHAIR: Just before I go to other members of the Committee I want to come back to the question of gender, which you touched on earlier with the need to update the national standards. Can you specifically clarify, in your view, what is best practice around gendering of toilets?

ANNIE TENNANT: Our research and our observations would be that it's important that you have—what we recommend is male bathrooms, female bathrooms, all-gender bathrooms and separate inclusive accessible

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bathrooms. There's a lot of evidence that's now showing that if you make all bathrooms all-gender, with the mixing of the male and female and all-genders, there are some people from cultural groups or older women who do not feel safe or don't feel comfortable using those bathrooms, so they'd like their own female bathroom. We essentially ask for all of those categories, and we use the term "all gender". The other recommendation that's embedded within this is that there's a clarity around graphics. Currently there's no graphic for all-gender except for, say, the toilet icon. That's what we're using, because we've had feedback that the half female/half male is alienating.

The CHAIR: Just to clarify, does the feedback that you've had around groups that don't want to use all-gender toilets persist even when toilets are designed with the single cubicle design, as opposed to the old-style toilet block where you've got a shared public space behind a windy corridor?

ANNIE TENNANT: That's a great question. I note that I'm in Parliament, so I've got to be careful about how I express this. Sometimes there's a difference in how men and women will use a toilet. You'll see from the submissions you received that sometimes there's a perception that men don't leave the cubicle as clean as others, so women don't like to use those ones. That's what we have heard. I've seen in some of your submissions that the opposite is also true.

The CHAIR: Did you have anything to add?

OLIVIA HYDE: I'd probably have a slightly different view. I think that the introduction of all-gender toilets is really critical. My daughter uses the women's toilet and she's quite comfortable doing that, to a degree, but she won't speak when she's in a woman's toilet. Her voice is quite low, and she worries that she can come across as being a man in a woman's toilet. She doesn't want to cause people distress or confusion. Her starting point with that is about not causing distress and confusion for other people. She also feels anxious about it and scared because she doesn't know what the possible reaction to that might be. When there is an all-gender toilet, she will always use that one. The other thing I would say is that it literally puts a smile on her face. That change is a very important one for this group of our society. In terms of whether that should be all toilets, I think a lot of people in the transgender community or the LGBTQI+ community would prefer that. There is probably a midway point which keeps the majority of people with a place where they feel safe that they can go.

The other thing that gets discussed a lot is that we already have gender-neutral accessible toilets. The two sides to that are that every time that toilet is used by someone who doesn't actually need it, it's less available for the people who really do. I think that's a very important consideration. But the other thing is that if you're not someone who needs an accessible toilet and the way we arrange things requires you to use that toilet to feel safe, we need to think about the legibility and the impacts of that on people. It's the gradual load of these things over time. They're all small, but they add up.

ANNIE TENNANT: Olivia has very eloquently explained why it's really important to have all of those categories of bathroom so that there's choice and a sense of safety for all people who would like to use those bathrooms. That is the feedback that we have had from members of the community.

The Hon. AILEEN MacDONALD: I am wondering how Placemaking NSW and the department are collaborating to ensure that toilet infrastructure is embedded in the early stages of planning and urban design.

ANNIE TENNANT: That's a great question. An example of how we are collaborating is ensuring that in the earliest planning processes—for example, a rezoning package for Bays West—we are working with the department to ensure that we are factoring in the provision of family rooms, Changing Places and an inclusive approach to the delivery of amenities. It's talked about in the early planning documents and therefore needs to be followed all the way through to detail.

OLIVIA HYDE: From a broader department point of view, I can probably speak more to government architect. As I mentioned, we're often involved in reviewing design quality of larger projects. I would say that that's one of the elements that comes up where it needs to, in terms of supporting or providing advice around different approaches to lift the quality. I think it's a challenging area, actually, because certainly at State level, you're seeing projects that are at quite an early stage of development and there's a lot of detailed design that comes later. That's where other levels of guidance could potentially be really useful.

The Hon. AILEEN MacDONALD: Placemaking has an amenities strategy, and it includes a strong emphasis on design. How are principles of, say, accessibility, gender inclusivity and dignity being standardised or not being standardised?

ANNIE TENNANT: That is a very good question. I would say they're probably not being standardised except where we're able to give that direct feedback to those delivering it. At Placemaking, there are a broad range of amenities being built or upgraded. In some we are doing that capital improvement work; in other situations, it's other organisations who are delivering it. In our amenities strategy, it's very principles based. There are actions or

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recommendations for our own amenities that we know we can deliver. The example I gave with the icon for the all-gender toilet. That, for example, is now something that we are able to deliver on specific projects we're building. We can recommend it to other entities who are delivering on our behalf, but it can be difficult to make sure it is actually built. We can give the recommendation, but it's not always followed through because we don't have that responsibility or that remit.

The Hon. AILEEN MacDONALD: Just following on from that, how do you ensure that public toilet provision is equitable across different communities, not just in the high-traffic areas or the tourist areas?

ANNIE TENNANT: That's a really good question. For us it's probably an art not a science. I would say that in our audit what we've done is looked at where do we have existing toilets. You'll note that many of the buildings we have are very historic buildings. There have been public toilets there for a long time. We have a pissoir, for example, from 1870. We don't count that in our amenities count, by the way, because it's not really—it's sort of usable. What we do is we've got a principle of bathrooms every 400 metres. We've mapped where they are or where do we not have any. Then we've looked at where the opportunities are for us to deliver a bathroom. Because it's very dense city fabric—building fabric—we're not able to just go and build a toilet block in the middle of Darling Harbour. What we do, then, is we look at where the future opportunities are that we can partner with an organisation to deliver public toilets in five or 10 years time. That's how we've got the Cockle Bay development delivering public amenities, Harbourside delivering public amenities and so on. We're trying to do it in a staged and strategic approach to ensure that there aren't holes in the map, I suppose.

OLIVIA HYDE: We're not as close to projects as that but, generally, we would be providing advice around ensuring that there's a reasonable spread where we're involved. It's very much to local councils, I would say, and I'm sure you're talking to a range of councils.

The Hon. AILEEN MacDONALD: When you're looking at the future and you're also looking at design modernisation as well as the heritage of what's already there, how do you balance that?

ANNIE TENNANT: It's super challenging. In The Rocks, as you know, it's steep. We've got cobblestones. It's not super easy for anyone with a physical disability to access many of the toilets. An example of that is the Well Courtyard toilet. That's just off Suez Canal. That is not accessible and we know that that's not accessible. We then made sure that the next bathrooms we focused on were not so far away but they are much more accessible. I suppose what we do is we take that kind of balanced approach. We know we can't go and fill in the cobbles and take away from the character and the richness of The Rocks, but we know there are other areas in The Rocks where we can focus our investment to improve and update bathrooms. An example of that is we're looking to upgrade the bathrooms in the Rocks Centre, which, again, is only one block from that Well Courtyard example I talked about. That is an accessible bathroom and will be easy for people to find once we upgrade the wayfinding.

OLIVIA HYDE: That broader strategic approach is really important.

The Hon. AILEEN MacDONALD: When you've done an upgrade or built a new facility, with your community response, have you seen that there's an improved public trust and use of those shared spaces?

ANNIE TENNANT: I'm really happy you asked that question because, as part of our women's safety project, a year and a half ago, when we had our first community engagement "walkshop"—as we call it—we got a lot of feedback about lighting and bathrooms. In the year since, we've spent money on upgrading the lighting and we've spent money updating amenities in Nurses Walk. Then only three weeks ago, we took these same women, girls and gender-diverse people back through those spaces and we said, "How does it feel now? What do you see?" We assessed, essentially, the success of these measures. Universally it was very, very positively received. People were very happy to see upgraded bathrooms and very happy to see upgraded lighting. That has really given us great encouragement to keep going on the program.

The Hon. AILEEN MacDONALD: This is probably the question I should have started with instead of finishing with. How can toilets be better integrated as positive public infrastructure rather than being hidden or poorly maintained?

ANNIE TENNANT: That is another great question. So a couple of things—the first one is we've really got to make sure that public amenities are not hidden at the back of long corridors. They need to have a sense of public address and they need to be easily found and seen by members of the public. That's not only a CPTED issue; it's also a dignity issue. For us, the idea of designing with dignity and designing places where all people feel welcome is of utmost importance. When you co-locate amenities like a family room and an inclusive accessible room, a Changing Places bathroom, and male, female and all-gender, where you've actually got this sense that this is a public facility, this is a civic—I think it's a civic commitment to the public.

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When you have that sense of—and it's well designed and it's nice. The finishes don't have to be expensive for it to be nice. They really don't. It just needs to look cared for and be well considered and well designed and have a sense of address. Then people will use it and then they talk. What you find is people come back and they say, "You know what? It was easy for me to find the bathroom. I know how to get there." They come back to the precincts. We do know that people come back when you have really high-quality amenities and you have seating and you have shade and all of those things that make a place really great.

OLIVIA HYDE: I think all I'd add to that is actually New South Wales is quite good at this. We all have our favourite designer loo—or maybe it's just the architect in me.

ANNIE TENNANT: That's true.

OLIVIA HYDE: There are little mini civic projects. Particularly when you're in a public space, I think good natural light, great natural ventilation, co-located with places to gather—that thing that we're seeing a lot now where the place where you wash your hands is actually separate so you can kind of separate out the different things. They're often designed so that at night they actually operate as a light—sort of a lantern—to the broader environment. I think there are great examples out there that we can point to. It's actually not that hard. It just takes a bit of care.

ANNIE TENNANT: On land that we manage, Ballast Point Park is a great example of an amenities block that's very much like Olivia describes.

The CHAIR: After all the work we've done, I think everyone in this room has a favourite loo at this point.

ANNIE TENNANT: Good. We'd love to hear more.

OLIVIA HYDE: I wonder if you're all dying to go to the loo after these conversations.

The Hon. STEPHEN LAWRENCE: Thanks to the witnesses for your evidence and attendance. It's really appreciated. Just a question, firstly, about place making. In the areas that are under your responsibility, do you supplant local government as the authority there for the management of public spaces, provision of loos and so forth?

ANNIE TENNANT: We do, yes, with a landowner.

The Hon. STEPHEN LAWRENCE: So you don't merely direct them or give strategic guidance in what they do; you actually are the authority.

ANNIE TENNANT: That's right, except for development consent for projects under \$10 million. We are still the landowner, but the consent goes to City of Sydney.

The Hon. STEPHEN LAWRENCE: In terms of public toilets in the areas that you manage, are there any public toilets in those areas that are just the traditional male/female toilet where people are effectively sharing public space and using cubicles inside shared space?

ANNIE TENNANT: Yes, in The Rocks Centre. In fact, almost all of them except for—in fact, in Pyrmont Bridge east. You may be surprised to know that there are amenities in the abutment to Pyrmont Bridge.

The Hon. STEPHEN LAWRENCE: Interesting.

ANNIE TENNANT: Yes, I know. It's kind of cool. The bathrooms we're about to upgrade in Pyrmont Bridge east, I think we're able to get in two all-gender but, because of the sandstone abutment structure, it's quite difficult to achieve a more flexible arrangement. Another example: The Rocks Centre is currently still male, female and inclusive accessible; courtyard, but I don't think I'd use that one as best practice because it's still, I think, from 1965. We've just put in new bathrooms underneath 66 Harrington. Slowly but surely, we've got male, female and all-gender inclusive accessible.

The Hon. STEPHEN LAWRENCE: Do you have any that are still just male/female shared public space because you haven't got around to adding additional cubicles?

ANNIE TENNANT: Yes, The Rocks Centre, and in the old Pancakes at The Rocks. You might remember that, in that beautiful old building on George Street, there are some hidden—this is a great example of public toilets that, frankly, no-one would know are public toilets. You have to go down half a level and down a corridor, and there are male/female there.

The Hon. STEPHEN LAWRENCE: With your public toilets where you have single-use cubicles, what's the formula for male, female and all-gender?

ANNIE TENNANT: Great question.

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The Hon. STEPHEN LAWRENCE: Do you have a rule of thumb?

ANNIE TENNANT: Yes, I do. I use my own. At the moment, because of the way the BCA is, you have to deliver the number of female and the number of male per BCA. In 66 Harrington that's two female and two male and we've added one extra all-gender. You have five toilets in total. Again, it's an art not a science. Ideally, I'd like two, two, two, so it's 30 per cent, 30 per cent—I think is about right. But, again, because we don't have the guidance, it's gut reaction, which is to try to make it as even as you can. But it's not super easy when you don't have much space. I'm happy to follow up with what we're trying to do at The Rocks Centre when we upgrade, so when we get more advice from the BCA consultant.

The Hon. STEPHEN LAWRENCE: And would I be right in thinking that Placemaking might well be assisted by an overall statewide policy that is flexible enough to apply across the State but also provides guidance on formulas and calculations that relate to usage and provisions and so forth?

ANNIE TENNANT: Yes, please. We would very much love some guidance on this. We would like some clarity around the provision of all-gender toilets. We would like to ensure that we don't have to fudge the numbers to make it work. We want it to be a desire to have all-gender bathrooms.

The Hon. STEPHEN LAWRENCE: In the context of single-use cubicles that are accessible from public space—and I have asked this question of quite a few witnesses—apart from the consideration that you referred to before apart from men being more messy than women—

ANNIE TENNANT: Some women are too—just to be clear.

The Hon. STEPHEN LAWRENCE: I am sure some women are—we all vary. Apart from that consideration—not suggesting that it doesn't have any weight—are you aware of any other material relevant considerations that would speak to single-use cubicles not being all-gender or unisex?

ANNIE TENNANT: I will share our amenities strategy with you because there are definitely some footnotes. There is information in there around research that's been undertaken, I believe by the City of Sydney and also an organisation in London, that there are some groups—older people and people from other cultural backgrounds—where there is a comfort in having individual cubicles. But—it is going to sound so odd to say this—there is a preference to have private space for handwashing be separate for some groups. Again, with the most recent bathrooms we have provided, we do have individual cubicles with handwash basins within them. That is working really well. Over time, we are going to see how that goes. I think it's a good model. I think one rule doesn't fit all. There needs to be a little bit of flexibility because—I don't know what you've heard from the councils—there might be other community groups that have a preference for more private bathrooms, rather than individual cubicles. I am not sure. I have heard anecdotally about that.

The Hon. STEPHEN LAWRENCE: Yes, that was what I was talking about. I am talking about single-use cubicles that are accessible from public space—you are not going into a shared space at any time. In that context—universal design et cetera—is there any reason, apart from the mess issue, that they shouldn't be all-gender?

ANNIE TENNANT: It's cost. It's the space that it takes up to have an individual basin with the toilet and what you need to provide for the numbers under the BCA.

OLIVIA HYDE: It could be resolved with changes to the BCA or NCC rules.

ANNIE TENNANT: That's right. Thank you, Olivia. If there is clarification around the rules and best practice guidelines that are given, a lot of this stuff can be resolved.

The Hon. STEPHEN LAWRENCE: Does the BCA require that where you've got a single-use cubicle—so you're not sharing the public space—there still be male and female?

OLIVIA HYDE: Basically, it sits with the National Construction Code. The NCC sets numbers for male and female. At the moment, if you want to provide an all-gender cubicle, that needs to be in addition to the numbers for men and women. Essentially, they are reviewing this at the moment. I understand it hasn't gone into the 2025 amendments, which is a pity. It is like a few words need to change in the wording and then that would be opened up. That would mean you are not double dipping, if you like.

ANNIE TENNANT: Which is why I was explaining that our numbers are based on male/female, and we end up needing to add the all-gender. But as Olivia says, with some amendments and updates to code, then we won't have to build additional toilets. The numbers would balance; you'd balance that. It ends up being a cost to developers or a cost to government agencies who are delivering the bathrooms, and it's more toilets to clean.

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The Hon. STEPHEN LAWRENCE: I wasn't aware that had that effect, even in respect of single-use cubicles. That's really interesting.

OLIVIA HYDE: That's right.

ANNIE TENNANT: Because of the pan, so you get pan numbers and you get basin numbers as well.

The Hon. STEPHEN LAWRENCE: Yes, interesting. I was having a bit of an exchange last night online with a councillor from a regional council. One of the concerns that's been expressed when people start talking about all-gender toilets is that someone is going to make a recommendation that even in respect of toilets that are the traditional male/female loo, where you're sharing public space, they would become all-gender. I can see problems with that in terms of certain cultural groups in particular, where gender segregation is very well practised and there might be real concerns about safety, but not just safety—also cultural factors in those cultures where genders are pretty strictly segregated. In terms of your recommendation and this move towards all-gender, is that more in the context of single-use cubicles rather than your old-style public toilet, where you're going in and sharing public space?

OLIVIA HYDE: Yes.

The Hon. STEPHEN LAWRENCE: Yes, I thought so.

ANNIE TENNANT: Or it's in addition to.

The Hon. STEPHEN LAWRENCE: So in the context of either single-use cubicles, where there wouldn't seem to be too many reasons why you might not want to share the genders in there, or a situation where there's both, basically, so you might have the old-school and then you've added some cubicles.

ANNIE TENNANT: That's right.

OLIVIA HYDE: Exactly.

ANNIE TENNANT: Exactly right. I just wanted to add it's also really important that the accessible inclusive—to the point Olivia made earlier—doesn't take the place of the all-gender toilets. So the accessible toilet is still its own bathroom.

The Hon. STEPHEN LAWRENCE: And that's really important, obviously, in terms of disability inclusivity and use.

ANNIE TENNANT: Absolutely, yes.

The CHAIR: I haven't got any more questions. Is there anything else that you'd like to elaborate on in more detail or that you'd like to add that we haven't specifically asked about?

ANNIE TENNANT: I think we've covered a lot of it. I'm very happy to share our amenity strategy with you or anything else that would benefit you, because, as Olivia said earlier, this is such an important inquiry that you're undertaking and we feel so privileged to be here because it just benefits so many members of the community. It's not before time, and public toilets are so important.

OLIVIA HYDE: I think we'll end there.

The CHAIR: Thank you for your enthusiasm and for taking the time to share your expertise today.

ANNIE TENNANT: I'm very passionate about toilets.

The CHAIR: I think there were a couple of questions that you took on notice towards the start, and there may be supplementary questions from the Committee as well, so the secretariat will be in touch with you about those.

ANNIE TENNANT: Very happy to.

(The witnesses withdrew.)

(Short adjournment)

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Mr SCOTT GREENOW, Executive Director, Freight, Transport for NSW, affirmed and examined

Mr HAYDEN DONOGHUE, Executive Director, Suburban Services, Sydney Trains, Transport for NSW, affirmed and examined

The CHAIR: Welcome. Thank you so much for making the time to give evidence to the inquiry. Do you have a short opening statement?

SCOTT GREENOW: Yes, I do. Thank you for inviting us to appear before the Committee today. Transport for NSW and Sydney Trains acknowledge that access to toilets is a fundamental factor in ensuring our customers have a quality, safe and positive experience travelling on the State's road and public transport networks. Our agencies have a range of programs in place which encompass the provision, improvement and maintenance of bathroom facilities across these vast networks, from upgrading heavy vehicle rest stops to improving the accessibility of train stations.

To this end, Transport is investing \$547½ million over four years through the Safe Accessible Transport program to deliver accessibility upgrades at train stations, including new and upgraded toilets. Some \$80 million is set aside for a new truck stop in Western Sydney, which will deliver critically needed toilet facilities within the Sydney Basin for heavy vehicle drivers; \$28.6 million for the Heavy Vehicle Rest Area Program; \$11.9 million is being invested in the heavy vehicle minor works program; \$5 million in 2024-25 to plan and deliver improvements to existing heavy vehicle rest areas; and \$18 million over three years to upgrade dedicated bus driver facilities.

Due to the vast scale and age of some assets which make up the State's transport networks, Transport and Sydney Trains acknowledge that many of the toilets across the network do not meet modern standards. We will continue to progressively deliver improvements for our customers. As the Executive Director of Freight at Transport, my role is focused on delivering a safe and efficient freight network across New South Wales. This includes the development of a rest area strategy to deliver new and upgraded heavy vehicle rest stops that meet customer needs across the network, including the provision of toilets where appropriate. My colleague Hayden Donoghue's role focuses on providing safe, clean and reliable passenger services across the Sydney Trains suburban network, including the operations, cleaning and maintenance of toilets throughout all Sydney Trains intercity and New South Wales train stations. Thank you again for having us here. We look forward to answering your questions.

The CHAIR: Thank you so much for that outline of the work you're already doing. I might start off with a few of my own questions. If you have been following the inquiry, I am sure you are aware we have received a large volume of evidence about people's experiences of public toilets that are part of the transport network, particularly toilets at suburban train stations. There's a very common complaint about toilets being locked or inaccessible when people need to use them. Can you talk us through how that decision gets made? What are the factors that you're taking into account?

HAYDEN DONOGHUE: Of course. Thank you, Chair. Typically our station bathrooms are accessible whilst there are staff onsite. For our single-person stations, which are usually resourced by one or two people, those bathrooms are open from 06:00 in the morning to 19:00 in the evening. For our bigger flagship stations—Central, Redfern, Wynyard, Town Hall—a lot of those bathrooms are open 24 hours, seven days a week. I should say that for those smaller stations, they're often not staffed on the weekends. I too have seen a number of those complaints coming through, usually outside those times. Very, very rarely would we lock off a bathroom inside those times. It would only be if there is a problem with that toilet, either from vandalism or some other mechanical issues, which we would normally rectify within hours.

The CHAIR: What are the specific concerns that you're trying to address by locking that bathroom when the staff aren't there?

HAYDEN DONOGHUE: Primarily to ensure those facilities are properly cleaned; that they work to their intended purpose, so there's not any vandalism; and also refreshing various items like, for example, toilet paper, ensuring bins are cleaned, soap and those sort of items too, which would be very hard to resource outside those hours.

The CHAIR: There's also a similar complaint about the location of public toilets in train stations, specifically that they're often located inside the gates. Someone who may not be a customer but who might urgently need to access the toilet is essentially being required to pay for access. Is there a framework around how the location is determined?

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HAYDEN DONOGHUE: Yes, there is. We will put our bathrooms behind gate lines where practical to avoid damage to the bathrooms. We find having those bathrooms behind the gate lines does actively improve the condition of the bathrooms, both from the cleanliness perspective but also from a—damage free. However, I will say that the direction—I double-checked on this, and I should say the station staff are all ultimately under the area which I proudly lead. If someone asks to use the bathrooms, they will be let through the gate line with a click and they won't have to pay. If people do use their card, they're able to enter the station and as long as they come back out through that same gate line—not the exact same gate but the gate line—within 30 minutes, they won't be charged on their Opal card or their credit card.

The CHAIR: That's helpful. We've also had a suggestion from a number of different witnesses about the opportunity that train stations provide for the State Government. This Committee is looking for ways to improve the accessibility of public toilets across the State. The suggestion has been put to us that because they're already widespread, train stations could be consistent to provide a toilet that could be accessed by the public, not just your customers. What other things do we need to be considering? If that's a recommendation that we're going to progress, what work do we need to do, or what support would you need?

HAYDEN DONOGHUE: In terms of the toilets being accessible outside those hours, I think we would need to consider—one would expect and certainly the evidence from my team—that there would be more significant damage to those toilets, potentially. In terms of funding to keep the toilets operational for everyone—to your question, Chair, about whether they be passengers or whether they be members of the public—that would be one consideration, and also regular interventions by cleaners outside those times. Toilets at our single-person stations are the responsibility of the staff member on duty at that time. At our bigger stations, we have a combination of contract cleaners, but the majority of our sites are cleaned by in-house cleaners. That's another strong consideration that we'd need to have. I think security, also. We have over 13,400 security cameras around stations. I think that would be a point of consideration as well. The majority of people use toilets for the purpose for which they're intended, but some don't.

The Hon. AILEEN MacDONALD: Do you collaborate with local councils and—we've just heard from another witness—Placemaking NSW or other agencies to support broader toilet access? I know you've just answered that question.

HAYDEN DONOGHUE: That's a good question. I might defer to Scott. In terms of more broadly around stations, I'd have to take that on notice.

SCOTT GREENOW: In relation to rest stops, there is coordination and collaboration between Transport for NSW and councils. On behalf of Transport for NSW, councils often do the maintenance and cleaning et cetera for those locations. There are also rest stops that are provided on the local road network as well. Transport provide advice where required for councils on those.

The Hon. AILEEN MacDONALD: Do you think a statewide public toilet strategy would support consistency and service delivery, in the context of my previous question?

SCOTT GREENOW: The existence of a statewide strategy, or the approach to do that, is probably a matter for government to consider. However, benefits of that—consistency and provision of a consistent service—would be of value.

The Hon. AILEEN MacDONALD: At the moment, what measures are in place to ensure that toilets at the stations are safe, clean and regularly maintained?

HAYDEN DONOGHUE: As I mentioned earlier, whether it be our own staff that do the cleaning or whether it be our contract cleaners, toilets during peak—which is obviously our most busiest time, six to 10 and then three to seven in the afternoon—are checked approximately every half an hour to an hour. And then, outside of that, it could be a little less frequent, like between an hour or every two hours. That's our key measure in terms of having someone go check the bathrooms. We also do receive customer feedback, of course, if things aren't in order, and we encourage that. They're the two mechanisms in terms of how we get feedback directly. We also have a customer experience program which does a range of things from surveys through to interviews and then through to full assessments of locations as well, which I will say is hardly fought by the local stations team to be the top of that tree. They are those three methods.

The Hon. AILEEN MacDONALD: That survey wouldn't just cover toilets, though, it would cover the experience whilst a person is at that station and it might include if that person has gone to the public toilet?

HAYDEN DONOGHUE: There is a question, Deputy Chair, in all of those three formats about whether the toilets are used. In fact, we know that, statistically, one in 30 people use a bathroom every time they travel. That, of course, can be cut different ways, but it's very significant.

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The Hon. AILEEN MacDONALD: With accessibility to toilets, I suppose in your newer stations you can take into consideration access for disability and things like that. But what are you doing retrospectively for the older stations?

HAYDEN DONOGHUE: There is a program that's now called the Safe Accessible Transport program and that has delivered 61 stations from 2019 to 2024. Typically, when it comes to toilets, those stations are then refurbished to have four bathrooms. The aim is always to make those are supersized. If there's a child with a person or if there's a pram or something like that, they can contain that. There will be one female, one male, one all-gender and also one that's accessible, which is also all-gender. The majority of those all-gender bathrooms will also have a fold-down baby change table as well.

The Hon. ANTHONY D'ADAM: I have a couple of questions. In terms of the road network, we've had some evidence brought forward to this Committee about how important petrol stations are in terms of road users being able to access toilet facilities. Is there any work being done in relation to ensuring that those stations are available for road users and that there's some kind of minimum standard in terms of the cleanliness and accessibility of toilets in petrol stations?

SCOTT GREENOW: Thank you for the question. There are a number of highway service centres that Transport for NSW has engaged with private organisations—typically, fuel supplies—to provide those facilities. They're owned, operated and maintained by the provider. However, the engagement with Transport for NSW enables us to continue to advocate for the cleanliness and maintenance of those facilities. There are also, it is fair to say, 25 rest stops, with six of those having accessible toilets across the network as well. The feedback that we get frequently from heavy vehicle drivers is that the provision of toilets is extremely beneficial, but the cleanliness and maintenance of those toilets is also a very high priority for them. It's something that we advocate strongly for with our own work programs to maintain those provided by Transport for NSW but also with those others on the network, such as those provided by private operators as well.

The Hon. ANTHONY D'ADAM: Do you have any regulatory authority over service stations?

SCOTT GREENOW: No, Transport for NSW doesn't. With the highway service centres, there are some contractual agreements with the provision of their services, but not regulatory controls over the service stations themselves.

The Hon. ANTHONY D'ADAM: The siting of service stations, the number of service stations and the overall stewardship of the road network for users—Transport for NSW has no actual authority to regulate that or control, in some way, where and how many there are?

SCOTT GREENOW: I'm happy to take the question on notice. However, where any development like that interacts with the State road network, then Transport for NSW has some interactions with the development process and the approval process. However, the location or planning is less of a role for Transport and more the impact on the road network itself—accessing and addressing.

The Hon. ANTHONY D'ADAM: Does Transport play a role, or is it playing a role, in the rollout and siting of recharging stations with a conversion to electric vehicles?

SCOTT GREENOW: I'll have to take the question on notice. Apologies. It's a part that is outside of my expertise. but there is certainly a view across governments of moving towards being able to provide access for charging infrastructure across the network in a way that allows the transition of industry from diesel-powered vehicles across to zero-emissions vehicles, and part of that is around the charging infrastructure across the network.

The Hon. ANTHONY D'ADAM: I suppose where I'm getting at is obviously if we're starting to think about a different form of service network for vehicles in our road system, perhaps this is an opportunity to start thinking about the support facilities that might be made available for drivers, particularly for those travelling distances. There may be an avenue there for some integrated planning between the need for toilets and, of course, the need for an expanded recharging system across the network.

I want to ask about station toilets, in terms of whether there's some benchmark standard in terms of hygiene that's applied. There seems to be very little in the way of specific guidance on how frequently toilets are cleaned, to what standard, and how frequently floors should be mopped, pans cleaned, seats wiped and stalls wiped down. I'm assuming that for those conditions where cleaning is contracted out, those things are specified in a cleaning contract. If you're delivering that service internally, there must be some guidance. I just want to get a sense of how you arrive at the cleanliness standards that are being applied in station toilets.

HAYDEN DONOGHUE: Mr D'Adam, the standards have been built over a long period of time. Because we have the active measurement of our customer experience program, and also direct customer feedback with

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131 500, Transport info or ministerials—a range of those things—we've adapted how we clean. My understanding—and I will double-check—is that we don't have a particular standard that we draw down from an Australian standard in terms of cleanliness. We base that upon customer feedback over a long period of time.

The Hon. ANTHONY D'ADAM: Can I ask about consumables? Is it a consistent standard across the network of soap, drying facilities and types of toilet paper? Are there different contingencies that need to be taken account of because of site-specific factors?

HAYDEN DONOGHUE: I'm happy to talk to a level of detail and, if it's not enough, I'll certainly get you some more information. We procure our cleaning products and also our soap and toilet paper centrally for the network. There might be some regional areas where we don't, but certainly from a metropolitan area where we use the bulk of those items, that's all procured centrally. It's a very strict regime of what sort of products can be used. For example, bleach products are prohibited in the cleaning process. While they might be fabulous in terms of getting things shiny and white, they're not good for the environment and they're also not good for people's health. So they're not used, for example.

The Hon. ANTHONY D'ADAM: What about sanitary bins? Are they universally available in toilets in stations?

HAYDEN DONOGHUE: There are 160 of what I would call Sydney Trains bathrooms, for the suburban network, and 99 per cent of those have sanitary bins and also have sharps repositories.

The Hon. ANTHONY D'ADAM: What about benchmarks for rectification? If stall locks are broken, other fittings are missing or there's damage to the flushing system, what's the benchmark in terms of having a stall out of action? What do you aim for in terms of trying to get that rectified?

HAYDEN DONOGHUE: Depending on how many stalls or individual bathrooms there are at a station, that can be a matter of trying to get it sorted out on the day or the next day. When it comes to accessible toilets at a location where there aren't any supplementary bathrooms available, there should be a replacement bathroom, or we endeavour to have it installed on the same day.

The Hon. ANTHONY D'ADAM: You don't think there would be instances where a stall would be out of order for more than a 28- to 48-hour period?

HAYDEN DONOGHUE: Unfortunately, there have been, Mr D'Adam. That's not our endeavour, but there have been occasions.

The CHAIR: I might pick up on some of those lines of questioning, particularly the potential need for additional cleaning staff or an additional cleaning contract for out of hours. I imagine this is going to be taken on notice but do you have a sense of what that quantum would be across your Sydney suburban stations, if we were going to look at doing that?

HAYDEN DONOGHUE: I'd have to come back to you with detailed figures, but it would be a sizeable investment, particularly if we were to extend cleaning for the 11 hours at single-person stations. There would be quite a considerable cost in ensuring that that cleaning would be covered, particularly where there's only one or two toilets. The cleaning contractor or our own staff would be travelling to those locations to clean one, two, three or, at most, four toilets in the example I gave earlier where the Safe Accessible Transport program uplifts the capacity of toilets at those locations. I'd have to come back to you with detailed figures, Chair.

The CHAIR: You said that 99 per cent of your toilets have sanitary bins and sharps, and I'm really pleased to hear that's a majority. What are the barriers to that not being 100 per cent?

HAYDEN DONOGHUE: My understanding is the size of the cubicle itself. Some of our older bathrooms wouldn't meet current standards in terms of length, breadth, depth et cetera, and it is quite difficult to fit a bin in.

The CHAIR: My colleague Mr D'Adam asked a series of detailed questions about what guides your cleaning schedules and also the consumables that you're required to provide. Is there any kind of framework about design? If a new station is built or if a station is remodelled, how is the design of the toilets determined?

HAYDEN DONOGHUE: I'll talk high level, if that's okay, Chair. If any more detail is required, I will obtain that for you. First, we look at national standards, State standards and transport standards that cover the entire range of trying to ensuring that our toilets are fit for gender and fit for accessibility as well. There are a range of standards. Of course, each new set of toilets that is built or refurbished then meets the higher standard required. That's how we address that. In terms of the particular standards numbers, I would have to take that on notice.

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The CHAIR: My follow-up question I imagine is about to get taken on notice. Are suburban train stations covered under the National Construction Code? Are those the requirements for toilets that you're talking about, or is there some kind of separate standard for design in a train station?

HAYDEN DONOGHUE: I'd have to take that on notice, Chair.

The CHAIR: I also want to ask Mr Greenow about the partnerships with the private providers for roadside stops. It's a very interesting precedent to hear about, because we've also had a number of suggestions about how government could engage with private providers in very different contexts, like shopping centres and other private facilities where there might not be space to build new public toilets. I'm interested in what that agreement covers and how long that has been in place.

SCOTT GREENOW: The agreements are primarily around highway service centres. The provision of rest areas focuses predominantly on the ability of heavy vehicle drivers to manage their fatigue as they move through the network. Services that typically would feature at a highway service centre that don't feature at other rest stops—in alignment with the Austroads Guides—are things like fuel, food and toilets. Often highway service centres will have meal rooms where drivers can access cooking facilities et cetera for their own use. They typically come with the ability for those operators, and as I said, usually fuel suppliers, to be able to have product services open to both heavy and light vehicles where there's a commercial outcome for them to be able to sell both fuel and food, and other services, for all of the passers-by. The provision, why Transport for NSW enters into those agreements, is to ensure there are adequate services for heavy vehicle drivers as well in those locations, given the complexity and difficulty of being able to park a heavy vehicle and find access to those services in local communities or in more remote, rural and regional areas.

The CHAIR: Is that an agreement at the time that a station is built, in terms of physical infrastructure? Or is this something like an ongoing contribution to the cost of running the centre?

SCOTT GREENOW: There can be multiple commercial approaches—and happy to take on notice to provide more detail if required. They usually revolve around a provision of access to land in the road corridor that Transport for NSW owns. That is then made available under a commercial agreement for the development of a highway service centre and operation of a highway service centre with some commercial arrangement between the operator and Transport for NSW.

The CHAIR: I appreciate this may need to be taken on notice as well but, returning to the issue of operating hours, that is the issue at suburban train stations of some people needing access to things at hours that is not seen as viable or not typically staffed. Is that the same issue that you have with heavy vehicle rest stations?

SCOTT GREENOW: Typically no. Highway service centres generally are a 24/7-style operation. Heavy vehicle operations, particularly on long haul routes, are something that you'll see in operation 24/7, and sometimes increased operation at night as goods move while light vehicles aren't on the road to the same degree. The rest stops that are unattended tend to have their toilets and facilities unlocked and freely available at all times.

The CHAIR: For light vehicles travelling long distances, we've had a lot of evidence about people from rural and remote areas travelling a long way for health care, for example. These are often people who've also got disability or other accessibility needs. What do you think the options are for us to support more accessible facilities on motorways?

SCOTT GREENOW: There are a number of accessible toilets on the network at the moment. I'll just get the exact figure for you. Transport manages 571 toilets at 194 rest stops. Of those, 325 are accessible at 107 rest stops, so there is the presence of accessible toilets at rest stops. However, as there are improvement opportunities and programs to increase the number of or improve the facilities at locations, then those improvements and treatments are done to meet the standard of the day, including the requirement for accessibility as well.

The CHAIR: It's not a road that I use frequently, because I live down in Albury-Wodonga, but we've received a number of complaints about the M1 particularly. Toilets along the M1 aren't at the standard that the community expects. Is that something that's already come across your desk?

SCOTT GREENOW: It hasn't been raised to me. It doesn't mean it hasn't been reported to the organisation, so I would have to take that on notice.

The CHAIR: I'm happy for you to take it on notice.

The Hon. STEPHEN LAWRENCE: I have a couple of questions, but I note that I've had to rejoin the hearing not having heard any of the evidence to date. Please forgive and excuse me if the questions I ask have already been asked. In what circumstances does Transport provide traditional-style public toilets where customers are sharing a public space, maybe with a number of cubicles, as opposed to the more modern universal design of

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single-use cubicle accessible from public space? Have most of your facilities now moved to the latter or do you still provide some of the former? What's the policy position in respect of future construction?

SCOTT GREENOW: I might pass to my colleague in a moment in case he has something additional to add. Certainly from a rest stop point of view, I don't have the exact detail in front of me. I'm happy to provide it on notice. However, certainly my observation is that the commentary around the latter being the most predominant is the case. Primarily it's around single cubicles and, wherever possible, all-gender provision for toilets.

HAYDEN DONOGHUE: Similarly at train stations, there are still—for example, big stations like Town Hall, Redfern, also Central, have a combination of both, with predominantly being the former, so a substantial number of stalls inside a gender-specific area. Then our newer station upgrades, including Wynyard—I'm not sure if anyone has been there—are single toilets. In fact Wynyard is largely gender neutral.

The Hon. STEPHEN LAWRENCE: In respect of your higher volume train stations, do you find that the former sometimes has to be done even in new constructions because of space constraints? Or do you generally find that, in new constructions, you can do the latter—the modern style—almost invariably?

HAYDEN DONOGHUE: The endeavour is for the latter. However, the latest build at Central, which was part of the north-south walk et cetera, did include the more traditional version of stalls inside a gender specific area, plus some gender-neutral stalls as well.

The Hon. STEPHEN LAWRENCE: Was that on account of space constraints because you're dealing with a limited space compared to a park or whatever?

HAYDEN DONOGHUE: I will confirm that for you. I'll take that on notice, but that's my understanding.

The Hon. STEPHEN LAWRENCE: What's the policy in terms of single-use cubicles? Would you normally designate some male, some female, some unisex? Is that what you mean by all-gender?

HAYDEN DONOGHUE: Yes.

The Hon. STEPHEN LAWRENCE: Or do you have them all unisex?

HAYDEN DONOGHUE: No. Since 2019 to 2024, we've upgraded 64 stations around the network. Waitara is an example. Turrella, Normanhurst are examples where typically we would aim to have four separate cubicles: one male, one female, one all-gender and one accessible, which also would have a baby change facility but would also be designated gender neutral.

The Hon. STEPHEN LAWRENCE: When you have a male accessible single-use cubicle as compared to a female, how do they vary in terms of design? Are they basically the same or are there some differences? Obviously the ones with change facilities are different but, in terms of the standard male, standard female, are they the same or do they differ in some design respects?

HAYDEN DONOGHUE: I will have to take that on notice. My understanding is they are the same. There's a size specificity about it, whether it be a standard single or a larger single bathroom which, for example, could have a parent with a pram and room for luggage as well, for example, for people transferring through various train stations. There's a smaller single size and then a larger single size. But, to be more specific than that, I'll have to get you some information, if that's okay.

The Hon. STEPHEN LAWRENCE: Thank you. In terms of your provision of public toilets, does Transport operate on the basis of the national building code standards or do you have your own internal documents that guide in terms of provision and so forth and design?

HAYDEN DONOGHUE: I might just refer to Scott.

SCOTT GREENOW: There is a combination of—several standards apply for toilets. It goes through a hierarchy of approach: firstly, any legislative obligations, then there are Transport standards, the Australian standards, international standards and local or industry standards. The National Construction Code has effect through legislation, and contains mandatory requirements for the provision of sanitary fixtures—fixtures in numbers appropriate to building function or use. That is also an element. Transport has a toilet guideline document as well that helps—which I believe is made available by the then transport Minister for the inquiry, but happy to provide it again if need be.

The Hon. STEPHEN LAWRENCE: Are you able to provide the Committee with those guiding documents on notice?

SCOTT GREENOW: All of the guiding documents or the Transport toilet guideline?

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The Hon. STEPHEN LAWRENCE: All of them that you think are feasible to provide, I think might be useful.

SCOTT GREENOW: Happy to take it on notice.

The CHAIR: I haven't got any more questions. I suppose, in closing, it's not all bad news about Transport. We did have a number of submissions that commended the toilet that was provided at the Crows Nest metro station, so thank you for that. Did you have anything to add in closing that you wanted to raise that we haven't asked about?

SCOTT GREENOW: No, nothing from me.

HAYDEN DONOGHUE: Nothing from me. Thank you, Chair.

The CHAIR: Thank you very much again for making time to give evidence today. The secretariat will be in touch with you about the questions that were taken on notice and any supplementary questions that come from Committee members.

(The witnesses withdrew.)

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Ms MARY SNELL, Executive Director, Operations and Enforcement, SafeWork NSW, sworn and examined

The CHAIR: Welcome. Thank you so much for making the time to give evidence today. Do you have an opening statement?

MARY SNELL: Firstly, thank you for the opportunity to appear at this hearing on behalf of SafeWork NSW, and to assist the Committee with its inquiry in this matter. As the New South Wales work health and safety regulator, our purpose is to secure safe and healthy workplaces. Cleaners play an important role in our society and, like all workers, they have a right to a safe and healthy workplace. There are some specific work health and safety risks for workers engaged in cleaning public toilets—many of which you'll be well familiar with by now—which include exposures to human waste, biological material or potentially hazardous chemicals, which can lead to infection or illness; slip, trip or fall hazards; insects, spiders, snakes and other pests; ventilation issues; insufficient lighting or obstructed views; working in confined spaces; antisocial behaviour; and remote work where there's a lack of oversight.

A person conducting a business or undertaking, which I will now refer to as a PCBU, has a primary duty of care to workers to ensure health and safety at work. The PCBU has a legal obligation to eliminate and minimise work health and safety risks so far as is reasonably practicable. To support this framework, significant penalties apply for failing to meet those obligations. The PCBU, in the context of cleaning work for public toilets, may be a business who owns or occupies the site and directly engages cleaners, or it may be a business who provides cleaning services. It may be a local council or government agency. In each case, the primary duty of care remains the same. The law requires the PCBU to eliminate risks to safety so far as is reasonably practicable and, if not, to then minimise those risks as far as is reasonably practicable. In minimising risk, duty holders will implement risk control measures. If PPE—personal protective equipment—is used to minimise the risk to work health and safety, as happens with cleaning public toilets, the PCBU must consult with its workers, provide the PPE to its workers and ensure the equipment is worn or used by its workers. The workers must, so far as they are reasonably able, use or wear the equipment in accordance with any information, training or reasonable instruction by the PCBU.

At its core, the work health and safety framework is about enabling employers and workers to address health and safety risks together in a meaningful, proactive and preventative way. I note that some of the public submissions to this inquiry have raised work health and safety issues, including ensuring workers have access to PPE and training, as well as safe working environments generally. SafeWork NSW operates within a national model work health and safety framework and takes a targeted risk-based approach to compliance and enforcement, which is outlined in the National Compliance Enforcement Policy. We engage with duty holders to support compliance while also taking regulatory action where necessary to ensure the laws are upheld. We also have a role in helping stakeholders understand their work health and safety rights and obligations. This does extend to managing the work environment and facilities. I welcome the opportunity to contribute any further insights that may assist. I welcome any questions you may have, which I'll endeavour to answer to the best of my knowledge.

The CHAIR: Thank you very much. The Committee is looking to make recommendations to improve the accessibility of public toilets to the public in terms of their design and availability. What key aspects of those recommendations do we need to take into account in terms of being able to support the safety of cleaners in particular?

MARY SNELL: Our insight into the regulation and design is all from that work health and safety lens. We have not had many issues raised directly with us about publicly accessible toilets or public toilets. Insofar as what we do, we rely heavily on the National Construction Code. Many of the amenities issues that do arise with us arise in workplaces. Where a workplace is within a building, we rely on the National Construction Code. As you know, it sets out ratios and specifications. We have then levered off that to provide guidance material, including a code of practice. We have had a particular interest in portable toilets because of construction site issues. None of that goes to specific safety issues. In terms of the safety issues we see, they are generally case specific. As I said, we haven't seen that many. Where we have, they are about the state of cleanliness. We have powers. If an inspector was to go and visit a workplace and they had an amenities issue, we'd exercise our power. There is actually a work health and safety obligation to provide adequate facilities and to make sure they are good, clean and in working order. Beyond that, the level of detail is generally worked out in the context of the specific workplace.

The CHAIR: I have a couple of specific follow-up questions. I imagine that some of the items that support the comfort and amenity of the public would also protect the safety of staff. I am interested in your views on things like the provision of sanitary bins or the provision of sharps bins in public toilets.

MARY SNELL: Definitely. The issue of the sharps disposal has clearly been raised as a work health and safety issue. If we receive complaints about that, we address that, definitely.

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The CHAIR: I think in your opening statement you mentioned isolated work or after-hours work. Particularly we're looking at the issue of accessibility of toilets after hours. Availability of cleaners during that time has been raised as a barrier. What do we need to take into account if we're going to be recommending more people undertake cleaning work in remote locations or antisocial hours?

MARY SNELL: Again it's going to depend on where it is. If workers raise complaints with us, we'll go to the workplace and ask, "Where are the amenities?" We can issue improvement notices to make sure they're available, because they should be available during the working hours for workplaces, and in clean and good order—and safe. In terms of beyond that, I could take it on notice, but we probably haven't had that kind of regulatory engagement previously.

The CHAIR: No worries, very happy for you to take it on notice.

The Hon. ANTHONY D'ADAM: I'm curious about the source of authority for a work health and safety obligation in relation to the provision of amenities. Where does that derive from?

MARY SNELL: Certainly. In clause 41 of the Work Health and Safety Regulation in New South Wales, there's a duty on PCBUs to provide and maintain adequate and accessible facilities, which then the code of practice picks up in terms of describing what is good working order, clean, safe and accessible.

The Hon. ANTHONY D'ADAM: Okay, so there's a specific provision in the code of practice that provides a definition of what constitutes good, clean and working order facilities. Is that correct?

MARY SNELL: I'm not sure, sorry, that I'd describe it as a definition, but it would give a framework around the elements that you need to have that, in terms of it's cleaned regularly and there are components that it must have. I'll just find them for you. Part 3 of the code of practice will set out the specific requirements, so things like a toilet should be fitted with a hinged seat and lid; provided with lighting and ventilation; clearly signposted; fitted with a hinged door that is capable of being locked; designed to allow emergency access; positioned to ensure privacy for users; and separated from other rooms by an airlock, soundproof wall and a separate entrance that's clearly marked.

In terms of what they should be supplied with—toilet paper, handwashing facilities, rubbish bins and, for female workers, hygienic means to dispose of sanitary items—they are the kinds of elements that are in the code of practice. If an inspector went to a workplace and these elements were not present, then they'd have the power to issue what's called an improvement notice to compel the workplace—or the PCBU, rather—to comply with the requirements of the regulation. They would set out things like, "Fix these things as soon as possible. Make sure there are alternate toilets available in the meantime."

The Hon. ANTHONY D'ADAM: How frequently is that an occurrence, where amenities are subpar and an inspector might issue an improvement notice?

MARY SNELL: I would have to take that on notice. In relation to public toilets only, I'm aware of two in the last five years.

The Hon. ANTHONY D'ADAM: Are you able to provide just the relevant sections—clause 41 and the extracts from the code of conduct—for the benefit of the Committee on notice?

MARY SNELL: Yes.

The Hon. ANTHONY D'ADAM: I suppose the corresponding question is that obviously there are some circumstances where facilities are shared between workers and the public, and the other element of the Work Health and Safety Act is that visitors to a workplace are also given some coverage and protection in terms of the safety requirements of the site. That's correct, isn't it?

MARY SNELL: Yes, absolutely, given the safety obligation extends to other persons.

The Hon. ANTHONY D'ADAM: So if you're operating a shopping centre that provides facilities to people coming onto the worksite, including toilet facilities, SafeWork would have some regulatory authority over those toilets.

MARY SNELL: We would—for example, toilets in a shopping centre or a service station. That's the kind of flavour of the complaints that we have, on a rare occasion, received requests for service about.

The Hon. ANTHONY D'ADAM: It's unusual for those kinds of facilities to be brought into the ambit of SafeWork's responsibilities.

MARY SNELL: It is. We have found 30 complaints in a period of five years.

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The Hon. ANTHONY D'ADAM: What about park facilities? These are workplaces for groundskeepers and people who are working in the outdoor setting in local government. Do those facilities potentially come under the regulatory authority of SafeWork?

MARY SNELL: They do potentially come under the regulatory authority. I will say we haven't been able to find any requests for service received in the past five years in respect of the—I'm just going to call it the public toilet amenities block, for example.

The Hon. ANTHONY D'ADAM: Do you think that's because there's some ambiguity about the scope of your authority—that the public are unaware that perhaps SafeWork has responsibility in this area?

MARY SNELL: No, I think it's possibly more related to the sense of immediacy and who can fix the problem. They may go directly to councils, for example, to alert them to fix it, rather than come to the regulator. If they came to us to fix it, we're going to go back to the PCBU that's responsible for it and then ask them to fix it. I think it might be immediacy, or people are familiar with who to complain to—a more effective pathway to achieve an outcome faster in terms of that responsibility.

The Hon. ANTHONY D'ADAM: What about the cleanliness component? How does a SafeWork inspector determine whether a facility is clean? What is the process for assessing if the facility is up to scratch in terms of cleanliness?

MARY SNELL: In terms of the issues, we would have an inspector attend to verify. One of the issues, for example, could be things like mould. In terms of general state of cleanliness, we would not ordinarily allocate an inspector to respond to that kind of event. That would not be triaged under the national model as warranting an inspector response, in terms of it being reported as a hazard.

The Hon. STEPHEN LAWRENCE: Thanks, Ms Snell, for attending. Your evidence is much appreciated. In terms of the applicable standard for the provision of toilets for employees—you talked about the legislative standard. Is that set by subsidiary legislation, in effect?

MARY SNELL: In terms of the Work Health and Safety Regulation, that flows from the Work Health and Safety Act, which flows from the model framework. That's the model laws at the national level that jurisdictions have the opportunity to opt in and adopt and New South Wales has done that. Within that framework, the detail is in—you have a primary duty to provide a workplace that is a safe and healthy workplace, and then it cascades to the regulation where clause 41 relates to the duty for amenities. There's also another clause, which I'll take on notice to share more formally. Clause 40 also applies, and that relates to general workplace management. For example, if we had identified mould as an issue, the improvement notice might likely relate more to clause 40 than clause 41. Clause 41 would be about the taps and that the equipment is not functional or it's broken, for example.

The Hon. STEPHEN LAWRENCE: Does that clause speak at all to the design of toilets, in terms of whether they are single-use cubicles or shared ones et cetera?

MARY SNELL: No, it doesn't go to that detail.

The Hon. STEPHEN LAWRENCE: Does it speak to gender issues? We've had a lot of evidence about all-gender toilets and issues like that. Does it speak to those?

MARY SNELL: It doesn't speak specifically to that. Our code of practice, though, will reference the need to address psychosocial risks in terms of providing amenities. That would be a matter that a workplace would be encouraged to consult on with its workers.

The Hon. STEPHEN LAWRENCE: If you've got a pretty big workplace—let's say you've got 100 employees or something—what would be expected in terms of catering for gender-diverse people and those sorts of issues?

MARY SNELL: I don't know that we would have expectations because we would generally revert back to the code insofar as the ratio of toilets per gender and then there would need to be consultation in the workplace about it. I don't think there's a general expectation, per se.

The Hon. STEPHEN LAWRENCE: In what circumstances would the code mean that you would have to provide unisex toilets? That would be in some situations, would it, but not all?

MARY SNELL: Generally, where there are less than 10 workers. Give me a moment and I'll just confirm. One unisex toilet may be provided in workplaces with both male and female workers where the total number of people who normally work at the workplace is 10 or less, or there are two or fewer workers of one gender.

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The Hon. STEPHEN LAWRENCE: That is to favour the employer in the sense of not having to provide multiple toilets, is it?

MARY SNELL: I don't know about that objective as such. That flows down from the National Construction Code, in terms of the ratios.

The Hon. STEPHEN LAWRENCE: But the policy intent behind that particular one is to say that, when you've got a small workplace, you can just provide a unit.

MARY SNELL: Yes.

The Hon. STEPHEN LAWRENCE: But is there a requirement, for example, when you've got bigger workforces, that you must provide a unisex toilet so that the gender-diverse person has a toilet to use that's not male or female?

MARY SNELL: I'd have to take that on notice.

The Hon. STEPHEN LAWRENCE: Yes, if you wouldn't mind, that would be useful. We've just had a lot of evidence about trans issues and all toilets. I'm interested from an OH&S point of view. I know that's not the right acronym now. What's the situation, basically? Is there a minimum standard in New South Wales that employers have to meet or is it a bit greater than that? If you wouldn't mind taking that on notice, that would be appreciated.

MARY SNELL: Yes, certainly.

The Hon. AILEEN MacDONALD: What responsibilities do facility operators in both the public and private sphere have under WHS laws when managing public toilets?

MARY SNELL: I might take that on notice because I think it's probably going to get unpacked into a few layers because they will be a PCBU.

The Hon. AILEEN MacDONALD: In your role, are you involved in inter-agency planning or advocacy work on public amenities?

MARY SNELL: I'd have to take that on notice, too. Not in my role, but I can take that on notice because I'm one of many.

The Hon. AILEEN MacDONALD: You might need to take this one on notice, too. Do you think that there needs to be clearer design and maintenance standards that would go to improving safety outcomes for both staff and the public?

MARY SNELL: Again, sorry, I would need to take that on notice.

The Hon. AILEEN MacDONALD: How can SafeWork NSW better support councils or agencies to implement safe toilet environments, especially in areas prone to, say, vandalism and other adverse incidents?

MARY SNELL: I would invite anyone to get in touch with us if they would seek assistance. We would generally rely on guidance material that's produced, like the code of practice or safety alerts or videos. I'm not aware, which is why I need to take it on notice, of that kind of engagement.

The CHAIR: If there are no further questions, was there anything else that you wanted to clarify or informal stuff that we haven't asked about?

MARY SNELL: No. I would propose to share the code of guidance and the portable amenities fact sheet.

The CHAIR: Absolutely. Are you seeking to table those documents?

MARY SNELL: I can provide them in reply. I have copies, if that's convenient.

The CHAIR: Please. We started the session early, so I think we are all right to finish this session early. Thank you so much for making the time to provide evidence today. For the questions that were taken on notice, and if there are any supplementary questions from Committee members, the secretariat will be in touch with you about those.

(The witness withdrew.)

The Committee adjourned at 16:15.