

Reasons for Refusal:

1. The proposed development is prohibited in the IN1 General Industrial zone under the land use table in Section 5.10 in Chapter 5 Three Ports—Port Botany, Port Kembla and Port of Newcastle of State Environmental Planning Policy (Transport and Infrastructure) 2021 as the industrial uses proposed rely on land zoned RE1 Public Recreation to enable their operation where those uses are prohibited, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
2. The proposed development is prohibited in the RE1 Public Recreation zone under the land use table in Section 2.3 Randwick Local Environmental Plan 2012 as the child care centre and recreation facility (indoor) uses rely on the IN1 General Industrial zoned land where those uses are prohibited, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
3. The proposed development is inconsistent with the objectives of the IN1 General Industrial zone under Section 5.10 in Chapter 5 Three Ports—Port Botany, Port Kembla and Port of Newcastle of State Environmental Planning Policy (Transport and Infrastructure) 2021 as it has not demonstrated the proposal has minimised any adverse effect of industry on other land uses, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
4. The proposed development is inconsistent with or has not provided sufficient information to allow a full assessment of Chapter 3 Educational Establishments and Child Care Facilities of State Environmental Planning Policy (Transport and Infrastructure) 2021, Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, for reasons including:
 - a. A Safety Management Study has not been provided to ensure the nearby high pressure dangerous goods pipeline will not impact the children as required by C4 of the Child Care Planning Guideline.
 - b. An air quality assessment report has not been provided as required by C27 of the Child Care Planning Guideline due to the proximity of industrial and port related uses.
 - c. The outdoor play area proposed is insufficient for the proposed 80 children as required by Section 3.26(2)(b) of State Environmental Planning Policy (Transport and Infrastructure) 2021.
 - d. Insufficient information has been submitted to demonstrate there is adequate car parking and indoor play area, the hours of operation of the centre, that the acoustic impacts of the proposal and on the child care centre itself are adequately addressed, that there are adequate nappy change facilities, storage, emergency evacuation, and a suitable natural environment and access to solar access for the children in the outdoor play area, per Sections 3.5, 3.6, 3.8, 4.1, 4.6, 4.8, 4.10 and 4.11 of the Child Care Planning Guideline.
5. The proposed development does not provide sufficient information to allow a proper assessment or achieve satisfactory compliance with the objectives and controls of the relevant environmental planning instruments pursuant to Sections 4.15(1)(a), 4.15(1)(b) & 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, in particular:

- a. The application is inconsistent in terms of what uses are proposed for the industrial portion of the development, including whether they are warehouse or distribution centres, high technology uses (light industrial) or both, to allow a full assessment of the operation, car parking and loading requirements.
 - b. The proposal partly indicates the ground level food and drink premises on Lot 1 will be a brewery, a form of artisan food and drink industry which is prohibited in the IN1 General Industrial zone under Chapter 5 Three Ports—Port Botany, Port Kembla and Port of Newcastle in State Environmental Planning Policy (Transport and Infrastructure) 2021.
 - c. No equipment layout plan has been provided for the gym to enable a detailed assessment of the use or an accurate acoustic assessment, proposes inconsistent staff hours of operation in the Plan of Management.
 - d. The proposed aquatic centre has not been supported with sufficient information to assess the proposal in that the Plan of Management states a number of classes or activities are sought but did not submit information on timetables, capacity, or staff details, consideration to drop off areas for school children for the claimed hosting of school swimming, and an acoustic assessment that has considered the above information.
 - e. The industrial component of the development has not been supported with sufficient information to understand the intended use or uses, the operation of the development, management of the development including the showrooms, and the demand for 82 small tenancies stated as warehouse or distribution centres.
 - f. The food and drink premises proposed have not been supported by sufficient information on their fit-out, hours of operation, detailed floor plans on the kitchen areas, provision of mechanical ducting the like and acoustic impacts.
 - g. No information on the photo studio has been submitted.
 - h. Two of the indoor recreation tenancies proposed are supported with no information on their use, hours of operation, staff, etc.
6. The proposal does not comply with the provisions of Randwick Local Environmental Plan 2012 (RLEP 2012) pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, in particular:
 - a. The proposal is inconsistent with the aims of plan pursuant to Clause 1.2 of RLEP 2012.
 - b. The proposal is inconsistent with the objectives of RE1 Public Recreation zone pursuant to Clause 2.3 of RLEP 2012 which requires, among other, to enable land to be used for a range of recreational settings and activities and compatible land uses, to protect and enhance the natural environment for recreational purposes, and to protect, manage and restore areas with high biodiversity, ecological and aesthetic values, including buffer areas and habitat corridors.
 - c. The proposal has not demonstrated compliance with Clause 6.11 – Design Excellence, as Council’s Design Excellence Advisory Panel does not support the proposal.
7. The proposal does not comply with the provisions of Randwick Comprehensive Development Control Plan 2013 pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, in particular:
 - a. Part B1 – Design

- b. Part B4 – Landscaping and Biodiversity
 - c. Part B7 – Transport, Traffic, Parking and Access
 - d. Part B9 – Management Plan
 - e. Part D11 – Child Care Centres
 - f. Part F1 – Development in Recreation Zones
8. Insufficient information has been provided to demonstrate that the development would not have an adverse impact on the built environment and natural environment and would not have adverse economic or social impacts, pursuant to Section 4.15(b) of the Environmental Planning and Assessment Act 1979.
9. Insufficient information has been provided to demonstrate that the site would be suitable for the proposed development, pursuant to Section 4.15(c) of the Environmental Planning and Assessment Act 1979.
10. Due to the above reasons, approval of the application is not in the public interest, pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.