

Reasons for Refusal

1. Pursuant to Section 4.13(8)(b) of the Environmental Planning and Assessment Act 1979, Transport for NSW refuses to provide its concurrence for the development.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development is inconsistent with the provisions of Chapter 4 and Schedule 9 in the *State Environmental Planning Policy (Housing) 2021*. In particular, the development does not satisfy:
 - a) The following Design Principles in Schedule 4:
 - i. Principle 1 - Context and Neighbourhood Character.
 - ii. Principle 2 - Built Form and Scale.
 - iii. Principle 3 - Density.
 - iv. Principle 4 - Sustainability.
 - v. Principle 5 - Landscape
 - vi. Principle 6 - Amenity.
 - vii. Principle 7 - Safety.
 - viii. Principle 9 - Aesthetics.
 - b) The following clauses in the Apartment Design Guide:
 - i. 2F - Building Separation.
 - ii. 3A - Site Analysis.
 - iii. 3F - Visual Privacy.
 - iv. 4D - Apartment Size and Layout.
 - v. 4M - Facades.
 - vi. 4V - Water Management and Conservation.
 - vii. 4W - Waste Management.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development is inconsistent with the provisions of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. In particular, the development does not satisfy:
 - a) The following Design Quality Principles in Part 2 of the Child Care Planning Guideline (September 2021):
 - i. Principle 2 - Built Form.
 - ii. Principle 4 - Sustainability.
 - iii. Principle 6 - Amenity.
 - b) The following Matters for Consideration in Part 3 of the Child Care Planning Guideline (September 2021):
 - i. Clause 3.1 - Site Selection and Location:
 - a. Sub-clause C1.
 - b. Sub-clause C2.
 - c. Sub-clause C4.

- ii. Clause 3.5 - Visual and Acoustic Privacy:
 - a. Sub-clause C19.
 - iii. Clause 3.6 - Noise and Air Pollution:
 - a. Sub-clause C26.
 - b. Sub-clause C27.
- 4. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development is inconsistent with the provisions of the *Ryde Local Environmental Plan 2014*. In particular, the development does not comply with:
 - a) Clause 4.3 - Height of Buildings.
 - b) Clause 4.3A - Exceptions to Height of Buildings.
 - c) Clause 4.4 - Floor Space Ratio.
 - d) Clause 4.4A - Exceptions to Floor Space Ratio.
 - e) Clause 4.6 – Exceptions to Development Standards (Height of Buildings).
 - f) Clause 4.6 – Exceptions to Development Standards (Floor Space Ratio).
- 5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of the *Ryde Development Control Plan 2014*. In particular, the development does not satisfy:
 - a) Part 3.2 – Child Care Centres:
 - i. Clause 1.7 – Child Care Design.
 - ii. Clause 2.1.1 – Preferred Locations.
 - iii. Clause 2.1.2 – Environmental Risks/Hazards.
 - iv. Clause 3.1 – All Child Care Centres.
 - v. Clause 4.2 – Acoustic Privacy – For Adjoining Residents.
 - vi. Clause 4.3 – Visual Privacy – For Children of the Centre.
 - vii. Clause 5.2 – On-Site Manoeuvrability.
 - viii. Clause 5.3 – Impact on Traffic Flow.
 - ix. Clause 5.4 – Pedestrian Safety.
 - x. Clause 6.1 – General Landscape Design Requirements.
 - xi. Clause 6.2 – Play Spaces.
 - xii. Clause 7.0 – Miscellaneous Controls – Centre Facilities.
 - b) Part 4.4 – Ryde Town Centre
 - i. Clause 8.6.3(b) – Length of Buildings.
 - ii. Clause 8.6.3(g) – Tree Retention.
 - c) Part 7.2 – Waste Minimisation and Management.
 - d) Part 8.2 – Stormwater and Floodplain Management:
 - i. Clause 2.0 – Stormwater Drainage.
 - ii. Water Sensitive Urban Design.
- 6. Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, the development does not provide sufficient information to ensure the proposal has been designed appropriately as required by Section 29(2)(b)(i) & (ii) of the *Environmental Planning and Assessment Regulation 2021*. In particular, the application does not include:

- a) A statement by a qualified designer addressing:
 - i. The Design Principles for residential apartment development.
 - ii. The objectives in Parts 3 and 4 of the Apartment Design Guide.
- 7. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the development does not provide sufficient information to appropriately consider the likely impacts.
- 8. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the development as it would:
 - a) Have a detrimental impact given the visual and physical impacts upon amenity to both internal and external residential properties due to:
 - i. The bulk and scale of the development.
 - ii. The provision of outdoor play areas of the proposed child care centre within the side setback area abutting proposed Building C and 2, 4 & 6 Hatton Street.
 - iii. Inadequate building separations which would result in a loss of visual and acoustic privacy.
 - b) Have a detrimental economic impact given that insufficient information has been submitted which demonstrates that the neighbouring residential properties at 2, 4 & 6 Hatton Street and 20 Blaxland Road will not be isolated and that they can be developed to a standard permitted and anticipated by applicable planning instruments.
- 9. Pursuant to Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979, the public exhibition of the application has resulted in submissions which raise issues that warrant the refusal of the application.
- 10. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not considered to be in the public interest.