

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-381
DA Number	LDA2023/0081
LGA	City of Ryde
Proposed Development	<p>Part demolition, alterations, additions and use of the premises for the purpose of a Waste or Resource Transfer Station for scrap metals. The proposed activity is classified as 'Designated Development' pursuant to Schedule 3 of the Environmental Planning & Assessment Regulation 2021.</p> <p>The proposal was also classified as 'Nominated Integrated Development', requiring a referral to the NSW Environmental Protection Authority, as a 'Scheduled Activity' in which the operator is required to obtain an Environment Protection Licence, pursuant to Sections 43(b), 48 & 55 of the Protection of the Environment Operations Act 1997. The NSW Environmental Protection Authority has considered the proposed development as below the threshold that would require an Environment Protection Licence.</p>
Street Address	50 - 52 Buffalo Road, Gladesville
Applicant	Matthew O'Donnell - Circular Metals Gladesville Pty Ltd
Owner	DVP Investments Pty Ltd & Watou Holdings Pty Ltd
Disclosures	No disclosures with respect to the <i>Local Government and Planning Legislation Amendment (Political Donations) Act 2008</i> have been made by any persons.
Date of DA lodgement	28 March 2023
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> 79 submissions, including 1 submission in support
Recommendation	Refusal
Regional Development Criteria SEPP (Planning Systems) 2021	\$1,484,662 (excluding GST)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 Ryde Local Environmental Plan 2014 City of Ryde Development Control Plan 2014 City of Ryde Section 7.12 Development Contributions Plan 2020
List all documents submitted with this	<ul style="list-style-type: none"> Attachment 1: Proposed Architectural Plans Attachment 2: Environmental Impact Statement Attachment 3: Plan of Management

report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 4: SEARs • Attachment 5: Peer Review of Air Quality Report • Attachment 6: Peer Review of Acoustic Report • Attachment 7: Draft Reasons for Refusal
Clause 4.6 requests	<ul style="list-style-type: none"> • Nil
Summary of key submissions	<ul style="list-style-type: none"> • The subject site is not suitable for the proposed use due to its sensitive location surrounded by educational, residential and businesses. • The proposed development will have significant impacts on adjoining land uses through excessive noise, vibration and air pollution. • Polluted runoff from the subject site will impact on nearby Buffalo Creek. • The proposed development will have a significant impact on the road safety due to narrow width of surrounding streets and use of large trucks (semi-trailers) to deliver and transfer the scrap metal. This will also impact on the pedestrian safety. • The applicant's calculation for number vehicles delivering and taking scrap metal is incorrect based on daily amount of scrap metal being processed. • The proposed development is not qualified as a light industry and not suitable for the current zoning of the land. • The current DA is not too different to the previous 2 DAs that have been rejected. • The site is being used for the similar purpose without development consent.
Report prepared by	Sohail Faridy, Senior Coordinator Development Assessment
Report date	20 September 2023

Summary of s4.15 matters		
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the Assessment report?		Yes
Legislative clauses requiring consent authority satisfaction		
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?		Yes
Clause 4.6 Exceptions to development standards		
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?		Not applicable
Special Infrastructure Contributions		
Does the DA require Special Infrastructure Contributions conditions (S7.24)?		Not applicable
Conditions		
Have draft conditions been provided to the applicant for comment?		No

1. EXECUTIVE SUMMARY

This assessment report considers a development application for part demolition, alterations, additions and use of the premises for the purpose of a *Waste or Resource Transfer Station* for scrap metals. The proposed activity is classified as 'Designated Development' pursuant to Schedule 3 of the Environmental Planning & Assessment Regulation 2021 at 50 – 52 Buffalo Road, Gladesville.

The proposal was also classified as 'Nominated Integrated Development', requiring a referral to the NSW Environmental Protection Authority (EPA), as a 'Scheduled Activity' in which the operator is required to obtain an Environment Protection Licence (EPL), pursuant to Sections 43(b), 48 & 55 of the Protection of the Environment Operations Act 1997. The EPA on 14 July 2023 advised Council that the proposed waste handling capacity is below the threshold requiring issue of an EPL. The application is no longer considered as nominated integrated development.

Community notification and advertisement

The DA was notified and advertised as lodged in accordance with Part 2.1 of *Ryde Community Participation Plan* and 78 submissions were received objecting to the proposal and 1 submission was received in support of the proposal. The key issues raised objecting to the proposal relate to:

- The subject site is located in a sensitive location surrounded by educational, residential and commercial land uses.
- The proposed development will have significant impacts on adjoining land uses through excessive noise, vibration and air pollution.
- Polluted runoff from the subject site will impact on nearby Buffalo Creek.
- The proposed development will have a significant impact on the road safety due to the narrow width of surrounding streets and use of large trucks (semi-trailers) to deliver and transfer the scrap metal. This will also impact on the pedestrian safety.
- The applicant's calculation for the number of vehicles delivering and taking scrap metal is incorrect based on the daily amount of scrap metal being processed.
- The proposed development is not qualified as a light industry and not suitable for the current zoning of the land.
- The current DA is not dissimilar to the previous 2 DAs that have been rejected.
- The site is being used for the similar purpose without development consent.

The issues are generally considered valid and the proposal is not considered in the public interest.

Section 4.15 Assessment summary

Designated Development

Section 4.10 of the Environmental Planning and Assessment Act indicates that designated development is development that is declared to be designated development by an environmental planning instrument or the regulations.

The proposed use is 'waste or resource transfer station', as mentioned in the Environmental Impact Statement (EIS) submitted with the development application. This land use is a child term under the mother term of 'waste or resource management facility'. Schedule 3, Part 2, Clause 45(4) of Environmental Planning and Assessment Regulations 2021 (Regs 2021), identifies 'waste management facilities or works' as designated development if (emphasis added):

(4) *Development for the purposes of a waste management facility or works is designated development if the facility or works are located -*

- (a) *in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area of State significance, or*
- (b) *in an area of high watertable, highly permeable soils, acid sulfate, sodic or saline soils, or*
- (c) *in a drinking water catchment, or*
- (d) *in a catchment of an estuary where the entrance to the sea is intermittently open, or*
- (e) *on a floodplain, or*
- (f) ***within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the consent authority's opinion, considering topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood because of noise, visual impacts, vermin, traffic or air pollution, including odour, smoke, fumes or dust.***

The subject site is located within 200m of a residential zone and residential properties and therefore meets the above criterion to be considered as a designated development. The application is lodged as designated development.

Environmental Impacts

The applicant submitted an acoustic assessment report and an air quality impact assessment report. These reports were peer reviewed by Council's appointed external experts and by Council's Environmental Health section. These reviews identified several concerns requiring additional information/clarification. On 2 June 2023, the applicant advised Council that they will not be providing any further information to Council and that the development application must be assessed based on information currently submitted.

Council has inadequate/incorrect information to carry out a detailed assessment of the likely environmental impacts of the proposed development.

Land Contamination

State Environmental Planning Policy (Resilience and Hazards) 2021 requires consideration of whether a site is potentially contaminated and whether any such contamination makes the site unsuitable for the proposed form of development or whether remediation works are required to make the site suitable for the form of development proposed.

The site has a history of industrial uses and the application is accompanied by a Phase II Detailed Site Investigation Report prepared by JK Environments. The report

concludes that the site is contaminated and recommends remediation of the site following preparation of a Remediation Action Plan (RAP) and validation of the site post remediation. A RAP has been submitted with the development application.

Council's Environmental Health section reviewed the RAP and found it acceptable. No concerns were raised on site's suitability for the intended use post remediation.

Planning Secretary's Environmental Assessment Requirements (SEAR)

On 27 October 2021, Planning Secretary's Environmental Assessment Requirements (SEAR 1617) was issued to the applicant (see Attachment 4). The SEARs is valid for a period of 2 years until 27 October 2023. The development application is accompanied by an Environmental Impact Statement (EIS) that provides an assessment against all key issues of the SEARs.

An assessment of consistency with the SEARs is provided later in this report which concludes that the EIS and other information submitted with the development application is generally inconsistent with the SEARs.

The information submitted with the development application is inadequate or incorrect and Council is unable to carry out a proper assessment. The application is also inconsistent with the SEARs and overall, it is not considered in the public interest. The application is recommended for refusal.

On 31 July 2023, the Applicant filed a Class 1 Appeal against the deemed refusal of the development application in the Land & Environment Court.

2. THE SITE & LOCALITY

The site is known as 50-52 Buffalo Road, Gladesville and is comprised of two allotments with a legal description of Lot 1 in DP 390558 and Lot C in DP 419774 ("the Site"). The Site is located on the south-western side of Buffalo Road, in proximity to a bus depot. The Site is an irregular shaped allotment with a frontage to Buffalo Road of 35.24m, an irregular rear boundary dimension of 60.96m, a north-western side boundary dimensions of 106.68m and a south-eastern side boundary dimension of 76.20m, with a site area of 2,879m². The Site falls from the south (rear) to the north (Buffalo Street) by approximately 3m. The ground level of 52 Buffalo Road is higher than that of 50 Buffalo Road.

No. 50 Buffalo Road is currently developed with a rectangular shaped industrial building in proximity to the south-eastern boundary and setback approximately 8m from Buffalo Road. The remainder of the property is concreted, with a driveway along the north-western boundary to a parking area at the rear of the Site. The property is currently being occupied by an automotive repair business.

No. 52 Buffalo Road is occupied by two industrial buildings. The front building is an irregular shape in proximity to the south-eastern boundary and setback approximately 12m from Buffalo Road, which is currently occupied by an automotive repair business. The rear building is rectangular in shape and has a minimal setback

from the rear and side boundaries. The rear building and the rear portion of the front building was previously used as an unauthorised waste transfer station for scrap metals. No such unauthorised use was observed during a recent site inspection on 10 May 2023. The remainder of the property is concreted, with a driveway along the north-western boundary to a concreted area between the buildings and with the front setback used for parking.

The Site is located near the edge of the General Industrial area which is surrounded by residential and other sensitive users, including a school (see Figures 1 and 2).

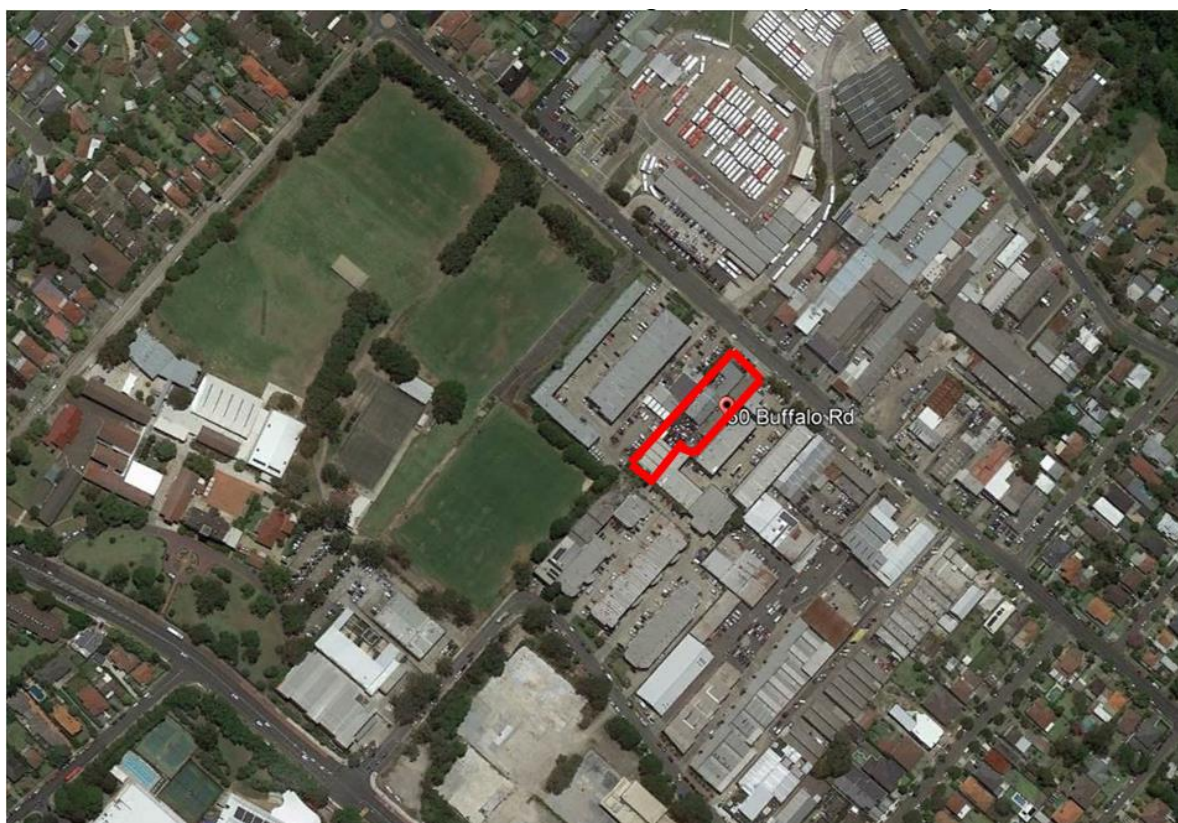


Figure 1 - Aerial photograph of site in context – outlined in red

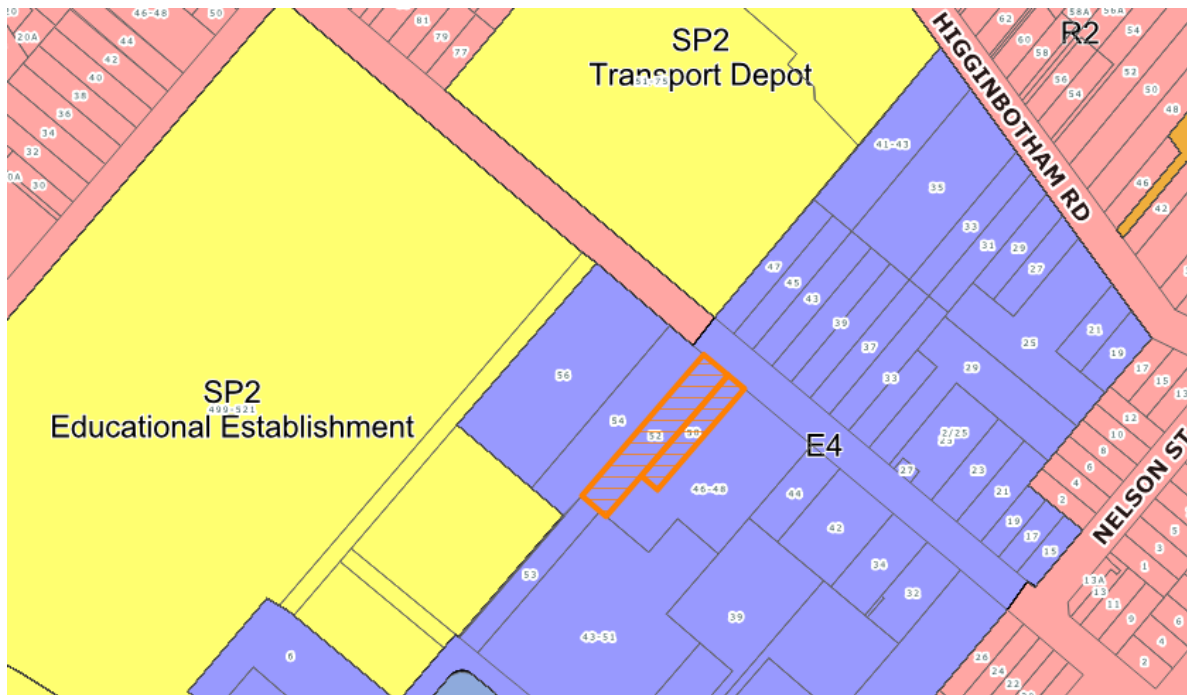


Figure 2 – Extract from zoning map – site outlined in orange

Immediately to the north-west of the Site is 54 Buffalo Road which is occupied by a Mazda service centre. The building on this site is setback approximately 30m from Buffalo Road, with carparking forward of the building, behind a landscaped area. Further to the northwest is a 2-3 storey industrial unit complex, which is setback behind a landscaped area and has limited parking forward of the building line. This property is located at the boundary of the industrial area, with the playing fields of Holy Cross College to the north-west and west of this property.

Immediately to the south-east of the Site is a 2 storey industrial unit complex at 46-48 Buffalo Road. The building is setback approximately 15m from the street with some car parking provided forward of the building line behind a landscape strip. Opposite the site in Buffalo Road are a series of light industrial premises, including car service centre and motor repairs and diagonally to the north, the bus depot.



Photo 1 – The Site



Photo 2 – No. 54 Buffalo Road (Next door site to the north west)



Photo 3 – No. 46 - 48 Buffalo Road (Next door site to the south east)

3. THE PROPOSAL

Component	Proposal (as lodged)
Demolition	Demolish a warehouse building currently situated on No 50 Buffalo Road and the rear part of the existing building at No 52 Buffalo Road.
Construction	<ul style="list-style-type: none"> • New warehouse to the rear of the site; • Internal alterations to the front building to create loading zone, offices and amenities; • 11 x parking spaces along the south eastern boundary; • 2 x weighbridges; • Landscaping within the front setback; and • No new signage proposed as part of this DA.
Proposed Use	<ul style="list-style-type: none"> • Receiving, consolidating and onforwarding of approximately 25,000 tonnes of scrap metal per annum. • The scrap metals, include ferrous, non ferrous, electronic waste (E waste), whitegoods and batteries. • No special, liquid, hazardous, restricted solid waste or general solid waste (putrescible), as defined in the Protection of the Environment Operations Act 1997 (NSW) or the EPA's Waste Classification Guidelines Part 1: Classifying Waste (2014), will be accepted at the facility.
No of Employees	Maximum 6 employees at any time.
Hours of Operation	7am to 6pm, Monday to Friday and 8am to 3pm Saturday

The process is described as follows, based on a review of the EIS:

- The truck enters the site, is visually checked and weighed on the weighbridge.
- The truck enters the rear building and occupies the loading area, the doors are then shut and the truck is unloaded.
- The doors to the building are opened and the truck leaves, via the weighbridge.
- The material unloaded is sorted in the building and placed into defined stockpiles based on the metal type.
- Once sufficient material of a particular metal is stored, it is collected and transferred to a processing centre, using the same process as for deliveries.
- A similar process occurs for small vehicles in the front building, with the scrap metal then transferred by forklift to the rear building to be sorted.

The EIS indicates the site has the capacity to accommodate up to 500 tonnes of scrap metal per week and up to 25,000 tonnes per year.

A review of EIS and Transport and Traffic Accessibility Impact Assessment indicates following types of delivery vehicles during morning and evening peaks:

- 11 vehicle trips per hour in the morning peak hour (6 in, 5 out)
- 11 vehicle trips per hour in evening peak hour (5 in, 6 out)

The above trips are based on the following hourly vehicle types and frequencies:

- 1 x Semi Trailer (20.0m Articulated Vehicle)
- Up to 4 x small Utes per hour
- 1 x light truck per hour
- Up to 3 x cars/trailer per hour
- Up to 2 x skip bin trucks per hour

The EIS indicates that there is to be no crushing or grinding works proposed onsite.

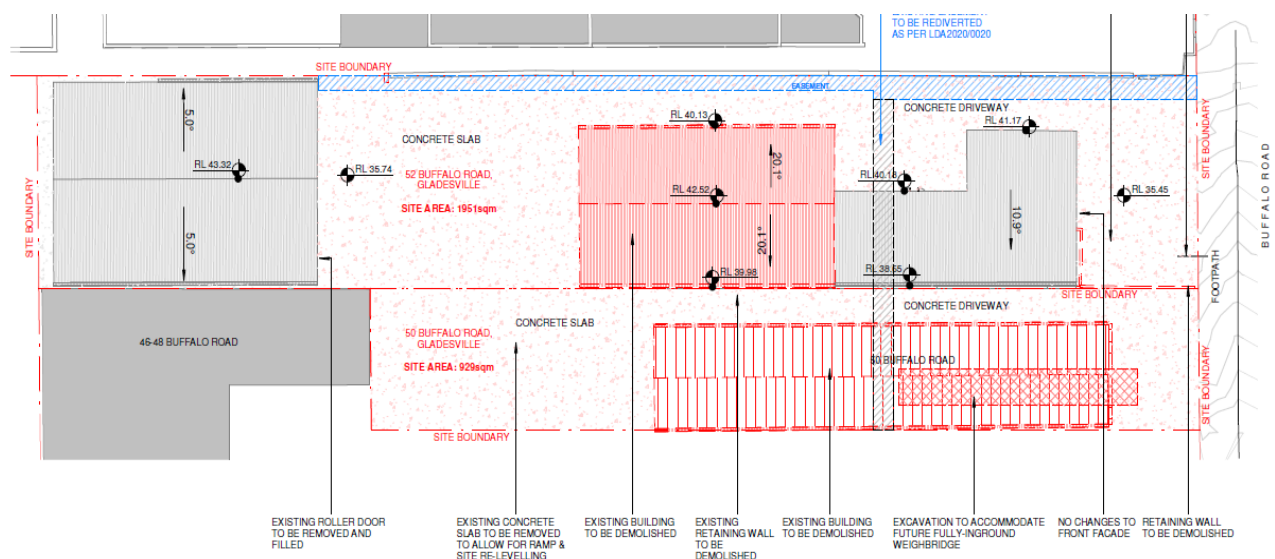
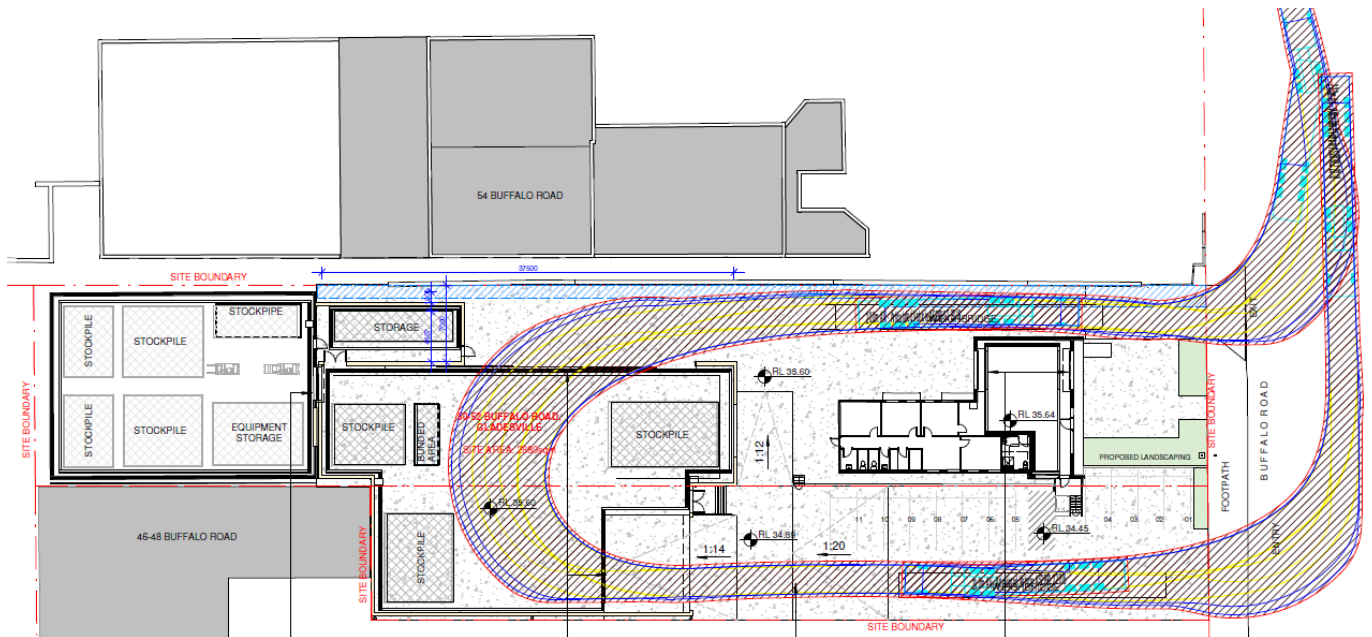
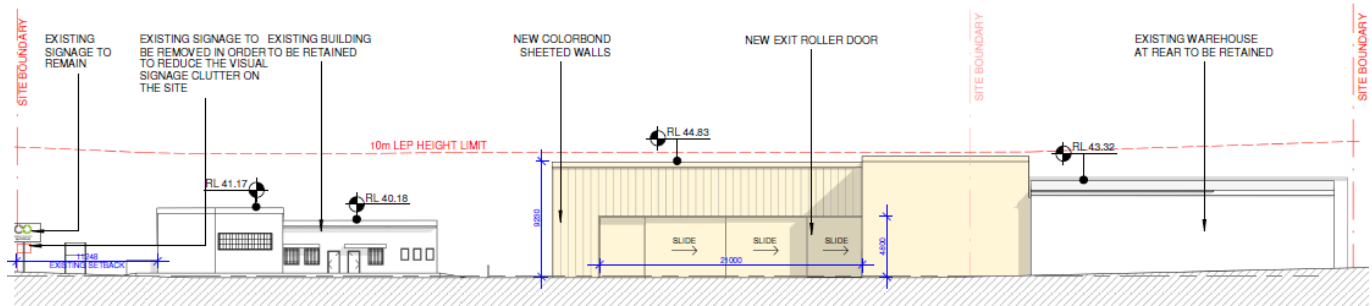


Figure 3 – Demolition Plan





4. HISTORY

4.1 Site History

Two previous applications for similar works and use were lodged with the Council. Details of those applications are as under:

LDA2021/0124 – sought approval for alterations and additions to an industrial site to establish a resource recovery transfer station for scrap metals. The application was refused by Ryde Local Planning Panel on 9 September 2021 for the following reasons:

1. Pursuant to Clause 32(1)(d)(vi) of Schedule 3 of the Environmental Planning and Assessment Regulation the proposed development constitutes a designated development being within 500m of a residential zone and 250m of a dwelling not associated with the use and being likely to significantly affect the amenity of the neighbourhood. The application has not been lodged as a designated development.

2. *The proposed handling capacity is excessive for the location of the site in proximity to residential and other sensitive users and the impacts of the use cannot appropriately be mitigated.*
3. *The application is not accompanied by a Phase I and Phase II Site Investigation Report notwithstanding the site is likely to be contaminated. The application has not satisfied the requirements of State Environmental Planning Policy No. 55 – Remediation of Land.*
4. *The application provides inadequate and contradictory information in relation to processes to be carried out onsite, including details of loading and unloading, baling and whether skips are deposited onsite and collected or unloaded and loaded whilst on vehicles.*
5. *The lack of information provided in relation to the processes carried out onsite results in the acoustic report being inadequate, not addressing all noise sources of the processes. The impact of the development upon the acoustic amenity of the neighbourhood is unacceptable.*
6. *The traffic report is inadequate, not addressing the potential for queuing of vehicles on Buffalo Road due to the location of the weighbridge and the length of time for loading/unloading. The traffic report fails to address whether a 19m long articulated vehicle (AV) is able to safely manoeuvre within the surrounding public road network to travel to and from the site.*
7. *The lack of information provided in relation to the processes carried out onsite results in the dust report being inadequate, not appropriately addressing all dust generating processes. The impact of the development upon the air quality of the neighbourhood is unacceptable. The impact upon the health of employees working in an enclosed space in relation to dust generation has not been addressed.*
8. *The application does not address the impact of vibration resultant from the processes to be carried out onsite notwithstanding the occupants of adjoining properties have identified concerns with such impact during the unauthorised operation of the site.*
9. *Based on the description of the process it does not appear that adequate areas are proposed to be bunded to ensure no contaminants enter the stormwater system, with only a small bunded area provided.*
10. *An appropriate accessible path of travel and accessible WC is not provided.*
11. *The development will have a detrimental impact upon the streetscape, with inadequate provision for landscaping at the street frontage commensurate with the emerging streetscape character of the area.*

LDA2022/0042 – sought approval for alterations and additions to existing industrial buildings and use of the premises for the purpose of a Waste or Resource Transfer Station for scrap metals. The application was lodged on 8 February 2022 and the

then Department of Planning Industry and Environment (DPIE) issued the Secretary's Environmental Assessment Requirements (SEARs) on 27 October 2021.

On 13 April 2022, the Applicant filed a Class 1 Appeal against the deemed refusal of the application in the Land and Environment Court. The applicant discontinued this appeal on 14 August 2022. Prior to that, Council as respondent raised following contentions in its filed Statement of Facts and Contentions:

- 1. The local road network is not designed to cater for the regular use by a 20m long semi-trailer.*
- 2. The development will result in unacceptable impacts upon the amenity of the adjoining properties.*
- 3. The development does not provide for the appropriate disposal of stormwater.*
- 4. The EIS has not been prepared in a manner that is consistent with the requirements of the Secretary's Environmental Assessment Requirements (SEARs) dated 27 October 2021, issued by the DPIE and therefore is inconsistent with Section 191 of the Environmental Planning and Assessment Regulation 2021.*
- 5. The design provides an inadequate number of parking spaces and has not been supported by sufficient information.*
- 6. The application is not accompanied by an adequate Plan of Management (POM) which will ensure the use of the premises does not result in unacceptable impacts upon surrounding properties.*
- 7. The development is not in the public interest.*
- 8. The proposal does not make adequate and appropriate provision for the disposal of stormwater from the Site.*
- 9. Inadequate information is provided to allow an assessment of the application; including:*
 - Onsite Processes*
 - Air Quality*
 - Water Quality Monitoring*
 - Construction*
 - Contamination*
 - Acoustic*
 - Vibration*
 - Architectural Plans*
 - Landscape Plans*
 - Stormwater Plans*
 - Survey Plans*
 - Stormwater Management Report*

LDA2013/0202, dated 26 August 2013, approved the use of the site at 50 Buffalo Road for use of part of the site for storage and distribution of packaged liquor.

Development Consent No. 44/92, dated 27 May 1991 approved use of the site at 52 Buffalo Road as panel beating, spray painting and dismantling of motor vehicle.

Development Consent No. A4274, dated 27 November 1984 to carry out internal alterations to the factory building used for importation, assembly, dismantling, packaging, wholesaling and distribution of motor vehicle parts and accessories at 50 Buffalo Road.

Development Consent No. A1117, dated 5 December 1972 for an extension of broom factory – two bay storage areas at 50 Buffalo Road.

Development Consent No. 1165, dated 29 September 1961 approved an application to enlarge an industry by addition – motor repair workshop at 52 Buffalo Road. BA 1466/63 was approved on 7 November 1963.

4.2 Application History

Application History	
28 March 2023	This DA was lodged for alterations, additions and use of the premises for the purpose of a Waste or Resource Transfer Station for scrap metals. The proposed activity is classified as 'Designated Development' pursuant to Schedule 3 of the Environmental Planning & Assessment Regulation 2021.
30 March 2023 to 5 May 2023	The DA was notified and advertised. 82 submissions were received objecting to the proposal. One submission was received in support of the proposal.
14 April 2023	RFI letter was sent to the applicant outlining concerns regarding: <ul style="list-style-type: none"> • Drainage; and • Traffic issues.
11 May 2023	Applicant submitted the requested information.
1 June 2023	Peer review report on air quality assessment completed by Council appointed external expert.
2 June 2023	The applicant advised in writing that no additional information will be provided and the DA to be determined based on information provided.
13 June 2023	Peer review report on acoustic assessment completed by Council appointed external expert.
14 June 2023	Briefing meeting held with the Sydney North Planning Panel. Key issues discussed included: <ul style="list-style-type: none"> i. Applicant's unwillingness to submit additional information; ii. Amenity impacts on adjoining residents; and iii. Issues raised during peer review of Air Quality and Acoustic reports by Council appointed external experts.
14 July 2023	NSW Environment Protection Authority provided their response advising that an Environmental Protection Licence (EPL) will not be required for the proposed use due to operation capacity of the use being below the threshold.

5. PLANNING ASSESSMENT

This section provides an assessment of the DA against section 4.15(1) matters for consideration of the *Environmental Planning and Assessment Act 1979*.

(a) The provisions of-

(i) Any environmental planning instrument:

5.1 Designated Development

Section 4.10 of the Environmental Planning and Assessment Act indicates that designated development is development that is declared to be designated development by an environmental planning instrument or the regulations.

The proposed use is 'waste or resource transfer station', as mentioned in the EIS. This land use is a child term under the mother term of 'waste or resource management facility'. Schedule 3, Part 2, Clause 45(4) of Regs 2021, identifies 'waste management facilities or works' as designated development if:

- (4) Development for the purposes of a waste management facility or works is designated development if the facility or works are located -*
 - (a) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area of State significance, or*
 - (b) in an area of high watertable, highly permeable soils, acid sulfate, sodic or saline soils, or*
 - (c) in a drinking water catchment, or*
 - (d) in a catchment of an estuary where the entrance to the sea is intermittently open, or*
 - (e) on a floodplain, or*
 - (f) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the consent authority's opinion, considering topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood because of noise, visual impacts, vermin, traffic or air pollution, including odour, smoke, fumes or dust.*

The subject site is located within 200m of a residential zone and residential properties and meets the above criterion. The proposal is therefore considered as a designated development.

5.2 Protection of the Environment Operations Act 1997 (POEO Act)

The development was also lodged as 'Nominated Integrated Development', requiring a referral to the NSW Environmental Protection Authority (NSW EPA), as a 'Scheduled Activity' in which the operator was required to obtain an Environment Protection Licence (EPL), pursuant to Sections 43(b), 48 & 55 of the Protection of the Environment Operations Act 1997. The application was referred to NSW EPA and a response was received on 14 July 2023. The NSW EPA concluded that the maximum handling capacity of the subject use is less than the threshold requiring

an EPL and therefore General Terms of Approval (GTAs) were not required to be issued.

5.3 SEPP (Planning Systems) 2021

Under Schedule 6, Section 7(1)(c) of Planning System SEPP 2021, a designated development is classified as regionally significant development that would need to be determined by the regional Panel. The proposal is for a waste management facility, classified as designated development and therefore referred to Sydney North Planning Panel for determination.

5.4 SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

This State Environmental Planning Policy (SEPP) (formerly SEPP No. 55 – Remediation of Land) aims to ‘provide a State-wide planning approach to the remediation of contaminated land’. Clause 4.6 of this SEPP requires Council to consider whether the site is contaminated, and if so whether it is suitable for the proposed development purpose.

The site has a history of industrial use and as such is likely to contain areas of contamination. The application is accompanied by a Phase II Detailed Site Investigation (DSI) Report and a Remediation Action Plan (RAP) prepared by JK Environments. The RAP states that the preferred option for remediation is: *excavation and off-site disposal and will include excavation and offsite disposal of the asbestos-contaminated fill behind the retaining wall, decommissioning and removal of the USTs and associated infrastructure, and excavation and off-site disposal of any localised contaminated soils/bedrock in the vicinity of the USTs.*

Council’s Environmental Health Section reviewed the DSI and RAP and raised no objection to the proposed remediation plan.

Given the above assessment, Council is satisfied that sufficient information has been provided to demonstrate that the site can be made suitable for its use as a waste management facility.

5.5 State Environmental Planning Policy – Biodiversity and Conservation SEPP 2021

Chapter 2 Vegetation in non-rural area

Chapter 2 of this SEPP approval pathways for the removal of vegetation in non-rural areas and matters for consideration in the assessment of applications to remove vegetation. The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation. The proposal does not include removal of any significant trees nor it is listed on Council’s Environmentally Sensitive Areas map.

Chapter 6 Water Catchment

Chapter 6, ‘Water Catchment’ applies to the whole of the Ryde Local Government Area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway

environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development.

Council's stormwater and drainage engineers raised objections to the proposed development generally due to lack of information on proposed onsite stormwater detention system.

5.6 SEPP (Transport and Infrastructure) 2021 - Division 23

Pursuant to State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP Infrastructure), Division 23, Clause 2.153, development for the purpose of a waste or resource management facility, is permitted with consent in the IN2 Light Industrial zone (the site was zoned IN2 Light Industrial at the time of lodgement, the zoning is since changed to E4 General Industrial).

Schedule 3 of the SEPP Infrastructure lists the types of development that are defined as Traffic Generating Development to be referred to TfNSW. The referral thresholds for 'Waste or resource management facilities' development are:

- *Any size or capacity*

The SEARs was referred to TfNSW and a response required preparation of a Traffic Impact Assessment. The application is accompanied by a Traffic Impact Assessment Report which has been reviewed by Council's Traffic Section and found acceptable subject to conditions.

5.7 Assessment Against SEARs

Council's appointed planning consultant reviewed the proposed development against the provisions of SEARs and found it inconsistent with Section 191 of the Regs 2021 for the following reasons:

- 1. The EIS fails to fully address the SEARS, not providing detailed justification for the proposal and suitability of the site for the development as required by the SEARS. The EIS seeks to justify the suitability of the site for the use having regard to the cost of relocation given the site's current unauthorised use and the loss of employment and the availability of a service for Sydney's waste disposal needs. The final justification is the use having no unacceptable economic, environmental or social impacts. These justifications are not valid planning arguments for use of the site, are not supported by sufficient evidence, provide no information on what alternate sites were considered and do identify what is the net increase in employment from the current approved use of the premises. Inadequate consideration has been given to the external impacts of handling large waste such as cars.*

2. *The EIS fails to fully address the SEARS, not providing sufficient detail of the source of the waste streams, in particular the largest waste stream of ferrous steel which equates to up to 80 tonne per day (or the equivalent of approximately 58 x small SUVs).*
 - i. *The EIS fails to fully address the SEARS, providing insufficient information in relation to how and where this waste would be stored and handled onsite and not providing a detailed justification that the site can accommodate the proposed processing capacity, having regard to the scope of the operations and its environmental impacts and relevant mitigation measures. Insufficient information is provided in relation to:*

the “baling” of waste material;
 - ii. *whether the estimated traffic generation can cater for the delivery and removal of the identified maximum quantity of waste each day, when the reduced frequency of travel of semi-trailers to the site between 7-8am, 12-1pm and 4.30-5.30pm is in operation;*
 - iii. *whether the storage capacity is adequate to support more than one day of collection of ferrous steel at the rate of 80 tonne per day;*
 - iv. *the maximum size of stockpiles before materials are transferred from the site and whether the stockpile areas are adequate to hold sufficient material in the instance it is not baled or otherwise compacted;*
 - v. *whether there is sufficient space within the building for a semi-trailer to be fully contained within, with the doors closed, and either loaded or unloaded whilst the stockpiles are occupied at capacity, particularly when handling waste of the maximum size identified (4m in length and 2 tonnes in weight).*
3. *The EIS fails to fully address the SEARS, not providing a description of all potential noise and vibration sources during operation as inadequate information has been provided to assess the impact of “baling” of ferrous steel and aluminium to allow substantial daily quantities to arrive at the site, be stored and be removed from the site. Insufficient information has been provided to assess the noise and vibration impact of handling of large waste (including cars) onsite.*
4. *The EIS fails to fully address the SEARS, not providing information in relation to the maximum size of stockpiles. Such information has not been provided and is required for consideration of such matters as access for emergency vehicles in the event of fire or other environmental incident and safety.*
5. *The EIS fails to fully address the SEARS, not providing a noise and vibration assessment prepared in accordance with the relevant EPA guidelines. The EIS fails to identify 26 Buffalo Road (located 196m from the site) which is residential or the Holy Cross sporting field (located 20m from the site) as sensitive noise and vibration receivers.*

6. The EIS fails to fully address the SEARS, not providing the following traffic and transport related information:

- i. Road traffic generation during construction;
- ii. Management of internal pedestrian movements; and
- iii. Plans showing how all vehicles likely to be generated during construction and operation and awaiting loading, unloading or servicing can be accommodated onsite to avoid queueing onto the street network.

The application is recommended for refusal due to it being inconsistent with the SEARs.

5.8 Ryde Local Environmental Plan (LEP) 2014

This section provides a detailed assessment of the proposed development against Ryde LEP 2014 and its relevant development standards.

Permissibility

The site is zoned E4 General Industrial under the provisions of Ryde Local Environmental Plan 2014 (RLEP 2014) and a waste or resource transfer station for scrap metals is an innominate permissible use with consent in that zone, being a development not specified as permitted without consent or prohibited.

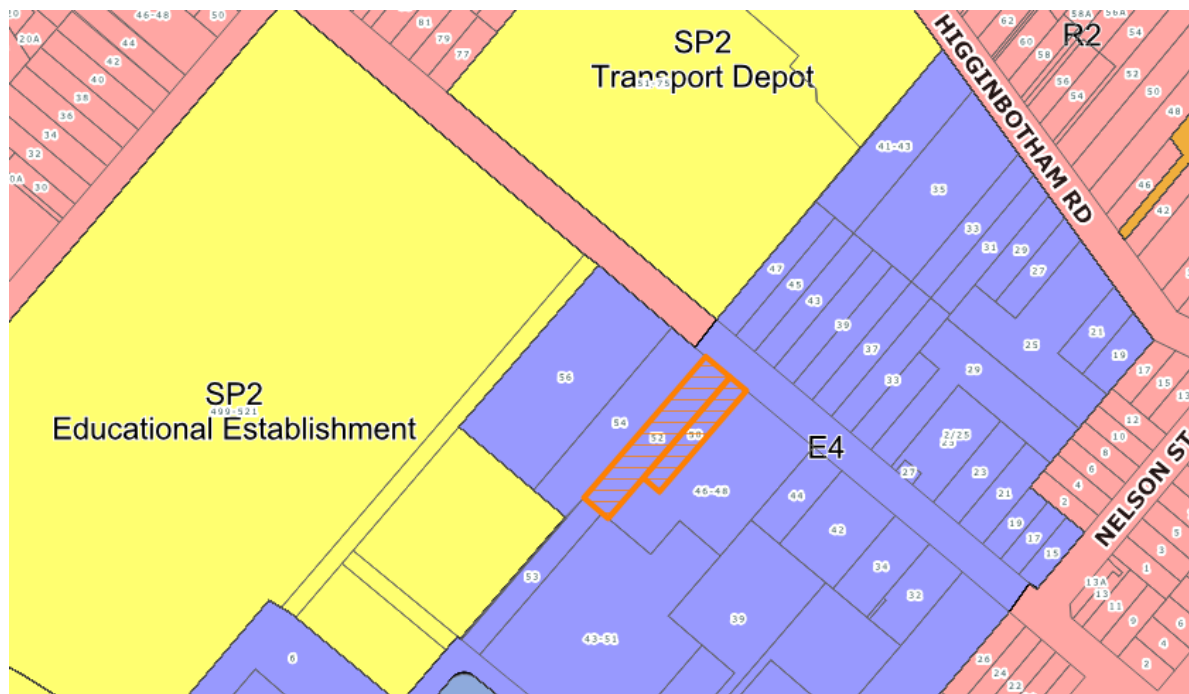


Figure 9: Extract from Ryde Maps indicating the zoning of the site and surrounds.

Zone Objectives

At the time of lodgement of the application, the site was zoned IN2 Light Industrial under RLEP 2014 and offered different objectives for the zone. The zoning

provisions, as applicable to the subject site has since been changed to E4 which has a different set of objectives.

The proposal is generally considered inconsistent with the objectives of the zone as discussed below:

- *To provide a wide range of light industrial, warehouse and related land uses.*

The subject site currently accommodates 2 x mechanical workshops. The proposal involves a single consolidated use of the site as a metal recycling facility. This objective is considered to be satisfied.

- *To ensure the efficient and viable use of land for industrial uses.*

The proposed use is considered to raise significant noise, vibration and amenity impacts that will adversely impact the adjoining land uses. Council's external experts have identified several issues with the specialist reports addressing noise, vibration and dust. These issues are discussed later in this report. The applicant declined to provide any additional information and the proposal is not considered to satisfy this objective.

- *To minimise any adverse effects of industry on other land uses.*

As discussed above, the noise, vibration and dust related issues are not adequately addressed. The proposal is considered to adversely impact on the adjoining land uses as evident from public submissions. This objective is not considered to be satisfied.

- *To encourage employment opportunities and to support the viability of centres.*

The development would offer a total of 6 job opportunities. The applicant has not provided what is the total number of employment currently being offered by the site that accommodates 2 x mechanical workshops and if there will be any net increase in employment opportunities.

- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*

This objective is not relevant to the assessment of the application.

Other relevant provisions of RLEP 2014 are discussed in the following table:

Standard	Permitted	Proposed	Compliance	Variation
4.3 Height of Buildings	10.0m	The proposed building height is 9.945m.	Yes	N/A
4.4 Floor Space Ratio (Site Area: 2,879m ²)	1:1	Proposed GFA = 1324m ² FSR = 0.46:1	Yes	N/A

Standard	Permitted	Proposed	Compliance	Variation
5.10 Heritage Conservation Area	The site is not within a conservation area and is not identified as an item of heritage. The site is within the vicinity of an item of heritage, Holy Cross College, however the proposed works do not result in any detrimental impacts upon the heritage significance of that item.		Yes	N/A
6.10 Acis Sulfate Soils	The subject site is classified as Class 5 land. The proposed excavation works are relatively minor and are not works within 500m of Class 1-4 land that is below 5m AHD and by which the water table is likely to be lowered below 1m AHD on that land.		Yes	N/A
6.2 Earth Works	This clause requires consideration of the impact of earthworks in relation to environmental functions, processes, neighbouring uses, cultural and heritage items and features of the surrounding land. The proposed earth works are relatively minor and not considered to detrimentally impact the surrounding environment and functions.		Yes	N/A
6.4 Stormwater Management	Council's Development Engineer has completed a review and identified inadequate/insufficient information to carryout a proper and complete assessment of the proposed stormwater management system.		No	Insufficient information

5.9 Draft Environmental Planning Instruments

There are no draft instruments relevant to the site and proposed development.

5.10 Ryde Development Control Plan (DCP) 2014

The proposal has been assessed against the following relevant sections of the Ryde DCP 2014:

- Part 2 Community Participation Plan and Procedure
- Part 7.2 Waste Minimisation and Management
- Part 8.2 Stormwater and Floodplain Management
- Part 8.3 Driveways
- Part 9.1 Signage
- Part 9.2 Access for People with Disabilities
- Part 9.3 Parking Controls

The application was notified in accordance with Council's participation plan and total of 82 submissions (78 in opposition and 1 in support) were received. The submissions received are addressed later in this report.

Part 7.2 – Waste Minimisation and Management

A Waste Management Plan has not been provided with the proposal. The proposal involves demolition/construction and ongoing use as a waste management facility. No details are provided for waste management of the facility for the demolition/construction phase and later use of the site as a waste management facility with 6 employees and frequent visitors. This is inconsistent with the provisions of Sections 2.4 and 2.10 of Part 7.2.

Part 8.2 – Stormwater and Floodplain Management

Council's Senior Development Engineer has raised concern with the proposed on-site detention (OSD), and encroachment of the weighbridge over an easement to drain. This will require further information and assessment.

Part 8.3 – Driveways

The proposed entry weighbridge is located in front of proposed parking spaces. When a vehicle is on weighbridge, the staff and visitor parking spaces cannot be safely used. This will also result in queuing on Buffalo Road as no waiting bay is provided.

Part 9.1 – Signage

No signage is proposed as part of this development application. The information submitted with the development application indicates that the existing signage will be replaced with new signage through a separate approval process. The architectural plans however still indicate several signs to be retained on the site.

Part 9.2 – Access for People with Disabilities

The development proposes an accessible parking space and a level path of travel into the main office building. This aspect is considered acceptable and can be further refined through conditions of consent if an approval is warranted.

Part 9.3 – Parking Controls

The proposal involves the provision for 11 on-site parking spaces including 1 accessible space. Council's DCP does not have a specific parking rate for a waste recycling facility. The proposed use is more closely aligned with part Warehouse or Distribution Centre and part Office use.

The proposed use offers a combined total area of 1245m² for waste storage and handling area and an office area of 79m².

The parking demand for warehouse will be 1245m² @ 1/300m² = 4.15 spaces

Parking demand for office use will be 79m² @ 1/40m² = 1.99 spaces

Total parking demand = 4.15 + 1.99 = 6.14 spaces

The proposal is considered to comply with the parking demand.

Council's development engineer applied industrial rate for parking calculation and despite the non-compliance considered it acceptable as only 6 people will be employed and no visitor parking is offered.

5.11 Planning Agreements OR Draft Planning Agreements

The application is not the subject of any planning agreements or draft planning agreements.

5.12 Section 7.12– Development Contributions

In the event approval is granted to the development, the following contributions would be payable and enforced by condition of consent:

<u>Non-Residential</u>	<u>Value of Development</u>	<u>% Rate</u>	<u>Contribution Amount</u>
S7.12 Contribution Calculation	\$1,484,662.00	1%	\$14,846.62

6. ANY MATTERS PRESCRIBED BY THE REGULATIONS

All matters prescribed by the regulations have been considered in the assessment of the application.

7. THE LIKELY IMPACTS OF THE DEVELOPMENT

The likely impacts of the proposed development have been addressed in this report.

8. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The site is in close proximity to sensitive land uses including residential properties and an educational establishment. The nearest residential property is under 200m and sporting fields of Holy Cross College is about 30m from the subject site. The cumulative impacts of noise, air quality, vibration and traffic related issues make the site unsuitable for a scrap metal recycling facility.

The site is also considered unsuitable for the proposed use as insufficient information is provided on stormwater management, air quality noise and vibration and Council is unable to make an informed decision.

9. SUBMISSIONS

The application was publicly exhibited as Designated and Integrated Development between 3 April 2023 and 9 May 2023.

In response, 82 submissions have been received - 78 objecting to the proposed development and 1 in support. A summary of the issues raised in the submissions objecting the proposed development and planning commentary is provided below:

- **The subject site is not suitable for the proposed use due to its sensitive location surrounded by educational, residential and businesses.**

As discussed in the body of the report, this issue is considered valid.

- **The proposed development will have significant impacts on adjoining land uses through excessive noise, vibration and air pollution.**

This issue is considered valid and concurred by Council's appointed experts.

- **Polluted runoff from the subject site will impact on nearby Buffalo Creek.**

Council's environmental health officer and development engineer have reviewed this application and did not raise any issues on pollutants from the site impacting on the Buffalo Creek.

- **The proposed development will have a significant impact on the road safety due to narrow width of surrounding streets and use of large trucks (semi-trailers) to deliver and transfer the scrap metal. This will also impact on the pedestrian safety.**

Council's Traffic Engineers raised issues with regard to the proposed use of 20m long Articulated Vehicles as the local roads are not designed for such vehicles. This will raise significant traffic safety concerns.

- **The applicant's calculation for number vehicles delivering and taking scrap metal is incorrect based on daily amount of scrap metal being processed.**

Council's Environmental Health Officer concurred that based on daily handling capacity, the site is capable of processing more than 30,000 tonnes of scrap metals per year.

- **The proposed development is not qualified as a light industry and not suitable for the current zoning of the land.**

The subject site was previously zoned IN2 light industrial and the current zoning is E4 General Industrial. As discussed in the body of the report, the proposed use is permissible with consent. The proposed use is however not considered consistent with the zone objectives.

- **The current DA is not too different to the previous 2 DAs that have been rejected.**

Each development application is assessed on its own merits. Regardless of the history of the site, the current DA has not been found supportable for the reasons outlined in this report.

- **The site is being used for the similar purpose without development consent.**

Council's records as well as the EIS indicate that the site was partly used as metal recycling facility. However no approval for such use of the premises can be identified on Council's records. Lodgement of previous DAs for the use of the site as a metal recycling facility was a direct result of Council's regulatory action of the unauthorised use of the site as a metal recycling facility. A recent site inspection identified that the site was only used as mechanical workshops and no evidence of use of premises

as a metal recycling facility was evident except a street sign. Regardless, this report is for a development application for use of the premises as a metal recycling facility.

10. THE PUBLIC INTEREST

Given the above assessment, it is not considered that approval of the application would be in the public interest as the site is in close proximity to sensitive land uses and Council is not provided with sufficient information to make an informed decision on site's suitability.

11. INTERNAL AND EXTERNAL REFERRALS

The following section outlines the response and conditions recommended from each of the internal and external referrals in relation to the subject application.

11.1 Internal Referrals

Development Engineer: Council's Senior Development Engineer did not support the proposed development for the following reasons:

Assessment of the engineering components of the proposed development has revealed the following matters need to be addressed:

- *There is no design detail of the proposed onsite detention system (OSD). In this regard, a detailed section through OSD tanks shall be provided to Council for assessment. The section shall show details including but not limited to the volume of the proposed OSD system, the locations and sizes of orifice and emergency overflow, centreline of the orifice, top of tanks levels, top water level, and the surface levels at which the tanks are situated. **This will require the stormwater management plan to be amended prior to development consent.***
- *The proposed northern weighbridge encroaches upon the easement to drain water. A written consent shall be provided by the beneficiary of the easement supporting the encroachment. **This will need to be addressed prior to the issue of consent.***

Council's Senior Development Engineer raised no objections to the proposed parking arrangements.

Landscape Architect: Council's Landscape Architect supports the proposal, subject to a single condition requiring all approved landscaping works to be completed prior to occupation of the building.

Environmental Health: Council's Environmental Health Officer did not support the proposal sighting lack of information and provided inter alia the following commentary:

Plan of Management (D23/42119)

Processing of Metals

The Plan of Management proposes a maximum daily volume of 100 tonnes, and maximum weekly volume of 500 tonnes, yet are proposing to operate 6 days a week, which if processing 100 tonnes per day will exceed the 30,000 tonnes per year criteria for scrap metal processing and would require licencing with the NSW EPA.

The NSW EPA has previously identified a number of key environmental protection measures that City of Ryde should consider in its overall assessment of the application. One of these measures included “No processing of material including crushing, melting, shredding, oxy cutting and/or grinding of metal are to occur on the site”.

Within the applicant’s Plan of Management, it is “the Ferrous (Steel) and aluminium streams will be stored in bays. The metals will then be baled and stacked in bays inside the warehouse building.”. Little to no information is provided on how metal will be baled within the submitted Plan of Management (D23/42199).

As the NSW EPA has directed that no processing is to occur at the premises, Environmental Health suggests that bailing will not be able to occur without some form of crushing or processing, and therefore alternative measures will be required. Further information will be required on what this process will consist of.

Due to the nature of the scrap metal industry, it is anticipated that there is the likely potential for larger items to be received by the facility. Large sized item are more difficult to handle and transport, so it is considered practical to cut these items to render them more effectively manageable.

Page 7 of the Plan of Management states that the maximum size of items is 2 tonne and 4m long to ensure they can be loaded to trucks, and that any materials larger are not accepted at site. The applicant needs to clarify if they intend to accept and transport vehicles at this facility. Submissions made as part of the application indicate that vehicles have previously been scrapped at the site. This is important as the loading and unloading of vehicles will generate more noise, and also have impacts on storage.

Statement of Environmental Effects (D23/42439)

Page 53 states that: At this stage, the nominated ‘Schedule Activity’ to be requested from the NSW EPA for inclusion in the EPL will be Clause 34 ‘Resource Recovery’ activity (Schedule 1 of the POEO Act).

This will need to be clarified with the EPA by the applicant, as Schedule 1, Part 1 Section 26 appears to be more appropriate as it relates directly to scrap metal processing but will also be impacted by their proposed annual tonnage, which may not have been calculated correctly based on days of operation and maximum daily volume.

Air Quality Impact Assessment (D23/42178)

An independent review of the Air Quality Impact Assessment was completed by Benbow Environmental dated 1 June 2023. Environmental Health supports the comments and recommendations outlined in table 2 of the report.

Drop Heights

Page 22 of the Air Quality Assessment states on page 7 that: scrap metal is not inherently dusty and would be dropped onto a sealed surface. This statement is somewhat misleading, as scrap metal has the potential to be significantly dusty, due to rust, dust generated during cutting off site, and dust tracked into the premises from vehicles transporting the scrap metal.

The NSW EPA document: Proposal for minimum environmental standards in the scrap metal industry Consultation Paper – NSW EPA 2017 states that: In a recent study, air samples collected from outside of five scrap metal facilities found concentrations of iron, manganese, copper, chromium, nickel, lead, cobalt cadmium and mercury that were above normal (background) concentrations.

This is of particular concern when considering that the site is located approximately 20m from a school sporting field.

There the impact of the height of scrap metal being dropped should not be overlooked and has been dismissed in the report as stating on page 22 that: drop heights are not a recommended control measure for the operations.

Page 18 however does state that a reduction from 3 metres to 1.5 is recommended to be applied where possible when dropping dusty material. This statement contradicts the statement made on page 22 but highlights that it will be very difficult to control dusty activities. Further clarification is required as to how the 1.5m recommendation will be enforced.

Acoustic Assessment (D23/42196)

An independent peer review assessment has been prepared by Thomas Taylor from Renzo Tonin dated 9 June 2023. I have no objection with comments and recommendations made in relation to:

- correct identification of nearby premises,*
- identification of all noise generating activities including internal and external noise activities,*
- the accuracy of noise predictions,*
- and details surrounding the construction of the building.*

Roller Door

Noise predictions have been modelled on the basis that the front roller doors are assumed to be open. This contradicts the Plan of Management which

states that all doors will be closed before commencement of materials sorting and loading or unloading.

This becomes particularly important if the reason the measurement was done was because it is not possible fit both a semi-trailer and excavator inside the facility with the doors closed, and any sort of condition is imposed that requires the doors to be closed during operation.

Drop Heights and Vibration

Page 31 of the report states that: The site visit conducted at the Sell and Parker premises did not indicate vibration caused from dropping material on the concrete floor of the building resulted in any appreciable vibration levels that caused regenerated noise issues in the office areas located within the factory building.

The office areas located within the factory at Sell and Parker Blacktown premises are located within a mezzanine officer level, which will result in a different perception to adjacent commercial units that are on ground level.

This is particularly important when considering that the premises is located next to sensitive commercial facilities that utilise precision instruments.

Modelled Scenarios

Within the applicants submitted Acoustic Assessment (D23/62654) several worst-case scenarios have been modelled. The most impactful scenario modelled was a semi-trailer entering and leaving the facility at the same time. These scenarios are also modelled upon the presumption that the loading and unloading of trucks would be predicted to be 20 minutes in length.

An additional worst-case scenario may also involve trucks lining up on buffalo road outside the facility. This is in consideration of the fact that it would be possible for several of these vehicles to arrive, over a number of 20-minute periods that it is expected to take trucks being loaded and unloaded.

In addition to this, the period of 20 minutes proposed for a truck to be unloaded and loaded would not be applicable for all vehicles attending the facility. This is owing to the difference in time expected between a light vehicle, in comparison to a semi-trailer, in terms of load carrying capacity.

Consequently, it is recommended that worst case modelling scenarios are revised, and that:

- 1. Loading times are established pertaining to a certain type of vehicle, as 20 minutes may be characteristic of a smaller vehicle, as opposed to a larger one.*
- 2. That acoustic impact is modelled for a number of vehicles waiting outside the facility, in consideration of worst-case modelling scenarios*

2. *Survey plan (Revision C) prepared by Ats Land & Engineering Surveyors Pty Ltd dated 16 August 2022 to be Amended:*

- *Please revise the survey plan to show all the existing Council stormwater pits including the junction pits within the road.*

As the applicant refused to provide any additional information and this application is recommended to be refused, the above draft conditions are recommended to be used as reasons for refusal.

City Infrastructure – Traffic: Council's traffic engineer identified the following issues:

- a) *The proposed AV routes include Monash Road and south-eastern section of Buffalo Road, which are not approved 20m long AV route, and the AV turn paths at the intersections of Buffalo Road/Monash Road, and Monash Road/Victoria Road raise significant safety concerns. As a result, both inbound and outbound routes for AVs is restricted to Victoria Road, Cressy Road, and Buffalo Road. The use of other local roads by 20m long AVs is not permitted due to the abovementioned reasons.*
- b) *The proposed entry weighbridge is located at a distance less than 6m to the site boundary line along Buffalo Road. When a vehicle is on weighbridge, and another arrived inbound vehicle would have to wait after the entry weighbridge, which would obstruct the staff and visitor parking spaces along the eastern side of new office/workshop building affecting the efficiency/convenience/safety in which passenger vehicles can access and vacate these spaces. Therefore, it is required to relocate the entry weighbridge further into the site to provide minimum 6m long spacing between the near end of weighbridge and the site boundary line along Buffalo Road which can be used as a waiting bay.*
- c) *The statement "a maximum of six (6) staff and no more than four (4) visitors onsite at any one time" in the TIA report (reference 21.567r01v02) is required to be stated in the Plan of Management and be implemented during operation stage.*

As the applicant refused to provide any additional information and this application is recommended to be refused, the above draft conditions are recommended to be used as reasons for refusal.

City Infrastructure – Public Domain Council's public domain team raised no objections to the proposed development subject to conditions.

11.2 External Referral

NSW EPA - The development application was lodged as 'Nominated Integrated Development', requiring a referral to the NSW Environmental Protection Authority, as a 'Scheduled Activity' in which the operator is required to obtain an Environment Protection Licence (EPL), pursuant to Sections 43(b), 48 & 55 of the Protection of the Environment Operations Act 1997.

The NSW EPA on 14 July 2023 advised that they will not be providing GTAs for the proposed development as the proposal is below the threshold for an EPL. The NSW EPA inter alia provided following comments:

The threshold to require an Environment Protection Licence for the following activity under Schedule 1 of the Protection of the Environment Operations Act 1997 is:

26. Metallurgical activities – Scrap metal processing, meaning the crushing, grinding, shredding or sorting (but not smelting) of scrap metal of any kind.

Criteria for scrap metal processing: Capacity to process more than 150 tonnes of scrap per day or 30,000 tonnes per year (if not carried out wholly indoors) or 50,000 tonnes per year (if carried out wholly indoors).

42. Waste storage - Meaning the receiving from off site and storing (including storage for transfer) of waste.

Criteria for waste storage: No more than 5 tonnes of the following amount of hazardous waste, restricted solid waste, liquid waste or special waste, other than waste tyres, is stored on the premises at any time.

The proposed development is below these threshold limits and therefore the EPA will not be providing GTA's for this development. If the facility was to increase activities to the threshold for licensing, the EPA request that Council provide the EPA with an opportunity to comment at that time.

The above comments are noted and the proposal is no longer considered as a nominated integrated development.

Transport for NSW: Transport for NSW was consulted during SEARs process and raised no objection to the proposed development subject to submission of a Traffic Impact Assessment. The applicant submitted a Traffic Impact Assessment report which has been assessed by Council and discussed in the body of the report.

A referral in relation to this DA was sent to TfNSW though a response had not received at the time of writing this report.

Acoustic Consultant – The application was sent to Council's appointed acoustic consultant for a peer review of applicant's acoustic report. The key issues noted in the peer review report are as under:

- *A number of nearby properties are not correctly identified making it potentially unclear what noise level is predicted at what location.*
- *Whether the PWNA Report and site Plan of Management have taken into account all operational activities and their noise/vibration impact. In particular it is not identified if unloading and processing/crushing car carcasses is*

proposed, which has been the subject of complaint from nearby land users during previous operation of the site due to its noise and vibration impact.

- *Accuracy of some of the noise emissions predictions. This is of particular concern for noise predicted to 54 Buffalo Road (directly opposite the facility doors), where exceedances of EPA noise goals were predicted.*
- *There are no recommendations in the report with respect to the construction of the warehouse building shell nor any recommendations with respect to material handling and use of equipment in outdoor areas.*

The above concerns are noted and recommended as reasons for refusal.

Air Quality Assessment – The application was sent to Council's appointed environmental consultant to peer review the air quality report submitted by the applicant. The key issues noted in the peer review report are as under:

While there were 16 issues identified in the peer review the major issues are as follows:

Air Quality Impact Assessment

- *The neighbouring sites are not considered in the assessment, they are required to be assessed as sensitive receptors in accordance with the Approved Methods and given the elevated background levels a level 2 contemporaneous assessment is required.*

Plan of Management

- *The plan of management (POM) is limited to waste management with no procedures for any other environmental aspects. Therefore, there is no documentation detailing the procedures for the management of dust during construction or operations.*

The following recommendations are noted in the peer review report.

Recommendations

- *The Air Quality Impact Assessment be revised to include the neighbouring sites as receptors and a level 2 contemporaneous assessment be conducted at these locations in accordance with the Approved Methods.*
- *A Construction Environmental Management Plan be implemented including a dust monitoring and control procedure.*
- *An Operational Environmental Management Plan be prepared or included within the Plan of Management which includes a dust management procedure:*
 - *This is to include proposed auditing methods.*
 - *Sweeping details (aka. If a road sweeper will be used).*
 - *Frequency of cleaning the external hardstand area.*
 - *Details of how the recommended mitigation measures will be implemented and enforced.*
- *Plans are to be updated.*

- *Bins, designated storage bays, their construction and waste type are to be shown on the plans.*
- *Maximum quantity of waste/materials to be stored at any one time to be shown.*
- *Equipment locations.*

The above concerns and recommendations are noted and recommended as reasons for refusal.

12. CONCLUSION

The proposed development has been assessed against all relevant matters and public submissions received. It is considered that insufficient or incorrect information has been submitted to properly assess the environmental impacts of the proposed development and suitability of the site for the intended use. The proposal is not considered in the public interest. The proposal is considered to be unacceptable due to the following and is recommended for refusal.

1. The site in proximity to residential and other sensitive users and the impacts of the use cannot appropriately be assessed and mitigated.
2. Based on daily handling capacity of 100 tonnes, and 6 days a week operation, the site is capable of handling more than 30,000 tonnes per year. This information is inconsistent with the submitted Plan of Management that states yearly handling capacity of 25,000 tonnes.
3. The Acoustic report submitted with the application is inadequate for the following reasons:
 - A number of nearby properties are not correctly identified making it potentially unclear what noise level is predicted at what location.
 - It is unclear if the acoustic report and proposed Plan of Management have taken into account all operational activities and their noise/vibration impact. In particular it is not identified if unloading and processing/crushing car carcasses is proposed.
 - Accuracy of some of the noise emissions predictions. This is of particular concern for noise predicted to 54 Buffalo Road (directly opposite the facility doors), where exceedances of EPA noise goals were predicted.
 - There are no recommendations in the acoustic report with respect to the construction of the warehouse building shell nor any recommendations with respect to material handling and use of equipment in outdoor areas.
4. The air quality report submitted with the application is inadequate for the following reasons:
 - The neighbouring sites are not considered in the assessment, they are required to be assessed as sensitive receptors in accordance

with the Approved Methods and given the elevated background levels a level 2 contemporaneous assessment is required.

- The plan of management is limited to waste management with no procedures for any other environmental aspects. Therefore, there is no documentation detailing the procedures for the management of dust during construction or operations.
 - An Operational Environmental Management Plan to include a dust management procedure is not submitted.
 - The architectural plans provide insufficient information on:
 - i. *Bins, designated storage bays, their construction and waste type.*
 - ii. *Maximum quantity of waste/materials to be stored at any one time.*
 - iii. *Equipment locations.*
5. Inadequate information in relation to processes, including loading and unloading, baling and whether skips are deposited onsite and collected or unloaded and loaded whilst on vehicles.
6. Concern with queuing of trucks on the road. The proposed entry weighbridge is located at a distance less than 6m to the site boundary line along Buffalo Road. When a vehicle is on weighbridge, other delivery trucks and visitors/employee's car will have to queue on Buffalo Road which will impact on local traffic flow.
7. Impact of semi-trailer use on residential road network. The proposed Articulated Vehicle (AV) routes include Monash Road and south-eastern section of Buffalo Road, which are not approved 20m long AV route, and the AV turn paths at the intersections of Buffalo Road/Monash Road, and Monash Road/Victoria Road raise significant safety concerns.
8. There is no design detail of the proposed onsite detention system (OSD).
9. The proposed northern weighbridge encroaches upon the easement to drain water. A written consent has not been provided by the beneficiary of the easement supporting the encroachment.
10. Survey plan (Revision C) prepared by Ats Land & Engineering Surveyors Pty Ltd dated 16 August does not show all the existing Council stormwater pits including the junction pits within the road.
11. The documentation submitted with the application is inconsistent and inaccurate.

13. RECOMMENDATION

- A. That Development Application LDA2023/0081 for Alterations, additions and use of the premises for the purpose of a Waste or Resource Transfer Station for scrap metals. at 50-52 Buffalo Road, Gladesville be refused for the following reasons.

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, the proposed development is inconsistent with the objectives of E4 General Industrial zone of Ryde LEP 2014.
2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, the proposed development is inconsistent with Ryde Development Control Plan 2014 with regard to:
 - a. Section 7.2 – *Waste Minimisation and Management* a waste management plan providing details of construction/demolition waste and ongoing use of the premises is not submitted with the development application.
 - b. Section 8.2 – *Stormwater and Floodplain Management* as inadequate details of proposed onsite detention system is submitted with the development application.
 - c. Section 8.3 – *Driveways* as the proposed parking spaces will not be available while a delivery truck is located on the weighbridge along the entry driveway.
 - d. Section 9.1 – *Signage* as the EIS submitted with the development application states all signs will be removed and will be the subject of a future development application. The architectural plans however indicate several existing signs to be retained.
3. Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act, the proposed development is inconsistent with Section 191 of Environmental Planning and Assessment Regulations 2021 in that the Environmental Impact Statement is inconsistent with the requirements of the Secretary's Environmental Assessment Requirements (SEARs) dated 27 October 2021.
4. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act, Council has insufficient or inaccurate information to fully assess the environmental impacts of the proposed development. In this regard the following is noted:
 - a. The acoustic report submitted with the development application fails to correctly identify the nearby properties that will be adversely impacted.
 - b. It is unclear if the acoustic report and Plan of Management have taken into account all operational activities and their noise/vibration impacts.
 - c. Accuracy of some of the noise emissions predictions in the acoustic report.
 - d. There are no recommendations in the acoustic report with respect to the construction of the warehouse building shell nor any recommendations with respect to material handling and use of equipment in outdoor areas.
 - e. The neighbouring sites are not considered in the air quality assessment report submitted with the development application. In this regard a level 2 contemporaneous assessment is required.

- f. The plan of management (POM) is limited to waste management with no procedures for any other environmental aspects. Therefore, there is no documentation detailing the procedures for the management of dust during construction or operations.
 - g. The operation of the premises will result in queuing of traffic on Buffalo Road affecting its safe operation.
 - h. Insufficient details on stormwater management of the site.
- 5. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act, the site is not considered suitable for the proposed use as Council has insufficient or inaccurate information of the proposed use and the likely environmental impacts on adjoining land uses.
- 6. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act, the proposal is not considered in the public interest due to insufficient or inaccurate information and the submissions received.

B. That the persons who made submissions be advised of this decision.

C. That TfNSW be advised of this decision.

Report prepared by:

Sohail Faridy

Senior Coordinator Development Assessment

Report approved by:

Carine Elias

Manager Development Assessment

Sandra Bailey

Executive Manager City Development