

DETERMINATION AND STATEMENT OF REASONS SYDNEY NORTH REGIONAL PLANNING PANEL

DATE OF DETERMINATION	27 September 2023
DATE OF PANEL DECISION	27 September 2023
DATE OF PANEL MEETING	20/09/2023
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Nicole Gurran
APOLOGIES	OAM Sarkis Yedelian, Sophie Lara-Watson,
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 20 September 2023, opened at 3:00pm and closed at Closing 3:14pm. Papers circulated electronically on 8 September 2023.

MATTER DETERMINED

PPSSNH-381 – City of Ryde – LDA2023/0081 at 50 - 52 Buffalo Road, Gladesville – Part demolition, alterations, additions and use of the premises for the purpose of a Waste or Resource Transfer Station for scrap metals. (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the listed at item 8 in Schedule 1.

Development application

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to refuse the application for the reasons below and in Council's Assessment Report.

The Panel concurs with Council that the site is in a sensitive location surrounded by educational, residential and commercial land uses and the impact of the proposed development on adjoining land and neighbours must be properly assessed.

As part of assessing the proposal, Council sought additional information from the Applicant who unfortunately declined to provide the information. The Panel agrees with Council that such information is necessary to properly assess the proposal. The Applicant also declined to attend the public determination meeting.

Consequently, while Council provided extensive reasons for refusal of the application, foremost in the view of the Panel was the Applicant's decision to decline to explain and justify the proposed development given the information provided was inadequate. The withholding of further information, which the Panel agrees was necessary to complete the assessment, frustrates a proper assessment process and raises considerable doubt about the adequacy of the application.


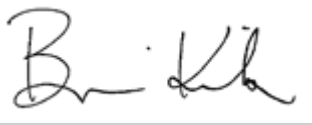

In the absence of proper information, the Panel concurs with Council that it is clearly in the community interest that the application is refused.

CONDITIONS

Not applicable

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 79 written submissions made during public exhibition and heard from all those wishing to address the Panel. Issues of concern to the community included unsuitable site, noise, vibration and air pollution, runoff into Buffalo Creek, traffic, parking and pedestrian safety. The Panel considers concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Nicole Gurrán	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-381 – City of Ryde – LDA2023/0081
2	PROPOSED DEVELOPMENT	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.
3	STREET ADDRESS	50 - 52 Buffalo Road, Gladesville
4	APPLICANT/OWNER	Applicant: Matthew O’Donnell - Circular Metals Gladesville Pty Ltd Owner: DVP Investments Pty Ltd & Watou Holdings Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	The proposal is for a waste management facility, classified as designated development Under Schedule 6, Section 7(1)(c) of Planning System SEPP 2021
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <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 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> City of Ryde Development Control Plan 2014 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 06/09/2023 Written submissions during public exhibition: 79

		<ul style="list-style-type: none"> • Total number of unique submissions received by way of objection: 78 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Jacouib Sawaqed ○ Peter Holt, HWL Ebsworth (on behalf of SP 61065 - 19 unit owners at 46-48 Buffalo Road)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 14/06/2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran, OAM Sarkis Yedelian ○ <u>Council assessment staff</u>: Carine Elias, Holly Charalambous, Sohail Faridy • Final briefing to discuss council's recommendation: 20/09/2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran, Sophie Lara-Watson, OAM Sarkis Yedelian ○ <u>Council assessment staff</u>: Carine Elias, Holly Charalambous, Sohail Faridy, Niroshini Stephen ○
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A