

MEMORANDUM

To: The Chair, SNPP

From: Sohail Faridy, Senior Coordinator Development Assessment

Date: 27 September 2023

Subject: PPSSNH-381 - LDA2023/0081 Council's Addendum Report



1. Introduction

This memo is to be read as an addendum to Council's assessment report for 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 at 50 – 52 Buffalo Road, Gladesville.

This memo seeks to amend the original assessment report to the extent of zoning provisions, (discussed under Section 5.8 of the original report), as applicable to the subject site as well as an updated draft reasons for refusal also attached with this memo.

2. Background

On 20 September 2023, SNPP considered an assessment report for part demolition, 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.

At the time of lodgement of the application, the site was zoned IN2 Light Industrial under RLEP 2014 and offered slightly different objectives for the zone. The zoning provisions, as applicable to the subject site has since been changed to E4 General Industrial, which has a different set of objectives. Council's assessment report assessed the development application under the zone objectives of E4 zone. The site however benefited from 'saving provisions' and an assessment is required under the old IN2 zoning (as the zoning provisions applicable to the subject site at the time of lodgement of the development application) as well as E4 zoning (as a draft instrument, imminent to be gazetted at the time of lodgement of the development application). This memo provides an assessment under the zone objectives of IN2 zoning.

It is important to note that permissibility of the subject land use remains unchanged under both IN2 and E4 zoning.

3. Assessment Under Section 4.15 of Environmental Planning and Assessment Act:

Section 4.15(1)(a)(i) any environmental planning instrument, and

The development application was lodged on 28 March 2023. At the time of lodgement, the subject site was zoned IN2 Light Industrial (the zoning changed to E4 – General Industrial on 26 April 2023). 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. An assessment under the zone objectives of IN2 zone are as under:

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

The development would offer a total of 6 job opportunities on site. In addition, it is expected to create several indirect jobs through collection and delivery of scrap metals. This objective is considered satisfactory.

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

As discussed in the original assessment report, 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 enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

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

- *To support and protect industrial land for industrial uses.*

The proposal is considered an industrial land use and this objective is considered to be satisfied.

Council's internal and external experts identified potential amenity impacts on the adjoining land uses as such the proposal is not considered to satisfy the zoning objective requiring to minimise any adverse effects on other land uses.

Section 4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority.....

At the time of lodgement of the development application a draft zoning change for the subject site to E4 – General Industrial, has been through public consultation and its gazettal was imminent. A waste or resource transfer station for scrap metals was an innominate permissible use with consent under the draft zone, being a development not specified as permitted without consent or prohibited. The new zoning provisions were effective from 26 April 2023. An assessment under the zone objectives of E4 zone are as under:

- *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 on site. In addition, it is expected to create several indirect jobs through collection and delivery of scrap metals. This objective is considered satisfactory.


- *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.


The proposal is generally considered inconsistent with the objectives of the zone in view of adverse impacts on the amenity of adjoining land uses.

4. Recommendation

1. That the zoning assessment under Section 5.8 of Council's assessment report be replaced with the assessment provided under Section 3 of this memo.
2. That the draft reasons for refusal be replaced with the attached revised draft reasons for refusal.



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REVISED DRAFT REASONS FOR REFUSAL

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 IN2 Light Industrial zone of Ryde LEP 2014.
2. Pursuant to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act, the proposed development is inconsistent with the objectives of E4 General Industrial zone of Ryde LEP 2014.
Note: The E4 zoning of the land was in its draft but imminent stages at the time of lodgement of the application.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.