

Date of Determination	9 September 2021
Panel Members	Alison McCabe(Chair) Brett Newbold (Independent Expert) Michael Leavey (Independent Expert) Donna Gaskill (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference on 9 September 2021, opened at 5:00pm and closed at 7:10pm.

Papers circulated electronically on 31 August 2021.

MATTER DETERMINED

LDA2021/0124

50-52 Buffalo Road, Gladesville

Proposal: Part demolition of existing buildings, construction of industrial building, installation of weighbridges, and use as a waste or resource waste transfer station for scrap metals

The following people addressed the meeting:

1. Clr Penny Pedersen (objector)
2. Lisa Brien (objector) – registered but did not attend or speak
3. Nathan Pratt (objector - on behalf of 46-48 Buffalo Rd)
4. Nigel White (applicant)
5. Garbis Simonian (applicant)

PANEL CONSIDERATIONS 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 listed at item 8 in Schedule 1.

DEVELOPMENT APPLICATION

The Panel determined to **refuse** the development application as described in Schedule 1, 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 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. The application has not been lodged as a designated development and provides insufficient information to permit proper evaluation of the likely impacts.
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.





CONDITIONS

Not applicable

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report. No new issues were raised during the public meeting.

PANEL MEMBERS	
Alison McCabe (Chair)	
Brett Newbold	
Michael Leavey	
Donna Gaskill	

SCHEDULE 1

1	DA No.	LDA2021/0124
2	Proposal	Part demolition of existing buildings, construction of industrial building, installation of weighbridges, and use as a waste or resource waste transfer station for scrap metals
3	Street Address	50-52 Buffalo Road, Gladesville
4	Applicant / Owner	Applicant: Garbis Simonian Owner: Watou Holdings Pty Ltd and DPV Investments Pty Ltd
5	Reason for referral to RLPP	Contentious development – number of submissions received
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Remediation of Land State Environmental Planning Policy ○ Draft Environment State Environmental Planning Policy • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: <ul style="list-style-type: none"> ○ Designated Development • 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 • Written submissions during public exhibition: 76 submissions in objection, 2 submissions and a petition containing 40 signatures in support • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nathan Pratt (on behalf of 46-48 Buffalo Rd)

		<ul style="list-style-type: none"> ○ Council assessment officer – Nil ○ On behalf of the applicant – Nigel White, Garbis Simonian ● Nathan Pratt submitted an acoustic report prepared on behalf of the tenants at 46-48 Buffalo Rd – prepared by Dr Edward Harkness, dated 8 August 2021
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> ● Site inspection: At the discretion of Panel members due to COVID-19 restrictions ● Briefing: 9 September 2021 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Brett Newbold, Michael Leavey, Donna Gaskill ○ <u>Council assessment staff</u>: Sandra Bailey, Madeline Thomas, Daniel Pearse, Vincent Shepherd, Kerry Gordon (consultant town planner) <ul style="list-style-type: none"> ● Papers were circulated electronically on 31 August 2021
9	Council Recommendation	Refusal
10	Draft Conditions	Not applicable