

Meeting Date: Thursday 9 September 2021
Location: Meeting held remotely
Time: 5.00pm

City of Ryde Local Planning Panel Meetings will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993. City of Ryde Local Planning Panel Meetings will also be webcast.

NOTICE OF BUSINESS

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DECLARATIONS OF INTEREST

DEVELOPMENT APPLICATION

- 4** LDA2021/0124 50-52 Buffalo Road, Gladesville 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**

There are no LPP Planning Proposals

DEVELOPMENT APPLICATIONS

**4 LDA2021/0124
50-52 Buffalo Road, Gladesville**

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.

Report prepared by: Consultant Town Planner

Report approved by: Senior Coordinator - Development Assessment; Manager - Development Assessment; Director - City Planning and Environment

File Number: GRP/09/6/12/1/2 - BP21/836

City of Ryde Local Planning Panel Report

DA Number	LDA2021/0124
Site Address & Ward	50-52 Buffalo Road, Gladesville East Ward
Zoning	IN2 Light Industrial
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
Property Owner	Watou Holdings Pty Ltd and DPV Investments Pty Ltd
Applicant	Garbis Simonian
Report Author	Kerry Gordon – Consultant Town Planner
Lodgement Date	20 April 2021

ITEM 1 (continued)

No. of Submission	76 submissions
Cost of Works	\$500,000.00
Reason for Referral to Local Planning Panel	Contentious development – number of submissions received
Attachments	Attachment 1: Plan of Management Attachment 2: Architectural Plans
Recommendation	Refusal

1. Executive Summary

Application is made for part demolition of the existing buildings, construction of an industrial building, installation of weighbridges, and use of the site as a waste or resource transfer station for scrap metals.

The notification of the application received seventy-six (76) submissions objecting to the application with the concerns, amongst others, related to the noise, traffic, poor vehicular access, location in proximity to school and dwellings, dust, vibration and traffic travelling past dwellings. A further 2 submissions and a petition containing 40 signatures was received in support of the application.

The proposed development is considered to be unacceptable due to the following and is recommended for refusal.

- The proposal constitutes designated development and the application has not been lodged as designated development.
- The 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.
- Inadequate acoustic report.
- Inadequate dust report.
- No vibration report.
- Impact of acoustic measures upon ventilation and employee health.
- 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.

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- Concern with queuing of trucks on the road.
- No Phase I and Phase II Site Investigation Report to demonstrate site suitability.
- Impact of semi-trailer use of residential road network.
- Adequacy of road network to enable maneuvering of semi-trailers.
- 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.
- An appropriate accessible path of travel and accessible WC is not provided.
- Inadequate provision for landscaping at the street frontage.

2. The Site and Locality

The site is known as 50-52 Buffalo Road, Gladesville and comprises two allotments with a legal description of Lot 1 in DP 390558 and Lot C in DP 419774. The site is located on the south-western side of Buffalo Road, in proximity to the bus depot. The site is an irregular shaped allotment with a frontage to Buffalo Road of 30.48m, an irregular rear boundary dimension of 30.48m, a north-western side boundary dimensions of 106.68m and a south-eastern side boundary which includes a dog leg and has the dimensions of 76.20m and 30.48m, with a total site area of 2,879m². The site falls from the south (rear) to the north (street) by approximately 3m. The site is located near the edge of a Light Industrial area that is surrounded by residential and other sensitive users, including a school (see Figure 1).

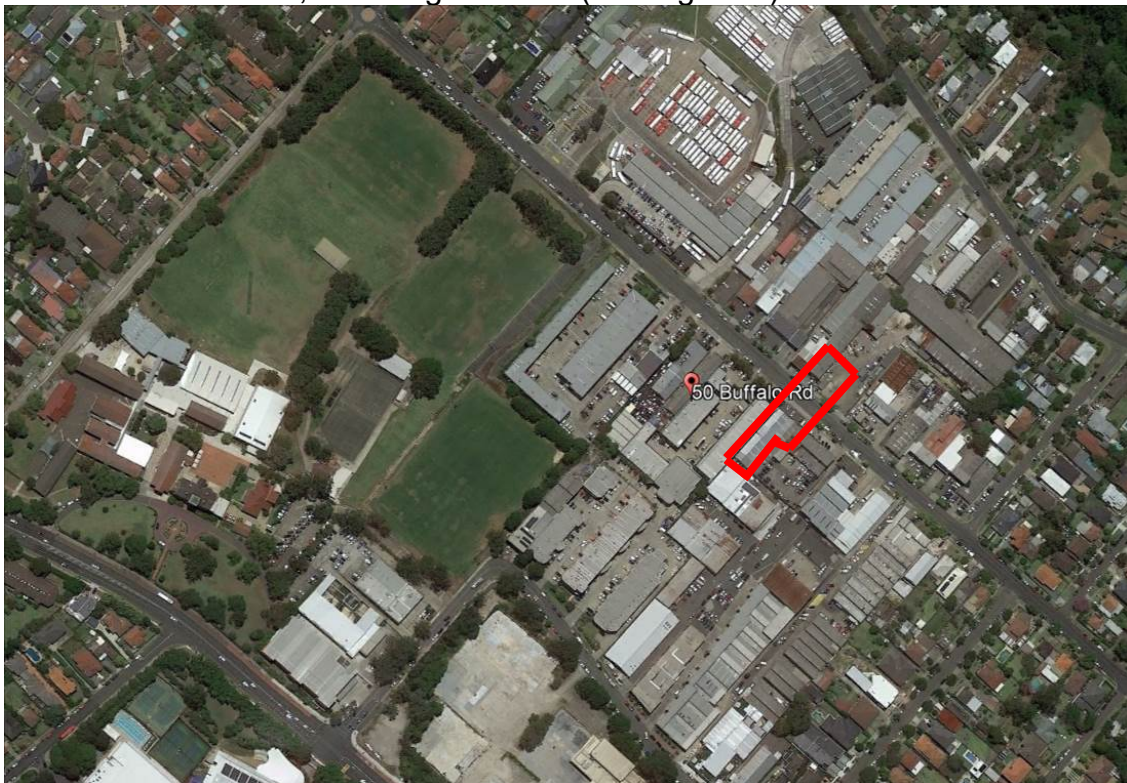


Figure 1: Aerial photograph of light industrial area with site outlined in red

ITEM 1 (continued)

No. 50 Buffalo Road is currently developed with a rectangular shaped industrial building (see Figure 2) 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.

No. 52 Buffalo Road is occupied by two industrial buildings (see Figure 2). 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 is currently being used by an unauthorized waste transfer station for scrap metals. 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.

As can be seen in Figure 2, the ground level in 52 Buffalo Road is higher than that of 50 Buffalo Road.

Immediately to the north-west of the site is 54 Buffalo Road which is occupied by a Mazda service centre (see Figure 3). The building on this site is setback approximately 30m from Buffalo Road, with carparking forward of the building, behind a landscaped area (which is not well maintained).

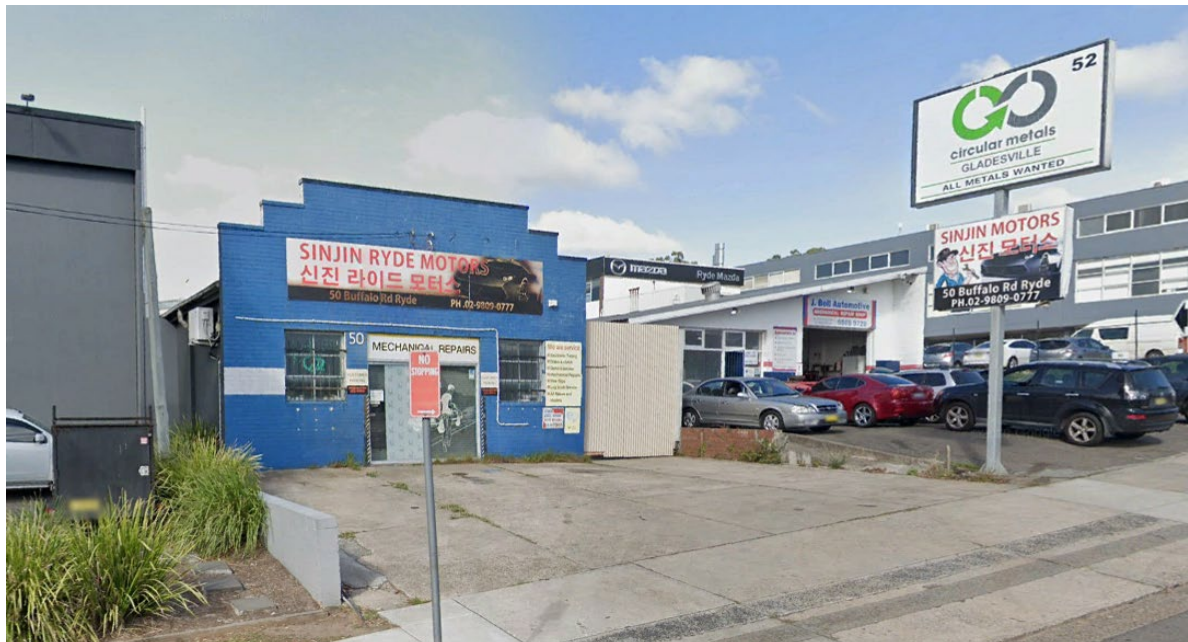


Figure 2: Buildings on 50 and 52 Buffalo Road, currently used for automotive repairs, as viewed from Buffalo Road – rear used by unauthorised waste transfer station for scrap metals

ITEM 1 (continued)



Figure 3: 54 Buffalo Road, currently occupied by Mazda service centre – 56 Buffalo Road to the right in photograph

Further to the north-west is a 2-3 storey industrial unit complex (see Figures 3 and 4), which is setback behind a landscaped area and has some 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.



Figure 4: 56 Buffalo Road, occupied by an industrial unit complex

Immediately to the south-east is a 2 storey industrial unit complex at 46-48 Buffalo Road (see Figure 5). The building is setback approximately 15m with some car parking provided forward of the building line behind a landscape strip.

ITEM 1 (continued)



Figure 5: 46-48 Buffalo Road, occupied by an industrial unit complex

Opposite the site in Buffalo Road are a series of light industrial premises, including car service centre and motor repairs, a glazing firm and diagonally to the north, the bus depot (see Figure 6).



Figure 6: Industrial development on opposite side of Buffalo Road

3. Background

A Notice of Proposed Development Control Order was issued in relation to the operation of an unauthorised waste or resource transfer station for scrap metals on 2 May 2020. Figures 7-9 are photographs taken by the occupant of an adjoining tenancy at 46-48 Buffalo Road of the unauthorised operation of the site. As the use continued to operate, on 27 October 2020, Council issued a Stop Use Order. The applicant lodged a Class 1 application to the Land and Environment Court on 23 November 2020. The Orders sought were for the appeal to be upheld and the Stop Use Order be revoked. This appeal was discontinued on 28 June 2021.

ITEM 1 (continued)



Figure 7: Stock pile of scrap metal at 52 Buffalo Road



Figure 8: Stock pile of scrap metal at 52 Buffalo Road being loaded into skip bin for semi-trailer



Figure 9: Empty skip bin for semi-trailer being delivered beside stock pile of scrap metal at 52 Buffalo Road

ITEM 1 (continued)

4. The Proposal

Application is made for part demolition of the existing buildings, construction of an industrial building, installation of weighbridges, and use as a waste or resource transfer station for scrap metals. The development is described following:

Demolition: The application seeks to demolish the rear pitched roof portion of the front building on 52 Buffalo Road and the building on 50 Buffalo Road.

Construction: The application seeks to construct a new building to straddle the boundaries of the two allotments and connect to the existing rear building on 52 Buffalo Road. The new building is to be built in close proximity to the south-eastern boundary and the rear boundary of 50 Buffalo Road. The building is proposed to have a setback from Buffalo Road of approximately 42-46m and of approximately 8m from the north-western boundary. The building is to be constructed of Colorbond, having a height of 8.19m-9.28m, with a shallow sloping roof.

The proposed building is to have a roller door facing Buffalo Road to allow vehicles to enter and a wide stacked door on the north-western side to allow vehicles to exit the building (See Figure 10).

In order to allow the movement of vehicles through the site and to construct the new building, the application seeks to carry out earthworks to level the site and to re-pave much of the site (though it is not clear whether the entire site will be re-paved). The maximum extent of excavation occurs at the southern corner of the site where excavation of up to 1m will occur.

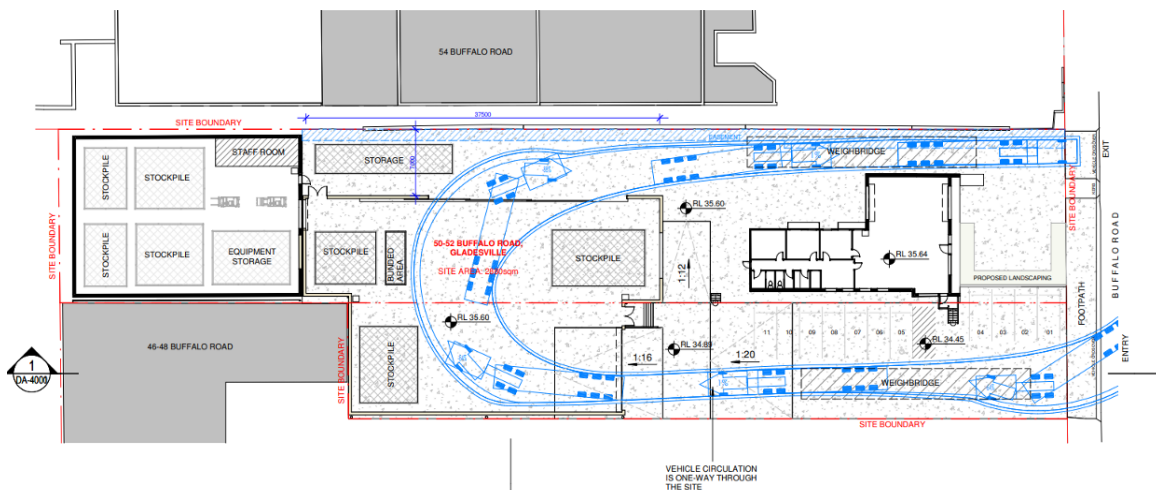


Figure 10: Plan showing footprint of buildings and swept path of semi-trailer accessing the site.

ITEM 1 (continued)

Large weighbridges are to be constructed (to be installed flush with the concrete slab) near the entrance and exit driveways (see Figure 10) and parking for 11 vehicles is proposed adjacent to the weighbridge at the entrance driveway.

A landscaped area is to be provided at the front of 52 Buffalo Road, with a width of approximately 1.5m (see Figure 10).

Use: The proposal seeks use of the premises as a waste or resource transfer station for scrap metals. The application indicates the transfer station is to operate between 7am and 6pm Monday to Friday and 8am to 3pm on Saturdays.

The business will employ 6 staff.

The use will receive scrap metal including ferrous, non-ferrous, electronic waste, white goods, batteries and car parts (it is noted that different reports are inconsistent, with some indicating car parts will be accepted and some stating that they will not be accepted).

The process is described as follows, based on a review of the Statement of Environmental Effects, acoustic report, dust report and POM:

- 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 application indicates that it is estimated up to 10 trucks with 2.5 tonne bins and 10 small vehicles with 500kg-2 tonne bins will deliver scrap metals daily, along with up to 20 cars with trailers or utes. Batteries are to be stored on pallets, with a maximum of 200 being stored.

ITEM 1 (continued)

Daily, it is estimated sorted and classified scrap metal will be collected for transfer to a processing centre by 2 small trucks (1-10 tonne) and up to 4 semi-trailers (10-25 tonnes).

The Statement of Environmental Effects 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.

The Statement of Environmental Effects indicates that there is to be no crushing, grinding or separating works proposed onsite. It is noted that this is inconsistent with other documents lodged with the application which indicate metal will be “baled” for collection.

The application identifies stockpiles and equipment storage are to occur in the rear building, but also identifies an external area of storage in the location where skip bins for semi-trailers have been located during the unauthorised operation of the site. The purpose of this storage is unclear, however if it is to be used to store skip bins concern is raised in relation to the lack of acoustic and dust attenuation in this location.

5. Planning Assessment**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.

Schedule 3 of the Environmental Planning and Assessment Regulation identifies designated developments and, of relevance, Clause 32 identifies *waste management facilities or work* as being designated development as follows:

32 Waste management facilities or works

- (1) *Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and—*
 - (a) *that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste—*
 - (i) *that includes any substance classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or*
 - (ii) *that comprises more than 100,000 tonnes of “clean fill” (such as soil, sand, gravel, bricks or other excavated or hard material) in a manner that, in the opinion of the consent authority, is likely to cause significant impacts on drainage or flooding, or*

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Pursuant to Clause 32(1)(b) of Schedule 3 of the Environmental Planning and Assessment Regulation, the proposed development does not constitute a designated development as the application indicates it does not have an intended handling capacity of more than 30,000 tonnes per year, with an intended handling capacity of up to 25,000 tonnes per year.

Pursuant to Clause 32(1)(d)(vi) of Schedule 3 of the Environmental Planning and Assessment Regulation, the proposed development constitutes a designated development if the site is located within 500m of a residential zone or 250m of a dwelling not associated with the use and *“in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.”*

The site is located within 250m of a dwelling not associated with the use and within 500m of a residential zone, so consideration of this subclause is required. When considering this subclause, the relevant considerations are whether noise, dust or traffic are likely to significantly affect the amenity of the neighbourhood. Neighbourhood is not defined and the purpose of this clause includes the adjoining and surrounding industrial properties.

Consideration by Council's Traffic Engineer indicates concerns with:

- the ability of 19m long articulated vehicles to safely manoeuvre within the surrounding public road network;
- the truck routes requiring trucks to travel through Cressy Road and Buffalo Road which contain school zone restrictions during the hours of operation of the development, raising safety concerns; and
- the design of the proposal requires entering vehicles to wait on the road when a vehicle is obstructing access to the site and the visitor parking spaces.

Consideration by Council's Environmental Health Officer indicates concerns with:

- The submitted Dust Management Plan specifies no cutting or crushing of metals onsite and raises potential concerns in relation to dust generation dependent upon drop heights which is inconsistent with the nature of the business. The sort of processing that typically occurs at this type of facility includes cutting of oversized pieces of metal and the documents lodged with the application indicate metal will be baled for storage and collection which involves crushing; and
- Dust and acoustic management is highly reliant upon the staff keeping the doors to the building closed during loading and sorting, which are processes that may result in dust and noise, however no consideration is given to the impact upon the health of staff due to the enclosure of these processes without ventilation.

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Consideration of submissions indicates:

- The adjoining property contains a use that is particularly sensitive to dust and vibration; and
- The site has been operating in a manner that causes substantial noise and vibration impact. This appears to be at odds with the findings of the acoustic report and as such concern is raised that the readings taken of work on the premises does not reflect the full type of work undertaken or the cumulative impact of noise from more than one source on the site.
- No assessment has been made of vibration impact.

The topography or meteorological conditions of the neighbourhood does not ameliorate these impacts to a satisfactory level.

When giving consideration to the likely impacts, weight must also be given to the amount of material to be received on the site as subclause 32(1)(b) automatically makes such a use designated development when the handling capacity is 30,000 tonnes, regardless of its location. The proposed use seeks a relatively large handling capacity of 25,000 tonnes which is over 83% of the capacity for which designated development categorisation is automatic. The applicant has failed to demonstrate the likely adverse impacts of the development to the nearby residential dwellings and industrial building within the neighbourhood will be mitigated to an a satisfactory level.

Given the handling capacity proposed, the proximity to residential dwellings and other sensitive users, the size of vehicles involved and the transportation route via roads containing a school and dwellings it is considered likely that the use would *“significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.”* For this reason, it is considered that the development constitutes designated development. As the development constitutes designated development, and has not been lodged as such, the application cannot be approved.

5.2 State Environmental Planning Instruments**State Environmental Planning Policy No. 55 – Remediation of Land**

SEPP 55 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 use and as such is likely to contain areas of contamination. The application was not accompanied by a Phase I or Phase II Site Investigation Report.

ITEM 1 (continued)

In the absence of any site investigation reports and given the likelihood that the site is contaminated, there is insufficient information to determine whether the site can be made suitable for the proposed use.

State Environmental Planning Policy (Infrastructure) 2007

Pursuant to Division 23, Clause 121, development for the purpose of a *waste or resource management facility*, as defined below, is permitted with consent in the IN2 Light Industrial zone.

waste or resource management facility means any of the following—

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

Further, the Standard Instrument defines a *waste or resource transfer station* as follows.

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Note—

*Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.*

The proposed use is consistent with this definition and as such is permissible in the IN2 Light Industrial zone with consent pursuant to SEPP (Infrastructure).

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) (SEPP Vegetation) applies to the site and addresses preservation of trees and vegetation.

The objective of the SEPP Vegetation 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 result in the removal of, or impact on, any trees within the site or the adjoining sites. As such, the proposal is acceptable when assessed against this policy.

ITEM 1 (continued)**State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)**

The proposed architectural plans indicate locations for proposed signage in a number of locations across the building. However, no details of the proposed signage has been provided with the exception of the sign locations. The lack of detail includes the size of the sign, design of the sign and content of the sign.

As such, insufficient information has been provided to determine if the objectives of SEPP 64 have been satisfied by the proposal.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is a deemed SEPP and applies to the subject site.

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.

Insufficient information has been provided to satisfy the objective of improved water quality, which is assessed in relation to the provisions of Part 8.2 of Ryde Development Control Plan 2014 (RDCP 2014). The issues with the proposed stormwater design for the proposal are discussed in the referral section of this report.

5.3 Ryde Local Environmental Plan 2014 (RLEP 2014)Permissibility

The site is zoned IN2 Light 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.

The objectives of the IN2 zone are addressed following:

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

The development would increase the range of uses in the industrial area.

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

The development would provide employment opportunities.

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

ITEM 1 (continued)

The handling capacity of the development and the traffic route required to access the site are not compatible with minimising adverse impacts on other land uses. Additionally, insufficient information has been provided to demonstrate the proposal will not have a detrimental impact on nearby properties due to dust, noise and vibration.

- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

The development does not satisfy the day to day need of workers in the area and this objective is not relevant to the assessment of the application.

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

The development is not an industrial use but is permitted with consent in the zone.

Height of Buildings

Clause 4.3 sets a maximum height control for the site of 10m. The proposal satisfies this control with a maximum height of 9.28m.

Floor Space Ratio (FSR)

Clause 4.4 sets a maximum FSR for the site of 1:1. The site has an area of 2,879m² which would permit a maximum gross floor area (GFA) of 2,879m². The applicant has provided a calculation sheet which shows the development has a GFA of 1,301m². The calculation fails to include a storage area above the amenities room in the rear building on 52 Buffalo Road, however this area is small and the proposal easily satisfies the maximum FSR control.

Heritage

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 impact upon the heritage significance of that property.

Acid Sulfate Soils

Clause 6.1 addresses acid sulfate soils and 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.

ITEM 1 (continued)**Earthworks**

Clause 6.2 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 following matters are required to be considered:

- (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

It is unlikely that the proposal will result in any of these detrimental impacts.

- (b) *the effect of the development on the likely future use or redevelopment of the land,*

The proposed excavation is to facilitate the future development of the site.

- (c) *the quality of the fill or the soil to be excavated, or both,*

It is unknown if the site is contaminated as a Phase I and II report is required to be carried out. A condition of any consent should require the use of only VENM for the purpose of fill.

- (d) *the effect of the development on the existing and likely amenity of adjoining properties,*

A dilapidation report would be recommended in the event approval is recommended.

- (e) *the source of any fill material and the destination of any excavated material,*

It is unknown if the site is contaminated as a Phase I and Phase II report is required to be carried out. No information has been provided in regard to either the source of fill or the destination of excavated materials.

- (f) *the likelihood of disturbing relics,*

Given the location of the site and its previous development, it is considered unlikely that any relics would be disturbed.

- (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*

Subject to adequate sedimentation measures during construction and appropriate stormwater measures during operation, the proposal is unlikely to impact any waterway and it will not impact any drinking water catchment or environmentally sensitive area. However, based on the description of the process it does not appear that adequate

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areas are proposed to be bunded to ensure no contaminants enter the stormwater system, with only a small bunded area provided.

- (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,*

Any consent should include conditions addressing sedimentation measures during construction, appropriate stormwater measures and requiring dilapidation reports for adjoining structures.

Stormwater Management

Clause 6.4 addresses Stormwater management and requires the following matters to be considered:

- (a) *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) *includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- (c) *avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

Council's Senior Development Engineer has indicated that insufficient information has been provided to demonstrate the site has appropriate stormwater management. These matters are discussed in further detail in the referrals section of this report.

5.4 Draft Environmental Planning Instruments**Draft Remediation of Land State Environmental Planning Policy**

The Draft SEPP is a relevant matter for consideration as it is an environmental planning instrument that has been placed on exhibition. The explanation of Intended Effects accompanying the draft SEPP advises:

As part of the review of SEPP 55, preliminary stakeholder consultation was undertaken with Councils and industry. A key finding of this preliminary consultation was that although the provisions of SEPP 55 are generally effective, greater clarity is required on the circumstances when development consent is required for remediation work.

The draft SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of development applications. Refer to conclusions made in relation to SEPP 55.

ITEM 1 (continued)**Draft Environment State Environmental Planning Policy**

The draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. The consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways and urban bushland areas. Changes proposed include consolidating SEPPs, which include the following:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site and the adjoining properties do not contain any remnant urban bushland, and as such, State Environmental Planning Policy No. 19 – Bushland in Urban Areas is not applicable to the proposal.

5.5 Ryde Development Control Plan 2014

The applicable provisions of Ryde Development Control Plan 2014 (RDCP) are

- Part 2.1 Notification of Development Applications
- Part 7.2 Waste Minimisation and Management
- Part 8.2 Stormwater and Floodplain Management
- Part 9.1 Signage
- Part 9.2 Access for People with Disabilities
- Part 9.3 Parking Controls

The application was notified in accordance with RDCP and the submissions received are addressed later in this report.

Part 7.2 – Waste Minimisation and Management

A Waste Management Plan has been provided to accompany the proposal. The Waste Management Plan fails to consider the ongoing operational waste generated from the proposed use, and as such, is not satisfactory and does not meet the provisions of Part 7.2 of the RDCP.

Part 8.2 – Stormwater and Floodplain Management

Council's Senior Development Engineer has raised concern with the stormwater design of the site, specifically that the scale of the development warrants on-site detention (OSD), however, no such provision has been included in the design.

Part 9.1 – Signage

The application seeks approval for signage to be provided in three locations as can be seen on the elevation in Figure 11, however no information is provided in relation to

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the signage. It is noted that the signage on the existing building which is identified as being retained at the front of the site is already located in the areas shown on the plan, however presumably a different signage content will be proposed. As no details of the signage are provided, it cannot be assessed.

Given the scale of the issues identified during the assessment of this application, further information was not sought from the applicant with respect to signage detail.

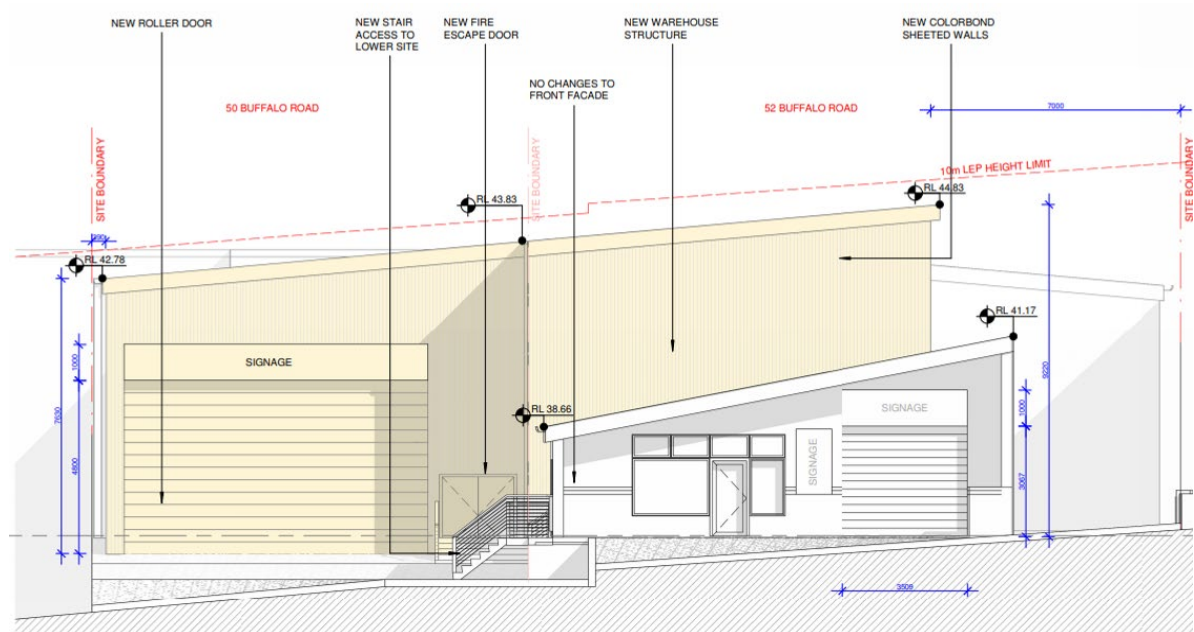


Figure 11: Elevation plan showing proposed location for signage.

Part 9.2 – Access for People with Disabilities

The development proposes an accessible parking space but does not provide an accessible path of travel to the office and does not provide any accessible facilities onsite for workers.

Part 9.3 – Parking Controls

The proposal involves the provision for 11 on-site parking spaces (including 1 disabled space). The applicant’s Traffic Report prepared by ParkTransit states the following:

The development site is located within the Ryde City Council’s LGA. In relation to the proposed waste or resource transfer station, the DCP does not provide any information and therefore, the on-site parking provision is established in accordance with the operation of the proposed expansion.

The proposed waste or transfer station will be accessed by the staff and general visitor. In relation to the visitors (both the inbound and outbound deliveries) accessing the site via trucks will be required to pre-book prior

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to arriving on site. However, the visitors (both the inbound and outbound deliveries) accessing the site via light vehicle type have unrestricted access during operating hours.

As discussed, the site will attract a maximum of 30 visitors accessing the site via light vehicle type (for additional details please refer to Section 5.1 of this report). The light vehicles are anticipated to access the site from 9:00am – 4:00pm Monday- Friday. If we assume, these vehicles will access the site periodically (i.e. similar/identical number of vehicles arrive on-site per hour). The site operates for 7 hours per day and is anticipated to attract a maximum of 30 visitors – thus resulting in 4.2 (say 5) vehicle trips per hour.

In this regard, the visitors accessing the site via light vehicle type will generate a parking demand of five (5) spaces.

As discussed, following completion of the proposed expansion, the waste or transfer station will employ up to 6 full time staff – thus have a potential to generate an on-site parking demand of six (6) car spaces.

In this regard, the proposal have a potential to generate an on-site parking demand of 11 car spaces.

It is noted that Part 9.3 of the RDCP would require the following parking rates:

Use	Area (m²)	Parking Rate	Spaces Required
Business / Office	133	1 space / 40 m ²	4 (3.33)
Industry and Light Industry	1163	1.3 – 1.5 space / 100 m ²	16 (15.12) – 18 (17.45)

Note:

- The industrial areas are net internal area which includes the loading bay area in the forward building. It excludes the area marked as "Storage" in the western setback.
- The office area has encompassed the ground floor area of the office and excludes the loading bay area.

Accordingly, the development will warrant 20 to 22 spaces if strict compliance with the DCP is sought.

Council's Senior Development Engineer has raised no issue with the proposed parking provision, stating that the first principle approach made by the applicant's Traffic Engineer is a reasonable argument in the circumstances of this development.

5.6 Planning Agreements OR Draft Planning Agreements

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

ITEM 1 (continued)
5.7 Section 7.11 & 7.12– Development Contributions Plan – 2007 Interim Update (2014)

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

Non-Residential	Value of Development	% Rate	Contribution Amount
S7.12 Contribution Calculation	\$ 500,000.00	1%	\$5,058.63

5.8 Any matters prescribed by the regulations

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

As mentioned earlier in this report, the proposed development has been assessed as meeting the definition of “designated development” pursuant to Clause 32(1)(d)(vi) of Schedule 3 of the Environmental Planning and Assessment Regulation.

The applicant has not lodged the application as designated development, stating that:

“The proposed use is not considered to be Designated Development as impacts from the proposed use are minimal and the use will be well contained on-site.”

For the reasons outlined in this report, it is not considered the impact from the proposed use on the surrounding neighbourhood will be minimal, and as such, the proposal is assessed as being designated development.

The application was not lodged as designated development, and as such, the proposal cannot be approved.

6. The likely impacts of the development

The impacts of the development have generally been considered throughout this report, with particular emphasis on noise, dust, vibration and traffic impacts. (See Referrals section for further information). However, the impact of the development upon the streetscape is addressed following:

The development proposal seeks to retain the front portion of the existing building on 52 Buffalo Street and presumably the existing signage. Figure 12 shows existing signage on the site by way of a pole sign containing two different signs and a sign attached to the side fence. Any consent should require the removal of the lower sign on the pole and the fence sign to reduce signage clutter.

ITEM 1 (continued)



Figure 12: Existing signage onsite.

The application also proposes to provide landscaping forward of the existing building on 52 Buffalo Road. Whilst the provision of landscaping at the front of the site is appropriate, the location and quantum of the landscaping is inadequate in the streetscape where new or upgraded industrial building provide a significant landscape setback to the street frontage.

7. Suitability of the site for the development

The location of the site within a relatively small industrial area and in proximity to sensitive users and dwellings makes the use of the site as a waste or resource transfer station for scrap metals without unacceptable impacts difficult. In this case, the combination of the proposed handling capacity of the site and the transportation route using semi-trailers makes the site not suitable for the proposed use.

8. The Public Interest

Given the above assessment, it is not considered that approval of the application would be in the public interest as the size of the waste or resource transfer station for scrap metals proposed is excessive for the location of the site and would result in unacceptable impacts upon the amenity of the neighbourhood.

9. Submissions

The application was notified between 23 April - 14 May 2021. In response to the notification, seventy-six (76) submissions were received, all objecting to the development.

ITEM 1 (continued)

Prior to the notification period commencing, 2 submissions and a petition containing 40 signatures was received in support of the application. Of the 40 signatures on the petition, 14 were from residents with the Ryde LGA.

The concerns raised in the submissions which opposed the development are summarised and addressed below:

Adjoining industrial units have been subject to continuous noise and vibration from the unauthorized use of the property/the constant noise is resulting in mental health issues for users of adjoining industrial unit/ constant noise for residential properties that already suffer intermittent noise from bus depot

Comment: The concerns of noise and vibration are concurred with as has been discussed in the report.

There has been a lack of action by Council in relation to the unauthorised use

Comment: The development application was lodged in response to Council's notice of intention to serve an order.

Constant dust from use

Comment: The concern in relation to dust is concurred with as has been discussed in the report.

Impact of semi-trailer traffic upon street/ability of semi-trailers to negotiate roundabouts/ trucks waiting on street block street/ impact of semi-trailers on residential properties/schools/safety/exiting semi-trailers block both traffic lanes when entering and exiting the site

Comment: These concerns are concurred with as has been discussed in the report.

Inappropriate location near a school and residential properties/have to use residential streets for access/industrial area too small for such a use

Comment: Given the handling capacity proposed, the location of the site is not appropriate as discussed throughout this report.

The proposal is not a "light industry"

Comment: The proposed use is permissible with consent in the zone. It has been assessed, however, that the proposal fails to meet the objectives of the IN2 Light Industrial zoning.

ITEM 1 (continued)**Loss of property value**

Comment: This is not a matter that can be considered in the assessment of the application and does not form reason for the refusal of the application.

The noise, vibration and dust are having a significant impact upon the scientific laboratory to the rear of the site

Comment: This concern is concurred with. Insufficient information has been provided to demonstrate the proposed use will not have a detrimental impact on the adjoining property, which operates as a scientific laboratory.

Acoustic report not adequate

Comment: It is agreed that the Acoustic report fails to demonstrate the proposal will not have an unacceptable impact on the surrounding properties. This concern is concurred with.

Vibration and noise created by skips being dragged along the concrete to be loaded

Comment: Insufficient information has been provided in relation to the logistic operation of the skip bins and truck movements on the site. As such, there is potential for the movement and “dropping” of skip bins to result in an unacceptable acoustic and vibration impact on surrounding properties.

Use has been operating between 6.45am to 1pm Monday to Friday, on Saturday between 7am and early afternoon and on Sunday evenings between 5pm to 10pm

Comment: The unauthorised use and operating hours are noted. However, it is noted that this assessment report relates to the proposed operation on the site as presented in the development application, which proposed hours limited to between 7am to 6:00pm Monday to Friday and between 8am to 3pm on Saturdays.

Vehicles parked in “no standing” areas overnight

Comment: The issues arising with the current unauthorised use is noted. The proposed development has been assessed as providing sufficient parking spaces to accommodate staff and visitors.

Storage of batteries unsafe

Comment: See comments from Environmental Health Officer.

ITEM 1 (continued)**10. Referrals****External Referrals**NSW EPA

The application was referred to NSW EPA seeking General Terms of Approval, with the following advice received.

From the documentation provided, the proposal involves 'The receipt of scrap metal including ferrous, nonferrous, electronic waste, whitegoods, and batteries by small vehicles, rigid trucks and the occasional semi-trailer...Scrap metals delivered by metal types only will be unloaded inside the transfer station, placed into allocated bays (i.e. steel, aluminium, copper, brass etc), and then reloaded (by metal types only) onto trucks for distribution, meaning that it will then transport the loads off site to appropriately licensed facilities for sorting and processing.' The estimated annual throughput is approximately 25,000 tonnes per year with no more than 500 tonnes per week.

Below is the threshold to require licensing for the following activity under Schedule 1 of the Protection of the Environment Operations Act 1997:

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)

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

Comment: The above comments are noted.

Consultant Acoustic Engineer

The acoustic report was sent to Council's Consultant Acoustic Engineer for peer review and the following response was provided.

The key issues that arise out of the peer review are:

- *Noise emission predictions:*

ITEM 1 (continued)

- *The loudest on-site activity is unloading/loading activities and metal sorting. The measurement made (77dB(A) at property boundary but with no information about the distance that it was measured from), does not provide sufficient detail in order to meaningfully check if the noise level appears reasonable.*
- *More importantly this ambiguity makes it impossible to check if the proposed acoustic treatment (shed construction) will be sufficient to ensure compliant noise levels at the neighbouring properties.*
- *The assumed sound pressure level of the truck (medium rigid) of 55-61dB(A) at 10m distance is lower compared to trucks of similar size in our experience.*
- *Whether it is a feasible operational restriction that all metal sorting and unloading can be conducted in the shed with all doors closed (given the size of truck relative to shed and the fact that there are stockpiles located outside the shed).*

Acoustic Criteria

The PKA Acoustic Report identifies the Noise Policy for Industry as the appropriate noise emission criteria for assessment and focuses on the noise impact on the immediately adjacent commercial/industrial development. We agree with this approach.

We note that trucks entering/leaving the site will use Buffalo Road, which will take them through residential areas. It is appropriate to include commentary about the Road Noise Policy and the noise from additional on-road noise from trucks entering/leaving the site. Given there are only 10 movements per day, it is unlikely that the Road Noise Policy guidelines will be exceeded. However this additional detail should be provided.

Noise Emission AssessmentEquipment/Vehicle Noise Levels

Any noise emission assessment relies on first identifying key noise sources and then either measuring or making reasonable assumptions as to how loud they are (in order to then predict noise emissions for the use of the site).

Trucks.

Section 6 of the report states that their propagation calculations are based on a 10m rigid truck having a noise level of:

- *61dB(A) at 10m distance when driving on site and*
- *55dB(A) at 10m distance when idling on the site.*

This is equivalent to the 10m rigid truck having a sound power (noise level at 0m distance) of:

ITEM 1 (continued)

- 89dB(A) when driving on site and
- 83dB(A) when idling on the site.

In our experience, the sound power level of a 10m rigid truck driving is closer to 95dB(A), 6dB(A) higher. (We have reviewed reports for other consultants adopting sound power levels of approx. 100dB(A)).

With the above in mind, and looking at the cumulative noise emission table (table 6.1 of the PKA Report):

- *If the noise contribution from truck manoeuvring increases from 57dB(A) to 63dB(A) (a 6dB(A) increase in truck noise),*
- *the overall noise level at the nearest property will increase from 62dB(A) to 65dB(A), and*
- *there is an exceedance of the 63dB(A) noise limit.*

Metal Unloading and Sorting.

On page 10, this activity is identified as the loudest typical and that it creates a noise level of 77dB(A) at the site boundary (indicating that any external metal sorting is likely to result in a significant exceedance of the 63dB(A) noise target).

However, there is no information provided regarding the typical distance between the measurement location and the activity. This information is critical in any prediction of noise emissions. Without this information, it is then impossible to determine:

- *The typical sound power level of the activity (noise level at 0m distance).*
- *This sound power level is a crucial aspect in determining what the noise level will be in the sorting shed (once it is constructed).*
- *Without knowing the noise level in the shed, it is then impossible to know whether the recommended shed construction sheet metal with roller doors will be sufficient to control the noise.*

Of particular concern is that the recommendations in section 7 of the PKA report require that any windows and doors to the shed have an R_w performance of 25. However, in our experience, a roller door (with typical a large opening around the drum at the top of the door) will have an acoustic performance of significantly less than R_w 25.

Not knowing sufficient information about the source data (sorting equipment noise level) means there is uncertainty about whether the shed construction (in particular the roller doors) will be sufficient to adequately control noise emissions.

ITEM 1 (continued)**Noise Management Recommendations**

Section 7 of the PKA report requires that all unloading/sorting is done with the shed doors closed.

There are a number of issues requiring further clarification:

- *Is a compliant noise emission prediction contingent on the roller door having an R_w 25 acoustic rating, and if so provide justification that this is in fact feasible given our concern about limitation in performance as a result of the roller doors.*
- *Looking at the swept path for the truck (page 10 of the PKA report), is there sufficient room for a truck to be unloaded while keeping shed doors closed? Further - the drawing on page 10 shows stockpiles located in a second building outside the main shed, and a forklift. Given this, it is necessary that the report address:*
 - *Is there a need to transport materials from main shed to the secondary shed. If so (presumably by forklift), then needs to be incorporated in the noise emission assessment*
 - *If this requires that the roller doors to the main shed are opened for this, is there a need for a management control that the sorting machine is not used at this time.*

Further Material Required

In order to ensure that it is feasible to operate the site while remaining compliant with noise emission requirements, the following is required:

- *Justification of the truck noise level used, or adopt one (sound power 95dB(A) when moving on site) that we believe is more realistic.*
- *Provide sufficient detail regarding the measurement of the sorting equipment (what actually is the equipment, and distance from measurement to activity) to enable an accurate review of the predicted noise emission.*
- *Advise whether an R_w 25 roller door is being relied on in order to control noise breakout, and if so, provide justification that the door assembly as a whole (inclusive of any gaps at top of roller) is capable of meeting this acoustic performance.*
- *Clarification as to what works are undertaken externally (forklift etc) and how materials are taken from the main shed to the secondary stockpiles without risking noise breakout via temporarily open shed doors.*

ITEM 1 (continued)
Internal ReferralsSenior Development Engineer

The application was referred to Council's Senior Development Engineer and the following response was received:

Stormwater Management

The proposed stormwater management system for the development discharges to the public drainage service in Buffalo Road. A review of the plan has noted the following matters which need to be addressed;

- The development relies on the removal of an existing easement, diversion of the effected drainage system and creation of a new easement to Buffalo Road. As the development is reliant on these works being undertaken, it will be necessary to configure any approval as a deferred commencement with a condition requiring these works to be completed in full.*
- Further to the above, the plans seek to utilise the downstream portion of the diverted easement however the plans depict that it will emanate from the diverted drainage easement. To remove any ambiguity related to maintenance, etc, it will be warranted that the line be disconnected from the diverted upstream portion and this could be addressed by condition of consent.*
- In response to concerns of pollutants entering the stormwater system, the consultant has stated that the all surface pits are to be treated as a soil / sediment control pit and this can be addressed by condition.*
- The consultant was requested to implement onsite detention following review of the application at lodgement. In response, the applicant has appealed for exemption on the basis that the site is currently all hardstand and remain as such. This is not accepted given the Council objective for onsite detention in to provide such facilities wherever possible. The grounds for exemption from onsite detention do not include any conditions relating to pre and post development hardstand areas due to the significant proportion of development Council assesses which results in a reduction of site coverage.*

Public Domain

The plans depict the retention of the driveway crossover. Whilst a matter for City Works, the driveway will need to be removed and kerb reinstated in the redundant sections.

ITEM 1 (continued)
Vehicle Access and Parking

The development has allocated 6 staff parking spaces, 1 disabled space and 4 visitor spaces. It would appear there is also provision to park vehicles in the front setback of No. 52 though there are no spaces marked in this area.

The applicants Traffic consultant has presented parking demand based on first principles. Broadly based on 5 vehicle trips per hour (derived from 30 customers per day in standard passenger vehicles) and 6 staff members on site, the consultant has presented the 11 spaces being provided as sufficient (5 allocated to customers and 6 for staff).

With regards to the parking rates in the DCP, the completed development presents the following requirements;

Use	Area (m ²)	Parking Rate	Spaces Required
Business / Office	133	1 space / 40 m ²	4 (3.33)
Industry and Light Industry	1163	1.3 – 1.5 space / 100 m ²	16 (15.12) – 18 (17.45)

Note:

- The industrial areas are net internal area which includes the loading bay area in the forward building. It excludes the area marked as "Storage" in the western setback.
- The office area has encompassed the ground floor area of the office and excludes the loading bay area.

Accordingly, the development will warrant 20 to 22 spaces if strict compliance with the DCP is sought.

Recommendation

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

- The scale of the development is significant enough such that OSD is considered warranted. Preliminary calculations of the sites OSD design parameters present a required PSD 70.42 L/s and SSR of 78.82m³ when utilising Council's simplified design procedure. Due to the extent of the site area and conservative nature of the simplified process, there is scope the storage requirement may be reduced if the applicant elects to model the system (ie DRAINS analysis). An appropriate location for the storage would be adjoining the weighbridge at the entry, noting that some excavation will be required to accommodate the weighbridge in any case.
- The planning assessment of the proposal is to take note the application presents a technical non-compliance in regard to parking. This is

ITEM 1 (continued)

however justified with a parking analysis presented by the Traffic Consultant which would appear reasonable in its assumptions.

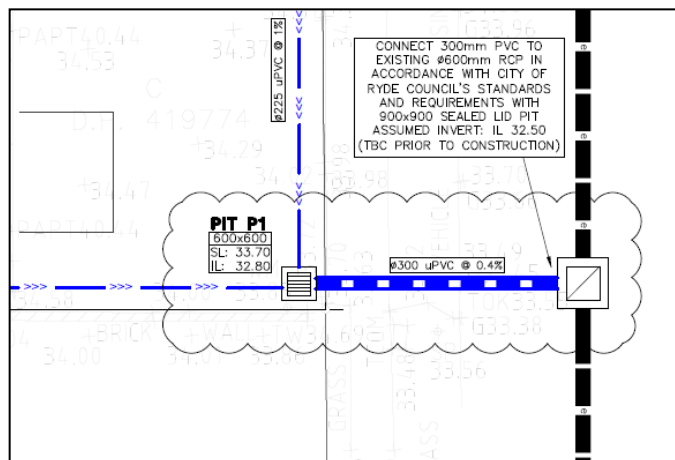
City Works – Drainage

A referral was made to Council’s City Works Department (Drainage), and the following comments have been made:

Stormwater Management

Stormwater Management Plan (Revision D), prepared by Capital Engineering Consultants Engineering Pty Ltd dated 26/03/2021 shall be amended to reflect the following:

- *New Pipe proposed in Council Land, including the connection from the boundary pit to the proposed pit shall be STEEL REINFORCED CONCRETE PIPE, class 4, of minimum diameter $\geq 375\text{mm}$.*
- *Minimum 1% slope to be proposed. e.g. below 0.4% slope is not sufficient :*



Note: if achieving a higher slope is not feasible as proposed, connection can be made to a downstream pit (if feasible).

- *The explanation letter prepared by Capital Engineering Consultants dated 01/04/2021 has referred to the refer to amended Stormwater Management Plans Rev. E dated 01.04.2021, Whereas the most recently submitted stormwater management plan is Revision D dated 26.03.2021.*

Please submit the most recent SWMP as mentioned in the letter.

ITEM 1 (continued)

Assessing Officer comment: The issues raised by Council's Drainage Engineer have not been resolved by amended plans, as the information was not presented to the applicant due to the scale of the issues with the development.

City Works – Senior Traffic Engineer

A referral has been made to Council's Senior Traffic Engineer, and the following comments have been made:

- *Table 3 of the TIA (Page 16) indicates that there will a maximum of 40 **inbound** vehicles (comprising 30 passenger vehicles and 10 heavy vehicles) and 10 **outbound** vehicles (comprising 6 passenger vehicles and 4 heavy vehicles) over a daily period. This means that there could be up to 30 vehicles (comprising 24 passenger vehicles and 6 heavy vehicles) left overnight. The scale of the site is such that it is inadequate to accommodate such a large number of vehicles on site. As such, it is likely that there will be parking spill-over onto Buffalo Road and potentially Cressy Road, taking away parking opportunities for surrounding residents and businesses, which is an undesirable outcome for the local community.*
- *There are concerns with the ability of a 19m long articulated vehicle (AV) being able to safely manoeuvre within the surrounding public road network to travel to and from the site. In order to further assess the safety of AV turning manoeuvres at key intersections, the following swept paths are required to be provided based on the truck routes specified in Figure 11 of the TIA (page 22):*
 - *An 19m long AV making a left turn from Victoria Road into Cressy Road*
 - *An 19m long AV making a right turn into Buffalo Road from Cressy Road*
 - *An 19m long AV making a right turn into Monash Road from Buffalo Road*
 - *An 19m long AV travelling through Monash Road (southbound) roundabout junction with Ryde Road*
 - *An 19m long AV making a left turn onto Victoria Road from Monash Road*

The swept paths is to be based on recent aerial imagery of the surrounding public road network and to scale. Copies of the swept paths are to be provided to Council in PDF and CAD.

- *The 19m long AV swept path provided in the Section 9 of the TIA (page 30) needs to be updated to show the following existing road characteristics:*

ITEM 1 (continued)

- Northern side of Buffalo Road including the parking lane (directly opposite the site);
- Centre (L1) line of Buffalo Road dividing opposing traffic lanes; and
- Southern side of Buffalo Road including the parking lane (adjacent to the site).

Copies of the swept paths are to be provided to Council in PDF and CAD.

- *The truck routes nominated in Figure 11 of the TIA (page 22) requires trucks to travel through Cressy Road, which is in the immediate vicinity of Holy Cross College. There are school zone restrictions within Cressy Road and Buffalo Road. As the proposed operating hours of the business will overlap with the existing school zone periods, what traffic management measures are to be put in place to minimise the impact of truck activity on the pick-up/drop-off traffic as well as children walking/cycling to and from the school.*
- *A vehicle waiting in the entry weighbridge will 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.*

The site design (i.e. architectural plans), traffic report and plan of management (PoM) governing the future operations of the development needs to be updated to address the abovementioned issues. The Plan of Management needs to be updated to incorporate traffic and parking management measures that is consistent with traffic study.

Assessing Officer comment:

The above concerns are noted and have been included in the reasons for refusal.

Environmental Health

The application was referred to Council's Environmental Health Officer and the following response was received:

Review of Statement of Environmental Effects

The Statement of Environmental Effects prepared by Planning Direction Pty Ltd dated March 2021 on page 29 states that:

No machinery (of any description) is proposed to process the scrap metal or break it down to a different size. All processing activities will occur downstream and elsewhere at other licensed facilities.

ITEM 1 (continued)

The report however states on page 11 that: the metals will then be baled and stacked in bays inside the warehouse building.

To bale metal requires a metal baler, which would contradict the assertion that no machinery is proposed.

Metal baling is a vital part of the scrap metal recycling industry, especially to transport metal long distances. It is unreasonable to assume that the metal will be manually baled without the use of a baling machine as this would reduce the efficiency of the storage and transportation.

Confirmation is required to determine if a baling machine will be used as this will impact on potential dust creation, as the NSW EPA document – Proposal for minimum environmental standards for the scrap metal industry on page 9 lists balers as a potential source of air pollution.

The inclusion of a baler will also impact on noise produced from the facility as would need to be assessment in the acoustic report.

Review of Dust Management Plan

The Dust Management Plan prepared by Hibbs Pty Ltd dated 1 April 2021 on page 8 states that:

There will be no metal processing, crushing, grinding, separating or oxy cutting of scrap metal on site at any time.

The nature of the industry raises concerns about the validity of this statement as the proposal will accept bulk bin deliveries. No real indication has been given about how oversized pieces of metal will be handled without cutting or crushing.

The dust management plan states on page 17 that:

“while unloading and loading, the drop heights of the scrap metal should be minimised to reduce dust emissions”.

There is no information provided as to what constitutes an appropriate drop height, or how this will be enforced. The drop height of the metal will also potentially impact on noise, as metal dropping onto concrete has the potential to create significant noise.

Most submissions raised by members of the public that raise concerns about dust relate to dust generated by the movement of trucks to and from the facility. The facility will have no control over the trucks once they have exited the facility, which raises concerns about the ability of the facility to manage potential impact to surrounding residents.

ITEM 1 (continued)

A submission from the adjoining property describes a neighbouring scientific laboratory with instruments that would be very sensitive to dust.

The Dust Management Plan requires on page 16 that the roller door is always closed during waste sorting, waste movement within the facility, reloading into the trucks, facility cleaning operations. The long-term practicality of this occurring must be considered.

The sorting process at these types of facilities typically involves the use of oxy cutting for the purpose of handling any oversized pieces of metal, especially in the absence of a shredding process. Oxy cutting requires a high level of ventilation due to the hazardous fumes created.

There is no reference made to ventilation in the Statement of Environmental Effects, which indicates that natural ventilation may be utilised, which creates the potential that the roller doors will remain open, impacting the acoustic report recommendation.

The requirement to keep the roller doors shut during operation is also a requirement to address the potential for noise concerns, however no information is provided about demonstrating an appropriate level of ventilation for the building, especially with trucks and forklifts operating internally. It would therefore be appropriate to consider an internal air quality assessment to be provided to ensure the safety of workers.

Review of Potential contamination issues

No site contamination assessment has been submitted as part of this application. A site contamination assessment is vital to be able to determine that the site is suitable for the proposed use, and that site contamination does not pose a significant threat to the occupants or surrounding environment. It is reasonable to assume that considering the current and previous use of the site that there will be some level of contamination.

Review of Acoustic report

The SEE states there will be no grinding as part of the process, however the acoustic report states on page 8 that various activities in the shed include grinding, forklift activity and other miscellaneous tasks.

I am concerned about the proposed crane sorting process. Often these types of facilities use a claw system/attachment that assists in crushing the metal for the purpose of shipping. This raises further to the concern about baling, and how this process will occur. This process has not been adequately documented in the acoustic report or SEE.

The acoustic report dismisses the need to determine noise level compliance at the closest residential receiver due to the fact they have determined that noise is inaudible from a survey. If this early morning survey did occur, then the acoustic measurements obtained should be included in the report for completeness.

ITEM 1 (continued)***Review of letter from EPA dated 28 May 2021 and the storage of lead batteries.***

The response letter from the NSW EPA dated 28 May 2021 states that:

“The EPA will not be providing general terms of approval for this proposed development as it is below the thresholds.”

I have concerns that the facility has not adequately demonstrated that the proposal should not be licenced by the NSW EPA in relation to battery storage.

Batteries are classified as hazardous waste by the NSW EPA, and require a licence for storage over 5,000kgs at any time. See Part 3 of Clause 42 of Schedule 1 of the Protection of the Environment Operations Act 1997.

The SEE on page 12 states that a maximum of 200 batteries will be stored on site. Assuming a minimum of 25kgs for a standard size battery, this would result in 5,000kgs stored. However, should any batteries be heavier, for example 60kgs for truck batteries, this would exceed the storage threshold for an unlicensed premises.

It is the responsibility of the applicant to provide confirmation in the application demonstrating that the proposal does or does not require licencing by the NSW EPA.

This becomes more pertinent to seek clarification as page 31 of the SEE provides confirmation that the applicant believes that they should be licenced, however using a different section of the schedule than what was identified by the EPA (Clause 32 for the application vs Clause 26 for the EPA).

Assessing Officer Comment:

The above concerns are noted and have been included in the reasons for refusal.

11. Conclusion

The proposal is considered to be unacceptable due to the following and is recommended for refusal.

1. The proposal constitutes designated development and the application has not been nominated as designated development when lodged.
2. The 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 Acoustic report submitted with the application is inadequate for the following reasons:
 - The methodology for testing fails to provide sufficient information for assessment

ITEM 1 (continued)

- The report fails to account for a number of activities that will be occurring on the site, including baling and movement of skip bins
 - The recommendation of the report involves the requirement of the proposed warehouses/sheds being closed at all times, which is unfeasible for the proposed use
4. Inadequate dust report provided.
 5. No vibration report provided.
 6. Impact of acoustic measures upon ventilation and employee health.
 7. 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.
 8. Concern with queuing of trucks on the road.
 9. No Phase I and Phase II Site Investigation Report notwithstanding site is likely to be contaminated. As such, insufficient information has been provided to demonstrate the site is suitable for the proposed development.
 10. Impact of semi-trailer use of residential road network.
 11. 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.
 12. An appropriate accessible path of travel and accessible WC is not provided.
 13. Inadequate provision for landscaping at the street frontage.
 14. The documentation submitted with the application is inconsistent and inaccurate.

12. Recommendation

- A. That Development Application LDA2021/0124 for part demolition of existing buildings, construction of industrial building, installation of weighbridges, and use as a waste or resource transfer station for scrap metals at 50-52 Buffalo Road, Gladesville be refused 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

ITEM 1 (continued)

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.

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

ITEM 1 (continued)

ATTACHMENTS

- 1 Plan of Management
- 2 Architectural Plans - subject to copyright provisions

Report Prepared By:

Kerry Gordon
Consultant Town Planner

Report Approved By:

Madeline Thomas
Senior Coordinator - Development Assessment

Sandra Bailey
Manager - Development Assessment

Liz Coad
Director - City Planning and Environment

ITEM 1 (continued)

ATTACHMENT 1

Plan of Management

Provided below is a **Plan of Management for Operational Matters** for the use of No 50-52 Buffalo Road Gladesville as a resource recovery transfer station for scrap metals. The operator of the subject site is **Circular Metals Gladesville Pty Ltd** ABN 91 636 234 994.

Locality description

The subject site is situated on the south-western side of Buffalo Road and is known as No 50-52 Buffalo Road Gladesville.

The subject site is legally identified as Lot C in Deposited Plan 419774 and Lot 1 in DP 390558.

Operator Details

Operator: **Circular Metals Gladesville Pty Ltd**

ABN 91 636 234 994.

Proposed Use

The proposed resource recovery transfer station use will involve the following:

- The receipt of scrap metals, including ferrous, non-ferrous, electronic waste, whitegoods, batteries & cars parts by small vehicles, rigid trucks and the occasional semi-trailer.
- There will be no importation of organic materials, food, household liquids, asbestos, chemicals, hazardous materials, building waste or concrete.
- Scrap metals delivered by metal types only will be unloaded inside the transfer station, placed into allocated bays (i.e. steel, aluminium, copper, brass etc), and then reloaded (by metal types only) onto trucks for distribution, meaning that it which will then transport the loads off site to appropriately licensed facilities for sorting and processing.
- Steel scrap will be sent by truck to a Kurri Kurri facility (operated by Weston Aluminium Pty Ltd) for shredding & then 100% recycled & melted at steel

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mills such as Molycop Pty Ltd at Newcastle and Bluescope Steel Pty Ltd at Port Kembla.

- Aluminium scrap will be sent by truck to Weston Aluminium plant for melting & 100% recycled into products for steelmaking at Bluescope Steel Port Kembla & Liberty Steel Whyalla.
- Copper scrap will be sent for recycling and reuse to manufactures such as Adchem Pty Ltd in South Australia and Metal Manufacturers Pty Ltd at Port Kembla.
- Other non-ferrous scraps will be sold in smaller quantities to specialised recyclers.

Total tonnage handled on-site per year will be substantially less than 30,000 tonnes per annum. A record of all tonnage handled at the site will be kept and made available to Council on request.

Operational Matter

Large trucks will inform the company of an arrival time so that loading and unloading can be anticipated/co-ordinated on-site.

A) Trade Customers – Inbound

Up to 10 trucks with small bins 2-5Mt and 10 small vehicles 500kg's to 2Mt's is expected to visit the site per day.

The vehicles will drive into the inbound weighbridge, where the driver will be greeted by a weighbridge operator. The operator will oversee the weighing of the trucks and then direct the truck driver to proceed to unloading area in the rear building. The operator will inform the yard supervisor inside the building by two-way radio of the truck content. The yard supervisor will direct the truck to the bundled loading area where metals will be unloaded. Vehicle will then proceed to outward weighbridge for weighing. The weighbridge operator will communicate with the truck driver and weigh the outbound truck prior to issuing clearance to leave the site. The truck driver will take a weighbridge ticket from a document dispenser and then proceed off the site.

B) Trade pick-ups – Outbound

Expected visitations at the site by 2 small trucks 1-10Mt and up to 4 large semi-trailers 10-25Mt per day. The same procedure will apply as identified above in terms

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of vehicle movements on-site. The roll-a-doors will be shut during the unloading and loading process.

C) Retail Customers – Inbound

Up to 20 vehicles including cars, utilities, and trailers will visit the site per day.

These vehicles will drive to inbound weighbridge and will be greeted by the weighbridge operator. These vehicles will be weighed (if containing the same metal) and proceed to retail unloading area as directed by the weighbridge operator. The weighbridge operator contact the yard supervisor by two-way radio and direct the retail customer to the in retail unload area. Assorted metals will be unloaded and weighed separately on a retail scale, customer paperwork and payment arrangements will be completed in office area. Customer will then drive out via the outbound driveway and leave the site.

Noise

Nosie abatement measures will be implemented as recommended in the acoustic Report.

Waste

Waste generated on-site will be handled as per recommendations in the Demolition and Waste Report.

Staff

With regards to staffing the following staff, work at the site;

1. Weighbridge operator will perform the following tasks:

- a) meet all inbound and outbound vehicles.
- b) Verify type of customer, Trade, or Retail.
- c) Check, weight and type of scrap metal being transported.
- d) Direct customer to relevant loading/unloading area on site to meet the yard supervisor.
- e) Inform the yard supervisor via radio of vehicle coming onto site.
- f) Check and clear vehicles leaving the site.

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2. Yard Supervisor

- a) Meet vehicles/Drivers on site.
- b) Direct trucks and cars to the exact loading/unloading location.
- c) Direct the folk lift operator to load/unload scrap metal.
- d) Ensure Safety and Environmental Protocols on site are met.
- e) Clean the site after each loading and unloading procedure.

3. Fork lift Operator and a field hand = 2 people

- a) Load and unload vehicles.
- b) Maintain equipment.
- c) Ensure Safety and Environmental Protocols on site are met.

4. Office Manager/Admin = 2 people

- a) Look after retail customers.
- b) Administration of office, accounts, and IT.

5. General Manager

- a) Ensure Safety and Environmental Protocols on site are met.
- b) back up staff in case of absence.
- c) General site management.

Cleaning

The manager arranges cleaning of the premises daily between low-peak periods. Accordingly a clean and neat site will be available to the public daily.

- **There will be no oxy cutting of scrap metal on site at anytime**

Security

The operator will install 10 CCTV cameras throughout the site. Including one at each weighbridge. The CCTV footage will assist with the smooth operation and flow of vehicles on-site and reduce the time vehicles remain on-site. The CCTV cameras will also assist with security on-site.

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CCTV cameras will also be directed across the frontage of the site to capture illegal dumping.

Proposed Operating Hours

The proposed hours of operation will be limited to between 7.00AM to 6.00PM Monday to Friday and between 8.00AM to 3.00PM on Saturday.

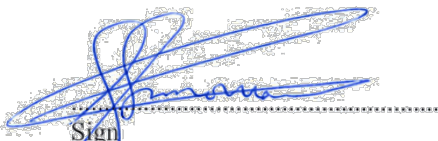
Truck loading hours will be confined to the above.

Signage will be clearly displayed across the frontage of the site identifying opening hours of the site. Such should inform all visitors coming to the site. The operating hours will also be clearly displayed on the web site for the company.

Directions as to what materials will be accepted on the site will be clearly sign posted at the front of the site and on the website. Such should ensure that only the correct materials are brought to the site.

Signed Declaration from operator

I Garbis Simonian has read the plan of management and I understand what is required from an operation point of view.


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Sign


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Date

MANAGING DIRECTOR
CIRCULAR METALS GLADESVILLE PTY LTD