

Memo

Development Assessment

To: Chair - Northern Beaches Local Planning Panel

Cc: Peter Robinson - Executive Manager, Development Assessment

From: Kye Miles – Town Planner

Date: 05 April 2022

Subject: Item 4.1 - DA2021/2138, 235 Powderworks Road, Ingleside

Record Number: 2022/210322

Dear Chair and Panel Members,

This Memo is to advise that Council's planning staff have received and reviewed additional submissions regarding Item 4.1 following the finalisation of the assessment report and agenda for the meeting of 06 April 2022.

The submissions are on behalf of the following properties:

- 8 Ingleside Road, Ingleside,
- 21 Ingleside Road, Ingleside,
- 24 Grandview Drive, Newport.

The submissions supplement the previous submissions made against the development application from the above properties, the original submissions were addressed in the assessment report.

The additional submissions raised the following matters (which are summarised below) and a copy of the full submissions forms an attachment to this memo:

The acoustic report does not accurately detail the expected impacts for the residential sites located at Wesley Street.

Comment

The acoustic report has adequately shown impacts on residents overall, and for locations closer to the development than those at Wesley Street.

The acoustics impacts on surrounding residential sites have not been appropriately considered as the assessment relied upon the following statements 'only 8 dogs will bark', and 'the facility staff won't accept customers with noisy dogs'.

Comment

The submitted Acoustic Report (Noise and Sound Services, dated January 2022) states that the typical worst-case scenario of 8 dogs barking at any one time is based on the previous data gathered at other similar dog venue projects (18 in total)

carried out by Noise and Sound Services, which found that approximately 10% to 30% of dogs could bark from initial excitement. It must be noted that concern was originally raised with this prediction by Council's Environmental Health division, as it was considered to be relatively undervalued. However, the applicant sufficiently justified these claims within the Appendix to the Acoustical Assessment. Overall, the acoustical impacts are reasonable and will comply with the NSW EPA Noise Policy for Industry (NPfI).

The risks associated with the proposed effluent management system, such as the potential runoff into fragile ecosystems, have not been considered. In addition, concerns regarding the impact on the impact of faeces of dogs who have recently been dosed with a 'dewormer' on the worm-based waste treatment solution, which has not yet been addressed.

Comment

This matter was a primary consideration of Environmental Health's review of the proposal. Overall, the proposed Worm Farm Waste System is a high-quality treatment system with a low nutrient output, which poses a lesser threat to the environment than the typical forms of runoff from roads and people using their stormwater drains to wash household items. Both the designer/manufacture of the system and the expert wastewater consultant have given their approval to be used for this specific use on this site.

Impacts on local biodiversity have not been accurately assessed. The raised submission includes detailed accounts of threatened and other native wildlife within the area. It is considered that this wildlife will be affected by the constant presence of a large group of dogs.

Comment

The report, in combination with others, provided an adequate assessment of construction impacts, however, was lacking in its assessment of operational impacts (i.e. noise and odour) that are also of concern.

Operational impacts were considered acceptable (for biodiversity) based on a review of the 'Acoustic Assessment' (Noise and Sound Services 2021) that shows that the (unmitigated) Predicted Noise Level at 90m from centre of site would result in an exceedance of 4dB from the measured Ambient Noise Level (48dBA) during the proposed operational hours (8:00am – 17:00pm). As Ingleside Chase Reserve is located approximately 140m from the centre and 110m from the east boundary of the enclosure, the levels were assumed to not exceed ambient levels. Further, noise barriers would be required to reduce risk of noise impacts.

Support from NECC- Biodiversity is conditional subject to the restriction of dogs being kept in the site between 8:00-17:00, an extension of the noise barrier to cover the entire eastern extent of the facility, and proximity restrictions between the dogs and Ingleside Reserve to mitigate potential odour impacts.

Concern is raised that the works are significantly out of character and as a result will impact nearby house values.

Comment

As discussed with the assessment report, the works have been appropriately sited from the boundaries and the proposal includes a high-quality landscape design to mitigate

any conflict within the streetscape. In addition, the immediate locality contains various examples ([REDACTED]) of other non-residential land uses that in some cases are less sympathetic to surrounding and adjoining residential sites. The proposed use is also permissible with RU4 Rural Landscape zone. The matter of property values is not a relevant consideration as per CI4.15 of The Act.

The assessment report does not accurately depict the subject site's history.

Comment

The 'site history' section of the report includes the details of the only recent and relevant application being PLM2021/0020. The matters referred to in the additional submission relate to a Compliance Investigation carried out in 2020. This investigation is not relevant to subject application and is therefore not referenced within the 'site history' section.

The assessment process did not allow adequate time for many residents to read over the new documents and prepare a submission ahead of the pre-panel deadline.

Comment

The amended documents were listed on Council's website from 31 January 2022. The proposed amendments did not trigger a formal re-notification of the proposal, as the *Northern Beaches Community Participation Plan* (CPP) refers to re-notification not being required for amendments where the "changes result in a lesser or reduction of environmental impacts", which was relevant in this case. The CPP also indicates that all submissions will be received and considered prior to the determination of the application. In addition, all concerned persons have been invited to address the Panel prior to determination.

Late submission received.

Comment

A late submission was received that was addressed to the Mayor and Councillors. The individual did not object to the application prior to the finalisation of the assessment report. The issues raised in this objections were addressed within the assessment report based the same issues being raised in other submissions.

Recommendation:

As a result of the assessment of the further submissions, no changes are required to the recommendation or conditions contained within the agenda.