

STATEMENT OF ENVIRONMENTAL EFFECTS

Change of Use to
Business Premises
including Skin
Penetration

35/7-11 Collaroy
Street, Collaroy

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Statement of Environmental Effects

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1 Introduction

This Statement has been prepared as part of the documentation associated with a Development Application for the use of the unit to a business premises. The proposed business provides tattooing services and involves skin penetration.

The business is within an existing shop top housing development with commercial uses located on the ground floor and residences above. We can confirm that no physical works are proposed and the existing layout is to be maintained. No signage is proposed with this application.

In addition to the Statement of Environmental Effects the application is also accompanied by the following:

- Strata Plan;
- Existing Floor Plan
- Annual Fire Safety Certificate

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979;
- Warringah Local Environmental Plan 2011 and
- Warringah Development Control Plan 2011

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed use will have a satisfactory impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

2 Site Analysis

2.1 Site Description and Location

The subject tenancy is legally described as Unit 35, SP 57694, No. 7-11 Collaroy Street, Collaroy. The tendency is located on the ground floor of a mixed-use building with basement car parking and residential apartments above. The strata plan confirms there are 3 car parking spaces allocated to the subject tenancy. The subject site is located at the western edge of the Collaroy Beach retail/ commercial precinct.



Figure 1: Aerial Location

Vehicle and pedestrian access to the site is provided from Collaroy Street.



Figure 2: Car access point

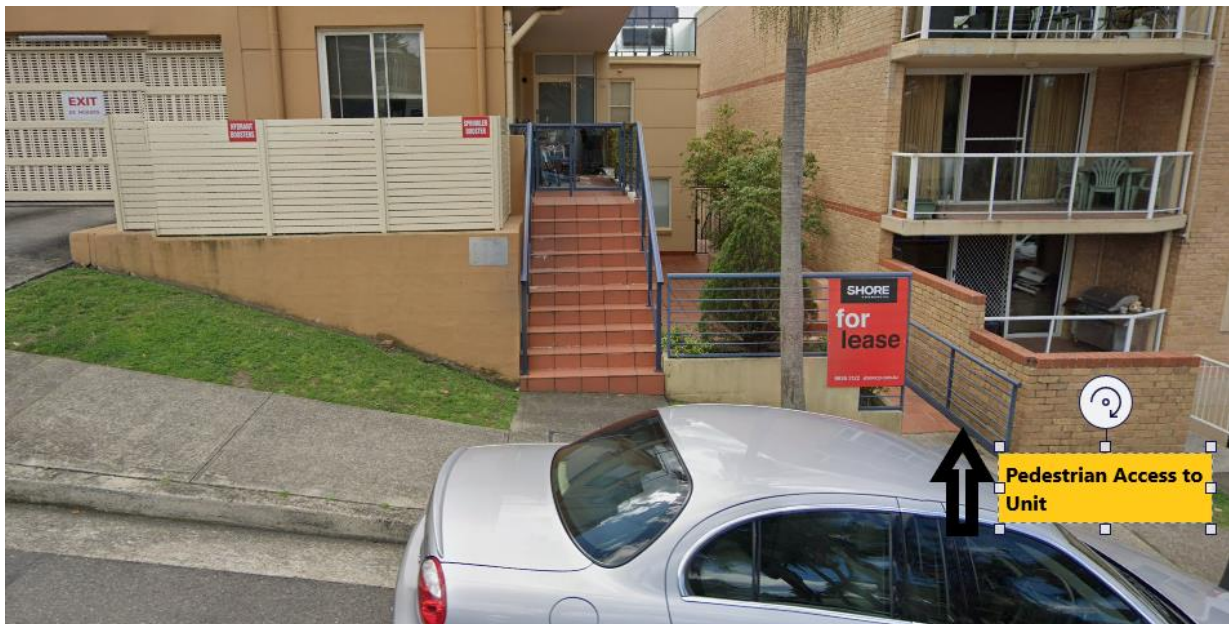


Figure 3: Pedestrian Access to unit

3 Description of Proposed Development

3.1 Details of the Proposed Development

This application proposes a change of use to a Tattoo Parlour that involves skin penetration. Such use would fall under the definition of a Business premises pursuant to the provisions to the Warringah LEP.

The operating details of the business are as follows:

- 11am – 6pm Monday to Sunday
- Only 1 tattoo artist is proposed to be working in the beginning. It is anticipated that another artist will service clients in the near future. No other staff is required.
- Bookings will be by appointment only and depending on the tattoo can be time consuming. It will be a low intensity use of the unit.

The existing layout of the unit will be preserved. No physical fit out works are required. No Signage is proposed with this application.

Garbage storage is located in the basement with normal commercial waste collection applying to the site.

A sharps disposal container will be provided on site to dispose of used needles which comply with the Australian Standards.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Warringah Local Environmental Plan 2011

The Warringah Local Environmental Plan 2011 is the principal local planning instrument applicable to the land. The relevant provisions of the LEP and the manner in which they relate to the site and the proposed development are assessed below.

4.1.1 Zoning and Permissibility

As previously noted the site is zoned E1 Local Centre pursuant to the provisions of the Warringah Local Environmental Plan 2011. The objectives of the zone are as follows:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To ensure new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.*

Business premises is defined as:

- (a) *an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*
- (b) *a service is provided directly to members of the public on a regular basis,*

and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

The proposed use is for a tattoo parlour and, as such, will involve skin penetration. The business will provide tattooing services to the general public on a regular basis and is permissible with consent in the zone.

4.2 Landslip Risk

The site is identified as being within a landslip risk area. There is no physical works involved that would impact on landslip risk.

4.3 Warringah Development Control Plan 2011

The proposal relates to the use to the existing ground floor unit within a mixed use development and the following relevant DCP controls have been addressed with regard to the proposed use.

4.3.1 Car Parking Requirements

Pursuant to appendix 1 in the DCP the carparking requirements for a business premise are:

1 space per 40 m2 GFA excluding customer service/access areas, plus for customer service/access areas 1 space per 16.4 m2 GFA.

The 3 car spaces allocated will adequately service the use. The unit is approximately 43m² in size. On street parking is available also. The low intensity nature of the use will not generate a high level of parking demand or traffic generation generally.

4.3.2 Noise

The tattoo parlour will not generate unreasonable noise impacts for adjoining commercial units or residents above.

4.3.3 Accessibility

Existing level of accessibility is to be maintained.

4.3.4 Site Facilities

A garbage storage area is located in the basement with normal commercial waste collection applying to the use. The existing toilet facilities adequately cater for the intended use.

A sharps container and medical waste bin will be provided on site and disposed of by the appropriate methods. It anticipated that this will form part of the development consent condition for a skin penetration business. The business will be registered with Council and other applicable regulatory bodies as required for skin penetration.

4.4 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the EP&A Act (as amended):

(i) *any environmental planning instrument*

The proposed use is permissible and consistent with the objectives of LEP and DCP as they are reasonably applied to the proposed change of use.

(ii) *Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

There are no draft instruments that are applicable in relation to the proposed development.

(iii) *Any development control plan*

Warringah DCP applies and the relevant provisions have been considered in this statement.

(iiia) *Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and*

N/A

(iv) *The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

N/A

(v) *Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)*

N/A

(b) *The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,*

Context and Setting

i. *What is the relationship to the region and local context in terms of:*

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*

- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

These matters have been discussed in the body of this report.

ii. *What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

The development provides adequate carparking facilities in conformity with the objectives of DCP.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

This matter has been discussed in detail in the body of this report.

Flora and Fauna

N/A

Waste Collection

Normal waste disposal is provided on site. Medical waste (sharp needles) will be disposed of appropriately and in accordance with the Australian Standard for skin penetration business.

Natural hazards

N/A

Economic Impact in the locality

The proposal will provide employment opportunities.

Site Design and Internal Design

i) *Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*

- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

i) What would be the impacts of construction activities in terms of:

- *The environmental planning issues listed above*
- *Site safety*

No physical works are proposed

(c) The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to utility services. The development will not cause excessive or unmanageable levels of transport demand.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

The proposed works are permissible and consistent with the intent of the LEP and DCP standards and controls as they are reasonably applied to the proposed development. The development would not be contrary to the public interest.

5 Conclusion

The proposed use is permissible and consistent with the intent of the controls as they are reasonably applied to the proposed use. It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The site is suitable for the proposal, having regard to the relevant land use and planning requirements.
- The proposed use will not have any adverse impacts on the local community of residents within the mixed used complex with regard to privacy, traffic and parking.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.