

Statement of Environmental Effects

Submission to

NORTHERN BEACHES COUNCIL

**CHANGE OF USE FOR A BUSINESS PREMISES. PREMISES TO BE
USED FOR SKIN PENETRATION (TATTOO PARLOUR)**



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Prepared on behalf of

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TABLE OF CONTENTS

1.0	INTRODUCTION	3
2.0	SITE LOCATION AND DESCRIPTION.....	3
2.1	Location	3
2.2	The Site	4
3.0	DEVELOPMENT PROPOSAL	5
3.1	Hours.....	5
3.2	Staff	5
3.3	No Fit Out.....	5
3.4	Operational Practises	6
4.0	STATUTORY PLANNING FRAMEWORK	6
4.1	Warringah Local Environmental Plan 2011	6
4.1.1	General	6
4.1.2	Aims	6
4.1.3	Zoning and Permissibility	6
4.1.4	Zone Objectives	8
4.1.5	Height of Building	9
4.1.6	Heritage	9
4.1.7	Landslide Risk Land	9
4.1.8	Additional Permitted Use	9
4.1.9	Flooding	9
4.2	Warringah Development Control Plan 2011	10
4.2.1	Objectives	10
4.2.2	Warringah Development Control Plan	10
5.0	KEY ISSUES	13
5.1	Car Parking.....	13
5.2	The Public Interest	13
5.3	Public Transport	13
5.4	Environmental Impact.....	13
5.5	Compliant Use.....	13
6.0	CONCLUSION	14

1.0 INTRODUCTION

This document has been prepared in order to provide information and an assessment in respect of a Development Application which proposes the use of an existing shop on Pittwater Road for the purposes of a business premises, specifically a Tattoo Parlour.

The use would be a business premises (Tattoo Parlour). Aquatica Tattoo is a local Tattoo Parlour that already operates in Brookvale, their current premises is located at 682 Pittwater Road, however as their business expanding, they require a larger facility to continue operating. Aquatica Tattoo are proposing to move to 678 Pittwater Road.

Consideration has been given to the environmental merit of the proposal as well and the following environmental planning instruments:

- *Environmental Planning and Assessment Act 1979* ('EPAA')
- *Environmental Planning and Assessment Regulation 2021* ('EPAR')
- *Warringah Local Environmental Plan 2011* ('WLEP')
- *Warringah Development Control Plan 2011* ('WDCP')

In my opinion, the development application succeeds on the merits and pursuant to the relevant legislation and is suitable for the grant of development consent by Council.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Location

The site is located on the eastern side of Pittwater Road in Brookvale. The site is located within the Brookvale industrial and commercial precinct, which supports jobs and economic growth for the locality.

The surrounding context provides for a range of businesses including, cafes, pubs, food and drink premises, business premises, industrial uses and more.

The locality is connected by local and classified roads, with Pittwater Road being the main road providing connectivity to the site. In proximity to the site on Pittwater Road, are bus stops that patrons and employees can utilise to access the site. The site has 4 designated parking spaces, and large Council carpark adjoins the site. Figure 1 shows the site and surrounding context.



Figure 1: Site Location and surrounding Context (Base Source: Google Maps)

2.2 The Site

The site is currently vacant, however has been used previously as business and retail premises. The site is a two storey commercial premises with 4 park spaces allocated to the tenancy.

The site has dual access, and can be accessed from Pittwater Road frontage, and the rear lane way carpark on Chard and Windborne Road. The ground level tenancy is where Aquatica Tattoo Proposes to operate from.

The site is legally known as Lot 2 in Deposited Plan DP509330. The ground floor tenancy has 202m² of Gross Floor Area (GFA).

3.0 DEVELOPMENT PROPOSAL

3.1 Hours

The proposal involves use of the site as a tattoo Parlour, which will operate 7 Days a week. The hours of operation will be in accordance with Table 1.

Day	Start Time	Finish Time
Monday	9:00am	6:00pm
Tuesday	9:00am	6:00pm
Wednesday	9:00am	6:00pm
Thursday	9:00am	6:00pm
Friday	9:00am	6:0pm
Saturday	9:00am	6:00pm
Sunday	9:00am	6:00pm

Table 1: Proposed Hours of Operation

3.2 Staff

The business will provide employment for 8 Tattoo Artists and provides for 8 tattoo tables.

Aquatica Tattoo currently operates from 682 Pittwater Road (with development Consent DA2021/0512) and has successfully run for the two years, however due to growing demand, they need to increase their venue size to support the additional demand and provide additional employment for local artists.

3.3 No Fit Out

The occupation involves no physical works to the structure and is a use application for a Business Premises, specifically a tattoo parlour. The no building work is required to support the use, however will require furniture installation. The facility will provide the following:

- 8 Tattoo Tables
- Reception and Waiting Area
- Client Lockers and security space
- Employee Meeting Room
- Storage areas
- Bathroom and Kitchen facilities (existing)

The application is supported by the following documents:

- Site Plan
- Floor Plans
- Landowners Consent
- Waste Management Plan
- This Statement of Environmental Effects.

In my view the works subject of the application is worthy of consent. For additional information please refer to the submitted plans.

3.4 Operational Practises

AQUATICA is a private tattoo studio in the heart of Brookvale on the Northern Beaches of Sydney, offering custom designs and high quality, clean tattooing. AQUATICA Tattoo is a registered business with appropriate licences to tattoo.

It is a local owned tattoo studio with a passion for art and creativity. The business operates with 8 staff and supports the growing creative industry of Brookvale.

The business operates though pre-booking of Tattoo appointments online with an artist. Once booked, customers attend the site for their session.

There is a reception for customers to wait and customer lockers provided to ensure personal belonging are secure. Waste is appropriately managed and removed from the site in appropriate receptacles.

4.0 STATUTORY PLANNING FRAMEWORK

4.1 Warringah Local Environmental Plan 2011

4.1.1 General

Warringah Local Environmental Plan 2011 (WLEP) is the relevant local environmental plan.

4.1.2 Aims

The aim of WLEP is, among other things, to promote economically, environmentally and socially sustainable development in the former Warringah local government area (now part of the Northern Beaches local government area) and to ensure that development is consistent with the desired character of Warringah's localities.

4.1.3 Zoning and Permissibility

Recently the State Government Introduced the Employment zone reforms, which standardised zoning uses and renamed land use zones.

Prior to the employment zone reform, the site was zoned B5 Business Development under the WLEP 2011. Under the B5 Zone business premises were permitted with consent. As the employment zone reforms are now in force, the site zoning is E3: Productivity Support under the WLEP 2011. Under the E3 zone business premises are permitted with consent. Figure 2 shows the sites zoning.



Figure 2: Zoning Extract (Source: NSW Planning Portal)

Under the WLEP 2011 a business premises is defined as:

business premises means a building or place at or on which—

(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.

Note—

Business premises are a type of commercial premises—see the definition of that term in this Dictionary.

The proposed land use is appropriately described as per the above definition as it provides a creative service (tattooing profession) to the local community.

4.1.4 Zone Objectives

The E3 Productivity Support zone provides the following zone objectives:

- *To provide a range of facilities and services, light industries, warehouses and offices.*
- *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.*
- *To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.*
- *To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.*
- *To provide opportunities for new and emerging light industries.*
- *To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.*
- *To create a pedestrian environment that is safe, active and interesting.*
- *To create employment environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.*
- *To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses.*

In my view the proposal is consistent with the zone objectives as:

- The business provides a unique creative business that supports the functionality of the precinct.
- The business supports local artists through employment and contributes to the needs of the local community.
- The business supports an active frontage on Pittwater Road, creating an interesting, safe and active road frontage.
- The business contributes to the economic growth and commercial activity of Brookvale.

The proposed business premises is unlikely to adversely affect other land uses in the locality and the site provides adequate off-street parking to satisfy the parking generation by the use. In my opinion the proposal is consistent with the zone objectives.

4.1.5 Height of Building

Clause 4.3 of the WLEP 2011 provides the maximum building height limit for the area. The maximum height of a building allowed within that area is 11m. The proposed development does not involve any external works to the building and therefore complies with the standard.

4.1.6 Heritage

The site is not a heritage item.

4.1.7 Landslide Risk Land

Under the WLEP 2011 the site is mapped on Area A - Slope <5 of the landslide risk map. The scheme involves use of an existing business premises. The proposal is unlikely to affect slope instability within the locality as the building remains existing and no building works are proposed.

4.1.8 Additional Permitted Use

The site is noted to be within Area 5 of the Additional Permitted Use Map of the WLEP 2011. For the case of the proposed use, the additional permitted use clause is not relevant to the development, as business premises are permitted with consent in the E3 Zone.

4.1.9 Flooding

The site is mapped as being within a medium flood risk Precinct. The proposed development comprises change of use to a tattoo studio, with no external changes. The proposed development is unlikely to increase flood risk. Figure 3 shows the site in the flood risk map.

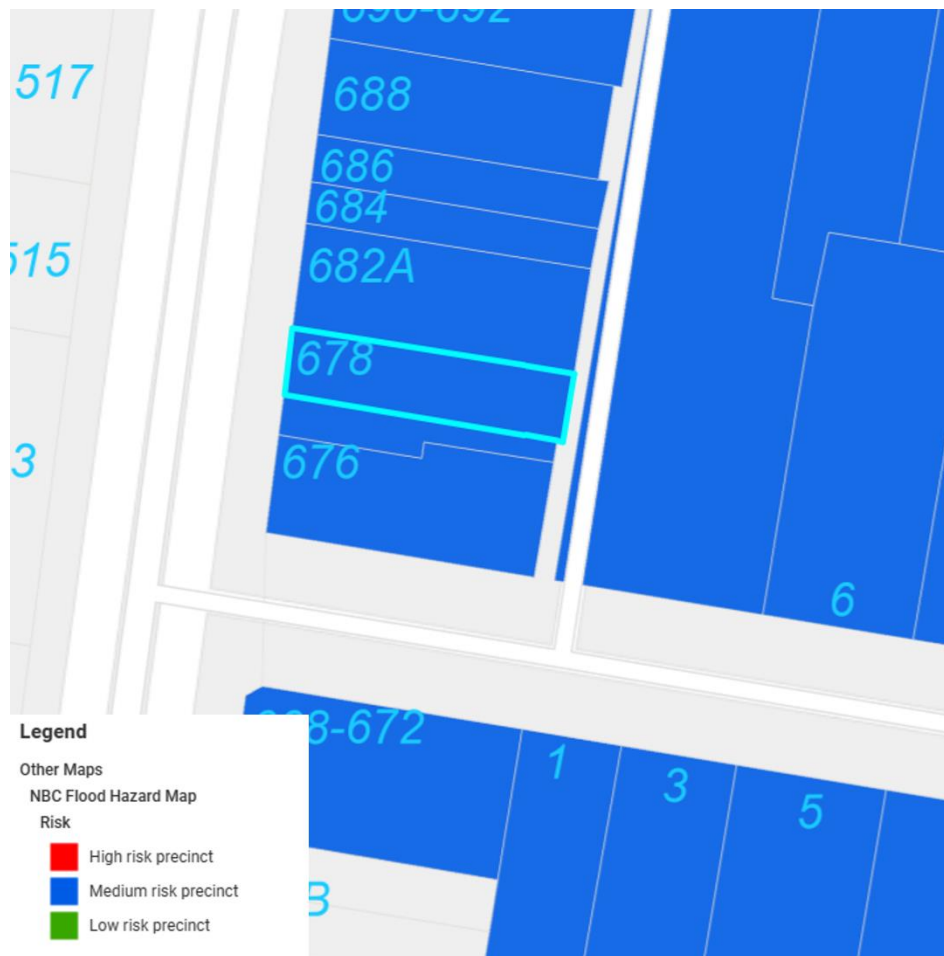


Figure 3: Flood Risk Mapping (Source: Northern Beaches Council Planning Maps)

4.2 Warringah Development Control Plan 2011

4.2.1 Objectives

Warringah Development Control Plan 2011 (WDCP) applies to the carrying out of development on the site. The primary objective of WDCP is to create and maintain a high level of environmental quality in the former local government area of Warringah.

The principal controls in WDCP relating to the development proposal are referred to and discussed below, to the extent to which they are relevant to the proposed development.

4.2.2 Warringah Development Control Plan

The Warringah Development Control Plan (WDCP) applies to the proposal. The development is consistent with the objectives referred to in Section A.5 of the WDCP.

In respect of those objectives, the development will respond to the character of the site, it will provide an acceptable level of access and will not result in any significant environmental impacts.

The following table identifies the relevant development control plan controls and the schemes compliance with it.

Relevant Clause	Comment	Compliance
C2 Traffic, Access and Safety	The proposed development complies with this control. There are no proposed changes to the parking area as a result of the development application.	Yes
C3 Parking Facilities	Car parking is to be provided in accordance with Appendix 1 of the WLEP 2011 which details the rate of car parking for various land uses. Appendix 1 requires business premises to provide the following parking provision: 1 space per 40m² GFA excluding customer service/access areas, plus for customer service/access areas 1 space per 16.4m² GFA. Applying 40m² against the 202m² of GFA would require 5.05 spaces whereas the site provides 4. Notwithstanding the minor non-compliance with the control, the use is appropriate as: - Customers pre-book appointments which will manage traffic impacts. - A large Council Carpark is directly adjacent the site, which employees and customers can use. - Pittwater Road provides for strong public transport that can support employees and customers travelling to the site. - The existing parking layout and access to the Site will remain as is. Whilst there is a non-compliance with the control, in my view the non-compliance is acceptable on the basis that it has and continues to function without impact on parking demand in the locality.	No
C9 Waste Management	On site waste will be disposed of via a registered waste management facility with receipts being provided upon request. Ongoing waste will be disposed of through organised pick up for general waste, recycling and hazardous waste. Needles and ink are disposed of through a medical sharps container immediately after used and collected through the appropriate provider.	Yes
D3 Noise	There is no unreasonable noise generation from the use. Noise emissions from the land use would come from background music played in the premises. In my view the proposal is compliant with the control as: - The business operates at restricted times which unreasonable noise impacts. - The Site is in a commercial/industrial locality where noise levels exceed residential or commercial areas. - The Site fronts a classified road which generates noise, which minimise noise impacts from the Site	Yes

Relevant Clause	Comment	Compliance
D20 Safety and Security	The proposed development overlooks the street and provides passive surveillance and security to Pittwater Road. The shop front has a large window that allows casual surveillance of the street. Furthermore, the business provides customer lockers to ensure that personal belonging are managed and kept safe whilst on the premises. It is considered that the development complies with the control and is suitable for the site.	Yes
E11 Flood Prone Land	The Site is identified as flood prone land. The proposal is unlikely to increase flood risk within the locality as its an existing business premise.	Yes

Table 2: Warringah DCP Planning Analysis

5.0 KEY ISSUES

5.1 Car Parking

Off street parking provision is adequate to cater for the proposed use. Employees and patrons can readily use the Council Carpark to the rear of the site. Despite the minor non-compliance with the WDCP control, there is sufficient transport options within the locality to support the use.

5.2 The Public Interest

The development will be consistent with the local planning regime and as such is of course consistent with the public interest. The use provides a professional service that is in demand from community members, hence the need to move to a larger location.

5.3 Public Transport

The site benefits from being located on a classified road, which provides sufficient public transport to and from the site.

5.4 Environmental Impact

The Tattoo Parlour will have minimal environmental impact. The use will not generate excessive traffic nor will it introduce harmful emissions or chemicals into the natural environment. Waste will be appropriately managed and removed from the site.

5.5 Compliant Use

The use is a business premises as defined in the WLEP 2011. The use is permissible in the E3 Zone and will be wholly compliant with the relevant regime of planning controls.

6.0 CONCLUSION

This Statement of Environmental Effects demonstrates that the proposed Change of use of the existing building to a business premises (Tattoo Studio) is an appropriate and suitable development when tested against the relevant heads of consideration detailed within the section 4.15(C) of the Environmental Planning & Assessment Act, 1979.

This report has identified all key issues associated with the proposal and demonstrated that the proposal can be developed appropriately with respect to these issues. The proposal is consistent with the zone objectives and other planning provisions and will make a positive contribution to the area.

The proposal is considered acceptable and should be approved because:

- The site is suitable for the proposal
- The site contributes to the local economy of Brookvale and supports local artists
- The site is consistent with the WLEP E3 zone objectives
- The SoEE has identified all constraints associated with the land and demonstrated that the proposal can be undertaken whilst effectively minimising these constraints
- The proposal will generate positive social and economic impacts
- The proposal is within the public interest

The proposal has been assessed in accordance with S.4.15 of the EP&A Act 1979. This assessment has concluded that under the zone the development is a permissible land use.

The WDCP has been considered and proposal complies with the DCP in all respects of the controls, except for control C3 Parking Facilities. Despite the minor non-compliance with the control, the proposal achieves the objectives and therefore is acceptable on the merit.

This report has assessed environmental considerations of the proposal, including heritage, flooding, access, traffic, noise and waste management and has concluded that there are no likely adverse environmental impacts associated with the proposal.

In my opinion, the development proposal merits support from the consent authority and a grant of conditional development consent.

Kind Regards

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