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Statement of Environmental Effects

Accompanying a development application for

Use of part of existing dwelling as a tattoo studio
(home business)

At

Lot 323 DP 11603
45 Chaseling Street Greenacre

December 2022

Statement of Environmental Effects
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Contents

1. Introduction	Page 3
2. Site description and analysis	Page 4
3. Details of proposal	Page 6
4. Clause 4.15 – Matters for consideration	Page 7
5. Other considerations	Page 12
6. Conclusion	Page 14

Statement of Environmental Effects
45 Chaseling Street Greenacre

1. Introduction

This statement of environmental effects has been prepared by David Carey Town Planning and Development on behalf of Mr Fraser Karne to accompany a development application for the use of part of the existing dwelling at a tattoo studio at 45 Chaseling Street Greenacre. The application is being lodged under Clause 4.12 of the Environmental Planning and Assessment Act 1979.

The proposal has been designed to achieve the relevant provisions and objectives of Bankstown LEP 2015 and Clause 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

The proposed use is suitable for the existing site. The proposed development will maintain the viability of the existing dwelling and promotes economic and business activity within the local area.

The impacts of the development are minor and it will not have an adverse impact on the surrounding area. Overall, the development will have a net positive impact on the Canterbury-Bankstown LGA.

This statement has been prepared having regard to the following documentation:

- Architectural plans prepared by Dmytro Kopylov

2. Site description and analysis

2.1 Location and property description

The site consists of one torrens title lot, with a legal property description of Lot 323 DP 11603. The street address of the site is 45 Chaseling Street Greenacre.



Figure 1 – Aerial view of site (Source: Six Maps)

2.2 Site characteristics

The total site has an area of 564m². The existing dwelling has a floor area of 157m².

The site contains an existing single storey dwelling house and associated structures.

Statement of Environmental Effects
45 Chaseling Street Greenacre



Figure 2 – View of site from Chaseling Street (Google Maps)

All services are available to the property and the dwelling has a single garage.

2.3 Surrounding development

The site is located in a residential zoned area surrounded by other residential properties.

3. Details of proposal

3.1 Proposed works

The proposed works are as follows:

- Use of part of existing dwelling as a tattoo studio (home business)

The tattoo studio will operate in the existing garage (since converted to a living room) of the dwelling and will be operated by the resident of the existing dwelling as a home business. There will be no other employees or workers at the site.

There will be only one customer at any given time, which will be by appointment. There will be no walk-in visits to the site.

The proposed hours of operation are 8am-5pm Monday to Friday. No operation will occur outside of these hours.

A sharps bin will be separately provided and collected by an authorised provider in addition to the existing waste bins on the site.

Customers will be able to park on the driveway of the property when they drive to the site.

No advertising signage is proposed as part of the application.

While the part of dwelling where the tattoo studio is proposed has the appearance of a garage, it has been used as a living room for at least the past 22 years. The proposed works have the consent of the owner of the dwelling.

4 Clause 4.15 -Matters for consideration

The following provides an assessment of the proposal against the provisions of Clause 4.15 of the Environmental Planning and Assessment Act (as amended).

(a) the provisions of:

(b) (i) any environmental planning instrument

Bankstown LEP 2015

The subject site is zoned R2 Low Density Residential under the Bankstown LEP 2015. The objectives of the zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To allow for certain non-residential development that is compatible with residential uses and does not adversely affect the living environment or amenity of the area.*
- To allow for the development of low density housing that has regard to local amenity.*
- To require landscape as a key characteristic in the low density residential environment.*

The development is consistent with the above objectives as it provides a compatible land use that meets the day to day needs of residents. The proposal would best be defined as a “home business”, which is permitted under the zoning.

The development complies with all other provisions of the LEP. There is no change to the height of the building or floor space ratio under this application.

Clause 5.4 – Controls relating to miscellaneous permissible uses

This clause provides that if development for the purposes of a home business is permitted under this plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

The area of the dwelling to be used as the tattoo studio has a floor area of 20m² and the development complies with this clause.

(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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

Statement of Environmental Effects
45 Chaseling Street Greenacre

Draft Canterbury Bankstown Consolidated LEP

The site is proposed to retain the zoning of R2 Low Density Residential under the draft LEP. Home businesses are permitted under this zone. The proposed development complies with the provisions of the draft LEP.

Statement of Environmental Effects
45 Chaseling Street Greenacre

(iii) any development control plan

Bankstown Development Control Plan 2015

Bankstown Development Control Plan 2015 is applicable to the development. As the development is a relatively minor home business, clauses of the DCP relevant to the development are minimal. The table below details compliance with relevant clauses.

Clause	Required	Proposed	Complies
8.1 General restriction s on developm ent	Council prohibits the registration of home businesses as a factory or similar use under the requirements of WorkCover NSW.	Factory use not proposed	N/A
8.2 Floor area	Home businesses may occupy up to 30m ² of gross floor area in an outbuilding provided the home business does not reduce the required off-street parking spaces for the dwelling.	20m ² proposed	Yes
8.3 Floor area	Home businesses may occupy up to 30m ² of gross floor area in a dwelling provided the home business is restricted to a single room.	Yes, use restricted to a single room, 20m ²	Yes
8.4 Amenity	Council must consider the following matters to ensure home businesses have a minimal impact on the amenity of adjoining properties: (a) the likely number of vehicle, delivery, and visitor movements; (b) the size of delivery vehicles associated with the home business; (c) the siting of loading activities behind the front building line; (d) the type of equipment or machinery to be used by the home business; (e) the need for an acoustic report where the home business is likely to generate significant noise levels; (f) the need to control any odours or emissions; and (g) whether the hours of operation are within 8.00am to 6.00pm Monday to Saturday, and not at any time on a Sunday or public holiday.	These matters have been considered in the design of the development. Vehicle movements will be minimal with only one worker (already resident of dwelling) and one customer at any given time. There will be minimal delivery vehicles. No specific machinery is proposed to be used. No acoustic report is required. No specific odours or emissions to be generated and hours of operation as prescribed.	Yes
8.5 Building design (signage)	Business identification signs must comply with the following controls: (a) Council permits only one sign per allotment; (b) the total sign area must not exceed 1.2 metre x 0.6 metre; (c) the sign is to be located on or behind the building line; (d) the sign is to be located at or below the awning level. Where there is no awning to the building, the sign is solely permitted below the window sill of the second storey windows; (e) if the sign is painted or attached to a building, the sign must not screen windows and other significant architectural features of the building; (f) the sign is to be non-illuminated; (g) Council does not permit flashing signs, flashing lights, signs which incorporate devices which change colour, signs where movement can be recognised by a passing motorist, signs that are not permanently fixed to the site, and signs made of canvas, calico or the like; and (h) Council may allow standard doctors', dentists' and veterinarians' signs.	Not applicable, no signage proposed	N/A
8.6 Building	Corporate colours, logos and other graphics must achieve a high degree of compatibility with the architecture, materials, finishes	No change to the external building	N/A

Statement of Environmental Effects
45 Chaseling Street Greenacre

design (signage)	and colours of the building and the streetscape.	design is proposed	
Part B5 2.3 Car parking	Home businesses minimum 2 car spaces per dwelling behind the front building line. Note 1: Additional car parking may be required for the proposed home business and must be made available on-site. Note 2: All loading and unloading is to be conducted onsite and an area is to be made available for this activity behind the front building line.	Two spaces available, although in front of the building line	No

Justification for non-compliance with the DCP

Car parking

The DCP provides that home businesses require a minimum 2 car spaces per dwelling behind the front building line. A total of two off street car parking spaces will be available on the site, although these are in front of the building line.

It should be noted that the current development on the site is already non-compliant with the DCP, as both of the car parking spaces are already in front of the building line. The past garage was converted to a living room at least 22 years ago. The proposed development will result in no change, with both parking spaces in front of the building line.

The proposed development will have only one worker, who is also already a resident of the dwelling, meaning that there will be no increase in parking demand associated with workers at the site. Similarly with customers, there will only be one customer at a time at the site and all visits will be by appointment, with no walk-in visits to the site.

The resident/business operator will park in the rear driveway space, with the space available at the front of the driveway for the customer. Due to the appointment nature of customer visits, appointments will be staggered by at least 30 minutes, so there will never be more than one customer car at the premises.

The front elevation will continue to have the appearance of a garage in line with other dwellings in the immediate area. There is no increase in floor area or building footprint associated with the proposal. There are also a number of existing dwellings in the street without car parking spaces behind the building line eg. No. 54 Chaseling Street.

Based on the above, the proposed variation should be supported by Council.

(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

Not applicable.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Not applicable.

(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,

The proposed development will not create significant environmental impacts on the natural and built environments. The proposed development involves no significant external works and is a

Statement of Environmental Effects
45 Chaseling Street Greenacre

suitable use within the context of the existing site.

The development will have no adverse social impact on the surrounding area.

Economic benefits will occur as a result of the provision of a home business and greater business activity in the Canterbury-Bankstown LGA.

(c) The suitability of the site for the development,

The proposed development is permissible under relevant planning controls; it is compatible with surrounding land uses and supports the use of part of an existing dwelling for home business purposes.

The site is zoned for low density residential and the development is consistent with the objectives of the zoning.

(d) any submissions made in accordance with this Act or the regulations,

Consideration will be given to any submissions made as a result of Council's consultation and notification processes.

(e) the public interest.

No adverse impacts relating to the public interest are expected to arise from the proposal. The proposal supports the continued use of the site for purposes consistent with the zoning and planning controls.

5.0 Other considerations

5.1 Visual Impacts

The development will have minimal visual impacts. The proposed change of use is internal to the existing dwelling.

5.2 Open Space

The development will create no additional demand for open space. The private open space to the rear will be retained for use by the resident of the dwelling.

5.3 Overshadowing and Privacy

The development will have no overshadowing or privacy impacts.

5.4 Noise

Noise impacts of the development will be minimal. The hours of operation will be limited to 8am to 5pm Monday to Friday and there will be no operation outside of these hours. As the use is limited to one worker who is also a resident of the dwelling and a maximum of one customer, noise impacts will be negligible and consistent with the existing dwelling.

5.5 Erosion Control Measures

Not applicable, all works are internal to the existing dwelling.

5.6 Economic and Social Impacts

The proposed development is likely to contribute to a range of economic benefits in the Canterbury-Bankstown local government and surrounding areas through:

- additional business opportunities within the area
- the use of the site for a home business associated with the dwelling, contributing to the ongoing maintenance and viability of the dwelling and associated structures

The development will have the beneficial social impact of providing a service for the local residents of Greenacre and surrounding suburbs.

5.7 Environmental Benefits

The proposed development will have minimal adverse impacts on the environment as no substantial external physical works are proposed.

5.8 Disabled Access

The development will comply with BCA provisions relevant to disabled access.

5.9 Security, Site Facilities and Safety

A secure entry to the site is available via the front. Building and parking areas have good passive surveillance, increasing the safety within the site. Access to the part of the dwelling to be used for the home business will be accessible via the existing pathway and via the driveway.

5.10 Waste Management

There is an existing residential waste service available to the dwelling. An additional sharps disposal bin will be provided and collected by an authorised provider.

5.11 Building Code of Australia

The development will comply with the Building Code of Australia.

5.12 Traffic

Traffic impacts of the development will be acceptable. The worker at the site is also a resident of the dwelling, meaning that there will be no parking/traffic impacts associated with employees. There will be a maximum of one customer being served, for which there is parking space available on the driveway. This will have negligible impact on the surrounding street system.

5.13 Stormwater/flooding

There will be no impact on stormwater as there are no external physical works proposed.

6.0 Conclusion

The development proposed for the subject site, located at 45 Chaseling Street Greenacre has been considered in terms of the matters for consideration that are contained within Clause 4.15(1) of the *Environmental Planning and Assessment Act 1979* ("the Act").

As indicated in Part 4 of this Statement, the proposed development is considered to be acceptable in terms of the relevant provisions of Bankstown LEP 2015, which is the principal environmental planning instrument applicable to the subject site. As such, it is considered to be acceptable in terms of Clauses 4.15(1)(a)(i) and 4.15(1)(a)(ii) of the Act.

As indicated in Part 4 of this Statement, the proposed development is considered to be acceptable in terms of all the relevant aims, objectives and standards contained within the relevant chapters of the Bankstown Development Control Plan 2015 and is therefore consistent with Clause 4.15(1)(a)(iii) of the Act.

In addition, the proposed development would have a number of positive effects on both the natural and built environments, as well as a range of social and economic benefits. It is considered unlikely that the proposed development, given its nature, scale and location, would have any detrimental impacts on the built or natural environment or any detrimental social or economic impacts on the surrounding locality. Thus, it is considered to be acceptable in terms of Clause 4.15(1)(b) of the Act.

Further, the subject site, given its location, size and features, and given it is not subject to any significant hazards, is considered to be, pursuant to Clause 4.15(1)(c) of the Act, suitable for the proposed development.

The proposed development will provide for continued use of a site within Greenacre, with the primary residential use being enriched by a home business, without having any significant adverse impacts on the surrounding area. Thus, the proposed development is clearly in the public interest, and acceptable in terms of Clause 4.15(1)(e) of the Act.

Given the above, the proposed development is worthy of approval, and it is requested that the development application to which this Statement of Environmental Effects relates be approved by Council as submitted.