

Statement of Reasons

DA Number	2019/0249
Property Address	72 Woodburn Street, Evans Head
Matter Determined	Change of Use to Business Premises - Tattooist.
Date of Decision	25/07/2019
Decision	Approval subject to conditions.
Application Determined by	Cherie Smith under Delegation

Reasons for the Decision

<p>Relevant Mandatory Considerations – Statutory Requirements</p>	<p>Statement of Reasons.</p> <p>The matters prescribed under section 4.55 of the Act are considered to be satisfactory;</p> <ul style="list-style-type: none"> • The proposed development complies with the Environmental Planning and Assessment Act 1979 and the Environmental Planning & Assessment Regulation 2000. The subject premises is an existing use pursuant to Division 4.11 of the Environmental Planning and Assessment Act 1979. The change of use is permissible pursuant to the Act and Part 5 of the Regulations. • The proposed development complies with the provisions of Richmond Valley Council Local Environmental Plan 2012 excepting the permissible land uses where the provisions under the Act and Regulation relating to existing use rights and prevail. • Despite the proposed development being not permissible in the R1 General Residential zone the existing use rights of the premises permit the proposed Change of Use. • The proposed development complies with the relevant State Environmental Planning Policies, being State Environmental State Environmental Planning Policy (Coastal Management) 2018. • The proposed development complies with relevant provisions of Richmond Valley Development Control Plan 2015. • The proposed development will not have significant adverse impact on the natural, built or social environment or economic impacts on the locality provided it is managed and operated in accordance with the Consent granted and the Statement of Environmental Effects. • The proposed development is considered suitable for the proposed
--	---

	<p>site.</p> <ul style="list-style-type: none"> • The development application was notified in accordance with Development Control Plan 2015. One submission was received with a valid issue relating to traffic generation and no on-site parking being available. In managing traffic impacts consideration has been given to the very low rate of traffic generated by the development and the existing use rights of the premises. The proposal will result in only two Tattooists providing services to one client each, at any given time, appointment times are long and therefore traffic generated is very low. Some issues raised within the submission are outside the scope of the assessment. • The proposed development does not raise any matter of significant public interest that is unable to be addressed by way of consent conditions. The consent has been conditioned accordingly to address operational limits, health and building standards.
<p>Material Considered in the Decision</p>	<p>List documents</p> <ul style="list-style-type: none"> • Statement of Environmental Effects prepared by Alison and Jai Liddle including attachments. • Proposed development plans submitted with the application. • Additional information submitted 09 July 2019. • Submissions received during the exhibition period.
<p>Community Views Raised in Submissions</p>	<ul style="list-style-type: none"> • The DA was notified in accordance with Development Control Plan 2015. • One submission was received issues concerned parking availability, existing number of tenants, road safety and driver behaviours, clientele perceptions, amenities, and building compliance.