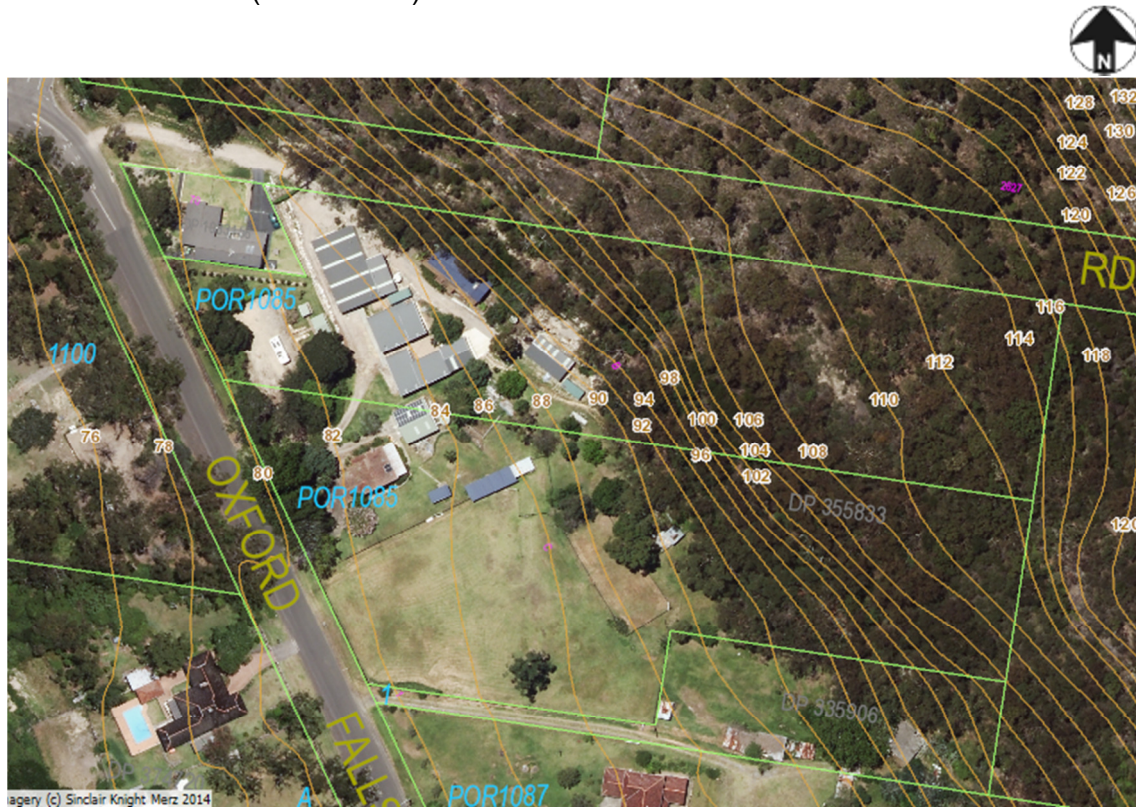


DEVELOPMENT ASSESSMENT REPORT

Planner:	Daniel Milliken
Address / Property Description:	Lot B DP 355833 Por 1085/ Oxford Falls Road OXFORD FALLS Use of premises as an art studio and gallery
Development Application No:	DA2015/1006
Application Lodged:	19/10/2015
Plans Reference:	79815.01 Issue A dated 30.09.2015 prepared by HSA Architects
Applicant:	BBF Town Planners
Owner:	R C Smith, E A Yaffe
Locality:	B2 - Oxford Falls Valley
Category:	Category 3 (Entertainment Facility)
Variations to Controls (Cl.20/Cl.18(3)):	Front Building Setback Side Building Setback
Referred to ADP:	No
Referred to WDAP:	Yes
Land and Environment Court Action:	No
SUMMARY	
Submissions:	Nil
Submission Issues:	Nil
Assessment Issues:	Front Building Setback Side Building Setback
Recommendation:	Approval
Attachments:	Draft Conditions of Consent

LOCALITY PLAN (not to scale)



SITE DESCRIPTION

The subject site consists of two adjoining lots, both known as Portion 1085 Oxford Falls Road. The two lots are Lot B DP 355833 and Lot C DP 355833 and are located on the eastern side of Oxford Falls Road.

The site slopes down towards the west and has a combined area of approximately 2.3ha.

Existing on the site is a single storey residential dwelling and detached garage, horse stables and sheds, a disused tennis court (that is currently used as an informal parking area), an external toilet and horse paddocks now used for the purposes of horse agistment.

Driveway access is via Oxford Falls Road. The eastern portion of the site is heavily vegetated as it rises up the slope.

The surrounding development consists of similar semi-rural properties as well as bushland. There is a smaller lot containing a detached residential dwelling adjoining the north-west corner of the site.

SITE HISTORY

A fibro dwelling was built on the site in 1948.



Consent No. 571/86 – for a sunroom on the fibro dwelling was approved in 1986.

DA2006/1154 – for a boundary adjustment was approved on 9 July 2007.

PLM2015/0078 – A Prelodgement Meeting was held with the applicant to discuss the current proposal. The notes from the prelodgement meeting indicated that Council was supportive of the concept but that the application, given the use is classified as Category 3 development, would have to be determined by the Warringah Development Assessment Panel (WDAP).

After a full search of Council's records, no other specific consents for the other structures on the subject sites can be found. The applicant has not provided any evidence of their approvals.

PROPOSED DEVELOPMENT

The applicant proposes the following:

- A change of use of three existing disused stable buildings to an art gallery and art studios (workshop space) as an ancillary use to the residential dwelling
- It is proposed to hold one to two workshops per month with up to 12 artists in attendance on the site
- Exhibitions will also be held on a monthly basis (one to two per month) by invitation only
- The art gallery will also be available for viewings between the hours of 10am and 4pm Thursday to Sunday, also by invitation only
- The works displayed in the gallery will be available for sale
- The disused tennis court will be set aside for formal parking. 16 parking spaces as well as two disabled parking spaces will be marked out.

Note: No advertising signage is proposed

PUBLIC EXHIBITION

The subject application was publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan. As a result, the application was notified to six (6) adjoining land owners and occupiers for a period of 14 calendar days commencing on 27 October 2015 and being finalised on 11 November 2015.

No submissions were received.

REFERRALS



External Referrals

Referral body	Comments
Ausgrid	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Internal Referrals

Referral body	Comments
Building Assessment	No objections to the proposal, subject to conditions.
Natural Environment - Biodiversity	The development proposal is for change of use of structures currently used as sheds to be converted to art studios. The Bushfire Hazard Assessment Report (11 May 2015) states, "available Asset Protection Zones exceed the minimum requirements". The application is supported providing that no native vegetation or trees are cleared or removed, other than maintenance of current cleared areas.
Development Engineering	No Development Engineers objection is raised to the proposed development subject to conditions.
Traffic Engineering	The proposed art studio and art gallery has proposed providing 16 parking spaces plus two disabled parking spaces adjacent to the building. The disabled parking spaces as shown on the plans do not currently comply with the Australian Standard. These spaces are required to be 7.8m in length and 3.2m in width with an adjacent area on the same level and on the non-trafficable side of the space 1.66m in width. A suitable turning area needs to be identified for those vehicles that will be using the disabled parking spaces to exit the property. The last parallel parking space in the proposed parking area will have a



	restricted entry/exit if a vehicle is parked in the adjacent parallel parking space. Entering vehicles are to be given right of way to ensure that queuing of vehicles does not occur on Oxford Falls Road. In this regard, a waiting area and suitable signposting is to be provided for vehicles exiting the car park.
Landscape Officer	No objections to approval, subject to conditions as recommended.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	See discussion on “Draft Environmental Planning Instruments” in this report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the regulations	The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter has been address via a condition of consent. Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i>. This matter has been address via a condition of consent. Clause 93 of the EPA Regulation 2000 requires the consent authority to consider the fire safety upgrade of development. This matter has been address via a



Section 79C 'Matters for Consideration'	Comments
	condition of consent.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	The proposed art studio and gallery is a “not-for-profit “enterprise that will provide a service to the community. No matters have arisen that would justify the refusal of the application in the public interest.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for semi-rural purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the proposed land use.

State Environmental Planning Policy - Infrastructure



Clause 45 of SEPP Infrastructure requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
- immediately adjacent to an electricity substation,
- within 5m of an overhead power line
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Local Environment Plans (LEPs)

Warringah Local Environment Plan 2000 (WLEP 2000)

Desired Future Character (DFC)

The subject site is located in the B2 Oxford Falls Valley Locality under Warringah Local Environmental Plan 2000.

The Desired Future Character Statement for this locality is as follows:

“The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.”



The proposed development is defined as an “entertainment facility” under the WLEP 2000 dictionary.

Entertainment facility means a building or place used for the purpose of sport, entertainment, exhibitions, displays or cultural events, and includes:
(a) Sports stadiums, showgrounds, racecourses and the like, and
(b) Theatres, cinemas, music halls, concert halls, open air theatres, drive-in theatres and the like.

An “entertainment facility” is identified as Category 3 development in this locality.

CATEGORY 3 DEVELOPMENT

Clause 12(3)(a) of WLEP 2000 requires the consent authority to be satisfied that the proposed development is consistent with the Locality’s DFC statement.

Accordingly, an assessment of consistency of the proposed development against the locality’s DFC is provided hereunder:

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

Comment:

The proposal is for a change of use, with no new structures or dwellings forming part of this development.

An objective interpretation of what constitutes low intensity, low impact uses was used in the Land and Environment Court judgement *Vigor Master Pty Ltd v Warringah Shire Council* [2008] NSWLEC 1128. The interpretation within the judgement is provided as follows:

“Intensity - is commonly used to identify the nature of the proposal in terms of its size and scale and the extent of the activities associated with the proposal. Therefore “low intensity” would constitute a development which has a low level of activities associated with it.”

AND

Impact - is commonly used in planning assessment to identify the likely future consequences of proposed development in terms of its surroundings and can relate to visual, noise, traffic, vegetation, streetscape privacy, solar access etc. Therefore ‘low impact’ would constitute a magnitude of impacts such that was minimal, minor or negligible level and unlikely to significantly change the amenity of the locality.”

Intensity Assessment



Comment:

If intensity is best measured by the activities associated with a development, then the key measure for the proposal is the number of traffic movements generated by the operation of the premises as an entertainment facility.

The use includes the following:

- One to two workshops per month with up to 12 artists in attendance.
- One to two exhibitions per month.
- The art gallery open between the hours of 10am and 4pm Thursday to Sunday only.

Given the limited nature of the use and the relatively low numbers intended, the proposal is considered to be of a low intensity. In addition, Council's Traffic Engineer raised no objections to the proposal.

Impact Assessment

The potential impacts of the proposed use as an entertainment facility are related to noise, traffic and parking. An assessment of each of these impacts is provided below.

(a) Noise:

The art gallery and studio will produce very low noise levels that will not cause unreasonable amenity impacts on surrounding properties.

(b) Traffic:

The number of vehicle trips from the relatively minimal level of use will have a minor impact on the surrounding road network. The traffic impact is considered to be low.

(c) Parking:

As mentioned previously, parking is provided in the form of 16 standard spaces and two disabled spaces on the disused tennis court at the front of the site. This number of spaces will adequately cater for the proposed use.

On balance, subject to conditions of consent relating to the hours of operation, the number of workshops and the maximum patron numbers, the development is considered to be a low intensity, low impact use that would maintain the existing character of the locality.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

Comment:



As the proposal is for a change of use, the natural environment, in particular the heavily vegetated portions of the site, will be maintained. The existing buildings will remain grouped in the already cleared portions of the site and no additional loss of vegetation will occur.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.

Comment:

The sites are not located on Forest Way or Wakehurst Parkway and will not create siltation or pollution of Narrabeen Lagoon.

As detailed above, the proposed development is considered to be consistent with the Locality's DFC statement.

Built Form Controls (Development Standards)

The following table outlines compliance with the Built Form Controls of the above locality statement:

Built Form Compliance Table - B2 - Oxford Falls Valley			
Built Form Standard	Required	Proposed	Compliance
Housing Density	1 dwelling per 20 ha	No new dwellings	Yes (no change)
Building Height	8.5m	Change of use, no above ground structures proposed.	Yes
Front Building Setback	20m	Car parking areas (formalised) – 5.0m Art buildings – 41.5m	No Yes
Rear Building Setbacks	10m	Art buildings – Approximately 153m	Yes
Side Building Setbacks	10m	Car parking areas (formalised) – 4.2m Art buildings – 23.5m	No Yes
Landscaped Open Space	30%	>30% (No change to the existing LOS on site)	Yes

The proposed development fails to satisfy the Locality's Front Building Setback and Side Building Setback Built Form Controls, accordingly, further assessment is provided against the provisions of Clause 20(1) hereunder.



Clause 20(1) stipulates:

“Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy.”

In determining whether the proposal qualifies for a variation under Clause 20(1) of WLEP 2000, consideration must be given to the following:

(i) General Principles of Development Control

The proposal is consistent with the General Principles of Development Control and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “General Principles of Development Control” in this report for a detailed assessment of consistency).

(ii) Desired Future Character of the Locality

The proposal is consistent with the Locality’s Desired Future Character Statement and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See earlier discussion on “Desired Future Character” in this report for a detailed assessment of consistency).

(iii) Relevant State Environmental Planning Policies

The proposal has been considered consistent with all applicable State Environmental Planning Policies. (Refer to earlier discussion under ‘State Environmental Planning Policies’). Accordingly, the proposal qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1).

Description of variations sought and reasons provided:

FRONT BUILDING SETBACK:

Required: 20m

Proposed: Car parking areas – 5.0m

In assessing this non-compliant element of the proposal, it is necessary to consider the objectives of the Front Building Setback Built Form Control. Accordingly, the objectives are addressed below:

(a) Create a sense of openness

Comment:



The existing disused tennis court that is currently being used as an informal parking area will be upgraded (line marking only, no new resurfacing) as part of this proposal. No new above ground structures are proposed and the existing landscaping will be maintained. All existing above ground structures are set back more than 20m from the front boundary. On this basis, a sense of openness will be maintained.

(b) Provide opportunities for landscaping

Comment:

All existing vegetation will remain. As discussed above, the current informal parking area will be upgraded with no loss of landscaped open space. The development will maintain a landscaped setting and will not adversely affect the amenity of the existing streetscape.

(c) Minimise the impact of development on the streetscape

Comment:

The upgrading of the existing informal car park and the maintaining of the existing landscaping along the front boundary will minimise the impact of the development on the streetscape.

(d) Maintain the visual continuity and pattern of buildings, front gardens and landscape elements

Comment:

As discussed above, the proposal includes a change of use to existing buildings and the upgrading of the current informal parking area. No changes will be readily visible from the street and therefore, the development will maintain the current visual continuity and pattern of buildings, front gardens and landscape elements.

(e) The provision for corner allotments relates to street corners

Comment:

The sites are not corner allotments.

Clause 20 Variation to the Front building setback Built Form Control – Supported

As detailed above, the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1). In addition, the proposal is considered to be consistent with the underlying objectives of the Front Building Setback Built Form Control. It is for these reasons that the variation to the Front Building Setback Built Form Control (Development Standard) pursuant to Clause 20(1) is supported.

SIDE BUILDING SETBACK

Required: 10m

Proposed: Carparking Area – 4.2m



In assessing this non-compliant element of the proposal, it is necessary to consider the objectives of the Side building setback Built Form Control. Accordingly, the objectives are addressed below:

(a) Ensure the development does not become visually dominant by virtue of its height and bulk.

Comment:

The proposal includes a change of use of existing buildings and the upgrading of the current informal parking area (the disused tennis court). No new above ground structures are proposed and the existing landscaping will be maintained. The development will not become visually dominant by virtue of its height and bulk.

(b) Preserve the amenity of the surrounding land

Comment:

All existing vegetation will remain. As discussed above, the current informal parking area will be upgraded with no loss of landscaped open space. The development will maintain a landscaped setting and not adversely affect the amenity of surrounding land.

(c) Ensure that development responds to site topography

Comment:

No new structures are proposed. The current informal parking area will be retained and upgraded. The development responds appropriately to the site topography.

(d) Provide separation between buildings

Comment:

The existing buildings are adequately setback from the side boundaries and currently provide a reasonable separation between buildings. No new above ground structures are proposed.

(e) Provide opportunities for landscaping

Comment:

All existing vegetation will remain. As discussed above, the current informal parking area will be upgraded with no loss of landscaped open space. The development will maintain a landscaped setting and will not adversely affect the amenity of the streetscape.

(f) Create a sense of openness

Comment:

The existing informal parking and driveway area will be upgraded as part of this proposal. No new above ground structures are proposed and the existing landscaping will be maintained. All existing above ground structures are set back more than 10m from the side boundaries. On this basis, a sense of openness will be maintained.



Clause 20 Variation to the Side building setback Built Form Control – Supported

As detailed above, the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1). In addition, the proposal is considered to be consistent with the underlying objectives of the Side Building Setback Built Form Control. It is for these reasons that the variation to the Side Building Setback Built Form Control (Development Standard) pursuant to Clause 20(1) is supported.

1 General Principles of Development Control

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principles	Applies	Comments	Complies
CL38 Glare & reflections	Yes	The proposal will not result in unreasonable glare and reflection.	Yes
CL39 Local retail centres	No		N/A
CL40 Housing for Older People and People with Disabilities	No		N/A
CL41 Brothels	No		N/A
CL42 Construction Sites	No		N/A
CL43 Noise	Yes	The proposed art studio and gallery are not expected to generate unreasonable noise levels for nearby residential uses.	Yes
CL44 Pollutants	No		N/A
CL45 Hazardous Uses	No		N/A
CL46 Radiation Emission Levels	No		N/A
CL47 Flood Affected Land	No		N/A
CL48 Potentially Contaminated	No		N/A



General Principles	Applies	Comments	Complies
Land			
CL49 Remediation of Contaminated Land	No		N/A
CL49a Acid Sulfate Soils	No		N/A
CL50 Safety & Security	Yes	The buildings used for the art gallery and studio will allow for casual surveillance of the parking area and the street.	Yes
CL51 Front Fences and Walls	No		N/A
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	No		N/A
CL53 Signs	No		N/A
CL54 Provision and Location of Utility Services	Yes	The site will provide the required utility services.	Yes
CL55 Site Consolidation in 'Medium Density Areas'	No		N/A
CL56 Retaining Unique Environmental Features on Site	Yes	The existing unique environmental features on the sites will be retained.	Yes
CL57 Development on Sloping Land	Yes	The site is not at risk of landslip.	Yes
CL58 Protection of Existing Flora	No		N/A



General Principles	Applies	Comments	Complies
CL59 Koala Habitat Protection	No		N/A
CL60 Watercourses & Aquatic Habitats	No		N/A
CL61 Views	Yes	No views will be affected by the proposal.	Yes
CL62 Access to sunlight	Yes	The proposal will not result in any additional overshadowing to neighbouring properties.	Yes
CL63 Landscaped Open Space	Yes	The existing LOS on site is greater than 30% and will remain unchanged.	Yes
CL63A Rear Building Setback	Yes	Complies	Yes
CL64 Private open space	Yes	The property provides ample private open space.	Yes
CL65 Privacy	Yes	The proposal will not result in any unreasonable privacy impacts to neighbouring properties.	Yes
CL66 Building bulk	Yes	There will be no change to the existing above ground structures.	Yes
CL67 Roofs	Yes	There will be no change to the existing roofs.	Yes
CL68 Conservation of Energy and Water	No		N/A
CL69 Accessibility – Public and Semi-Public Buildings	No		N/A
CL70 Site facilities	Yes	The site includes all necessary facilities.	Yes
CL71 Parking facilities (visual impact)	Yes	The ground level parking facilities will not result in an unacceptable visual impact to the streetscape or the neighbouring properties.	Yes
CL72 Traffic access & safety	Yes	Council's Traffic Engineers raised several concerns about the proposed parking arrangements. The engineers	Yes



General Principles	Applies	Comments	Complies
		recommended several conditions to resolve these issues. Those conditions are included in the notice of determination attached to this report The vehicle access is acceptable.	
CL73 On-site Loading and Unloading	Yes	There is sufficient space for the unloading of art supplies and works for the studio and gallery.	Yes
CL74 Provision of Carparking	Yes	The proposal includes 16 parking spaces and two disabled spaces. Council's Traffic Engineers have reviewed the proposal and, subject to conditions, raised no objections to the proposed parking numbers.	Yes
CL75 Design of Carparking Areas	Yes	Council's Traffic Engineers have reviewed the proposal and recommended conditions to improve the design of the carparking areas.	Yes
CL76 Management of Stormwater	Yes	As there will be no additional hard surface areas, the management of stormwater will remain unchanged.	Yes
CL77 Landfill	No		N/A
CL78 Erosion & Sedimentation	No		N/A
CL79 Heritage Control	No		N/A
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	No		N/A
CL81 Notice to Heritage Council	No		N/A
CL82 Development in the Vicinity of Heritage Items	No		N/A



General Principles	Applies	Comments	Complies
CL83 Development of Known or Potential Archaeological Sites	No		N/A

SCHEDULES

Schedule 15 - Statement of Environmental Effects

Under Clause 15 of WLEP 2000, there are specific provisions relating to Category 3 development.

Pursuant to Clause 15 of WLEP 2000, consent may be granted to development classified as Category Three only if the consent authority has considered a Statement of Environmental Effects that includes the items in Schedule 15.

The applicant has submitted a Statement of Environmental Effects which addresses the items listed in Schedule 15 of WLEP 2000. An assessment of Category 3 elements of the proposal only against the provisions of Schedule 15 is provided below:

Requirement	Comment
(1) A summary of the statement of environmental effects.	It is considered that the statement submitted adequately summarises the submitted statement of environmental effects.
(2) A statement indicating how the proposed development is consistent with the relevant desired future character statement and general principles of development control established by this plan.	In summary, the applicant has concluded that the proposal is consistent with DFC statements for the B2 Locality and the development is also consistent with the General Principles as contained in Part of the WLEP 2000.
(3) A statement of the objectives of the proposed development.	The applicant states that: <i>"The objective of the proposed development is to provide a creative environment and an educational facility to assist upcoming artists in the local community. A gallery space will also be provided to the artists to allow an exhibition space for artists to display their work. The business is not for profit."</i>



(4) An analysis of any feasible alternatives to the carrying out of the development, having regard to its objectives, including: (a) the consequences of not carrying out the development, and (b) The reasons justifying the carrying out of the development.	The applicant has provided the following comments in regard to the possibility of feasible alternatives; (a) The consequences of not carrying out the development <i>"If the application is not approved, the organisation (not-for-profit) will then be required to find an alternative venue, obtain consent to carry out the proposed uses and fit-out the premises. Given the lack of appropriate premises for the proposed uses and the fact that this is a not-for-profit organisation with limited funds, this process is likely to be time consuming and costly. The ultimate consequence may be the loss of a business which will provide a significant contribution to the local community and local artists."</i> (b) The reason justifying the carrying out of the development. <i>"The justification for the development as proposed is to obtain consent to utilise the vacant stables buildings on the land for a worthwhile cause. In this regard the justification for the development as proposed is:</i> <i>• The proposed use is ancillary to the residential use of the land and is considered to constitute a "low impact and low intensity" use by virtue of the nature of the proposed operations;</i> <i>• The proposal simply serves to operate out of disused stable buildings, as such the present character of development within the Oxford Falls locality will remain unchanged;</i> <i>• Adequate parking spaces can be accommodated on the site, within the existing disused tennis court and will not give rise to any traffic or parking impacts;</i> <i>• The proposal is a not-for-profit charitable organisation, which serves the needs of the local community providing a space where artists can learn and display their work;</i> <i>• The proposed use will not give rise to any noise or amenity impacts, given the nature of the proposed use."</i>
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	Comment: The applicant's comments in regard to the possibility of feasible alternatives, and the consequences of not carrying out the development, are concurred with as the site can reasonably accommodate the proposed use.
(5) An analysis of the development, including: (a) a full description of the development, and (b) a general description of the environment likely to be affected by the development, together with a detailed description of those aspects of the environment that are likely to be significantly affected, and (c) a description of the likely impact on the environment of the development, having regard to: (i) the nature and extent of the development, and (ii) the nature and extent of any building or work associated with the development, and (iii) the way in which any such building will be erected in connection with the development, and (iv) any rehabilitation measures to be undertaken in connection with the development, and (d) A full description of the measures proposed to mitigate any adverse effects of the development on the environment.	The applicant states in part: <i>"The application does not propose any modifications to the existing building. The impacts of the proposed use on the surrounding area, particularly in terms of traffic and parking have been addressed in Part 4 of the SOEE.</i> <i>The proposal will not result in any adverse effects on the environment. Accordingly, no mitigation measures are required."</i> Comment: The SEE has provided an appropriate description of the development and an analysis of the context of the site.
(6) The reasons justifying the carrying out of the development in the manner proposed having regard to the biophysical, economic and social considerations and the principles of ecologically sustainable development.	The applicant states: <i>"The proposed uses will not result in any impacts on the biophysical environment.</i> <i>The proposed organisation is not-for-profit and the aim is to provide a creative environment and an educational facility to assist upcoming artists in</i>



	<i>the local community. A gallery space will also be provided to the artists to allow an exhibition space for artists to display their work.</i> <i>It is proposed to hold 1 to 2 workshops per month with up to 12 artists in attendance on the site. Exhibitions will also be held on a monthly basis (1 to 2 per month) by invitation only. The art gallery will also be available for viewings between the hours of 10am and 4pm Thursday to Sunday, again by invitation only.</i> <i>The organisation intends to be active in fostering the development of local artists and the art community in general. The approval of the proposed use will enable the organisation to support the local community and local artists."</i> Comment: Given the low intensity and low impact nature of the use, the development is unlikely to have any significant impact on the biophysical, economic and social environment.
(7) The statement is to include a compilation (in a single section of the statement) of the measures proposed to mitigate any adverse effects of the development on the environment.	The applicant states: <i>"There are no adverse effects arising from the use as proposed."</i> Comment: As the proposal does not require the construction of any new buildings and only seeks consent for an art gallery and art studio, no adverse environmental impacts are expected.
(8) A list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out.	No approvals from any external bodies are required.

Schedule 17 - Carparking Provision

Carparking Provision	Schedule 17 requires the following parking for <i>Entertainment facilities</i>: Comparisons must be drawn with developments for a similar purpose. <u>Comment:</u> The proposal includes 16 parking spaces and two disabled spaces. Council's Traffic Engineers have reviewed the proposal and, subject to conditions, raised no objections to the proposed parking numbers.
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POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

As the estimated cost of works is less than \$100,000, Council's Section 94A Development Contributions Plan is not applicable to the assessment of this application.

CONCLUSION

The proposal includes a change of use of three existing buildings to an art studio and gallery. An existing disused tennis court that is currently used as an informal parking area will be upgraded to become the formal parking area for the visitors to the site. No new above ground structures are proposed.

The proposed art studio and gallery constitutes a low impact and low intensity use and is consistent with the desired future character statement for the B2 Oxford Falls Valley Locality.

Councils' Traffic Engineers raised concerns regarding several parking spaces and has recommended several conditions to resolve these issues, which are included in the draft conditions.

The site has been inspected and the proposal has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, the provisions of WLEP 2000 and the proposal will not result in any unreasonable impacts on surrounding, adjoining, adjacent or nearby properties subject to the conditions contained within the recommended consent attached to this report.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION - APPROVAL

- A. THAT the Warringah Development Assessment Panel recommends the General Manager the consent authority grant Development Consent to DA2015/1006 for the use of the premises as an art studio and gallery on land at Por 1085/ Oxford Falls Road OXFORD FALLS subject to the conditions in the attached Notice of Determination.

"I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest"