



# MEMORANDUM

**DATE:** 17 October 2023  
**TO:** Development Determination Panel  
**CC:** Steve Findlay, Manager Development Assessment  
**FROM:** Kye Miles, Planner  
**SUBJECT:** Item No. 3.2 - DA2022/1917 - 11 Namba Road DUFFYS FOREST

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Dear Panel Members,

## **Introduction**

Council issued its Assessment Report to the Panel for Development Application DA2022/1917 relating to demolition works and construction of a dwelling house including a swimming pool, tennis court, and equine facilities, which was scheduled for determination at the Panels meeting on 11 October 2023.

This supplementary memo seeks to expand on the commentary provided in that assessment report to address concerns raised in the late submissions, specifically, in relation to non-compliance with the side setback and building bulk controls.

The assessment report and recommended conditions adequately deal with the remaining concerns raised in the late submissions.

## **Side Setback**

### **Description of Non-compliance**

The proposed uncovered terrace provides a minimum southern side setback of 6.8 metres. WDCP requires a minimum setback of 10.0 metres.

### **Merit Consideration**

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To provide opportunities for deep soil landscape areas*

#### Comment

The landscaped area provided on the site is extensive at 63.8%.

The reduced southern side setback is landscaped by trees and dense shrubbery to provide suitable screening. Therefore, the reduced setback does not limit the provision of opportunities for deep soil landscape areas.

- *To ensure that development does not become visually dominant*

#### Comment

The proposed uncovered terrace is low-lying and will not result in any adverse visual impacts.

- *To ensure that the scale and bulk of buildings is minimised*

#### Comment

The non-compliant element is an unroofed terrace and is considered to be a minor feature such that it would not add to the scale and bulk of the development.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained*

#### Comment

The proposal maintains substantial building separation from nearby dwellings and is not considered to give rise to any unreasonable amenity impacts.

- *To provide reasonable sharing of views to and from public and private properties*

#### Comment

As previously mentioned, the proposed terrace is low-lying and will not obstruct existing views from or to public and private properties.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979.

Accordingly, this assessment finds that the proposal is **supported**, in this particular circumstance.

### **Building Bulk**

#### **Description of Non-compliance**

The control states that fill shall not exceed 1m in depth. The proposed development exceeds this requirement and requires a maximum of 4.0 metres of fill within the existing dam.

#### **Merit Consideration**

The development is considered against the underlying objectives of the control as follows:

- *To encourage good design and innovative architecture to improve the urban environment.*

#### Comment:

The proposal represents an innovative and contemporary design not dissimilar to the bulk and scale of surrounding rural residential development.

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The proposal maintains generous building separation from adjoining properties, nearby public spaces and the street. In addition. The external colours and materials consists of dark and earthy tones and stone cladding materials, which harmonise with the natural environment and will provide an appropriate transition of development from the surrounding bushland.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP 2011 and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979.

Accordingly, this assessment finds that the proposal is **supported**, in this particular circumstance.

**Recommendation**

That the recommendation for approval is maintained and no changes are required to the conditions contained in the Assessment Report.