

## Heritage Referral Response

<b>Application Number:</b>	Mod2025/0226
<b>Proposed Development:</b>	Modification of Development Consent DA2021/2442 granted for construction of a swimming pool, spa and pavilion
<b>Date:</b>	11/06/2025
<b>To:</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Lot 22 DP 602041 , 90 Cabbage Tree Road BAYVIEW NSW 2104

### Officer comments

HERITAGE COMMENTS
Discussion of reason for referral
<p>This application has been referred as the site is a local heritage item, <b><i>Item 2270402, Waterfall Cottage and garden, 90 Cabbage Tree Road, Bayview</i></b>, listed in Schedule 5 of Pittwater Local Environmental Plan 2014.</p> <p>The site is also within the vicinity of <b><i>Item 2270158, Katandra Bushland Sanctuary, 84 Lane Cove Road, Ingleside</i></b>, located on the opposite side of Cabbage Tree Road, some 100 metres away.</p>
Details of heritage items affected
<p>Details of this heritage item, as contained within the heritage inventory, are:  <b><i>Item 2270402, Waterfall Cottage and garden, 90 Cabbage Tree Road, Bayview</i></b></p> <p><u>Statement of Significance</u></p> <p>Waterfall Cottage is of local historic, aesthetic and research significance as a fine representative example of a late 20th century large private ornamental garden, with elements of the wild garden, woodland gardens, warm-temperate and rainforest species in a dramatic bush setting. It is representative of the mid-late 20th century permanent suburban settlement of the Bayview area, reflecting improved transport links, affluence and subdivision, the building of larger homes with elaborate gardens as secluded retreats from the city, a tranquil style of living, closer to nature. The property's bushland is representative of the Hawkesbury sandstone country of the Pittwater district in terms of rainforest and dry sclerophyll woodland flora and fauna.</p> <p>Waterfall Cottage is at least of local, arguably of regional and possibly state-level social significance, as a renowned private garden opened regularly to the public, popular for repeated visits over some years, through the Australian Open Garden Scheme and through its owner's sustained support for community and charity groups. Waterfall Cottage is rare locally and possibly at a state level, as a large, private informal, woodland and rainforest garden, regularly open to the public, incorporating a large amount of bushland and managed in sympathy with wild animals and birds. Few others exist at this scale, level of diversity and standard of maintenance. Owing to its size and relative intactness, it retains some potential to contain evidence of Aboriginal occupation and use, and historical archaeological relics.</p> <p>Due to increasing subdivision, block clearing and larger houses and areas of paving in the area, Waterfall Cottage's bushland is becoming locally rare in retaining a large bush block that is relatively little-cleared or modified, and thus retaining a degree of intact Hawkesbury sandstone escarpment and foot slope-related rainforest and dry sclerophyll woodland species of flora and fauna. In addition the garden contains many rare species of exotic plants, both in NSW and Australia.</p>
Other relevant heritage listings

SEPP (Biodiversity and Conservation) 2021	No	Comment if applicable
Australian Heritage Register	No	
NSW State Heritage Register	No	
National Trust of Aust (NSW) Register	No	
RAIA Register of 20th Century Buildings of Significance	No	
Other	No	
<b>Consideration of Application</b>		
<p>This application proposes modification of Consent DA2021/2442 which approved construction of a swimming pool and pool pavilion, located to the east of the existing house, adjoining the driveway. Mod2024/0458 approved changes to the pool and pool terrace dimensions and deleted the spa. This new modification now proposes the construction of a small art studio to the east of the approved pool, connected by a timber walkway, and with pool equipment located underneath it. The art studio has been designed in the same style as the house and to be built of similar materials. It also includes a solid fuel burning fire appliance.</p> <p>The heritage significance of this item is embodied in the gardens and landscape. The site is very large at 3.17ha and the approved pool area is located in one of the few areas accessible from Cabbage Tree Road. It is also located in a previously filled area, with vegetation which is not of the same quality as plantings further into the site. The proposed art studio adjoins the approved pool area to the east and while visible from the driveway, it is designed to be complementary to the existing house and to blend in with the landscape, using natural stone and timber materials, with a metal corrugated roof. No trees need to be removed for this proposal and the Arborist Report contains measures to ensure no trees will be compromised. It is noted that Council's Landscape team have no objections, subject to the Arborist Report being referenced in any consent.</p> <p>Therefore, it is considered that this proposal will have a limited impact upon the heritage significance of the site, which is embodied in its gardens and landscape. The proposed art studio is located adjacent to the approved pool area, which is located in an area on-site which does not contain significant garden areas. No trees will be removed. It is also considered reasonable for the owners to be able to develop an ancillary art studio within such a large site.</p> <p>Also, the proposed development will not be visible from the heritage item in the vicinity, Katandra Bushland Sanctuary, and therefore it will have no impact on the significance of this item.</p> <p><b>Therefore, no objections are raised on heritage grounds and no conditions required.</b></p> <p><u>Consider against the provisions of CL5.10 of PLEP 2014:</u>  Is a Conservation Management Plan (CMP) required? No Has a CMP been provided? N/A  Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p>		

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the

Responsible Officer.

**Recommended Heritage Advisor Conditions:**

Nil.