

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed swimming pool and pool side pavilion at

**No. 90 Cabbage Tree Road,
Bayview**

Prepared for:

Alex Jenkins & Paul O'Farrell

C/- Suzanne Green Interior Architecture Design

70 Queen Street

Woollahra NSW 2025

Prepared by:

GSA PLANNING

Urban Design, Environmental & Traffic Planners

(A.B.N. 89 643 660 628)

95 Paddington Street, Paddington NSW 2021

p: 02 9362 3364

e: info@gsaplanning.com.au

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Job No: 21109

Report prepared by: **Willem van Wyk**
Senior Planner

Report reviewed by:



Dr Gary A. Shiels
Senior Consultant

Date : October 2021

For and on behalf of **GSA Planning**
95 Paddington Street
PADDINGTON NSW 2021

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Abbreviation	Abbreviation Meaning
ADG	Apartment Design Guide
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
AS	Australian Standard
ASS	Acid Sulfate Soils
BCA	Building Code of Australia
CBD	Central Business District
CC	Construction Certificate
CIV	Capital Investment Value
CMP	Construction Management Plan/Conservation Management Plan
Council	the Council
CPTED	Crime Prevention Through Environmental Design
CRZ	Critical Root Zone
DA	Development Application
DCP	Development Control Plan
DP	Deposited Plan
DPIE	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA Act	Environmental Planning and Assessment Act 1979
EPA Reg	Environmental Planning and Assessment Regulations 2000
EUR	Existing Use Rights
FFL	Finished Floor Level
FSR	Floor Space Ratio
GFA	Gross Floor Area
GSC	Greater Sydney Commission
HCA	Heritage Conservation Area
HIA/HIS	Heritage Impact Assessment/Heritage Impact Statement
LEP	Local Environmental Plan
LGA	Local Government Area
MHWM	Mean High Water Mark
NCC	National Construction Code
NSW	New South Wales
NSWLEC	NSW Land and Environment Court
OC	Occupation Certificate
OSD	On-Site Detention
PCA	Principal Certifying Authority
PoM	Plan of Management
POS	Private Open Space
PP	Planning Proposal
REF	Review of Environmental Factors
RFB	Residential Flat Building
RL	Reduced Level
RMS	Roads and Maritime Services (see TfNSW)
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SP	Strata Plan
SWMP	Stormwater Management Plan
TfNSW	Transport for New South Wales
TPZ	Tree Protection Zone
VENM	Virgin Excavated Natural Material
WMP	Waste Management Plan
WSUD	Water Sensitive Urban Design
ZFDTG	Zero Fort Denison Tide Gauge (RL1.575 AHD)

1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared for Suzanne Green Interior Architecture Design by George Karavanas Planning Pty Ltd – (hereafter referred to as GSA Planning). GSA Planning has expertise in Urban Design, Environmental & Traffic Planning.

This SEE is to accompany a Development Application to the amalgamated Northern Beaches Council for the construction of a new swimming pool and pool side pavilion structure, designed by Suzanne Green Interior Architecture Design. The proposed structure will be located over 10m from the closest property boundary and 60m from the street frontage. The structure will be sited below the ridge line, nestled into the sloping topography, creating a recessive built form surrounded by dense landscaping.

The pavilion will comprise a partially covered terrace area, bathroom and spa, however will not include cooking facilities and will remain secondary to the existing dwelling. Additional landscaping is proposed around the structure and recessive colours and building materials will be used. The proposal will significantly enhance the amenity for residents while retaining the rural landscape characteristics of the site.

In our opinion, the proposed development satisfies the relevant zone objectives in the Pittwater Local Environmental Plan (LEP) 2014 and the controls of the Pittwater Development Control Plan (DCP) No. 21. The proposal complies with the major building envelope controls being Height of Buildings in the LEP and setbacks in the DCP. Privacy will also be retained for surrounding properties through building separation and dense intervening landscaping.

This document is divided into six sections. Section 2 contains a site analysis; Section 3 provides details of the proposal; Sections 4 and 5 contains the detailed assessment of the application in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPA Act); and Section 6 concludes the report.

2.0 SITE ANALYSIS

This section contains a description of the following: The Locality; Site Description; Existing Built Form and Landscaping; and Existing Character and Context.

2.1 The Locality

The subject site is located approximately 24km north of the Sydney CBD, 2km from Mona Vale Regional Centre and is located within the amalgamated Local Government Area (LGA) of Northern Beaches (see Figure 1).



Source: SIX Maps

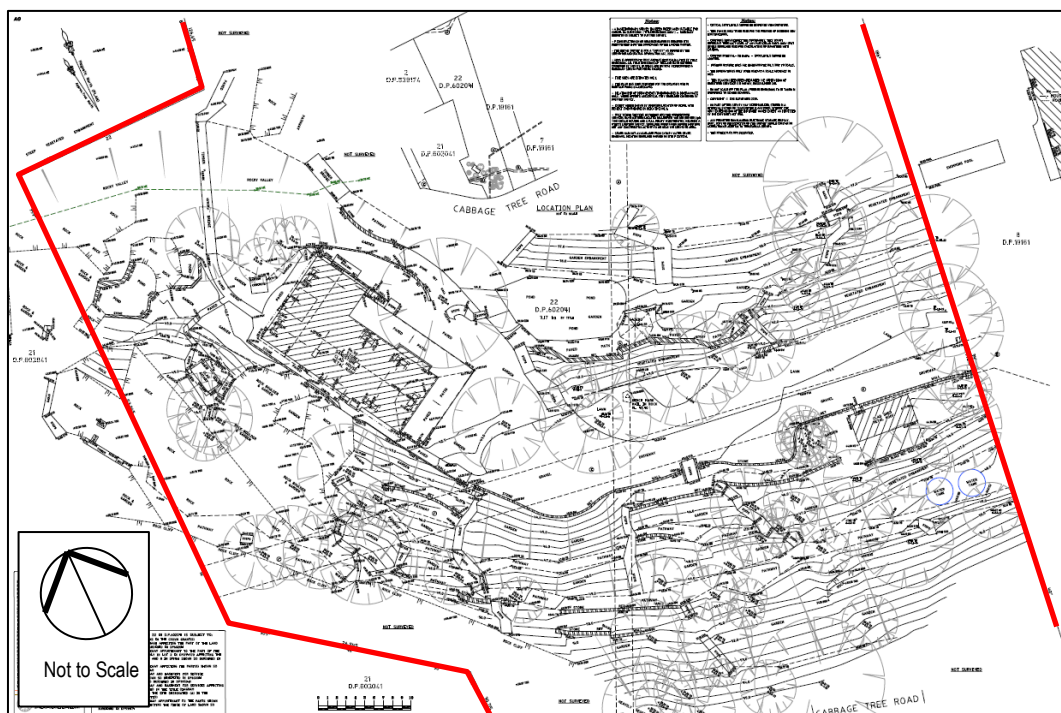
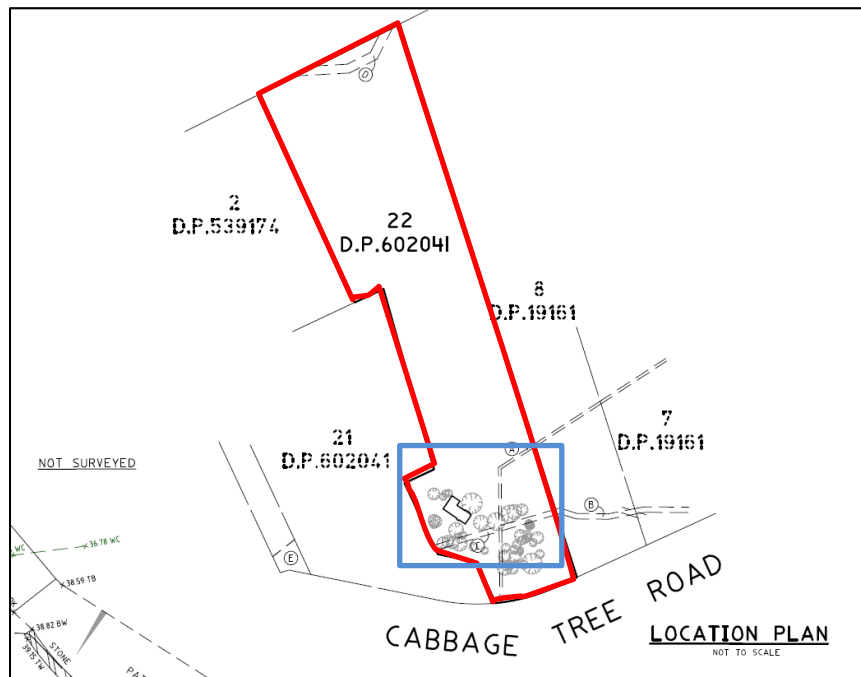
 Subject Site

Figure 1: Location Plan

2.2 Site Description

The subject site is located on the northern side of Cabbage Tree Road, between Walter Road and Pittwater Road and is known as No. 90 Cabbage Tree Road, described as Lot 22 in DP602041. Vehicular access is from the front of No. 86 Cabbage Tree Road two properties to the east, with a right of carriageway in effect. There is also a drainage easement through the front portion of the site.

The site is a large narrow allotment with an eastern boundary of approximately 390m from the street frontage to the rear boundary and a total site area of 3.17 hectares (see **Figures 2 and 3** and Survey Plan separately submitted). The majority of the site comprises dense bushland and slopes towards the rear.



Source: C.M.S Surveyors
Figure 2: Survey Plan

Subject Site

2.3 Existing Built Form and Landscaping

The site is predominantly occupied by dense bushland with only the front portion accessible. There is a small part one part two storey stone dwelling with a pitched roof (see **Photograph 1**). In the front yard is a gazebo, small pond and elevated wooden walkway (see **Photograph 2**). The side has vehicular access via an east to west driveway with access over the adjoining property (see **Photograph 3**). Where the pool pavilion proposed is currently unkept wild planting (see **Photograph 4**).



Photograph 1: Existing dwelling (to be retained)



Photograph 2: Existing gazebo (to be retained)



Photograph 3: Gravel driveway (to be retained)



Photograph 4: Bushland in approximate location of proposed pool pavilion

2.4 Existing Character and Context

The area has a distinct low density residential character with dwellings located on large allotments and surrounded by dense bushland. As stated in the DCP for the Bayview Heights Locality, inter alia:

The locality has developed into a predominantly low-density rural residential area, with dwellings built along the plateau and slopes. The locality is characterised mainly by one and two-storey dwelling houses on 4,000-6,000 square metre allotments (some smaller blocks do exist). To the north large resort style homes have been built incorporating swimming pools and outbuildings. To the south adjoining Cabbage Tree Road, rural residential dwellings occupy 2 hectare allotments. The residential area is of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes. The locality is not fully serviced by sewerage or water mains.

Development to the North

Adjoining the rear boundary to the north is No. 6B Minkara Road, comprising a dwelling house in a battle axe configuration and not visible from the street (see **Photograph 5**). A small portion of the rear boundary also adjoins No. 6A Minkara Road, obscured from the street by dense vegetation at the front of the site.

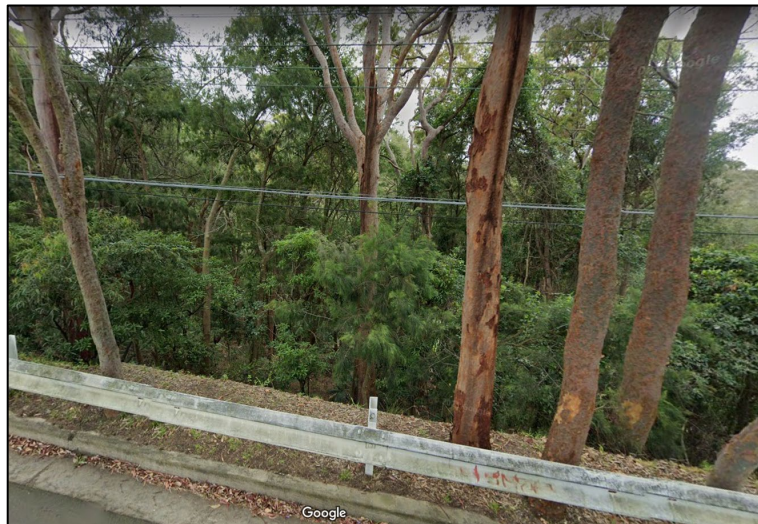


Source: Google Maps

Photograph 5: The driveway entry to Nos. 6A and 6B Minkara Road, with both dwellings not visible from the public domain

Development to the East

To the east is No. 88 Cabbage Tree Road with a dwelling house and lawn area near the front of the property similar to the subject site. As with the subject site, this property has vehicular access from a shared driveway further to the east and therefore has no street presence, being well below the street level and obscured by bushland (see **Photograph 6**). Vehicular access is from the front of No. 86 Cabbage Tree Road which is the next property along to the east.



Source: Google Maps

Photograph 6: No. 88 Cabbage Tree Road, as viewed from the street

Development to the South

To the south, on the other side of the road and significantly above the subject site, are Nos. 103 and 105 Cabbage Tree Road, both containing dwelling houses with a swimming pool. These dwellings are obscured from the street by a slight slope and dense vegetation (see **Photograph 7**).



Source: Google Maps

Photograph 7: The driveway of No. 105 Cabbage Tree Road, as viewed from the front of the subject site

Development to the West

To the west of the site are No. 92 Cabbage Tree Road and No. 4D Minkara Road. No. 92 Cabbage Tree Road adjoins the front half of the subject site's side boundary and comprises a dwelling house not readily visible from the street due to the steep drop in topography (see **Photograph 8**). This dwelling is located on the far western side of the property, well away from the subject site. No. 4D Minkara Road is a battle axe allotment containing what appears to be a dwelling.



Source: Google Maps

Photograph 8: No. 92 Cabbage Tree Road with the rooftop visible on the left, as viewed from the west

2.5 Site Constraints

2.5.1 Bushfire Prone Land

The subject site is listed as Bushfire Prone Land, part Vegetation Category 1 and part Vegetation Buffer (see **Figure 3**). The proposal is accompanied by a Bushfire Assessment Report (separately submitted), prepared by Bushfire Planning Services, and further details are contacted in Section 5.4.

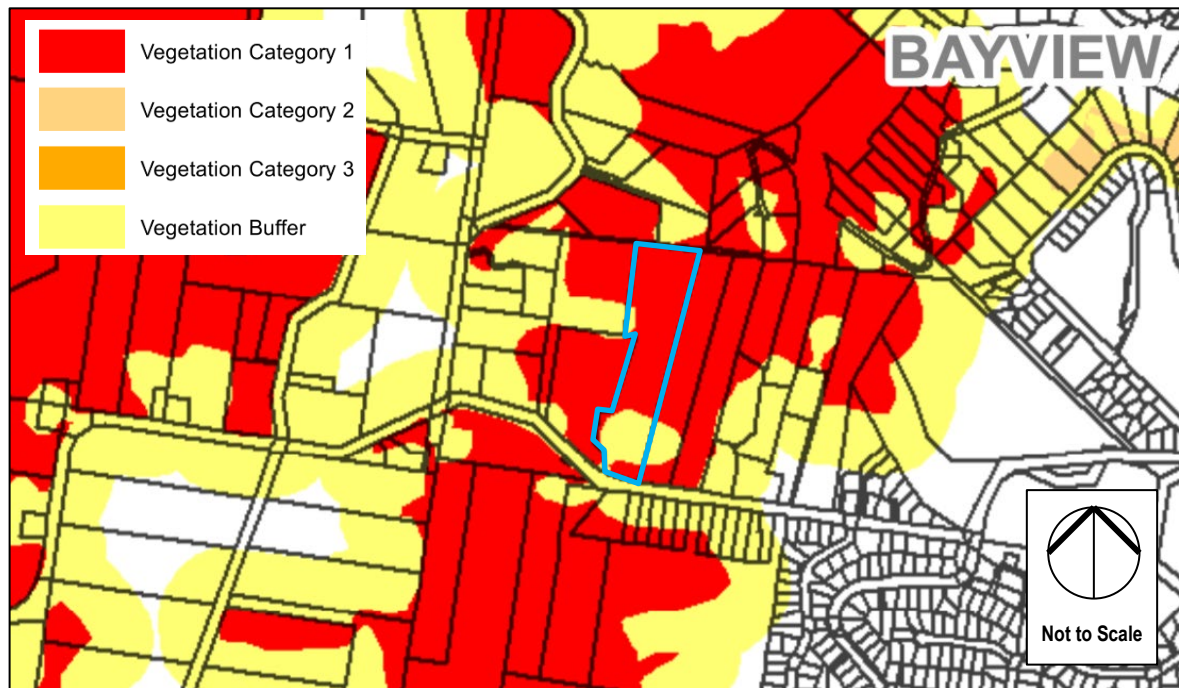



Figure 3: Council's Bushfire Prone Land Map

 Subject Site

2.5.2 Flood Prone Land

Two small channels on subject site are identified on Council's flood mapping as being of flood risk (see **Figure 4**).

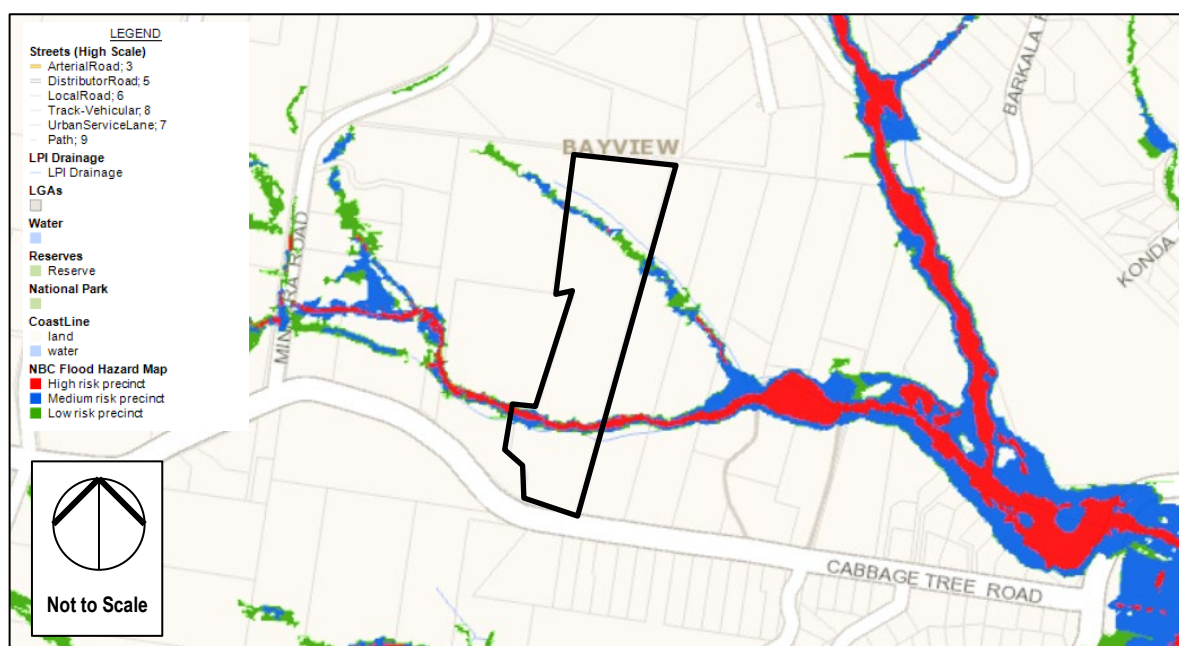



Figure 4: Council's Bushfire Prone Land Map

 Subject Site

2.5.3 Geotechnical Hazard Land

LEP mapping identifies the subject site as a geotechnical hazard site along with most of Bayview. This will be addressed in accordance with the LEP provisions in Section 4.1.4 of this SEE. Further details are contained in the Geotechnical Investigation Report, prepared by MM Geomechanics.

2.5.4 Biodiversity

LEP mapping identifies the subject site as biodiversity land along with most of Bayview. This will be addressed in accordance with the LEP provisions in Section 4.1.5 of the SEE.

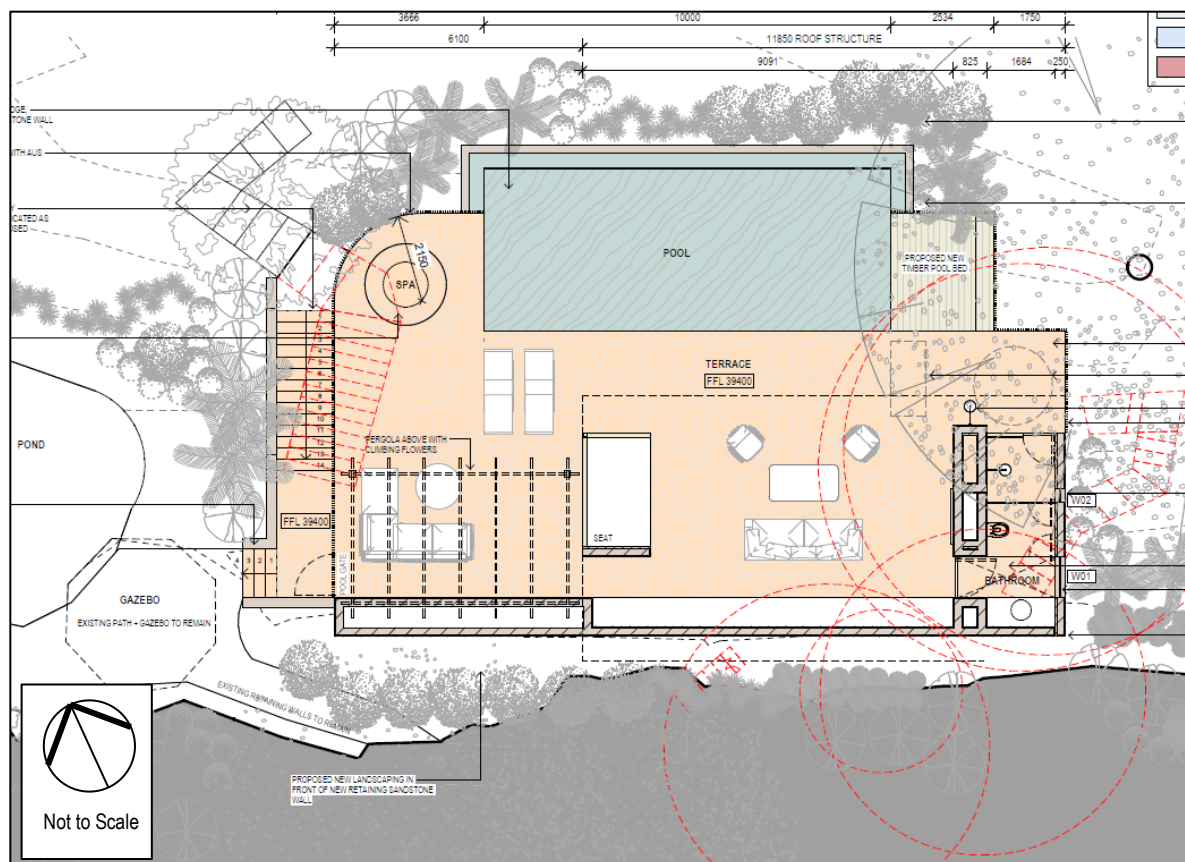
3.0 THE PROPOSAL

It is proposed to construct a new swimming pool, spa and pool pavilion to the east of the existing dwelling. The single storey pavilion structure will provide an additional sheltered open space area for the enjoyment of residents and their guests.

The proposed pool pavilion will be approximately 11.9m x 5.0m and include a small toilet and shower (see **Figure 5**). The maximum height will be 6.0m above existing ground level. As the eastern side will be open, there is no gross floor area (GFA). The pool pavilion will have inadequate facilities to be classified a self-contained living space. The structure will be open on one side and only contain one small toilet. There will be no bedrooms or cooking facilities. A pitched metal roof and sandstone chimney will provide continuity with the existing dwelling.

The pool pavilion will be located below a ridgeline and will be surrounded by new and existing landscaping. Stairs will provide access to the existing lawn and driveway. A paved outdoor area below a pergola with climbing flowers is also proposed next to the undercover terrace. Access to the terrace area will be via steps on the western side.

Further details on the design are provided in the architectural plans, separately submitted. Further details of the landscaping are contained in the Arborist Report prepared by Jacksons Nature Works (separately submitted).



Source: Suzanne Green Interior Architecture and Design

Figure 5: Pool Pavilion Floor Plan

4.0 PLANNING CONTROLS

Pursuant to Section 4.15 of the EPA Act, this section assesses compliance with the planning instruments applicable to the site in accordance with the relevant matters for consideration. The relevant planning instruments include:

- Pittwater Local Environmental Plan (LEP) 2014;
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas;
- State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land; and
- Pittwater Development Control Plan (DCP) No. 21.

4.1 Pittwater Local Environmental Plan (LEP) 2014

The subject site is zoned RU2 Rural Landscape under the LEP, which commenced operation on 30 May 20114 (see **Figure 6**). The dwelling house use will be retained and is permissible with development consent.

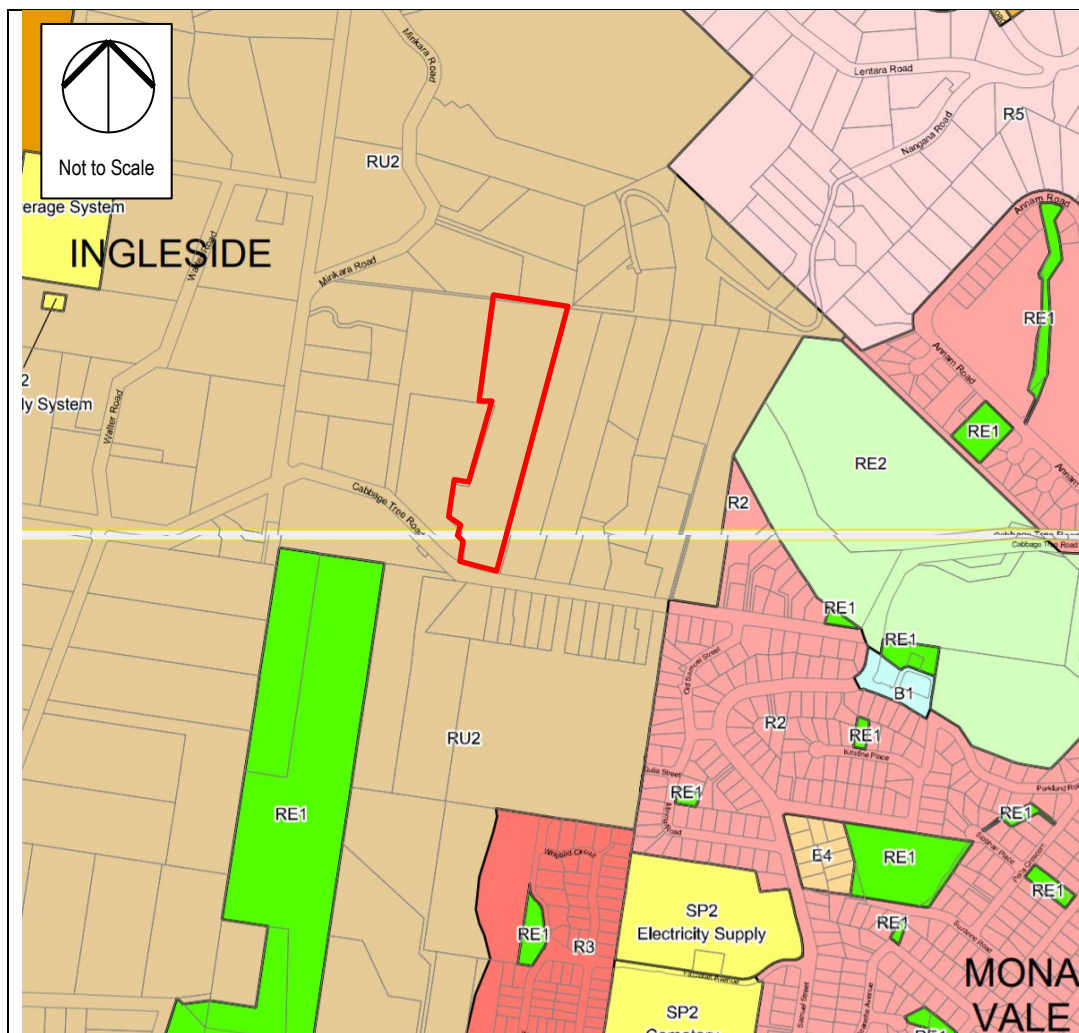


Figure 6: LEP Zoning Plan

Subject Site

4.1.1 Objectives

The LEP Land Use Table contains the objectives for the RU2 Rural Landscape Zone. The relevant objectives are stated, inter alia:

Objective: *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

Response: The proposal retains the existing residential land use and therefore this objective is not relevant in this instance.

Objective: *To maintain the rural landscape character of the land.*

Response: The proposal pool pavilion will form a recessive element on the subject site, being nestled among landscaping and below a ridgeline. The overwhelming majority of the site will remain uncleared bushland. This ensures the landscaped character of the area will be retained.

Objective: *To provide for a range of compatible land uses, including extensive agriculture.*

Response: The existing dwelling land use will be retained and is compatible with surrounding uses. The pool and accompanying pavilion will improve the amenity for residents of the existing dwelling house use.

Objective: *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

Response: The proposal retains the existing intensity of the residential land use with no additional bedrooms or domiciles. Accordingly, there will be no change to the existing demand for public services and facilities.

Objective: *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Response: The proposal retains the existing dwelling land use and the proposed pool and pavilion structure will be well stepped back from property boundaries. As the adjoining properties are also residential, there is unlikely to be any land use conflict.

Accordingly, in our opinion, the proposal complies with the relevant objectives of the LEP.

4.1.2 LEP Compliance

A summary of our assessment of the proposed development against the LEP is following (see **Table 1**).

TABLE 1: LEP PLANNING CONTROLS			
Site Area: 3.17 hectares			
Development Standard	Requirement	Proposal	Complies/Comments
Building Height	Max 8.5m	6.0m	YES
LEP Provisions			Complies/Comments
Permissibility		RU2 Rural Landscape	Dwelling houses & associated structures permissible with consent
Heritage Item		YES	local Item No. 2270402 – Waterfall Cottage & Garden (see Section 4.1.3)
Acid Sulfate Soils		Class 5	Proposal is unlikely to encounter acid sulfate soils
Geotechnical Hazard		Geotechnical Hazard H1	See Section 4.1.4
Biodiversity		YES	See Section 4.1.5

The proposal satisfies the relevant objectives of the LEP, is permissible in the Zone and complies with the sole development standard of building height. The subject site is identified on Council mapping as being a heritage item as well as geotechnical hazard and biodiversity land. These will now be discussed.

4.1.3 Heritage

Although the subject site is a heritage item pursuant to the LEP, a Heritage Impact Report prepared by John Oultram concluded the proposal is unlikely to affect nearby heritage values stating, inter alia:

Overall, we consider that the proposals are a very well considered development for additional recreational facilities at the site that pay due regard to its especial. The proposed pool and pool pavilion are well sited and well scaled and detailed and will have a very limited impact on the expansive gardens and the setting of the existing house.

We consider that that the proposals will have a limited and acceptable impact on the significance of the heritage item, no impact on the heritage item in the vicinity and are in accordance with the relevant heritage provisions of the RDCP.

In heritage terms, we would recommend that the proposals be approved.

Accordingly, the proposal is considered appropriate in respect of heritage and conservation.

4.1.4 Geotechnical Hazard

The subject site is identified within Geotechnical Hazard H1 area which means Clause 7.7 of the LEP applies stating, inter alia:

- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks—*
 - (a) *site layout, including access,*
 - (b) *the development's design and construction methods,*
 - (c) *the amount of cut and fill that will be required for the development,*
 - (d) *waste water management, stormwater and drainage across the land,*
 - (e) *the geotechnical constraints of the site,*
 - (f) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless—*
 - (a) *the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*
 - (b) *the consent authority is satisfied that—*
 - (i) *the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or*
 - (ii) *if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or*
 - (iii) *if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.*

The Geotechnical Report, prepared by MM Geomechanics assessed the site and proposed development against the relevant factors identified in Clause 7.7. The geotechnical risk level was assessed as low and the proposed works will be undertaken in accordance with the recommendations of the Geotechnical Report and Council's standard conditions of consent. Accordingly, the proposal satisfies the matters in Clause 7.7.

4.1.5 Biodiversity

The subject site is mapped as having biodiversity value. Clause 7.6 of the LEP relates to such sites and states, inter alia:

- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider—*
 - (a) *whether the development is likely to have—*
 - (i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*

- (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
- (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
- (iv) any adverse impact on the habitat elements providing connectivity on the land, and
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
 - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The proposal relates to a small pool pavilion structure and pool area only and will not impact biodiversity on the site. The overwhelming majority of the site will remain dense bushland and new plantings will be provided around the proposed works. The impact on trees has been assessed as acceptable in the Arborist Report, prepared by Jackson Nature Works and separately submitted, and the recommendations of this report will be followed. Accordingly, the proposal can be considered acceptable in terms of the biodiversity of flora and fauna.

4.2 State Environmental Planning Policy (SEPP) No. 19 - Bushland in Urban Areas

SEPP No. 19 — Bushland in Urban Areas was gazetted on 24 October 1986 and applies to the entire state. As the subject site does not adjoin any land zoned or reserved for public open space, the provisions of the SEPP are not relevant in this instance.

4.3 State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land

SEPP No. 55 – Remediation of Land was gazetted on 28 August 2005 and applies to the whole of the State. Clause 7(1) requires the consent authority to consider whether land is contaminated prior to the consent of development on that land. The owners have advised that as the long term use of the site has been residential or uncleared bushland, the site is unlikely to be contaminated. On this basis, further investigation is not considered necessary.

4.4 Pittwater Development Control Plan (DCP) No. 21

The DCP came into force on 1 February 2004 and applies to the subject site and the proposed development. Part A4 of the DCP contains specific controls relating to localities. The subject site is located within the Bayview Heights locality. The desired character section states, inter alia:

Care will need to be taken with future developments to ensure that outbuildings and ancillary recreational structures do not dominate the natural landscape and bushland setting.

Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale.

The proposed pool pavilion will only be 6.0m high and is located below a ridge ensuring the structure will remain below the tree canopy. The proposed structure will be surrounded by landscaping and will form a recessive element within the natural landscape and bushland setting. Accordingly, the proposal can be considered consistent with the character statement for the Bayview Heights locality. The locality specific controls will be addressed in the Section below.

4.4.1 DCP Compliance

A summary of our assessment of the proposed development against the DCP is following (see **Table 2**). As the proposal relates only to a pavilion structure and swimming pool, not all the controls are relevant in this instance. In addition, the heritage controls in Part B1 of the DCP are addressed in the Heritage Impact Statement, prepared by John Oultram and separately submitted.

TABLE 2: DCP PROJECT COMPLIANCE			
Provision	Requirement	Proposal	Complies
Section B: General Controls			
Landslip Hazard	Comply with the Geotechnical Risk Management Policy for Pittwater	Outbuilding structure only which is unlikely to cause geotechnical impacts	YES (see Geotechnical Report)
Bushfire Hazard	Designed & constructed to manage risk due to the effects of bushfire throughout life of the development	Designed to minimise bushfire risk	YES (see Bushfire Report)
Flood Prone Land	Not increase flood risk	No works to the dwelling & pavilion well above flood prone area of the site	YES
	Appropriate floor levels		
	Pools in ground with coping flush with natural ground level	N/A as pool well above flood prone area of site. In any event, designed to relate to underlying topography	
	All electrical equipment associated with pool (incl. pumps) waterproofed &/or located at/above Flood Planning Level		
	All chemicals associated with pool stored at/above Flood Planning Level		
C1: Design Criteria for Residential Development			
Landscaping	Min 50% of new vegetation native	>50%	YES
Separately Accessible Structures	Ancillary to the dwelling	Detached & ancillary	YES
	Is not designed for separate habitation & does not contain any cooking facilities	Incapable of use as a separate domicile as no bedrooms or cooking facilities	
Swimming Pool Safety	Swimming pool fencing & warning notices in acc. with relevant legislation	Compliant pool fencing & notices proposed	YES
D2: Bayview Hill Locality Specific Controls			
Character as Viewed from a Public Place	Recessive streetscape appearance	Pavilion structure will not be visible from the street. Development on site retains no street presence	YES
Scenic Protection	Minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve		
Building Colours & Materials	External colours & materials shall be dark & earthy tones	Dark & earthy tones used	YES
Front Building Line	Min 20m	Approx. 60m	YES
Side Setback	Min 6.5m incl. pools	10.6m	YES
Building Envelope	Planes projected at 45° from 3.5m above ground at the side boundaries to max building height (8.5m)	Well within height plane	YES
Landscaped Area – Non-Urban	Min 80% of site area	>80%	YES
Construction, Retaining Walls, Terracing & Undercroft Areas	Lightweight construction & pier & beam footings should be used	Lightweight construction proposed & strip footings & piers used	YES
	On steeper slopes, preference given to use of stable rock ledges & escarpments to reduce visual bulk	Pavilion strategically located next to ridgeline to reduce visual bulk	YES

	For outdoor entertaining areas, preference given to timber decks rather than cut/fill, retaining walls &/or terracing	Cantilevered timber deck as well as stone useable open space areas & a sandstone retaining wall. Materials will existing paths & relate to the surrounding bushland	YES
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It can be seen that the proposed pool pavilion complies with each of the relevant DCP controls including setbacks and materials. Privacy and landscaping will be addressed more thoroughly in Sections 5.1 and 5.3 respectively.

5.0 PLANNING ASSESSMENT

This section will consider the following: The Assessment of the Natural Environmental Impact; the Built Environment Impacts; the Site Suitability and the Public Interest in accordance with Section 4.15 of the EPA Act.

5.1 Assessment of Natural Environmental Impacts

This section will assess the topographic and scenic impacts as well as the water and air quality impacts of the proposed development.

5.1.1 Topography & Scenic Impacts

The proposal will provide a scenic benefit for the site, with the construction of a pool-side pavilion that will respond well to surrounding vegetation, including additional landscaping around the structure. Trees on site have been assessed in the Arboriculture Report prepared by Jacksons Nature Works with recommendations for retention or removal. Recommendations outlined in the report will be implemented during construction to ensure nominated trees are protected and retained. Excavation is limited by the use of strip footings and piers and will provide a consistent pavilion floor level on the sloping site.

5.1.2 Water & Air Quality Impacts

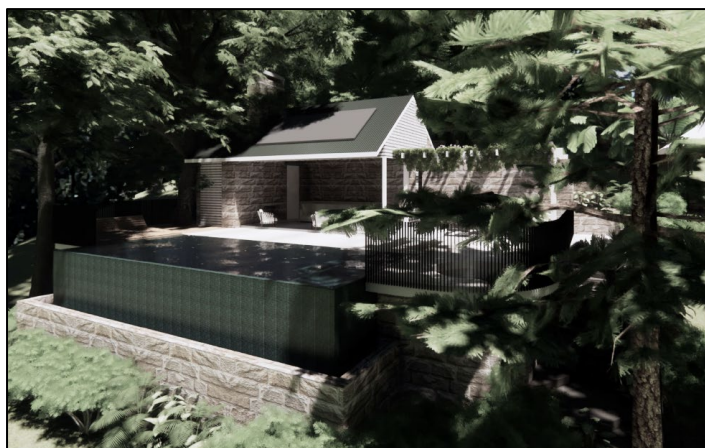
The proposal relates only to a garden pavilion structure and swimming pool which will not have any noticeable impacts on water or air quality.

5.2 Assessment of Built Environmental Impacts: Character and Context

This section will address the effects of the proposed development on the character and context of the area.

5.2.1 Impact on the Area's Character

The proposed pool pavilion structure will form a recessive visual element as it will be located below a ridgeline and surrounded by existing and proposed landscaping. The structure will be set into the sloping topography, stepping down with the terrain. In any event, it will be set back over 60m from the street frontage and will not be visible from the public domain. The materiality and design, including the pitched metal roof and sandstone chimney, will match the existing dwelling to provide continuity in the design. The use of earthy and recessive colours will fit into the landscape. The proposed plantings surrounding the structure will contribute to the landscaped character of the area (see **Figure 7**).



Source: Suzanne Green Interior Architecture and Design

Figure 7: Montage of the Proposal

5.3 Assessment of Built Environmental Impacts: Privacy and Amenity

This section considers any aural and visual privacy effects resulting from the proposal and needs to be considered in conjunction with Section 4.4. It will specifically address sunlight access and view sharing.

5.3.1 Aural and Visual Privacy

The design and layout of the proposal will maintain aural and visual privacy for residents of neighbouring sites. The pool pavilion will be set back over 10m from the closest property boundary to the east with dense intervening landscaping obscuring direct sightlines. The structure has been sited below the ridge line to protect neighbouring amenity. Given the continuing residential use, it is unlikely that there would be significant additional noise generation associated with the proposal. In any event, pools are less utilised than open space areas, especially during winter.

5.3.2 Solar Access and View Sharing

Given the scale and location of the proposed works, there are not likely to be any noticeable solar access or view impacts. The proposal is considered acceptable in this regard.

5.4 Assessment of the Site Suitability

As discussed, the subject site is in an area recognised by Council as being subject to landslip, flooding and bushfire, however will not contribute to the likelihood of these hazards.

The Bushfire Risk Assessment prepared by Bushfire Services Australia concludes the proposed development, on designated bushfire prone land, is to be constructed in accordance with the report's recommendations. Provided the development is constructed in accordance with those recommendations, the consultant considers the proposal can satisfy the Objectives and Performance requirements of the Building Code of Australia (BCA, part of the National Construction Code), Planning for Bushfire Protection 2006 and AS3959:2009.

The proposed works do not pertain to the part of the site designated as flood prone and the small pool pavilion structure is unlikely to affect landslip, and is accompanied by a Geotechnical Report and engineering drawings.

5.5 The Public Interest

The proposal will have social and economic benefits in the area with the construction of a well-designed swimming pool and accompanying pavilion. This will facilitate greater engagement with the heritage landscape character of the site. The structure will form a recessive element within the site and will be appropriately screened by landscaping. The proposal will provide short-term employment during construction.

6.0 CONCLUSION

The proposed pool side pavilion and swimming pool at No. 90 Cabbage Tree Road, Bayview has been assessed in accordance with Section 4.15 of the EPA Act and Council's planning instruments. The proposal is permissible in the RU2 Rural Landscape Zone under the LEP and in our opinion is consistent with the relevant objectives of the Zone.

This SEE demonstrates the pool pavilion will improve amenity for residents without impacting neighbours. The structure has been set back well beyond the DCP control and is nestled into the slope, below the ridge. This, along with the dense intervening landscaping, will prevent the structure being readily visible or having visual privacy impacts. The pavilion has been sympathetically designed with dark and earthy tones to form a recessive element within the heavily landscaped site. The metal roof and sandstone chimney will match the existing dwelling to provide continuity in the design.

The proposal complies with the LEP height development standard as well as all the relevant controls in the DCP. While the terrace area will be open on one side, the partial roof covering will provide protection from the elements.

The overwhelming majority of the site will remain dense bushland and new plantings will be provided around the proposed works. This ensures the landscaped character of the RU2 Rural Landscape zone will be retained. The impact on trees has been assessed as acceptable in the Arborist Report. The SEE is also accompanied by heritage, engineering, geotechnical and bushfire consultant reports. These reports have informed our assessment and the consultant reports confirm the proposal is suitable in the locality. For all these reasons, the proposal can be considered a quality development which is in the public interest.