

**STATEMENT OF ENVIRONMENTAL EFFECTS
FOR
STATEMENT OF MODIFICATION UNDER SECTION 4.55 (2). PROPOSED
MODIFICATION TO DA2020/1393 AND MOD22022/0610 TO AMEND CONDITIONS
1, 11A AND 11B FOR PROPOSED NEW MATERIAL / COLOURS
AT
7 RUSKIN ROWE, AVALON BEACH**



Source: Dwelling house now demolished with consent

Note: Non- compliant colour scheme

**Prepared for Mr and Mrs Earl
April 2023**

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1. Introduction

1.1 Overview

This Statement has been prepared in support of a Section 4.55(2) Application under Part 4 of the Environmental Planning and Assessment Act 1979 (the Act) for an amendment to the approved plans under Conditions 1, 11A and 11B of Development Application DA2020/1393 and MOD2022/0610.

The sole purpose of this S4.55(2) application is to seek an amendment to the existing and approved DA2020/1393 and Mod2022/0610 for a change to conditioned materials and colour specification to ‘Prefa Black Grey’ for Aluminium roof and external weatherboard cladding painted ‘Dulux Domino’ in accordance with Clause 5.10 of the Pittwater LEP 2014 and the requirements of DCP Control D1.5.

No other changes are proposed under this S4.55 Modification Application. With the exception to the amended material and colour specification, this application is a duplication in detail and only challenges Conditions 11A and 11B of Mod2022/0610.

DA2020/1393 and Mod2022/0610 have been approved for demolition works and construction of a new dwelling, pool house and garage at 7 Ruskin Rowe, Avalon Beach. As demolition works have now been completed on site, this application seeks approval for ‘construction of a new dwelling [all details as approved with the exception of roof material and colour schedule], pool house and garage at 7 Ruskin Rowe, Avalon Beach’.

This SEE accompanies plans prepared by RAMA architects dated 3 March 2023 and updated supporting documentation as listed at Section 1.3 of this SEE.

This SEE details the proposed development, including an outline of the background, design rationale, planning history and noted compliance with the relevant Environmental Planning Instruments (EPIs), planning controls and justification for the development proposed.

The principle and details of the proposed development are acceptable in accordance with the notice of determination for Mod2022/0610 issued 28 February 2023. As outlined above and in section 2.3- 2.4 of this SEE, the only matter for consideration is limited to seeking approval for material and colour, ‘Prefa Black Grey’ to Aluminium roof and ‘Dulux Domino’ to external weatherboard cladding.

1.2 Statement of Environmental Effect

This report is a Statement of Environmental Effects, pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979 (EP&A Act). In preparing this document, consideration has been given to the following:

- EP&A Act 1979
- EP&A Regulations 2000
- Relevant Statement Environmental Planning Policies (SEPPs)
- Pittwater Local Environmental Plan, 2014 (LEP)
- Pittwater 21 Development Control Plan, 2014 (DCP)

1.3 Supporting information

The application is supported by the following:

- Statement of Environmental Effects prepared by Karen Buckingham of Planning Progress
- Master Set Plans prepared by RAMA dated 03/03/23 including the following:
 - Site plan as per stamped plans Mod2022/0610
 - Floor Plans as per stamped plans Mod2022/0610
 - Elevations + Sections as per stamped plans Mod2022/0610 with exception to roofing material and colour schedule
 - Waste Management Plan as per stamped plans Mod2022/0610
 - Area Calculations, as per stamped plans Mod2022/0610
 - Materials Schedule – Aluminium roof ‘Prefa Black Grey’ and weatherboard cladding painted ‘Dulux Domino’
- Updated Heritage Impact Statement prepared by Kate Mountstephens
- Updated Arboricultural Impact Assessment prepared by ‘Growing my Way’
- Updated Cost Summary Report prepared by RAMA Architects
- Updated Flood Report prepared by Pittwater Data Services
- Updated Stormwater Management Plan prepared by Stellen Civil Engineering
- Updated Basix Certification

2. Background and chronology

2.1 Planning History

21 May 2021 - DA2020/1393 - Approved subject to conditions for demolition works and construction of a new dwelling, pool house/studio and garage.

28 February 2023 – Mod2022/0610 – Approved subject to conditions for demolition works and construction of a new dwelling, pool house/studio and garage. This application has been

submitted to change the colour schedule required under Conditions 11A and 11B of this consent, only.

2.2 Relevant correspondence

During Modification Application Mod2022/0610 it was clarified that the dark and recessive colour scheme proposed was ‘Dulux Monument’ or similar black grey dark tones as per DCP Control D1.5. The Heritage Referral recommendation was to limit the colour scheme to ‘Woodland Grey’ for the roof and ‘Woodland Grey’, Sage Green’, New England Stone’ or equivalent for the external colours.

Extracts from e-mail correspondence:

Email sent from Architect to Planning Officer 23/12/2022

‘...We have just noticed the Heritage Referral Response for our Modification Mod2022/0610 at 7 Ruskin Rowe, Avalon Beach and understand that although it is supported, the colours are to remain Woodland Grey. I tried calling this morning to discuss but understand the office closures at present. Will try again next week on the 28th.

Before any consent is granted for this modification, may we please discuss these conditions with you and request to modify our plans to propose a specified dark and recessive colour? We would propose Dulux Monument and not Woodland Grey, or happy to work with the Heritage Officer to find a colour that is suitable....’

Email sent from Architect to Planner and relevant DA Manager 23/12/2022

‘...I was writing to Julie regarding our Modification Mod2022/0610 at 7 Ruskin Rowe, Avalon Beach, but understand she is on extended leave and has directed any enquiries to yourselves. Please see our email below to Julie. May we please discuss this with one of yourselves? I’ll try calling again on the 28th...’

Email sent from Student Planner to Architect 09/01/23

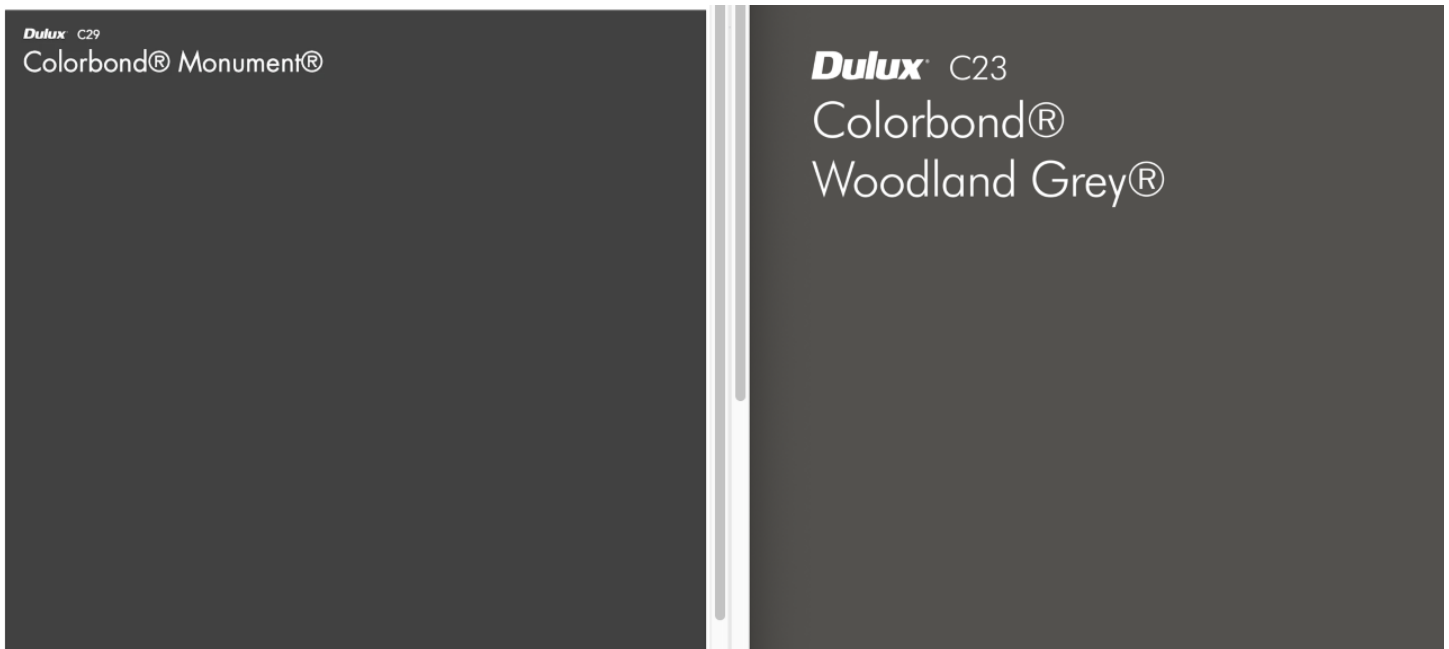
‘...I’ve just received a response from our Heritage Officer. They’ve advised that Monument wouldn’t be an acceptable colour for the roof or walls from a heritage perspective and that Woodland Grey would be required for the roof. They have said though that acceptable alternative colours for the weatherboards would be Sage Green, Grey Grey or New England Stone (or equivalent).

While Julie will formally assess this on her return, we typically follow the advice of relevant subject matter experts when making decisions...’

Email sent from Architect to Student Planner, Planning Officer and DA Manager on 11/1/23

*'...Thanks for your time on the phone earlier regarding the feedback provided below.
As discussed, may we please request a meeting on site with Julie, Steven and Robert Moore, once Julie is back on deck? Understand this would be after 7th Feb. We would like to discuss the existing streetscape and justification from the Heritage Assessor for Woodland Grey over Monument (please see colours attached).
Please let us know when is best.
We look forward to your reply and thank you for the opportunity to discuss this...'*

[Extract from email to demonstrate the minor the colour difference between the conditioned 'Woodland Grey' and requested 'Monument', both of which comply with Pittwater DCP Control D1.5



2.3 As shown on the accompanying plans, the proposed development is in duplicate form to the details submitted and approved under Mod2022/0610 with the exception of the colour specification. This application seeks consent for:

- Roof Material and colour – amend from Colourbond ‘Dulux Woodland Grey’ to Aluminium ‘Prefa Black Grey’
- External Weatherboard cladding colour – amend from ‘Woodland Grey’, Sage Green’, New England Stone’ or equivalent to 'Dulux Domino’

2.4 Design Rationale

The design rationale for the proposed application is to seek consent for inclusion of material (Aluminium roof – ‘Prefa Black Grey’, and weatherboard cladding colour scheme ‘Dulux Domino’ as opposed to ‘Dulux Woodland Grey’ and in doing so, improve the design outcomes of the approved consent under Mod2022/0610 without any demonstrable harm or impacts to the Heritage Conservation Area.

External material and colour are proposed to be amended as an improved design solution. The roofing material and colour proposed is in keeping with the Statement of Significance of the Heritage Item and character of the area, less visually intrusive than the approved ‘Woodland Grey’ (minor), and clearly in accordance with Clause 5.10 of the LEP and the requirements of DCP Control D1.5.

3. Site Description and analysis

3.1 Property and site description

The subject site is located at 7 Ruskin Rowe, Avalon Beach. The legal description of the site is Lot 192 DP 16902.

The site is:

- Specified in the zoned C4 Environmental Living in the Pittwater Local Environmental Plan, 2014 (LEP) – permissible with consent and meets the objectives of the zone.
- Specified within the Ruskin Rowe Heritage Conservation Area (C5) (HCA). The subject site is not listed as a heritage item or a contributory item within the HCA.
- Identified on Council’s mapping to be in land within Area 1 of the Landscaped Area Map – complies with relevant DCP Control – See compliance table at Section 5, figure 3.
- Identified within the Pittwater Biodiversity Map – see update to Arborist Report.
- Identified as within Northern Beaches Flood Prone Land. - Proposal supported – See Council’s referral response to approved development and update to the Flood Management Report.
- Identified within the Class 5 Pittwater Acid Sulphate Soils area – No impact or additional information required.

Discussion regarding the above and compliance with the relevant EPIs and planning controls is set out in Section 5 of this SEE.

3.2 Site Description and surrounding environment

The subject site is 7 Ruskin Rowe, Avalon Beach, Lot 41 of the Deposited Plan 22361. The subject site located in a low-density residential environment, on the south eastern side of Ruskin Rowe.

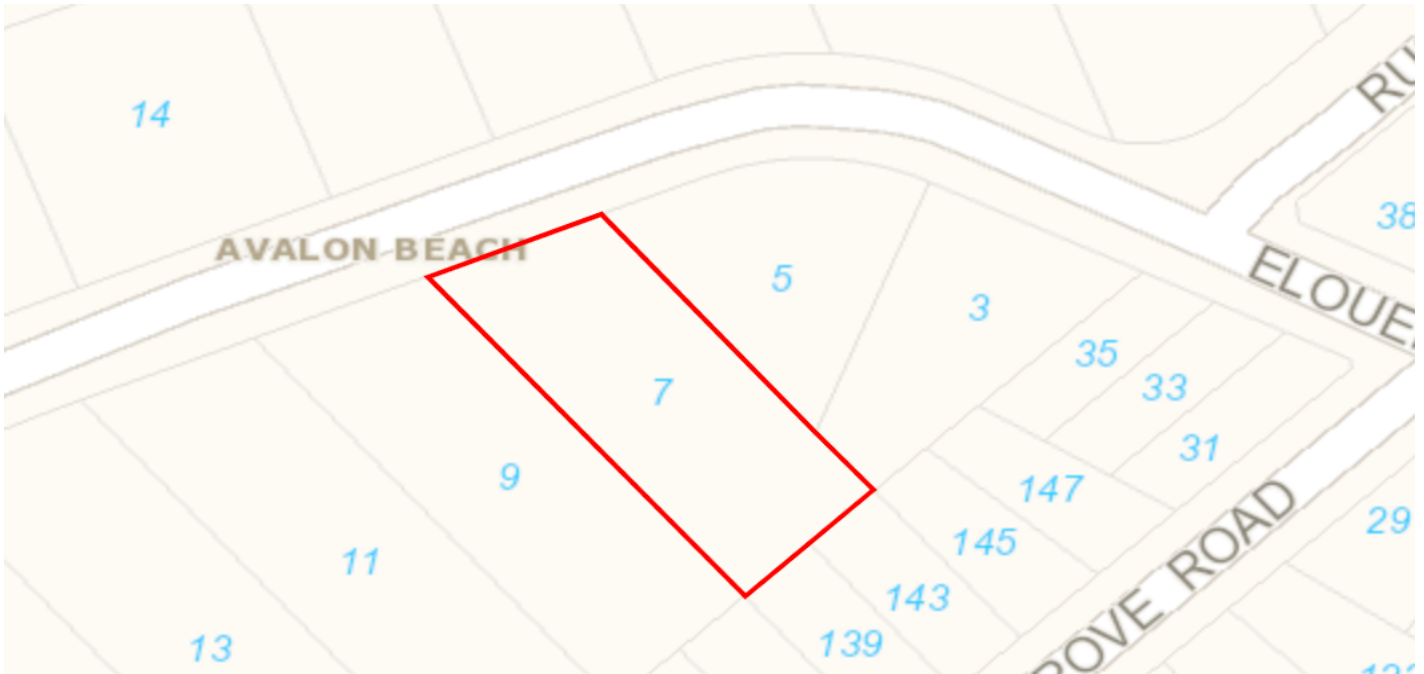
The surrounding built environment is predominantly made up of low density, two storey dwellings, some of which are clearly visible from the street and some dwellings are set back into their own sites. The colour schedule of surrounding development varies considerably. However, as is evident from a site visit, the dark and recessive colour schedules are far less obtrusive than the dwellings with a lighter colour schedule, as demonstrated in photos 1 to 3 of this SEE.

Vehicular access and off street car parking is off Ruskin Rowe. Access and parking is as approved under DA2020/1393 and Mod2022/0610.

The existing dwelling has been demolished in accordance with the approved plans and was of little merit, with no heritage significance or added contribution to the HCA. The dwelling house was not a contributory item.

The site is slightly irregular in shape, as shown in the submitted plans and measures 2351 sqm (survey). The front boundary is 32.15m and is made up of existing landscaping, with a mature high hedge (see photo 4) and the driveway entrance. The north eastern side boundary is 71.475m, the south western side boundary is 82.79m and the rear boundary is 30.48m (as per boundary identification survey).

Figure 1: Location of Subject Site



Source: Northern Beaches Council Planning Maps

Figure 2: Aerial view of subject site – Note that the dwelling house will only be visible via a narrow driveway entrance and is set back approx. 40 metres from the streetscape



Source: Northern Beaches Council Planning Map

Photo 1 – No. 35 Elouera Road, Avalon Beach located directly opposite the access and abutting the Ruskin Rowe Heritage Conservation Area



Source: Own site photo

Note – The dark and recessive colour ensures that the dwelling house, abutting the Ruskin Rowe Heritage Conservation Area, does not have any impact on the setting of the HCA and that landscaping remains the prominent feature on the site rather than the built form. Note the prominence of the neighbouring dwelling at 33 Elouera Road, despite being of a smaller scale.

Photo 2 – No. 36 Ruskin Rowe, Avalon Beach. Recently approved development DA2021/0059 within the Ruskin Rowe HCA



Source: Own site photo

Note – The dark and recessive tone of the external materials is visually unobtrusive in this landscape setting. The dark tones allow the landscaped environment to remain the predominant feature, and accord with the heritage significance of the HCA.

Photo 3 – No. 5 Ruskin Rowe, Avalon Beach. Direct adjacent to the subject DA site and within the Ruskin Rowe HCA.



Source: Own site photo

Note: The neighbouring property is light in colour and more visually prominent than the darker and more recessive colours and materials used in the HCA.

Note: The cover photo shows the previous dwelling house on the site which has been now been demolished with consent. The light coloured roof and wall colours of the previous dwelling house on the site were contrary to the requirements of DCP D1.5. A dwelling house replacing the non-compliant light coloured previous dwelling, that dominated the landscape, is a clear improvement to the HCA.

Photo 4 – No. 7 Ruskin Rowe, Avalon Beach. Subject site is well screened by a mature hedge. The dwelling house is to be setback by approx. 40 metres and would not be visible from the public realm



Source: Own site photo

Note – The photo taken above was post demolition of the previous light coloured dwelling house. The development, as approved under DA2020/1393, will not be easily visible from the streetscape or the surrounding HCA. The only view aspect into the site is via the existing narrow driveway. The new dwelling house is sited approx. 40 metres into the site. The neighbouring dwelling house to the right of the photo (no.9 Ruskin Rowe) indicates approx. setback. Notwithstanding this, ‘Prefa Black Grey’ for Aluminium roof and external weatherboard cladding painted ‘Dulux Domino’ is in accordance with the requirements of DCP Control D1.5.

4. Environmental Planning Instruments (EPIs)

4.1 State Environmental Planning Policies

4.1.1 State Environmental Planning Policy (BASIX) 2004

Comment: The proposed development meets BASIX standards required for water, thermal and energy as per the BASIX certificate submitted with the development application.

4.1.2 State Environmental Planning Policy (resilience & hazards) 2021

SEPP resilience & hazards (2021) sets out that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Comment: Given the historical and ongoing residential use of the site and surrounding location, the site is not considered as subject to contamination. No further studies are required.

4.2 Pittwater Local Environmental Plan 2014 (LEP)

Comment: The subject site is located with the C4 – Environmental Living zone. The proposed development is permissible with consent, has already been accepted in principle and continues to meet all the objectives of the zone.

Clause 4.3 Height of buildings

The height of a building at the subject site is not to exceed 8.5 metres.

Comment: The proposed modification do not include any increase in the height of the proposed development.

Clause 5.10 Heritage Conservation

The subject site is located with the Ruskin Rowe Heritage Conservation Area (C5), as listed in Schedule 5, Part 2 of the Pittwater LEP 2014. The site is not a contributory item of the HCA.

In accordance with Clause 5.10 of the LEP, development consent is required for demolishing or altering the exterior of a building within a heritage conservation area. Development consent has been approved under DA2020/1393 for the demolition of the existing dwelling and construction

of the proposed development and associated structures and modified under Mod2022/0610. The previous dwelling house has now been demolished as approved.

In accordance with Cl.5.10 of the LEP, the following objectives have been met:

- (a) to conserve the environmental heritage of Pittwater,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

A Heritage Impact Statement (HIS) was submitted with the approved consent. Council's Heritage referral response outlined concerns with the scale, bulk and built form of the south west wing, including setback and height and the two storey pool house. Reference was also made to the materials and finishes proposed lacking consistency with the existing and desired future character of the Conservation Area as promoted by the PDCP (see attachment 1 of this SEE to note compliance with the PDCP 2014, Appendix 2, Ruskin Rowe HCA).

It was the opinion of Council's External Heritage Advisor that, *'the heritage concerns require reconsideration of the scale, bulk and placement of the side wing, and of the materials and finishes that will not support the integration of the development with its bushland setting, but make it obtrusive'*.

In response to Council's request, amended plans were submitted and supported by Council's External Heritage Advisor and the development was subsequently approved.

Another HIS was submitted with Modification Application Mod2022/0610 to support the proposed colour schedule change from 'Dulux Woodland Grey' to 'Dark and Recessive Colours'. A Dark and Recessive colour scheme was proposed to apply a degree of flexibility in the colour scheme but one that clearly responded to the requirements of DCP Control D1.5 and Appendix 2, with the use of dark, non-reflective colours (see figure 6 and attachment 1 of this SEE).

Council's External Heritage Advisor noted the following concerns with regard to the requested colour scheme modification.

'The advisor commented that the changes in external materials colours was of concern and not appropriate for the conservation area for them to be unspecified. The advisor noted that Woodland Grey be retained for the roof and the weatherboards be painted in Woodland Grey, Sage Green, Grey Grey or New England Stone, or equivalent.' [Note – or equivalent is not applicable to the roof colour specified].

To address the sited concern of the Heritage Officer, ‘Dulux Monument’ was specified as the colour scheme proposed (see extract from correspondence in Section 2.2 of this SEE).

No further advise, correspondence or guidance was provided by Heritage. The proposed change from ‘Woodland Grey’ to ‘Dulux Monument’ was not accepted and Conditions 11A and 11B were attached to Mod2022/0610, which read as follows:

Figure 3 – Conditions 11 A and 11 B of Mod2022/0610

B. Add condition 11 A. External Colours - Roof to read as follows:

The proposed roof colour is to be retained as Woodland Grey and plans are required to be updated to show this change. Details demonstrating compliance with this condition are to be provided to the Principal Certifying Authority.

Reason: Maintenance of the significance of the Ruskin Rowe Heritage Conservation Area.

C. Add condition 11 B. External Colours - Roof to read as follows:

The proposed weatherboard cladding colour is not supported. The cladding colour must be amended to Dulux "Woodland Grey", "Sage Green", "New England Stone" or equivalent. Details of the colour are to be submitted to Council's Heritage Officer for approval prior to the issuing of the construction certificate. Plans are then to be updated including the amended colour.

Details demonstrating compliance with this condition must be submitted to the Principal Certifying Authority.

Reason: Maintenance of the significance of the Ruskin Rowe Heritage Conservation Area.

Source: Extract from Mod2022/0610 – Notice of Determination

See the colour comparison between the proposed and conditioned in Section 2.2 of this SEE and note the minor variation.

The reason detailed in Conditions 11A and 11B for colour specification ‘Dulux Woodland Grey and not ‘Dulux Monument’ is *‘Maintenance of the significance of the Ruskin Rowe Heritage Conservation Area’*.

An extract from the Heritage Referral Response detailing the Statement of significance and Physical description of the Ruskin Rowe HCA is shown in Figure 5.

Figure 5 – Statement of significance and Physical description of Ruskin Rowe HCA

Statement of significance:

The Ruskin Rowe Heritage Conservation Area is significant in the evolution and pattern of the history of New South Wales for its design principles and patterns that are still clearly legible. The street is named after Harry Ruskin Rowe, a prominent Sydney architect who subdivided the area in 1950. Rowe's vision was to create a special subdivision with large lots in which vegetation would dominate over houses. This area represents the most "pure" example of the character of residential developments which were occurring in the Avalon area after WWII. Ruskin Rowe has research potential for its innovative subdivision design and is also scientifically significant due to the low density nature of the area and the retention of a wide range of fauna, including koalas, bandicoots and native birds.

Physical description:

The first section of Ruskin Rowe runs southwest from Avalon Parade to Elouera Road, then continues for a short distance west before curving again to the southwest and continuing in that direction, terminating in a loop at its southern end. The original subdivision lots are arranged on either side of this central thoroughfare and are long rectangular parcels with houses set well back from the street with a mix of sweeping lawns, remnant native trees and in many cases dense landscaping. The relatively few lots subdivided since 1950 are battleaxe subdivisions of some of the earlier lots.

Source: Extract from Heritage Referral Response – Mod2022/0610

The Statement of significance or Physical description of the HCA does not specify a colour schedule or support the decision to restrict a colour schedule change to 'Dulux Monument' over 'Woodland Grey'. Both Dulux Monument and Dulux Woodland Grey meet the significance of the HCA to ensure that '*vegetation would dominate over houses*' and both meet the desired and future character of the HCA as detailed in Appendix 2 of the PDCP which specifies dark and non-reflective colour tones (see Attachment 1 of this SEE). A dark and recessive colour scheme would have a neutral impact on the HCA, as detailed in the HIS, meet the objectives of Clause 5.10 of the LEP and is in accordance with the required dark and earthy tones as per DCP Control D1.5 (see figure 6 of this SEE).

Figure 6 – Pittwater 2014 DCP Control D1.5

Controls

External colours and materials shall be dark and earthy tones as shown below:



White, light coloured, red or orange roofs and walls are not permitted:



Source: Extract from Northern Beaches Council DCP

The outcomes of the stated control are to ensure:

The development enhances the visual quality and identity of the streetscape. (S)

To provide attractive building facades which establish identity and contribute to the streetscape.

To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.

The colours and materials of the development harmonise with the natural environment. (En, S)

The visual prominence of the development is minimised. (S)

Damage to existing native vegetation and habitat is minimised. (En)

An informal beachside appearance of the Avalon Beach Village. (S, Ec)

This application is supported by an Updated Heritage Impact Statement prepared by Kate Mountstephens. The ‘dark and recessive’ colour scheme has been specified in this application to propose, ‘Prefa Black Grey’ for Aluminium roof and external weatherboard cladding painted ‘Dulux Domino’.

As per the objectives of Cl.5.10 of the LEP, the proposed materials and colour specification to ‘Roof – Aluminium Prefa Black Grey and Weatherboard cladding painted Dulux Domino’ is in accordance with the dark grey and black colour schedule of DCP Control D1.5. The dark, non-reflective tone would ensure that the built form was less obtrusive on the site and conserves the heritage significance of the HCA as required in Appendix 2 of the DCP.

Figure 7 – Comparison between ‘Prefa Black Grey’, ‘Dulux Domino and ‘Dulux Woodland Grey’



dulux - woodland grey



dulux - domino



dulux - woodland grey



prefa - black grey

Source: Extracts from ‘Prefa’ and ‘Dulux’ colour charts – computer image. Physical samples to be submitted

Existing dwellings within the HCA are made of up both light and dark colour schemes, however, as is evident from photos 1-3 of this SEE, the dark and recessive colour schemes ensure that visual prominence of built form is minimised and harmonises with the natural environment/ landscape character of the HCA.

The proposed development, with amended roofing material and colour scheme is in accordance with Clause 5.10 of the LEP.

Clause 7.1– Acid sulfate soils

The subject site is shown as Class 5 Pittwater Acid Sulfate Soils Map.

Comment: Demolition and excavation of the site has already commenced under the approved consent (as existing). The proposed development under this application complies with Cl. 7.1 of the LEP and is already permitted in principle.

Clause 7.2 – Earthwork

This application does not include any change to earthworks, noting that demolition and excavation of the site has already commenced under the approved consent (as existing). Approved sediment / erosion plans, in accordance with Structural Engineers details apply.

Clause 7.3 – Flood Planning

No further impact on flood risk as per the update letter to the submitted flood report.

Clause 7.6 – Biodiversity

The subject site is identified on the biodiversity map.

Comment: The proposed development does not include any further amendments to the existing landscaping or loss of trees on the subject site than that removed and approved under DA2020/1393 and Mod2022/0610. An update to the Arborist Report is submitted for completeness. The proposed development complies with Part 7.6 of the LEP.

Clause 7.10 – Essential services

No amendments or additional load is required on existing essential services at the site by virtue of the proposed development.

In the preparation of this SEE, no other clauses of the Pittwater LEP 2014 were considered applicable to the proposed development on the subject site.

5. Development Control Plan (DCP)

5.1 Pittwater 21 Development Control Plan (DCP) sets out a range of outcomes and controls which provide best practice standards for development in the Pittwater area. The subject site is located within the Avalon Beach Locality as identified on the Avalon Locality Map.

5.2 DCP Control A4.1 Avalon Beach Locality sets out the context and desired future character of the area. Best practice requires any future development to be in accordance with the desired character of the area.

Desired Character

The most important desired future character is that Avalon Beach will continue to provide an informal relaxed casual seaside environment. The locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity, fewer hazards and other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, commercial, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. Vehicular and pedestrian access into and through the locality is good. Pedestrian links, joining the major areas of open space (Angophora Reserve, Stapleton Park and Hitchcock Park) and along the foreshores, should be enhanced and upgraded. Similarly, cycle routes need to be provided through the locality. Carparking should be provided on site and where possible integrally designed into the building.

Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with development. The objective is that there will be houses amongst the trees and not trees amongst the houses.

Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

Most houses are set back from the street with low or no fencing and vegetation is used

extensively to delineate boundary lines. Special front building line setbacks have been implemented along Avalon Parade to maintain the unique character of this street. This, coupled with the extensive street planting of canopy trees, gives the locality a leafy character that should be maintained and enhanced.

The design, scale and treatment of future development within the Avalon Beach Village will reflect the 'seaside-village' character of older buildings within the centre, and reflect principles of good urban design. External materials and finishes shall be natural with smooth shiny surfaces avoided. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors. The natural landscape of Careel Bay, including seagrasses and mangroves, will be conserved. Heritage items and conservation areas indicative of early settlement in the locality will be conserved, including the early subdivision pattern of Ruskin Rowe.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

Comment: The development has been approved under DA2020/1393 and modified under Mod2022/0610. This application is limited to a change to materials and colour specification 'Prefa Black Grey' for Aluminium roof and external weatherboard cladding painted 'Dulux Domino'. The height, bulk and scale of the development is to remain as approved. The natural landscape will continue to dominate the site in accordance with the desire future character of the area.

The materials and colour proposed are in keeping with surrounding development and add to improve the quality of built form on the subject site. The landscaping on the site will remain as existing and approved. The development is compliant with the outcomes of the Pittwater DCP, including the range of locality specific development controls specific to Avalon Beach, and details contained within Appendix 2, as shown in Figure 8 below.

The DCP compliance table at Figure 8 addresses the relevant DCP controls applicable to the site and the development proposed.

5.3 Pittwater 21 Development Control Plan

Figure 8 - Pittwater 21 DCP compliance table against relevant DCP for proposed development on subject site

DCP CONTROL	COMPLIANCE WITH OBJECTIVE	COMPLIANCE WITH REQUIREMENTS	COMMENTS
A4.1 Avalon Beach Locality	YES	YES	See Section 5.2
B1.1 Heritage Conservation	YES	YES	See Section 4 – Cl. 5.10 and HIS
B1.3 Heritage Conservation - General	YES	YES	See Section 4 – Cl.5.10 and HIS
B3.11 Flood Prone Land	YES	YES	An update to the flood Management Report has been submitted with this application for completeness.
B3.13 Flood Hazard	YES	YES	As above.
B4.6 Wildlife Corridors	YES	YES	The retention of trees and landscaping are as approved. An update to the Arborist Report is submitted for completeness.
B5.7 and B5.8 Stormwater	YES	YES	Stormwater plan as approved.
B6 Access and Parking	YES	YES	Access and parking as approved.
B8.1-3 Construction and Demolition	YES	YES	As approved and submitted for completeness.
C1.1 Landscaping	YES	YES	Landscaping plan and update to Arborist Report submitted for completeness. As approved.
C1.2 Safety and Security	YES	YES	Compliance as approved.
C1.3 View Sharing	YES	YES	No view impacts as approved.
C1.4 Solar Access	YES	YES	Shadow diagrams as approved. No change to the height, bulk, scale or siting of the approved development.
C1.5 Visual Privacy	YES	YES	No change proposed to fenestration or built form. No impact on visual

			privacy of neighbouring occupiers or the occupiers of the site. As approved.
C1.6 Acoustic Privacy	YES	YES	Compliance as approved. The location of the swimming pool equipment is to be retained within a soundproof enclosure as approved.
C1.7 Private Open Space	YES	YES	Compliance as approved.
C1.12 Waste and Recycling Facilities	YES	YES	Compliance as approved.
C1.14 Separately Accessible Structures	YES	YES	The proposed pool house has already been approved.
C1.17 Swimming Pool Safety	YES	YES	The proposed swimming pool has already been approved and will be in accordance with legislation.
D1.1 Character as viewed from a public place	YES	YES	See Section 4 – Cl. 5.10 of the LEP. The proposed colour schedule ‘Dulux Domino’ and roofing material, ‘Aluminium Prefa Black Grey’, will have a neutral visual impact when viewed from the public realm. The use of materials and colour accords with DCP Control D1.5 and Appendix 2. The new dwelling house is set back into the site by approx. 43 metres and is screened by a large, evergreen hedge of approx. 2 metres in height extending along the entire front boundary (with exception of a single access driveway entrance). As per the objectives of DCP Control D1.5 and Appendix 2, the dark tones of ‘Prefa Black Grey’ and ‘Dulux Domino’ minimises visual prominence and harmonies with the natural environment and landscape.
D1.4 Scenic Protection - General	YES	YES	No modifications proposed to the height, bulk or scale of the approved development. The minor colour and roofing material change would have a neutral impact on the character of the locality and ensure that the bushland landscape remains the predominant feature.

D1.5 Building colours and materials	YES	YES	The materials proposed are in keeping with surrounding development and improve the impacts of the existing and approved built form within the HCA. The use of 'Dulux Domino' as the external weatherboard colour and 'Prefa Black Grey' for the Aluminium roof is wholly compliant with DCP Control D1.5, as detailed under section 4 – Clause 5.10 of this SEE and Appendix 2 of the Pittwater DCP
D1.8 Front building line	YES	YES	As shown on submitted plans (no change from approved)
D1.9 Side and rear building line	YES	YES	As shown on submitted plans (no change from approved)
D1.11 Building envelope	YES	YES	As shown on submitted plans (no change from approved)
D1.14 Landscaped Area Environmentally Sensitive Land	YES	YES	A minimum of 60% of the site area will continue to be retained a total landscaped area. As shown on submitted plans (no change from approved)
Appendix 2, Ruskin Rowe HCA	YES	YES	Roof – Aluminium 'Prefa Black Grey' and weatherboard cladding painted, 'Dulux Domino' is in strict accordance with the requirements of the HCA as per Appendix 2 which specifies the use of 'dark and non-reflective' colours

6. Address relevant provisions under Section 4.55(2) of the Act for modifications to DA2020/1393 and MOD2022/0610

This Section 4.55(2) Modification Application has been assessed having regard to the matters for consideration pursuant to Section 4.15 of the EP&A Act and to the extent Council can be satisfied of the following:

- The use (proposal) is permissible in the zone and consistent with the objectives of the zone, pursuant to the Pittwater LEP, 2014 and does not give rise to any unacceptable non-compliance with EPIs or DCP controls, as discussed in Sections 5 and 6 of this SEE and in accordance with Section 4.15 (1) (a) of the EP&A Act.

- The use will result in positive environmental, social and economic impacts in accordance with Section 4.15 (1) (b) of the EP&A Act as follows:
 - **Environmental Impact**
The proposed development will have a positive environmental impact, as demonstrated in Section 5. The proposed modifications do not give rise to any additional impacts on the Heritage Conservation Area or neighbouring amenity.
 - Social Impact**
The proposed development will have a social benefit for the occupiers of the subject site and future occupiers and no harmful impact on neighbouring occupiers is anticipated as set out in Section 6.
 - **Economic Impact**
The proposed development will have a limited economic benefit during the construction phase.
- The site is suitable for the proposed development in accordance with Section 4.15 (1) (c) of the EP&A Act given that the proposed development is set within an existing low density residential environment, the design of the proposed is in keeping with and compatible with the current and likely future character of the area.
- Public interest is best met through the approval of this subject Amending DA in accordance with Section 4.15 (1) (e) of the EP&A Act.

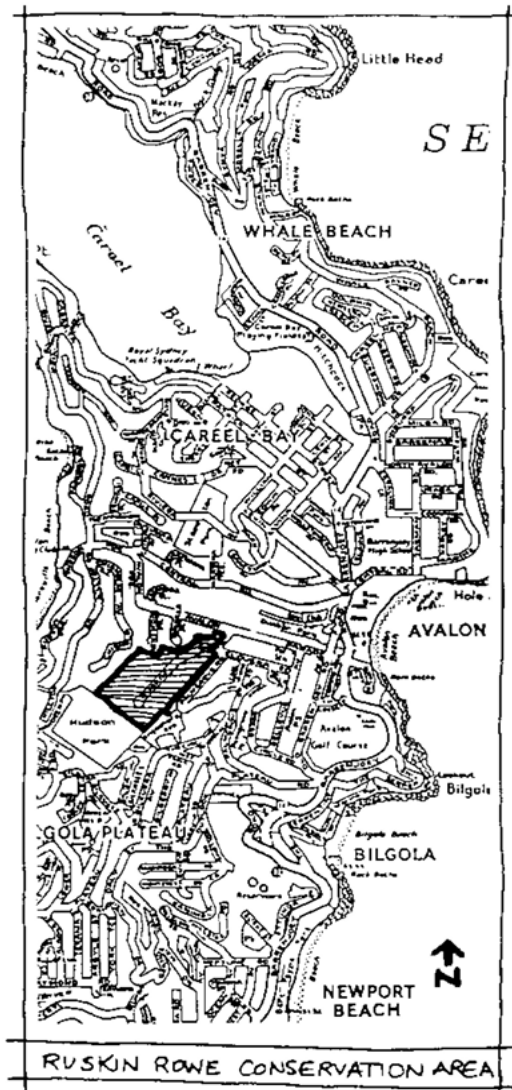
7. Conclusion

For the reasons set out in this Statement of Environmental Effects, the proposed development, subject of this Section 4.55 (2) Modification Application, is considered appropriate when assessed against the relevant EPIs and Planning Controls applicable to the subject site.

The sole purpose of this application is to gain approval for a proposed materials and colour schedule change to Roof – Aluminium ‘Prefa Black Grey’ and weatherboard cladding painted ‘Dulux Domino’. The proposed change is a minor variation to the conditioned ‘Dulux Woodland Grey’. There is no justification to warrant not supporting the proposed colour schedule which is in accordance with Cl. 5.10 of the LEP, meets the objectives and requirements of DCP Control D1.5 and specified use of colours within the HCA as per Appendix 2 of the DCP.

It is respectfully requested that the proposed minor material and colour schedule change be supported in this application.

8. Attachment 1 – Ruskin Rowe HCA, Pittwater DCP 2014, appendix 2 cited requirement for dark, non-reflective colour scheme in HCA



Ruskin Rowe Conservation Area

This area has been listed as a Conservation Area, its significance inherent in the subdivision design and pattern which exists.

The area was subdivided in 1950 by Harry Ruskin Rowe, a prominent Sydney architect of the early 20th century. His vision was to create a special subdivision, with very large size lots to enable the vegetation to dominate over the houses.

To ensure that his original intent was realised, he placed a number of restrictive covenants on the 43 lots, to ensure that no more than one residential dwelling could be built on each lot. The area is relatively intact, with only five additional lots being created over 44 years.

In proposing any development within this conservation area, one of the prime considerations is to maintain the existing subdivision pattern of large allotments. Council has prohibited further subdivision and dual occupancy development within this area to specifically ensure that this happens.

The other important consideration is to ensure that the vegetation continues to dominate over the buildings. In doing so, the wildlife corridor will be maintained and as will the "special" feeling of being within a rural setting while in the midst of suburban Sydney.

Any proposed structures or alterations and additions to existing houses should be designed to blend into the environment, with the use of dark, non-reflective colours and should minimise disturbance to the existing vegetation.