

# **Development Control Plan for 118 Wallis Street, Woollahra**

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31 May 1995





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## **1. Preliminary**

### **1.1 Preamble**

For many years, 118 Wallis Street Woollahra, formerly known as "Brougham Hostel" was used as a child welfare home under the guidance of various health organisations of the NSW State Government. In 1994 Woollahra Council was requested by the new owners of the site to rezone the property to make permissible development for the purposes of housing for aged persons and community facilities.

Following the preparation of the local environmental plan to rezone the site and its subsequent reporting to Council it was resolved that a development control plan be prepared to provide detailed provisions for new development on the site. The statutory provisions of the local environmental plan provided the framework for more detailed controls which are set out below within this Development Control Plan.

The need for the preparation of the development control plan arose from the significance of Brougham, its grounds and trees which are currently listed as heritage items under Woollahra Local Environmental Plan No.24. Accordingly, this development control plan has been prepared to establish parameters for new development at 118 Wallis Street, Woollahra and indicates what is required by Council for the development of the site. The plan seeks to achieve a high standard of development on the site and ensures that any development on site will have regard to the heritage significance of Brougham, its mature garden setting and the surrounding neighbourhood amenity.

### **1.2 The name of this plan**

The name of this plan is "Development Control Plan for 118 Wallis Street, Woollahra".

### **1.3 Land to which this plan applies**

This plan applies to the site located at 118 Wallis Street, Woollahra, which is shown on map 1 and which comprises Lot 1, DP 196790 and Lot 1, DP 218298 being the land upon which the building known as "Brougham" and its grounds are located.

### **1.4 Relationship to other Development Control Plans (DCP)**

The plan has been prepared in accordance with section 72 of the Environmental Planning and Assessment Act, 1979 and outlines the objectives, standards and guidelines for the implementation of the plan. A development control plan becomes part of the development control process under the Environmental Planning and Assessment Act, 1979 by virtue of section 90 (1) (a)(i) and (vi) and as such the provisions of this plan are one of a number of considerations that are relevant when Council assesses an application for development.

Compliance with the minimum requirements set out in this document will not automatically imply approval by Council of any application.

This plan shall be read in conjunction with other development control plans applying within the Municipality namely:

- The Residential Development Control Plan;
- The Woollahra Parking Development Control Plan; and
- The Development Control Plan for Access to and within Buildings.

A tree preservation order applies to the whole of the land to which this Plan applies.

### **1.5 The date this plan was approved and came into force**

This plan was approved by Woollahra Council on 22 May 1995 and came into force on 31 May 1995.

## **2. Objectives**

The objectives of this Plan are:

- to provide more detailed controls for development of land to which Woollahra Local Environmental Plan 1995 applies;
- to allow development of the site subject to compliance with the controls set down in this development control plan;
- to ensure the conservation of Brougham and its mature garden setting;
- to ensure the protection of significant trees located on the site; and
- to require that any new development or work is in harmony with the design, scale, form and character of Brougham and its mature garden setting.

### **3. Heritage conservation**

#### **3.1**

The following controls are to apply to any development on the site occupied by Brougham and its mature 19th Century gardens and have been taken from the Conservation Plan prepared by Dawson Brown and Ackert Pty. Ltd. for the Department of Planning, dated February 1991, and titled "Brougham's Hostel Woollahra".

These controls have been devised to ensure that new development maintains and enhances the significance of Brougham and does not lessen the form and features of the site.

#### **3.2**

The site and the setting of Brougham Hostel have undergone considerable change from original natural bushland to the establishment of a Victorian house and garden and ultimately a child welfare home. The landscape elements considered significant are:

- 2 Norfolk Island Pines
- 1 Magnolia
- 1 Camphor Laurel Trees- 1. Nelson Street property boundary
- Hoop Pine
- White Quandong
- Boundary wall and entry

The existing Brougham gardens and landscaped areas are to be conserved and enhanced. Applicants should consult the Council's Landscape Parks Manager prior to formulating any proposals for altering the gardens and the landscaped areas.

The extent of the brick boundary fence along both Wallis and Nelson Street, defining the boundary of the site should be retained.

#### **3.3**

The Council will require an applicant to engage a suitably qualified person to supervise any major building or site works carried out on the land and to advise on appropriate action relating to any relics or remnants exposed during the work.

Should any work be proposed which requires the building to be disturbed or the site to be excavated it should be preceded by an assessment of the impact of this work on the archaeological resource. This applies in particular to the possible location of the stables and the coach house for which no exact location is known at present.

The applicant is required to seek a permit under section 140 of the Heritage Act given the possibility of unearthing relics during the excavation of the site.

### **3.4**

The cultural significance of Brougham and its setting requires that any new development must comply with the following constraints:

- the house and the existing mature 19th Century plantings should be retained;
- no new additions or adjoining development should significantly conceal the form and features of the original building; and
- new works or activities within the setting of the building should be carefully located, designed and formulated having regard to their impact on the cottage and garden nature of the site.

### **3.5**

Works associated with the building known as Brougham should be carried out with regard to the Significant Fabric and Graded Zones of Significance as set down in section 6.4 of the Conservation Plan.

#### **4. Development controls for land other than that occupied by “Brougham”**

The following controls apply to any development on the site.

In the design of any new buildings on the site, attention is to be given by the applicant to the following controls:

##### **4.1 The siting of development**

**The general objectives for the controls on the siting of development are:**

1. to ensure aural and visual privacy for development on the subject site and the surrounding development;
2. to ensure sunlight and daylight access for development on the site and neighbouring land;
3. to promote a building scale and form which is compatible with the surrounding development;
4. to ensure compatibility with the character of the streetscape; and
5. to integrate new development which does not dominate the scale of Brougham and its garden setting and is in sympathy with the curtilage established.

##### **Controls**

All new development (with the exception of a driveway- Refer to Section 4.7) should be sited outside the curtilage established for Brougham and the mature garden setting. Refer to Map 2 -The Building Curtilage. The building curtilage incorporates the northern portion of the site between Brougham and the northern boundary of the property for the full extent of that boundary, and from the north-western extent of that boundary to the dripline (or distance as other wise determined by a tree surgeon) of the Nolkfolk Pines, the Magnolia, and the Hoop Pine in the centre of the site. The curtilage then extends to the Wallis Street Boundary (southern boundary) along a line which should follow the established garden wall in the centre of the property and should extend in a straight line (taken in a parallel line to the external wall of Brougham) to link on plan to the dripline (or distance as other wise determined by a tree surgeon) of the White Quandong tree and continuing along the extent of Wallis Street to the Nelson Street Boundary. On the northern boundary of the site the curtilage extends along the Nelson Street Boundary.

The curtilage around all significant trees must be determined to the satisfaction of Council's Trees Officer. This will include some exploratory trenching at the line of proposed excavation adjacent to all significant trees. The findings of this work should accompany the development application and will be taken into consideration in the determination of the development application.

The proximity of development to Brougham should ensure respect for, and harmonise with, Brougham and its garden setting. A landscape buffer should remain between Brougham and any new development on the site. The development should aim to

preserve the special qualities that give the location its character in a way that respects the old but reflects the new.

In order to protect sunlight access to properties along the Woods Avenue boundary, the siting of any new development should result in minimal change to the existing sunlight access to private open space of those properties at midday in mid-winter.

It is preferable that new development results in a minimal change to the natural landform of the site, with Brougham maintaining a higher elevation. Apart from excavation which is associated with the provision of underground parking and a pool there shall be no substantial cut and fill.

Development to Wallis Street should be suitably sited and articulated and continue the building lines and proportions of the adjoining development.

The minimum setback to Wallis Street from any point on the development should be 2 metres from the property boundary. A minimum setback of 6 metres from the west and north west boundaries of the site is required for all development, with the exception being the setback for new development which directly adjoins 116 Wallis Street. At this point the minimum setback between any point on the development (not being a chimney or an eave up to 0.6 metres in width) and the side boundary for the extent of the external wall length of 116 Wallis Street will be 1.5 metres, increased by one metre for each metre, on a pro rata basis, by which the height above boundary level of the point exceeds 6.5 metres. In designing the development the applicant should have regard to both the heritage significance of properties along the Woods Avenue boundary and the residential amenity of the neighbouring property. The applicant should be able to demonstrate that setbacks to all boundaries have taken into account the setbacks of adjoining properties and the amenity of the neighbourhood.

## **4.2 Height**

**The objectives for height controls are:**

- 01** To retain access to mid-winter sunshine on-site and to all neighbouring properties;
- 02** To maintain aural and visual privacy on the subject site and the surrounding development;
- 03** To ensure compatibility with the scale and the built-form of the surrounding development to encourage a cohesive skyline;
- 04** To maintain a street facade of human scale; and
- 05** To permit variations in building height to ensure compatibility with Brougham and the surrounding neighbourhood.

### **Controls**

The height of development at any point on the property should not exceed 9.5 metres from the existing ground level to the ridgeline where the roof is pitched. The ground level is the level at the date this plan was approved by Council.

The height and roof pitch of new development should be consistent with the surrounding height and roofline of neighbouring development particularly where new

development fronts Wallis Street. Development should be proportioned and stepped back in height from the street to achieve a human scale at street level and to continue the building lines established by adjoining development to introduce some scaled rhythm to the streetscape. All new development should be the result of careful analysis of surrounding buildings and sympathetic interpretation of their design elements and the heritage significance of Brougham and the adjoining properties.

Where development extends towards Brougham, the building height should be suitably scaled to relate to the height of Brougham. In this respect development should be stepped upwards in height back from Brougham.

The design of all external walls must take into account the wall height of adjoining buildings and apply suitable setbacks to the building to respect the built form of the surrounding development and amenity.

### **4.3 Building form**

**The objectives for the building form controls are:**

- 01** to require that any new development or work is compatible with the design, scale, form and character of Brougham and its garden setting and surrounding development;
- 02** to ensure that new development does not significantly conceal the form and features of Brougham and its garden setting;
- 03** to protect and enhance the streetscape amenity; and
- 04** to promote a high standard of building design and energy efficiency.

#### **Controls**

New development must take into account the style, scale, location, use of balconies or verandahs and the proportions of the facades as they relate to the historical significance and architectural features of Brougham and the heritage significance of all the buildings which adjoin the site on the south-western side of Wallis Street. A design approach which is sympathetic rather than purely imitative is required.

The configuration of new development should be sited so that the building mass of buildings which are substantially larger in building dimensions than surrounding development should be articulated in plan and elevation so as to reduce the apparent mass and to enable a better relationship with the scale of the surrounding buildings. New development should adopt a style of construction in harmony with its location, eg terms of vertical and horizontal proportions, conforming with traditional building forms.

Development along Wallis Street should be positioned to avoid creating a walled effect to the street and should be limited in dimension and vertically articulated so as not to achieve the appearance of over development of the site. New development should ensure that the existing character and nature of the street remains intact and introduces some scaled rhythm to the streetscape.

Development should read from Wallis Street as continuing the building lines and proportions established by the adjoining development on Wallis Street and be suitably

stepped back in dimension from the street. A similar approach should be adopted for all external walls which face Brougham to ensure that a sympathetic building form in terms of height and dimension is achieved. Furthermore, any development which faces Brougham must relate to and enhance the landscape setting established by the curtilage.

Any walls which directly face Brougham should be suitably designed and landscaped to blend and soften their appearance and such walls should be stepped back and proportioned in height to relate to the external wall height of Brougham and to respect the heritage significance of Brougham and its setting.

All external development components including garages, ancillary structures as well as side and rear facades should exhibit unity of building form and architectural detailing.

Where there is more than one new building proposed for the site there should be some inter-relationship between the buildings in their scale, bulk and form and with Brougham.

All new development should incorporate energy efficiency in design through the use of the following measures:

- the siting and design of the buildings to maximise exposure to the northern sun in winter;
- the location of main living areas on the north facing side of the building;
- the use of energy efficient lighting and appliances to reduce energy consumption;
- the use of suitably located, sized and shaded windows to facilitate thermal performance;
- the provision of outdoor drying areas where possible as an alternative to clothes dryers; and
- any other appropriate energy efficient measures.

#### **4.4 External materials, colours and finishes**

**The objectives for the controls for external materials, colours and finishes are:**

1. to protect the streetscape amenity;
2. to promote compatibility with the natural and built environment;
3. to ensure protection from undue glare, heat and stormwater runoff;
4. to protect the setting of Brougham and the character of the conservation area; and
5. to ensure the use of energy efficient materials.

#### **Controls**

Generally, building materials will not be restricted but appropriate materials chosen to reflect the scale, bulk and form of the building. Materials chosen for construction should result from a careful analysis of surrounding buildings and sympathetic interpretation of their design elements.

Building materials and insulation for any new development should be chosen to promote energy efficiency in building design.

For the objectives of the controls regarding external materials, finishes and colours refer to the Council's Residential Development Control Plan.

#### **4.5 Open space and landscaping**

**The objectives for the open space and landscaping controls are:**

1. to ensure the retention and enhancement of the mature 19th century gardens and setting of Brougham because of their heritage significance and to achieve the following:
  - the creation of a buffer between Brougham and the proposed development;
  - the provision of a reasonable level of privacy for all users of the site; and
  - the provision of a landscaped setting that could act as a link to integrate Brougham and new development;
2. to ensure the provision of outdoor areas which are adequately sized, proportioned and located, for the use and enjoyment of the occupants of Brougham and the new development;
3. to promote the streetscape amenity;
4. to ensure the significant enhancement and retention of perimeter trees to screen and soften the impact of new development on adjoining properties;
5. to retain all significant trees on site; and
6. to maintain sunlight and daylight penetration on the subject land and adjoining properties.

#### **Controls**

The nineteenth century mature gardens in the centre of the site should be retained as a focus and enhanced to provide an appropriate setting to link and formalise the space between Brougham and new development. A landscaped buffer must be established between all new development on site and Brougham and its garden setting. All hard surface (except those already in existence) must be incorporated into a landscape setting.

The Hoop Pine, the White Quandong, the Magnolia Tree, the two Norfolk Island Pines and the Camphor Laurel tree (as identified in section 3.2) are to be retained. The mature gardens are also to be retained and may be added to subject to a detailed landscaping plan being approved by Council. All significant trees should be retained on site and suitably protected during and after development to the satisfaction of Council's tree officer.

Suitable landscaping shall be introduced on site to soften all solid walls which directly face Brougham.

A detailed tree survey is required and a full appraisal of the present condition of the trees and the likely impact of future development on all trees. All trees listed as significant must be retained and protected during construction. A qualified tree surgeon must thoroughly inspect all trees (including all trees listed as significant) to determine the health and stability/safety for retention in the long term. In order to retain trees in a stable and healthy manner, it is generally required (except where determined by a tree surgeon) that no excavation take place within the dripline or canopy spread of the trees. However, it must be recognised that for trees such as Norfolk Island Pines that the tree roots would be expected to substantially exceed the dripline of the trees in order to stabilise the tree. Further, no change in levels would be acceptable above the existing ground level at the trees root system.

The Council has in force a tree preservation order which applies to all trees with a height in excess of 5 metres or a spread of branches greater than 3 metres. The order prohibits, without express prior approval of the Council, the ringbarking, cutting down, topping, lopping, injuring or wilful destruction of trees.

The two Box Brush (growing on the Council nature strip in Nelson Street) and the two Weeping Figs (growing on the nature strip in Nelson Street) whilst located outside the site are part of uniform plantings which contribute to the streetscape character of the area. Their-protection throughout construction is required.

The row of immature Camphor Laurel trees on the Woods Avenue boundary are required to be inspected by a Tree Surgeon to determine whether their long term retention is viable. Where it is determined that a tree is to be removed, it must be replaced with a suitable tree to the satisfaction of Council's Tree Officer. Selective and gradual removal of trees is preferred in order to minimise loss of amenity to the properties in Woods Avenue. Replacement species shall be of a super-advanced plant stock (minimum 100 litre container).

Where excavation is required, it must be determined at the development application stage by a qualified Tree Surgeon how the proposal will impact of the trees.

Applicants should consult Council's Landscape/Parks Manager prior to formulating a landscape plan for the site.

#### **4.6 Pedestrian access**

**The objectives for pedestrian access controls are:**

1. to ensure adequate and safe pedestrian access to and off the site and buildings for all people including older people, children and people with disabilities;
2. to ensure that pedestrian access is suitably located, landscaped and designed in context with the development; and
3. to provide a formal link between development on the site.

#### **Controls**

Pedestrian access should at least be gained from both Wallis and Nelson Streets.

Pedestrian access should be designed to formally link both new development and Brougham and be suitably landscaped.

Reference should be made to Council's Development Control Plan for Access to and within Buildings for:

- routes to and within buildings;
- ground and floor surfaces;
- grabrails;
- walkways; and
- ramps and step ramps.

#### **4.7 Vehicular access and parking**

**The objectives for vehicular access and parking controls are:**

1. to ensure the adequate provision of on-site parking for all development carried out on the site;
2. to ensure that parking areas are adequately sized and appropriately located;
3. to ensure adequate provision of parking on-site at ground level for visitor, employee and emergency vehicles; and
4. to ensure that vehicles entering and leaving the property do so in a safe and efficient manner.

#### **Controls**

Visitor car parking spaces should be located so as to be readily accessible from the street and building entrances. Suitable provisions on-site should be made for vehicles to set down and pick up passengers. Alternative parking arrangements should be made to the satisfaction of Council.

Parking at ground level should be visually integrated with development on the site and should be suitably landscaped. All vehicles must enter and leave the site in a forward direction.

Parking should be readily accessible and suitably located for the convenience of service and delivery vehicles. Consideration should be given to providing suitable access for emergency vehicles, mini bus and garbage trucks to the development.

Within the curtilage established from the western external walls of Brougham vehicular access will be permitted. A two lane/two way driveway access (one lane in each direction) should be sited to follow the line of the existing driveway access and should not extend any closer to Brougham than the distance of the existing brick boundary fence line. The driveway access should be incorporated into a landscaping theme for the site. Within this curtilage no other hard surfacing with the exception of a pedestrian pathway will be permitted. No hard surface will be permitted to directly abut Brougham. The proximity of vehicular access to Brougham should ensure respect for Brougham and its garden setting. A landscaped buffer should remain between Brougham and any new development on site.

Reference should be made to Council's Development Control Plan for Off-Street Car Parking Provision and Servicing Facilities and to the Development Control Plan for Access to and within Buildings for:

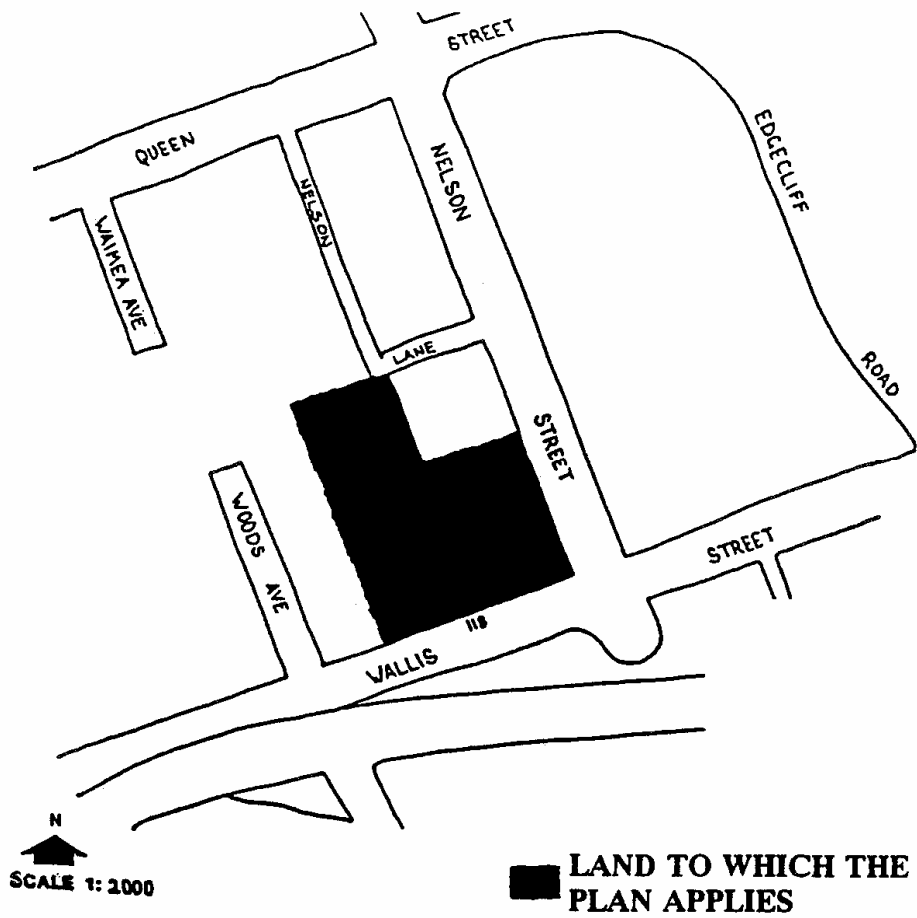
- generation rates;
- parking area standards;
- routes to and within buildings; and
- entrance to the building.

#### **4.8 Other requirements**

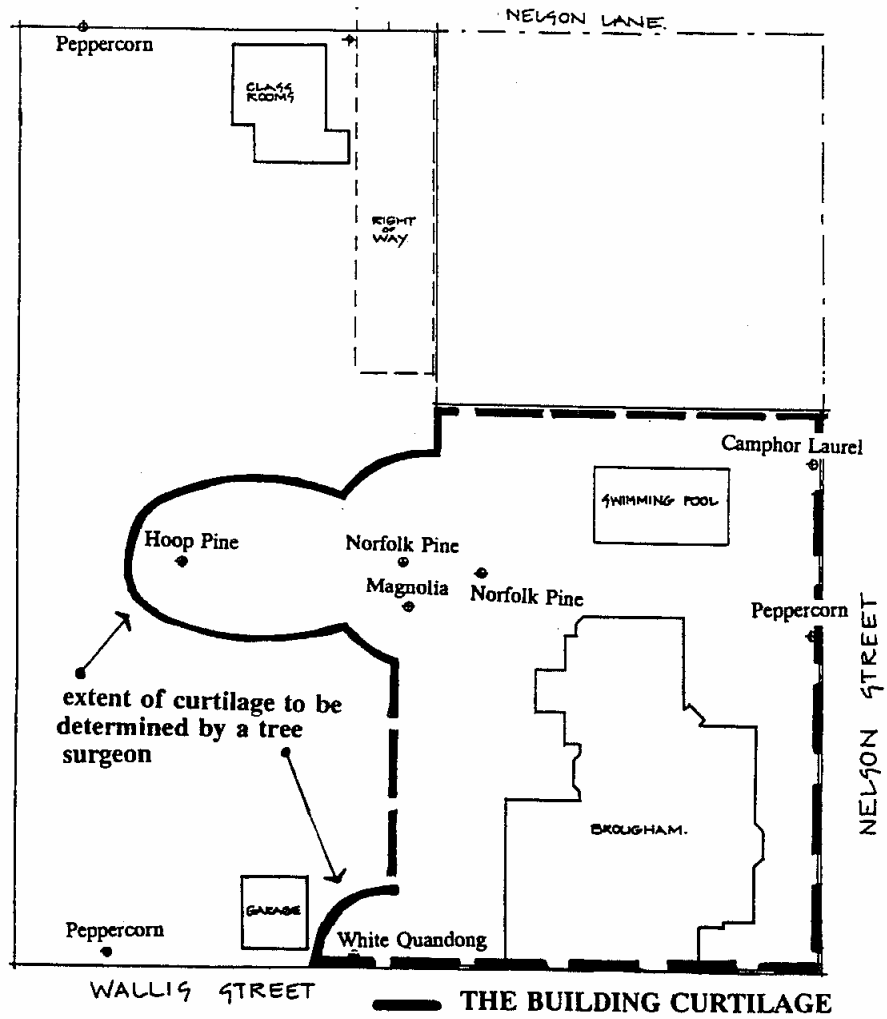
1. The objectives for other requirements are:
  - a. to ensure a high level of safety and hygiene is achieved on the site;
  - b. to promote fire protection;
  - c. to ensure that garbage containers are accessible;
  - d. to promote the volumetric reduction of waste to minimise waste handling;
  - e. to encourage the differentiation of waste materials, eg recycling, commercial, domestic;
  - f. to require the proper storage and handling of the putrescible waste material; and
  - g. to require the control of stormwater runoff and subsurface drainage.
2. The Council will require a geotechnical and hydrological report to be submitted where significant site excavation is to be undertaken. This report should identify measures to be taken to remove any adverse effects of the development on the subsurface drainage system and on subsidence as it may affect neighbouring land. All measures undertaken must be to the satisfaction of Council.
3. A traffic and parking report on the amount of traffic likely to be generated by the development and uses of the site is to be provided, particularly in relation to the capacity of the road system in the locality and the probable effect of that traffic on the movement of traffic in that road system.
4. Other prescribed matters under Clause 41A of the Environmental Planning and Assessment Regulations may also need to be addressed.

## Appendices

### A. Map 1 – Brougham and its garden setting



**B. Map 2 – The building curtilage**



**BUILDING CURTILAGE  
118 WALLIS STREET, WOOLLAHRA**



Not to scale