

## Part G ► Site-Specific Controls

WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015



# Chapter G1

## Babworth House, Darling Point

Part G ► Site-Specific Controls

CHAPTER G1 APPROVED ON 27 APRIL 2015  
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# Chapter G1 ► Babworth House, Darling Point

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## G1.1 Introduction

### G1.1.1 Background

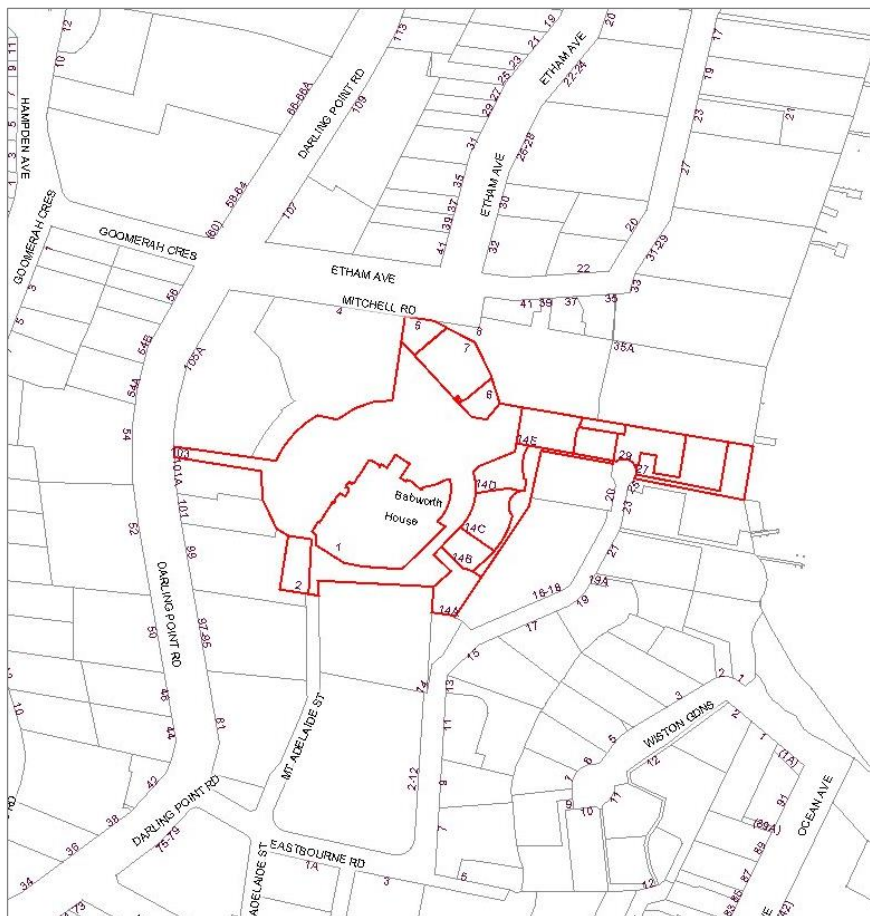
This chapter provides detailed controls for development on the Babworth House site and seeks to ensure the conservation of Babworth House, significant cultural landscape features and out-buildings.

Note: This chapter reflects the site specific development control plan adopted by Council on 15 June 1999, and which commenced on 19 November 1999.

### G1.1.2 Land where this chapter applies

This chapter applies to land at 103 Darling Point Road, Darling Point (Lots 1-5 SP 70612 and Lots 4, 5, 6, 7, 10, 11, 12, 13, 14, 16 and 17 DP 270253) commonly known as ‘Babworth House’, as identified in Figure 1.

**FIGURE 1** Where this chapter applies



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### G1.1.3 Development to which this chapter applies

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This chapter applies to development requiring consent under Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014).

### G1.1.4 Objectives

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The objectives of this chapter are:

- O1 To maintain the cultural (heritage significance of Babworth House in the context of its cultural landscape setting.
- O2 To retain the principal heritage and cultural landscape features of the site.
- O3 To facilitate appropriate development of the site and uses within Babworth House.

### G1.1.5 Relationship to other parts of the DCP

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This chapter is to be read in conjunction with the other parts of the DCP that are relevant to the development proposal, including:

- Part B: Chapter B1 Residential Precincts (Darling Point)
- Part B: Chapter B3 General Development Controls
- Part E: General Controls for All Development - this part contains chapters on Parking and Access, Stormwater and Flood Risk Management, Tree Management, Contaminated Land, Waste Management, Sustainability, Signage and Adaptable Housing.

In the event of any inconsistency between this chapter and the other chapters, this chapter prevails.

### G1.1.6 Relationship to other documents

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#### Conservation Management Plan

Applicants must refer to any conservation management plans prepared for the site.



## G1.2 Planning principles

The planning principles for the Babworth House site are:

- a) To ensure that future development of the site is carried out in accordance with sound planning, cultural and heritage principles, whilst taking into account the community's response.
- b) To undertake consultation with the community as part of the development application assessment process.
- c) To protect the cultural significance of the site and Babworth House.
- d) To ensure conservation of the historic buildings and the grounds to maintain an appropriate visual setting for Babworth House.
- e) To protect views to, from and over the site.
- f) To retain existing principal views from Babworth House.
- g) To prevent high or medium rise towers on the site.
- h) To preserve all significant trees or vegetation on the site.
- i) To provide adequate privacy and solar access to adjoining properties.
- j) To ensure that any new building or structure employs a design idiom, scale, massing, materials, details and construction techniques which provide an appropriate response to the cultural significance of Babworth House and its landscape setting.
- k) To allow for public pedestrian access to the foreshore.
- l) To minimise traffic impacts by providing multiple vehicular access points.
- m) To ensure the ongoing care and maintenance of the historic buildings (Babworth House and garage) and grounds.
- n) To encourage retention of a single management structure for the site.
- o) To retain the outer subdivision boundaries of the site.

These planning principles form the basis of the objectives and detailed provisions in this chapter.

## G1.3 Character statements

The character elements represent the distinguishing and important features of the site. Any future development on the site is to retain these elements and must meet the desired future character objectives.

The character elements and desired future character objectives set the context for development on the site.

### G1.3.1 Character elements

The character elements of the site are:

- a) Babworth House is one of the largest, finest and most intact examples of an early twentieth century grand house in Australia with Federation Arts and Crafts styles. This style incorporates both Art Nouveau and Neoclassical motifs. Babworth House displays high quality finishes and detailing.
- b) The strong emphasis on the location of Babworth House within a landscaped setting and on the highest point of Darling Point. The location of the site and Babworth House provides commanding views to, from and over the site.
- c) The historic link between Babworth House and Darling Point Road, and the historic and significant landscape link between the house and Double Bay.

### G1.3.2 Desired future character objectives

The desired future character objectives for the site are:

- O1 To retain and readily interpret the cultural (heritage) significance of Babworth House and its landscaped setting.
- O2 To maintain and enhance a visual landscaped linkage with Double Bay and the historic pedestrian link with Darling Point Road.
- O3 To maintain the 'grand estate' character of the site.
- O4 To ensure that the location, height and bulk of new buildings retain the existing significant views from Babworth House.
- O5 To ensure that the location, height and bulk of new buildings retain views of Babworth House from the harbour.

## G1.4 Design criteria

The design criteria are divided into particular design elements. Each element includes objectives and controls. Meeting the controls may satisfy the objectives of each design element.

### G1.4.1 Masterplan

A masterplan sets out:

- details on the design of buildings and the method of building construction
- a plan for integrated development for the site as a whole
- the arrangement, location, footprint and envelopes of buildings and their relationship with Babworth House, site features, adjoining development, existing landscape and access arrangements
- the intended uses of all buildings.

#### Objectives

- O1 To provide a planning framework for the site as a whole.
- O2 To prevent fragmented development of the site.

#### Controls

- C1 A masterplan is prepared for the whole of the site.
- C2 All development is consistent with the adopted Conservation Management Plan for the site.
- C3 In preparing the masterplan the applicant undertakes and submits to Council a site analysis, which takes into consideration:
  - a) site dimensions;
  - b) site configuration;
  - c) hydrology - overland and sub-surface water flows;
  - d) topography - including soil condition and stability;
  - e) the structural condition of the right-of-way over 4 Mitchell Road and its ability to carry vehicles;
  - f) services;
  - g) easements;
  - h) existing vegetation (location, spread, height and species) and other landscape features;
  - i) micro climate (e.g. orientation and prevailing winds);
  - j) location of Babworth House, significant spaces and elements;
  - k) adjoining development;

- l) the heritage significance of the buildings and elements on the site and on adjoining land, and their respective settings;
- m) form, scale, colour, texture and materials of heritage listed buildings and hard landscape elements (e.g. paths, balustrades) that are located on the site;
- n) potential archaeological zoning;
- o) views to, from and over the site;
- p) pedestrian and vehicular access or linkages with surrounding areas;
- q) form, height, scale and type of surrounding development;
- r) overshadowing of existing buildings;
- s) other opportunities and constraints to development; and
- t) opportunities for public access to and along the foreshore.

Note: The above information is the minimum information required for the site analysis. Council may require other information to be provided. Information is to be shown on a survey plan at a scale of 1:250.

C4 The masterplan:

- a) demonstrates compliance with the objectives of this chapter;
- b) details by distinct survey reference the arrangement, location, footprint and envelopes of buildings and their relationship with Babworth House, site features, adjoining development, existing landscape and access arrangements;
- c) identifies the impact of construction of any proposed development on the culturally significant fabric of Babworth House and its setting;
- d) identifies the intended uses of all buildings or spaces;
- e) details the proposed use and subdivision of Babworth House;
- f) identifies private and communal open space areas and facilities;
- g) delineates the private and communal open space areas;
- h) identifies all accessways/paths and their role in providing connections for pedestrian access within and beyond the site;
- i) specifies where and how public access is to be provided to and along the harbour foreshore area;
- j) specifies vehicular access, parking, security and servicing arrangements;
- k) addresses ways to achieve energy efficiency;
- l) details the staging (if any) of the development;
- m) details the proposed method of subdivision and notional plan of subdivision;
- n) addresses other relevant design aspects and issues identified by Council during pre-DA discussions;

o) Is accompanied by:

- a Statement of Heritage Impact (see Section 1.4.2)
- an Archaeological Assessment (see Section 1.4.2)
- a Landscape Concept Plan (including an arborist's report) and Landscape Management Plan (see Section 1.4.6)
- an energy efficiency report, if required (see Section 1.4.11)
- a Stormwater And Soil Management Plan (see Section 1.4.12)
- a geotechnical report
- a hydrology report
- a statement of environmental effects
- shadow diagrams for all new buildings
- photomontages of new buildings within their settings
- a detailed statement on the method of construction for all new buildings, particularly the proposed construction of foundations
- a report on the structural condition of the right-of-way which is to include any limitations to its existing and future use due to that condition
- any other information identified by Council during pre-DA discussions.

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### G1.4.2 Heritage conservation

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Babworth House, its garden and landscape setting is of national significance and should be retained and conserved.

Conserving the cultural significance of Babworth House and grounds is one of the principal objectives of this chapter.

Conservation is defined in the Australia ICOMOS Burra Charter as all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these.

#### Objectives

- O1 To protect and enhance the cultural significance of Babworth House and its setting, including spaces or elements that are of special architectural, social, technical and/or historical interest.
- O2 To preserve archaeologically significant artefacts and evidence.

#### Controls

- C1 Babworth House, its garden structures and landscape setting is retained and conserved in accordance with the policies of the adopted Conservation Management Plan.
- C2 The use of Babworth House and Garage:
  - a) is consistent with the policies of the adopted Conservation Management Plan;
  - b) is in accordance with the graded zones of significance for the House and Garage (see Figures 2A-C and 3);
  - c) contributes to the preservation and enhancement of the House, Garage and grounds (see Figure 4 - 1 and 1b landscaped zones of significance); and
  - d) is carried out without danger to the fabric and structure of the building.
- C3 New buildings and structures are located only within the areas graded 1c under the adopted Conservation Management Plan (see Figure 4) and comply with the building envelope controls in Section 1.4.4.

All building envelopes are to be taken as indicative. Provisions of the *Environmental Planning and Assessment Act 1979* and statutory provisions within environmental planning instruments which apply to the land together with the planning principles, objectives and controls mentioned in this chapter are to take precedence over the conceptual building layout (Figure 8) and the building envelopes.

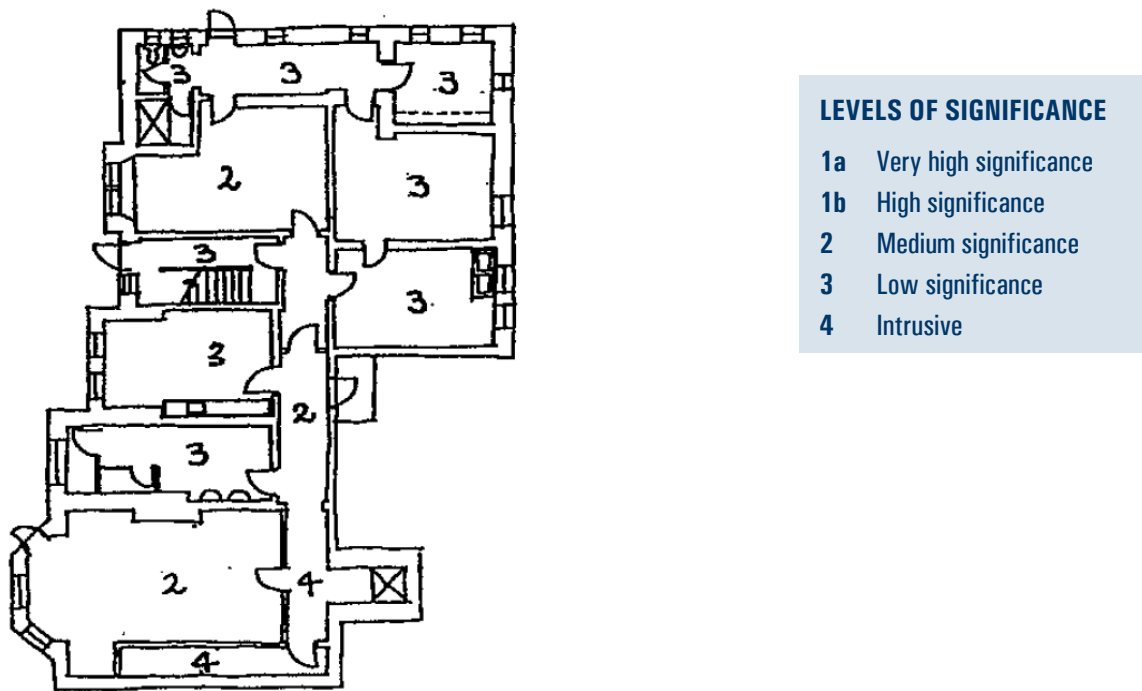
Council may require deletion or modification of building envelopes or buildings if development is considered by the Council to be unsatisfactory in terms of the relevant provisions of the Act, the environmental planning instruments, planning principles, objectives and controls.

- 
- C4 The scale of new development is substantially subservient to Babworth House and must respect and must not compromise the conservation of significant garden fabric and layout or the setting of the house.
- C5 New development incorporates design elements that complement, but do not mimic the architectural character of Babworth House through:
- a) a design idiom that is an appropriate response to the cultural significance of Babworth House and its setting;
  - b) subservient massing, scale and height;
  - c) roof forms;
  - d) proportion and relationship of openings for windows and doors;
  - e) building materials; and
  - f) appropriate landscaping relative to the restoration plan for the garden.
- C6 A Statement of Heritage Impact, prepared by a suitably qualified person, accompanies the masterplan application. Further statements for detailed development applications are provided. The statements set out the cultural (heritage) significance of the place as a whole and the relevant significant spaces or elements, and the effect of the proposed works on this significance. The statements include discussion on the rationale for the character and scale of the proposed new structures within the Babworth House site.
- C7 An Archaeological Assessment, prepared by a suitably qualified person, accompanies development applications and is in accordance with the findings of the Archaeological Zoning Plan<sup>1</sup> (refer Figure 5). An Archaeological Assessment includes specific recommendations which address the significance of the site, the impact of the proposal and proposed conservation or mitigation measures.

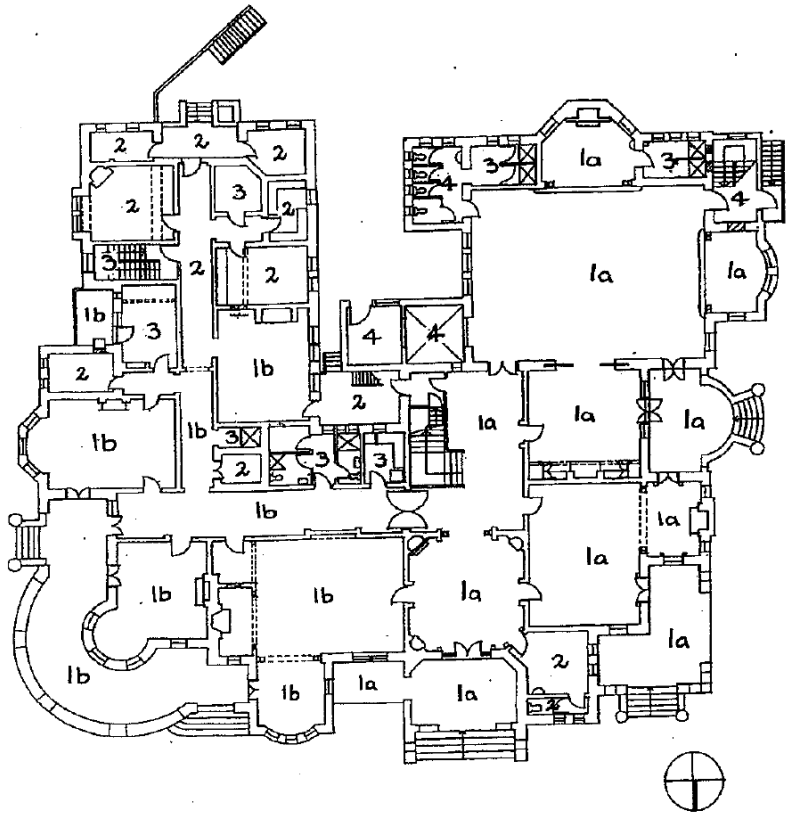
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<sup>1</sup> The archaeological zoning plan graphic plan of a place indicating the relative archaeological potential of areas or zones within the place.

**FIGURE 2A** Babworth House (basement) - graded zones of significance

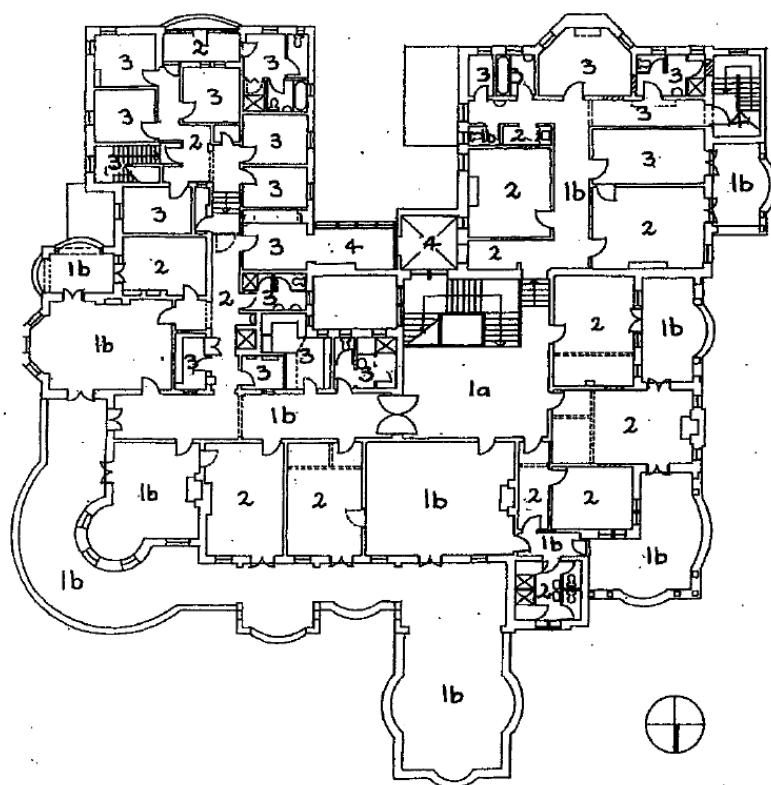


**FIGURE 2B** Babworth House (ground floor) - graded zones of significance

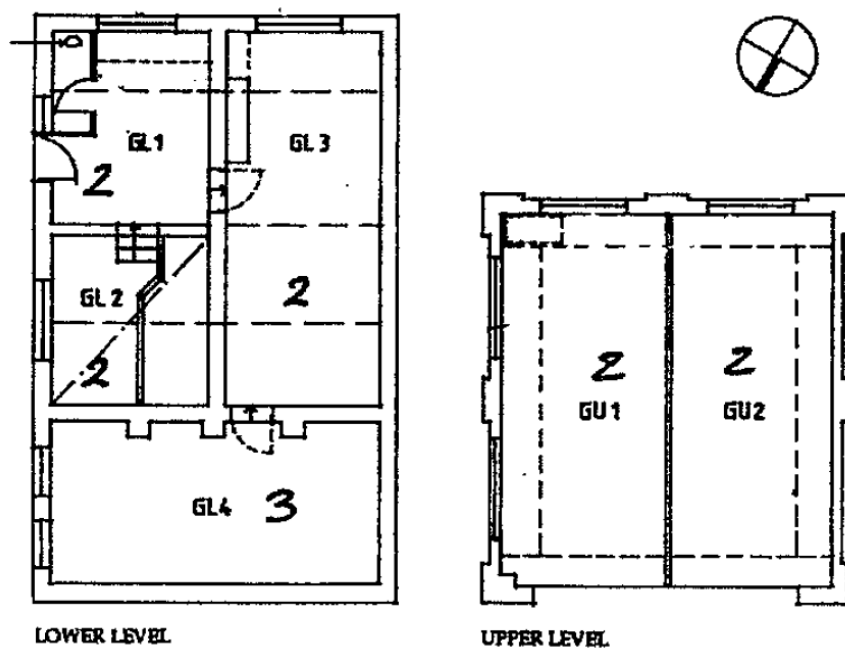




**FIGURE 2C** Babworth House (first floor) - graded zones of significance

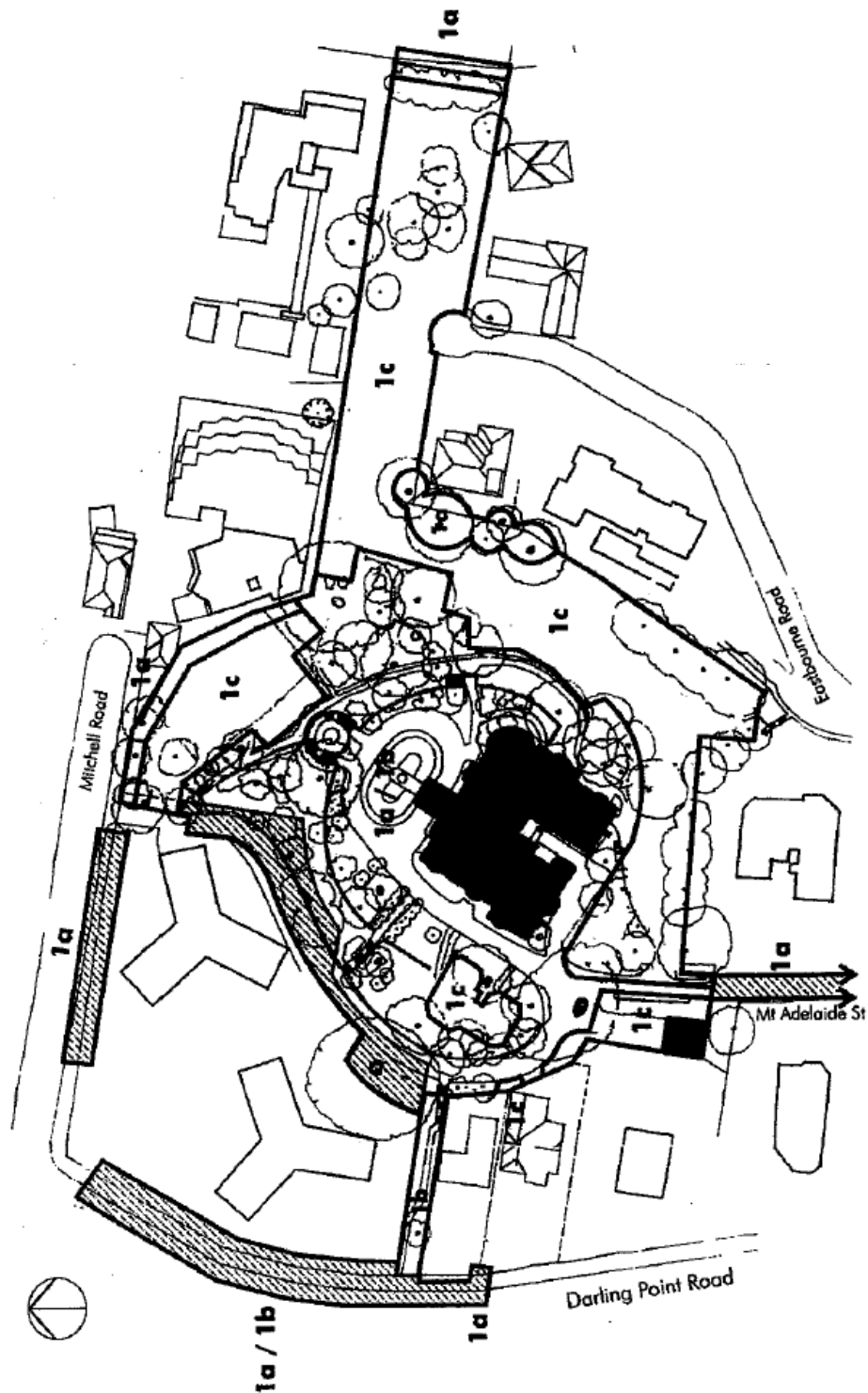


**FIGURE 3** Garage - graded zones of significance



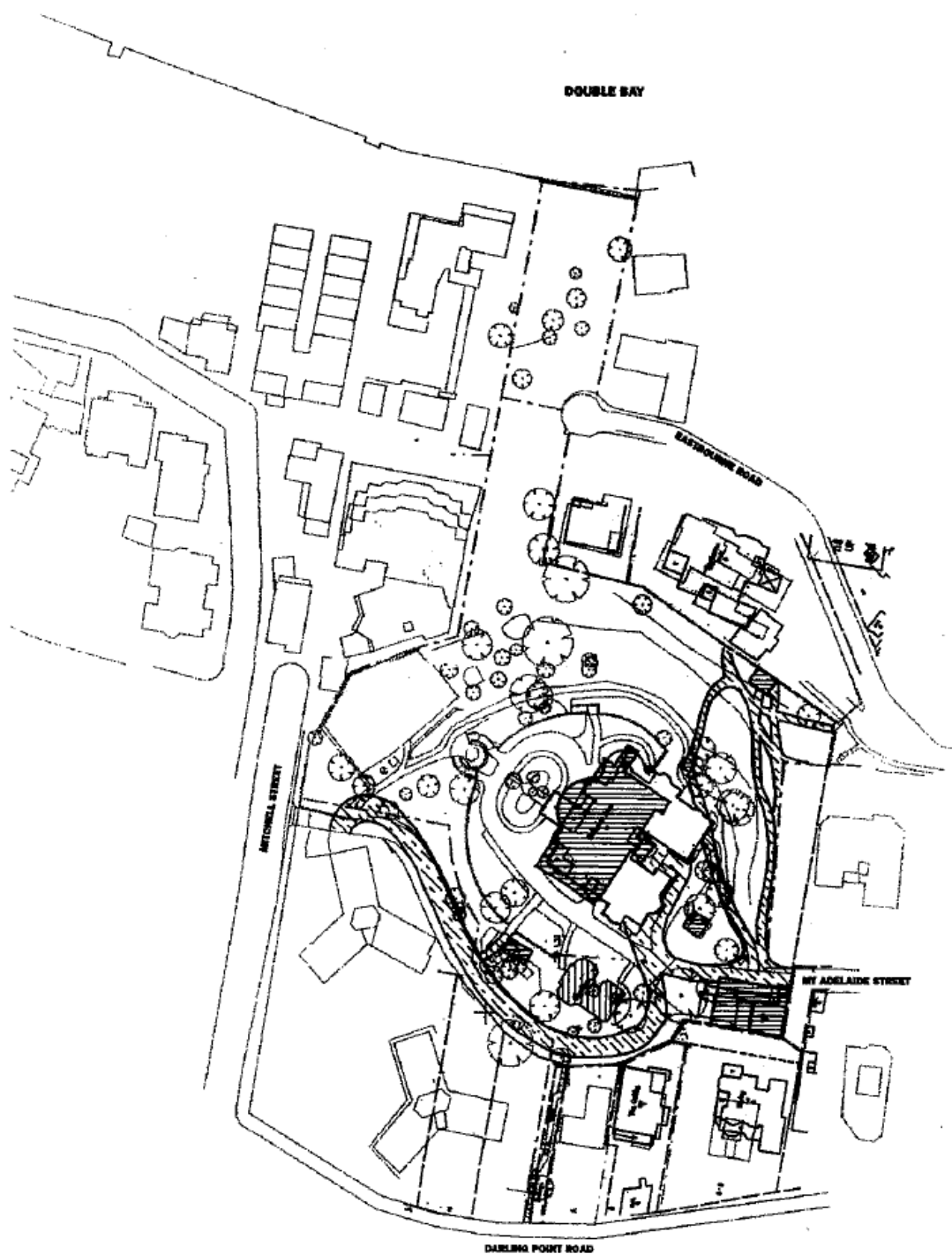
**FIGURE 4** Landscaped graded zones of significance**1a** – Preservation**1b** – Repairs/maintenance**1c** – Redevelopment/maintenance

 Hatched areas contain significant elements associated with Babworth House which exist outside the present site boundary



**FIGURE 5** Archaeological zoning plan

-  **Zone A** – Mt Adelaide house and outbuildings
-  **Zone B** – Mt Adelaide landscape features
-  **Zone C** – Features associated with Babworth House



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### G1.4.3 Site layout

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Site layout refers to the arrangement of buildings, spaces and access arrangements over the site.

#### Objectives

- O1 To achieve a site layout that considers and respects the existing character and cultural significance of the site.
- O2 To achieve a site layout that relates to the site analysis referred to in Section 1.4.1 and the adopted Conservation Management Plan.
- O3 To protect views to, from and over the site.
- O4 To maintain a visual landscape link between Babworth House and the harbour.
- O5 To provide a high level amenity for future occupants of the site and maintain the amenity of neighbouring properties.

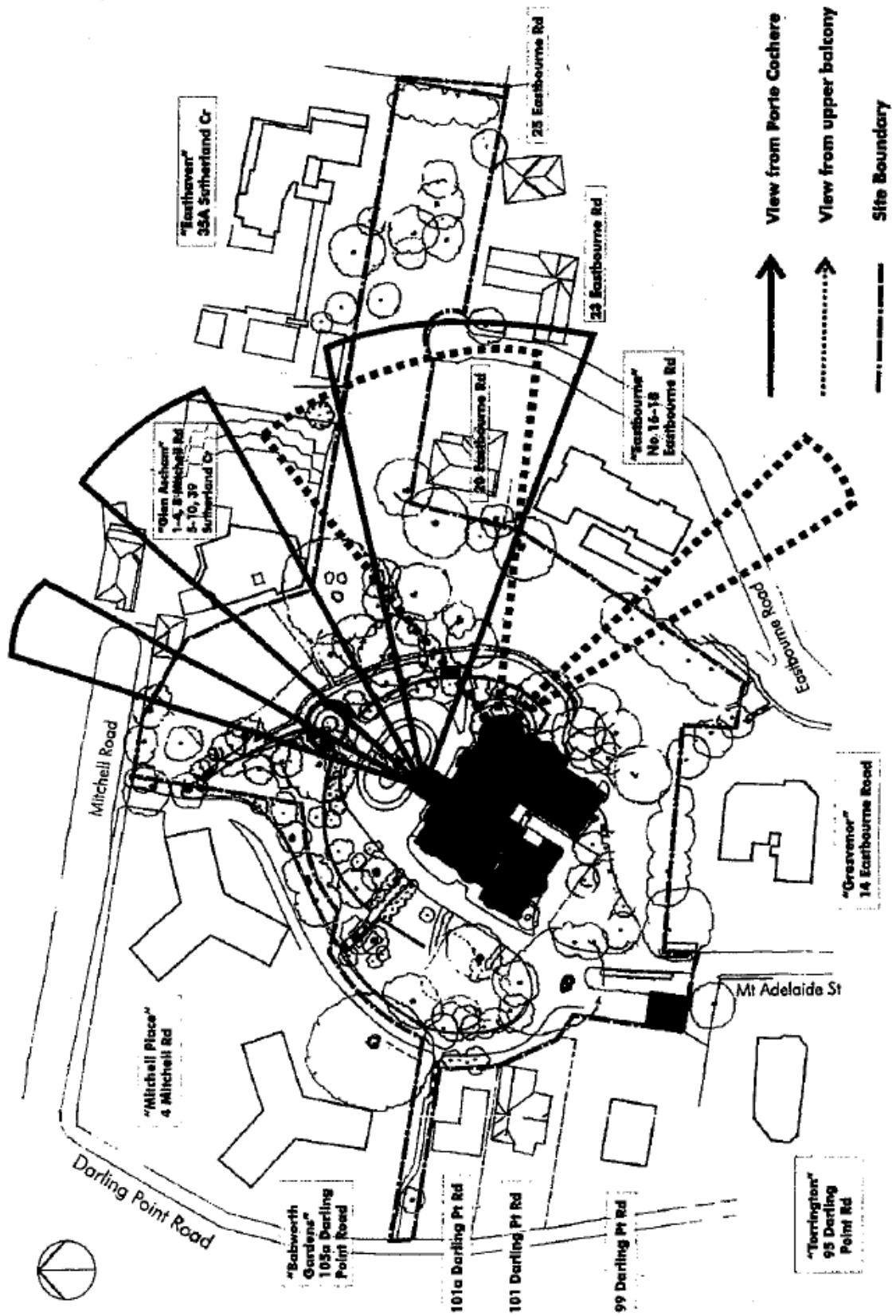
#### Controls

- C1 The site layout:
  - a) locates new buildings within the landscaped zone of significance (see Figure 4);
  - b) takes into consideration and respects the dominant position of Babworth House;
  - c) takes into consideration the orientation and placement of buildings for solar access;
  - d) retains or where possible enhances the significant attributes of the site (e.g. views, vistas, substantial trees, spaces and elements);
  - e) relates building and landscape design to the site topography and to the desired future character objective of the site;
  - f) retains trees in the 'finger of land' to the waters of Double Bay, as identified in the adopted Conservation Management Plan;
  - g) takes advantage of multiple access points and existing driveways;
  - h) provides opportunities for access to and use of public transport; and
  - i) respects and does not obscure or confuse the historic site layout.
- C2 The site layout provides for retention of the principal view corridors as identified in Figures 6 and 7.

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- C3 Development is located within the building areas nominated in the Conceptual Layout Plan and Site Precinct Plan (see Figures 8 and 9) and is within the building envelopes nominated in the Building Envelope Diagrams (see Figures 10-18).

Note: All building envelopes are indicative. Provisions of the *Environmental Planning and Assessment Act 1979* and statutory provisions within environmental planning instruments which apply to the land together with the planning principles, objectives and controls mentioned in this chapter take precedence over the Conceptual Layout Plan (Figure 8) and the building envelopes (Section 1.4.4).

Council may require deletion or variation of building envelopes or footprints if the proposed development is considered by Council to be unsatisfactory in terms of the relevant provisions of the Act, the environmental planning instruments, planning principles, objectives and controls.

**FIGURE 6** Existing view corridors – views from Babworth House



**FIGURE 7** Existing view corridors – views over Babworth House

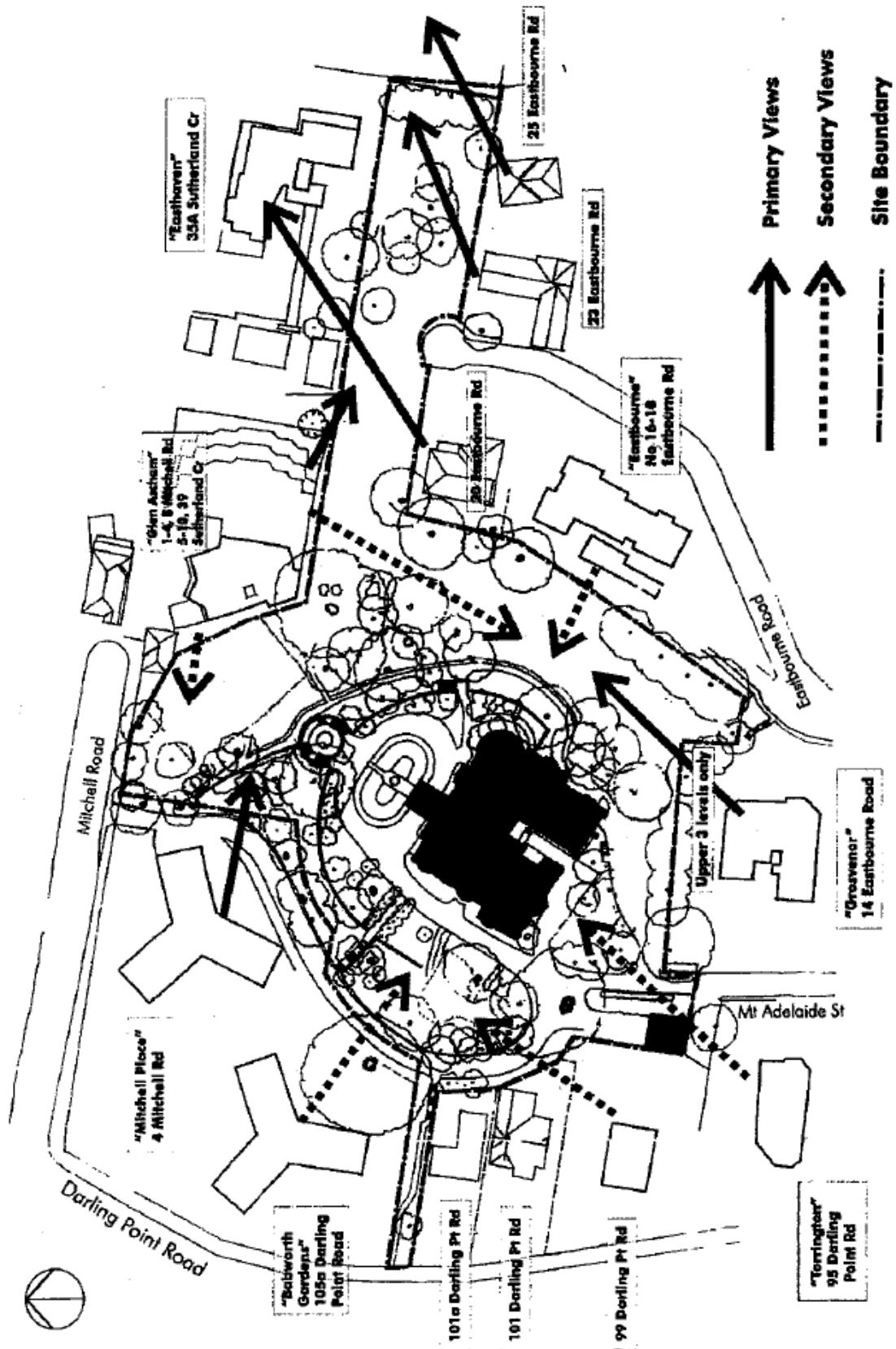
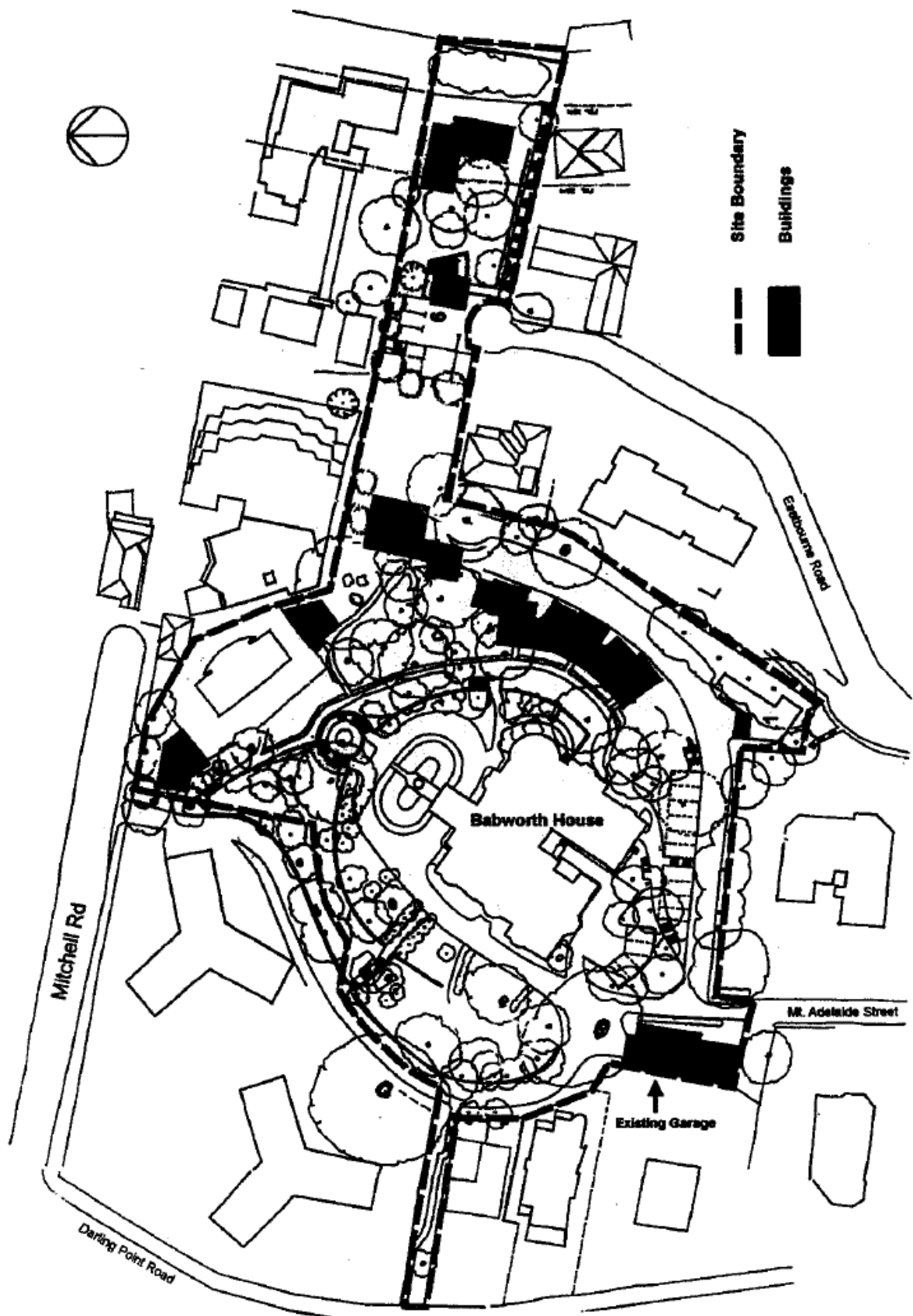


FIGURE 8 Conceptual layout plan





### G1.4.4 Building envelope

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The siting and scale of buildings, including height and setbacks, set the character of development on the site.

Building envelope provisions have been established to control the siting, scale, bulk and height of development so that it satisfies the desired future character objectives and is appropriate in terms of impacts on Babworth House and adjoining properties.

The building envelope represents the maximum limits of development and may not be able to be achieved in all circumstances.

#### Objectives

- O1 To ensure the built form and intensity of new development respects the scale and character of Babworth House and does not detrimentally affect the significant attributes on the site.
- O2 To ensure the built form and intensity of new development respects the desired future character of the area and does not detrimentally affect the amenity of the area.
- O3 To protect principal views to, from and over the site and ensure buildings are of a height and scale which allows the sharing of views.
- O4 To allow adequate daylight, sunlight and ventilation to living areas and private open space of new and neighbouring development.
- O5 To preserve significant trees and vegetation and retain a landscape link to the harbour.
- O6 To maintain where possible the existing topography of the site.

#### Controls

- C1 Buildings are located only within the 1c landscape zone of significance as identified under the adopted Conservation Management Plan (see Figure 4) and generally within the nominated building footprints identified in the Conceptual Layout Plan (see Figure 8).
- C2 Buildings are located within a building envelope nominated in the Building Envelope Diagrams provided for each precinct. The precincts are those identified on the Site Precinct Plan (see Figure 9). Individual building envelopes are identified in Figures 10-18.

Note: All building envelopes are indicative. Provisions of the *Environmental Planning and Assessment Act 1979* and statutory provisions within environmental planning instruments which apply to the land together with the planning principles, objectives and controls mentioned in this chapter take precedence over the Conceptual Layout Plan (Figure 8) and the Building Envelope Diagrams (Figures 10-18).

- C3 Council may require deletion or variation of building envelopes or footprints if the proposed development is considered by Council to be unsatisfactory in terms of the relevant provisions of the Act, the environmental planning instruments, planning principles, objectives and controls.

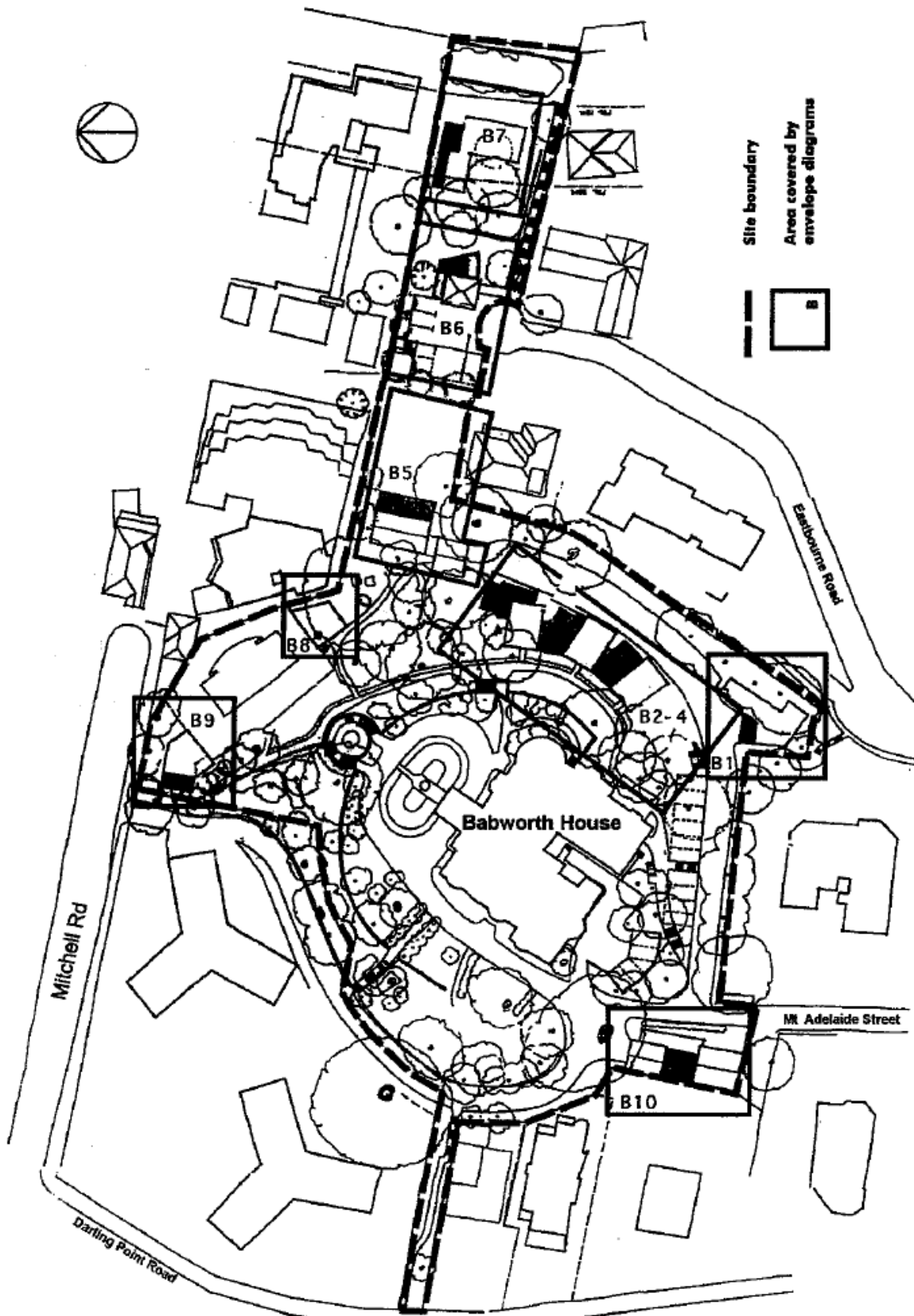
For instance, Council may require additional setbacks from boundaries, variations to the building footprint and variations to the building envelopes, including reduction in height in order to mitigate the impact of development on the residential amenity of the site and adjoining properties, maintain view corridors, promote view sharing, improve or maintain solar access, retain significant trees and site elements and minimise excavation.

- C4 Balconies, decks, bay windows, non-retractable awnings or other non-retractable solar screening devices and roof terrace balustrades are to be included within the planes of the building envelopes.
- C5 Fascias, gutters, downpipe, eaves up to 0.6m, masonry chimneys, flues, pipes, domestic fuel tanks, cooling or heating appliances or other services, retractable solar screens and blinds, light fittings, electricity and gas meters, aerials, steps, landings may project beyond the planes of the building envelope provided it can be demonstrated that views and privacy are not compromised.
- C6 Conserving significant trees, elements, vistas and archaeological remains as identified in the adopted Conservation Management Plan takes precedence over the permissible maximum building envelopes described in Figures 10-18. The envelopes may therefore need minor adjustment.
- C7 Stepped buildings are encouraged on steeply sloping land within the building footprints and building envelopes identified in Figures 10-18.
- C8 Buildings are sited and designed so that:
  - a) privacy is provided to adjoining dwellings;
  - b) sunlight is provided to at least 50% (or 35m<sup>2</sup> with minimum dimension 2.5m, whichever is smaller) of the main ground level private open space of adjoining properties for a minimum of two hours between 9am and 3pm on 21 June. Where existing overshadowing is greater than this, sunlight is not further reduced by more than 20%;
  - c) adequate daylight is provided to habitable room areas in adjoining dwellings;
  - d) building forms enable a sharing of views with surroundings and permit views from public streets and open spaces; and
  - e) the building footprint minimises cut and fill.
- C9 Development has a minimum side boundary setback of 1.5m, increased on a pro rata basis by 0.5m for each additional metre (or part thereof) that the wall height adjacent to the boundary exceeds 3m.
- C10 The building envelope complies with the maximum height limit under the Woollahra LEP 2014.
- C11 If a variation to the maximum height limit is sought through clause 4.6 “Exceptions to development standards” in Woollahra LEP 2014 for development on any part of the site, it must as a minimum requirement contain the following information:
  - a) a description of the particular nature and condition of the site and any other circumstances which has led to a design which exceeds the height limit; and

- 
- b) a statement which describes how the design satisfies the relevant planning principles, the desired future character objectives and the objectives and performance controls for site layout, building envelope, landscape, open space and acoustic and visual privacy as set down in this chapter.
  - C12 Development on Lot E is to be of a design and is to use a method of construction which requires minimal excavation. Any building on Lot E is to be of a stepped design which responds to the sloping nature of the land.
  - C13 All new buildings and works shall not be built within the canopy drip line of significant trees unless information to the satisfaction of the Council can be provided which demonstrates that the construction technique, excavation works, construction works and finished buildings together with associated servicing and landscaping will not have an adverse impact on the immediate and long term preservation, health, vigour and aesthetic quality and the likely future growth habits of the trees.
  - C14 Buildings B2-B5 are designed and located so as to:
    - a) ensure the retention of the Cape Honeysuckle (*Tecomaria capensis*) hedge adjoining the gravel pathway to the east of Babworth House; and
    - b) ensure that the buildings are not visible from the upper garden terrace adjoining the eastern side of Babworth House (generally with a ground level of RL 53 AHD).

Note: Ground levels shown on the building envelope diagrams are indicative and are required to be accurately determined for development applications by survey carried out by a qualified surveyor.

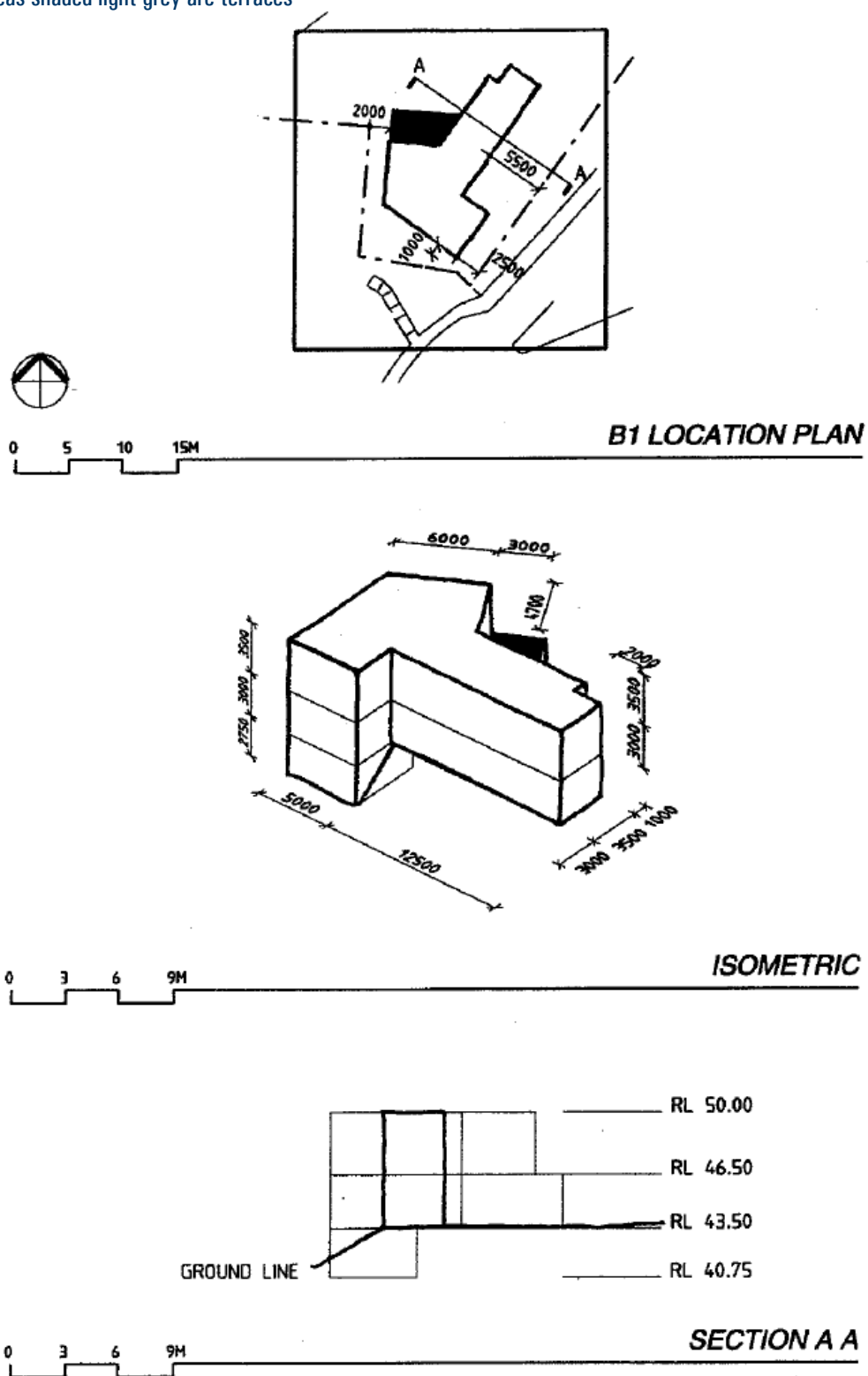
The number and location of floor levels shown within the building envelope on the isometric and section diagrams are suggestive rather than prescriptive.

**FIGURE 9** Site precinct plan

**FIGURE 10 B1 – Building envelope diagram**

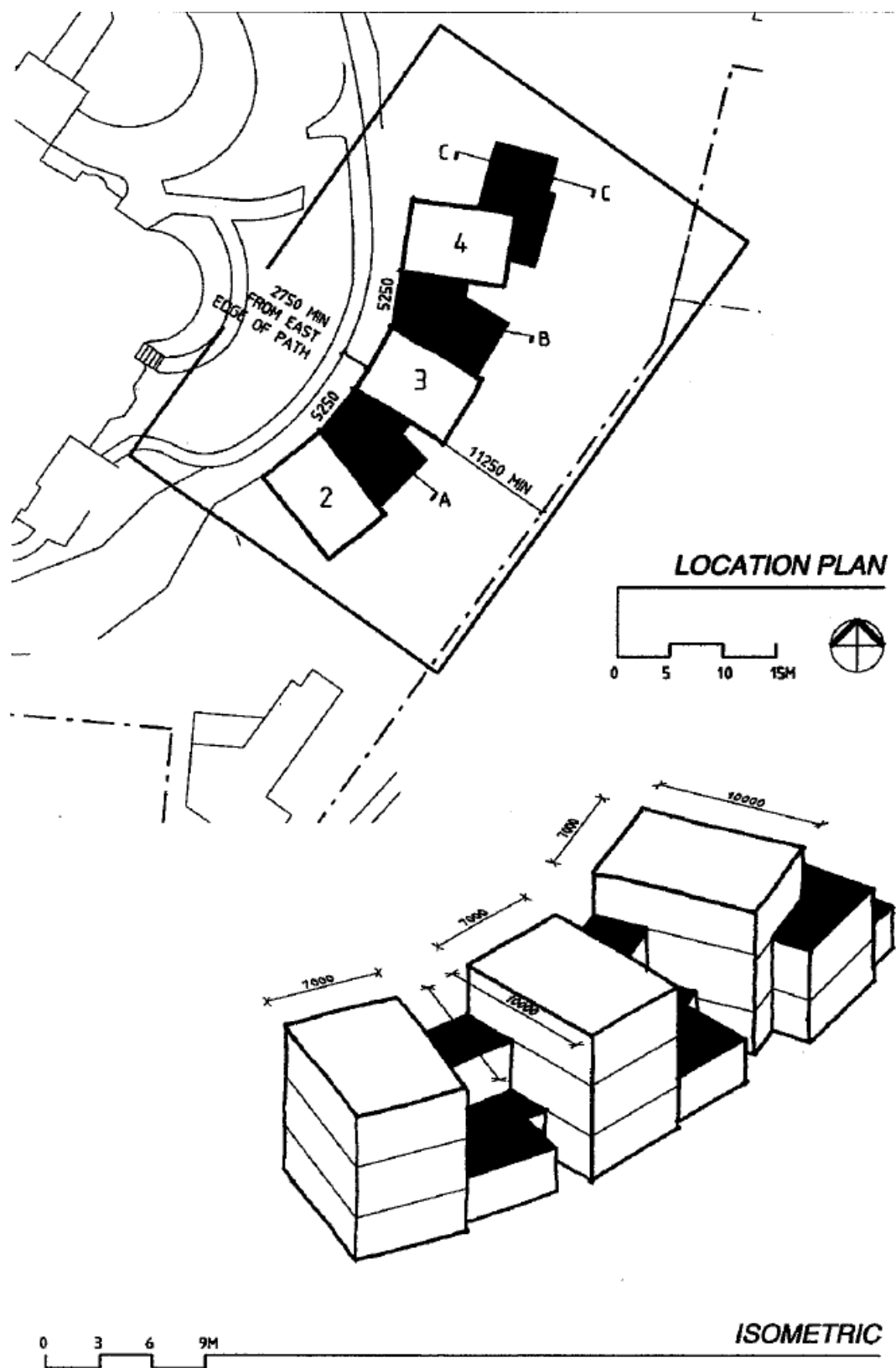
All levels are to AHD

Note: Areas shaded light grey are terraces



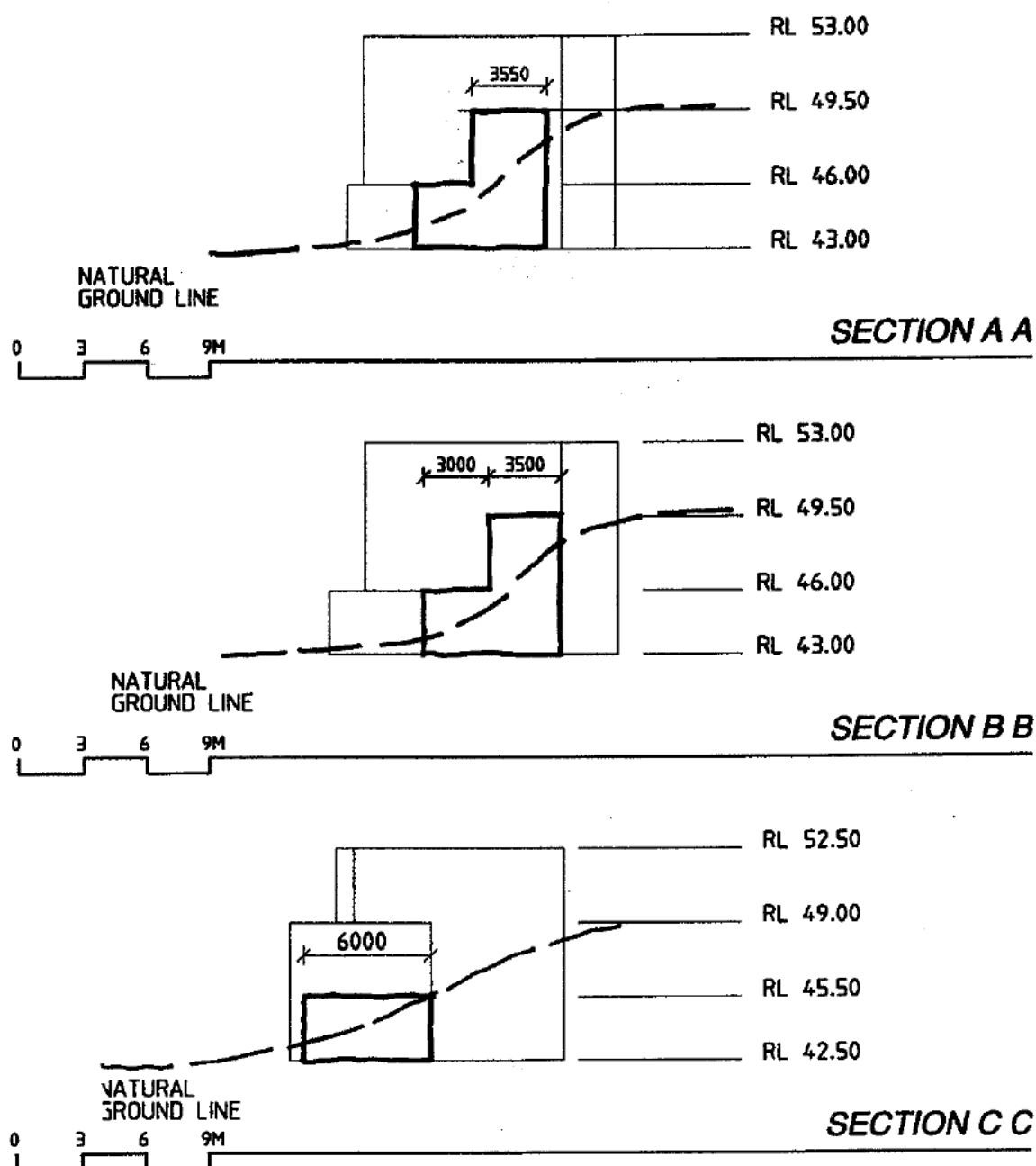
**FIGURE 11 B2 to B4 – Building envelope diagram (location and isometric)**

All levels are to AHD



**FIGURE 12 B2 to B4 – Building envelope diagram (sections)**

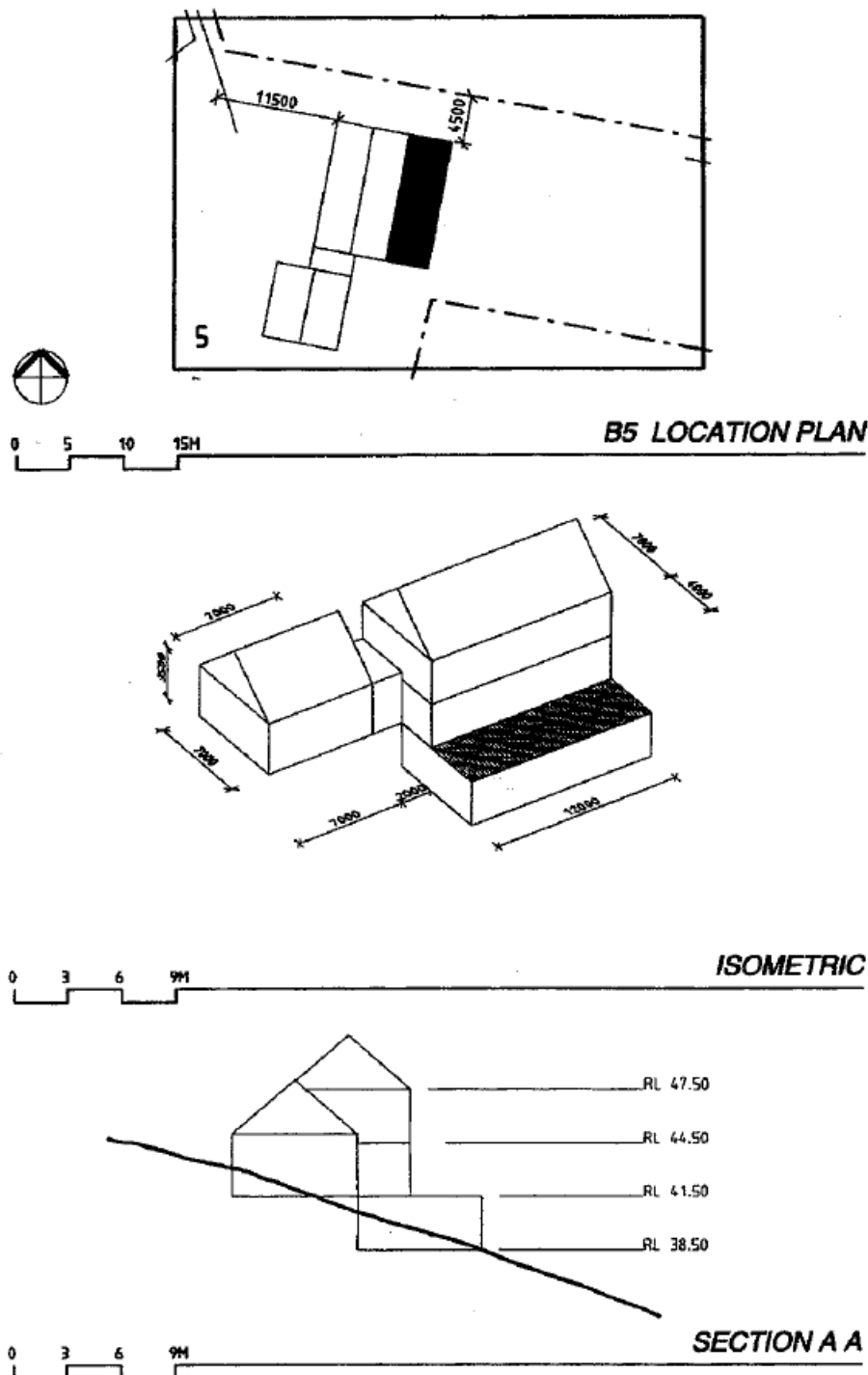
All levels are to AHD



**FIGURE 13 B5 – Building envelope diagram**

All levels are to AHD

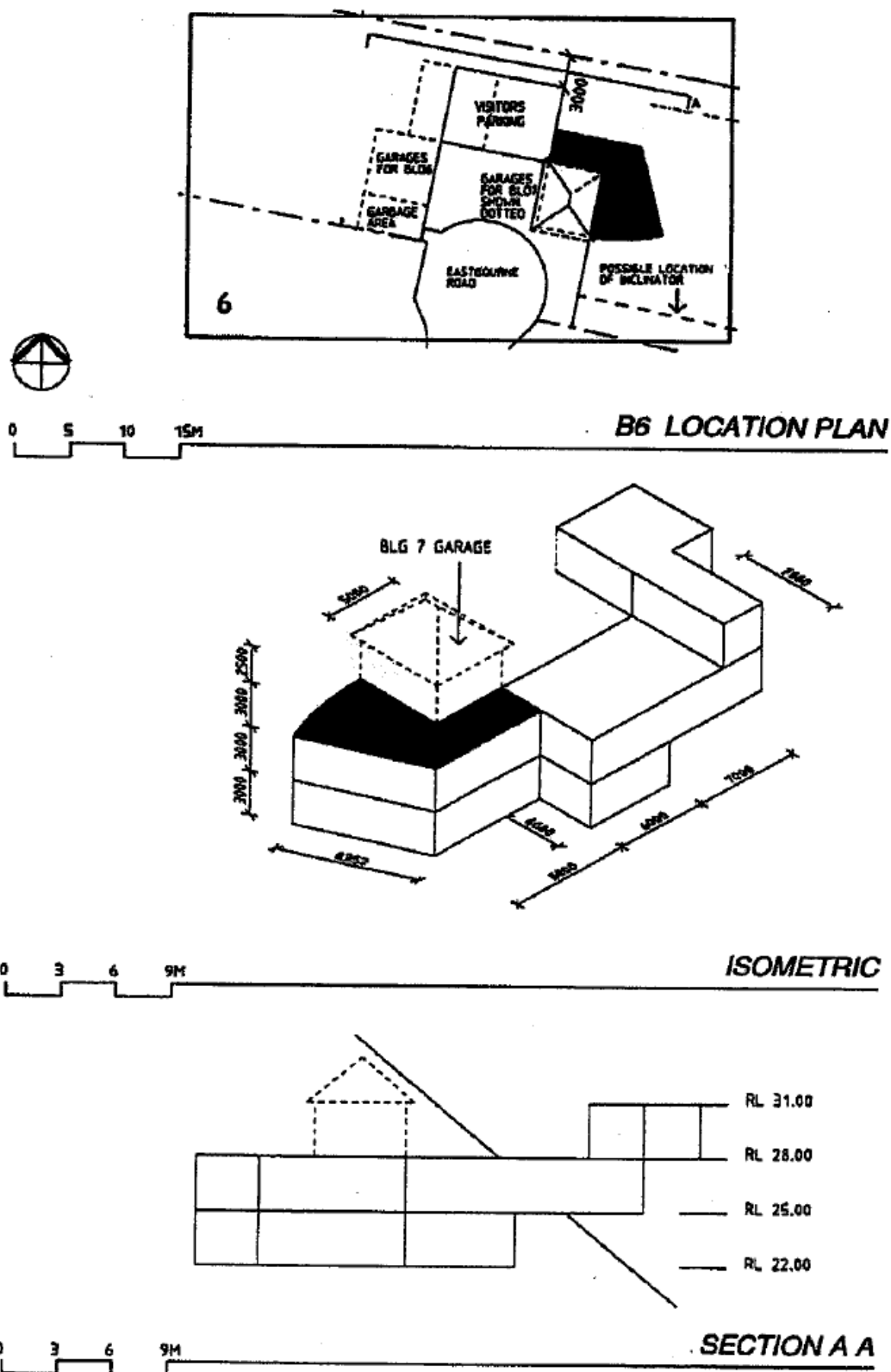
Note: The final location of building B5 is subject to a report from an arborist which confirms to Council's satisfaction that the construction technique, excavation works and finished building together with associated servicing and landscaping will not have an adverse impact on the immediate and long term preservation, health, vigour and aesthetic quality and the likely future growing habits of surrounding trees. The location of building B5 may involve the relocation of the Phoenix Palm to a position on the site agreed to by the Council.





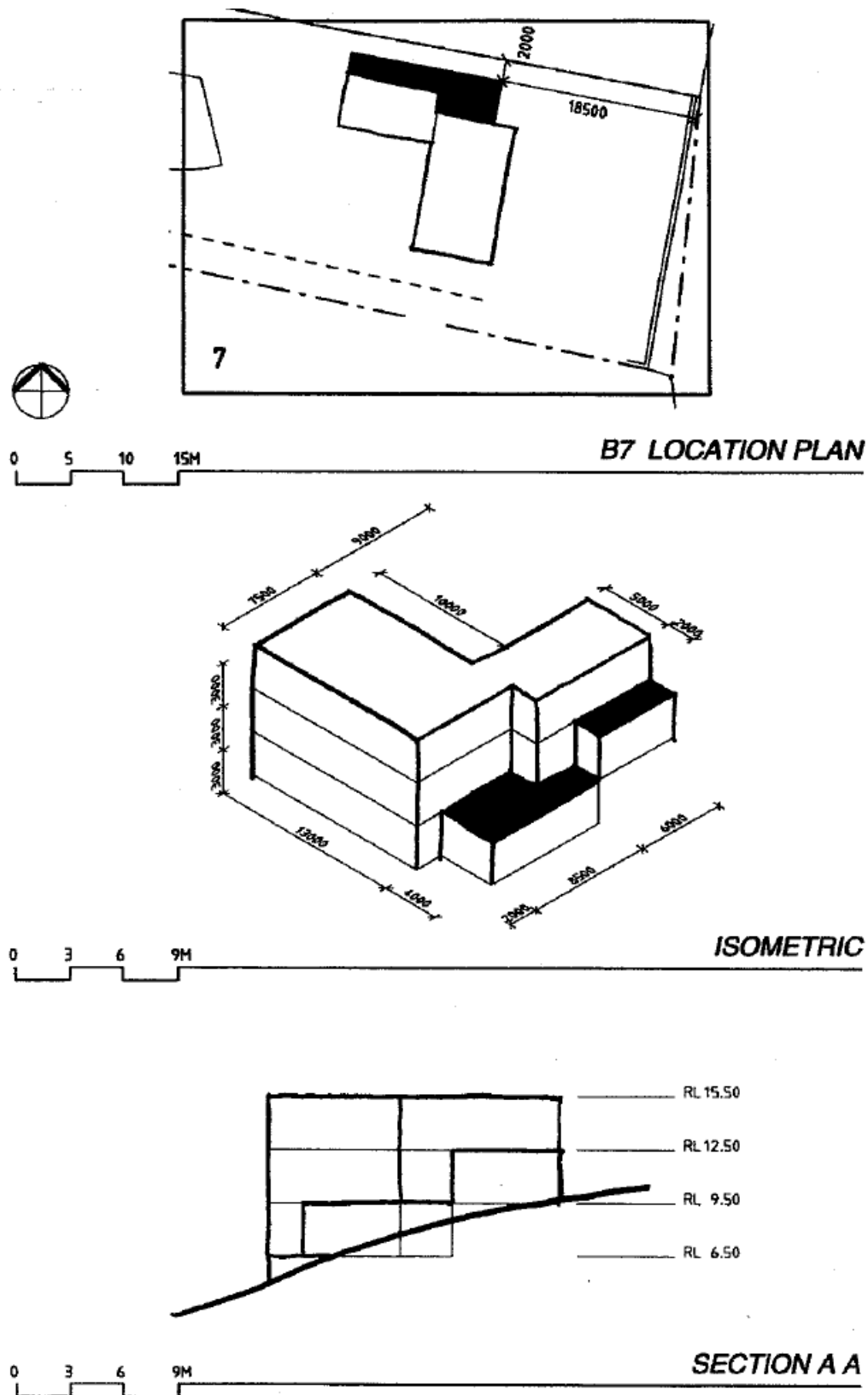
**FIGURE 14 B6 – Building envelope diagram**

All levels are to AHD



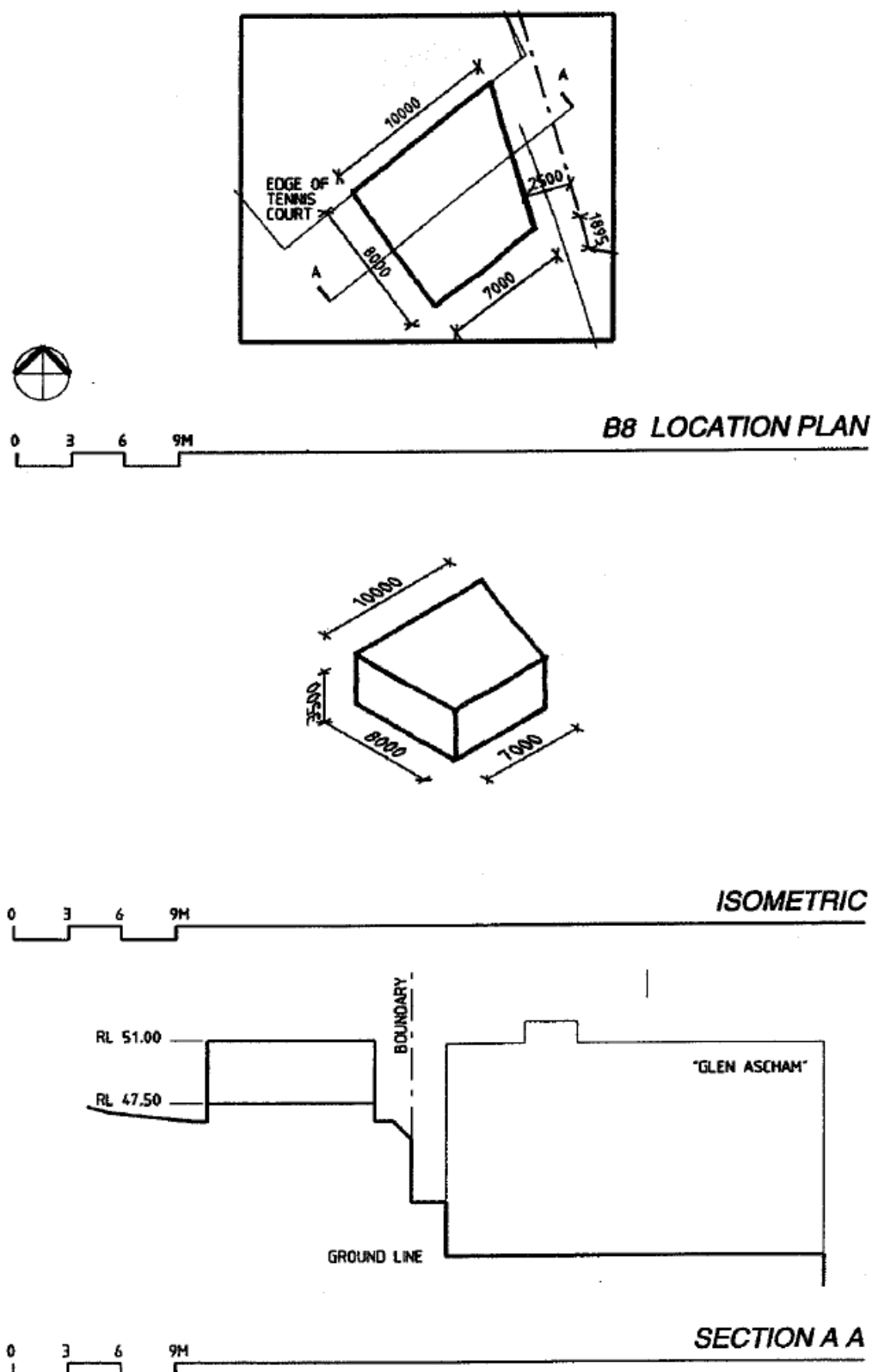
**FIGURE 15 B7 – Building envelope diagram**

All levels are to AHD



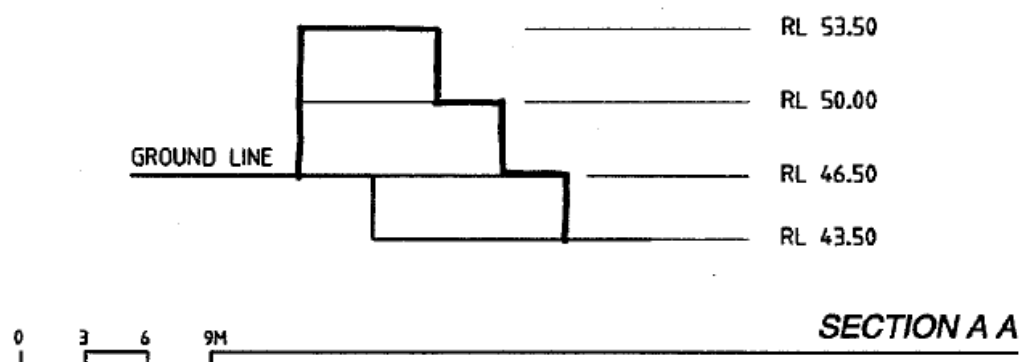
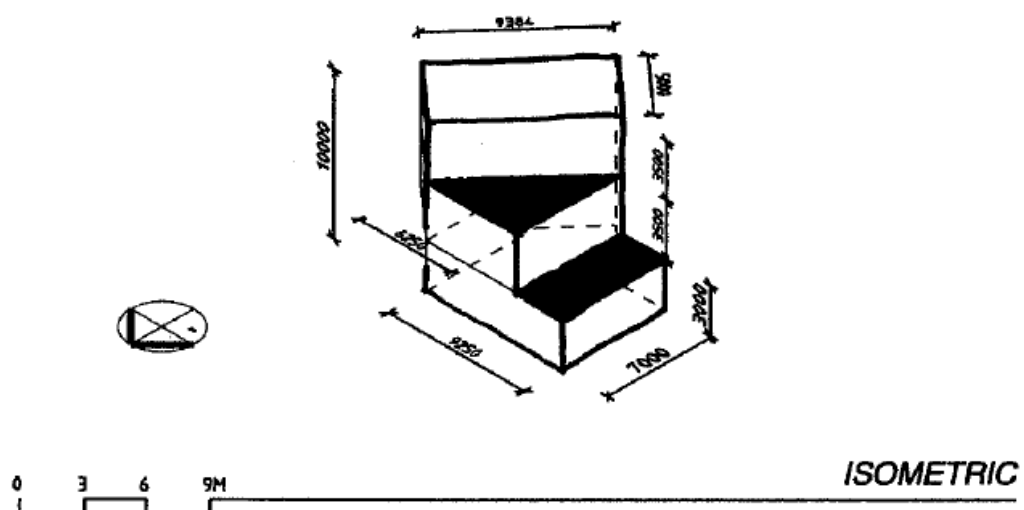
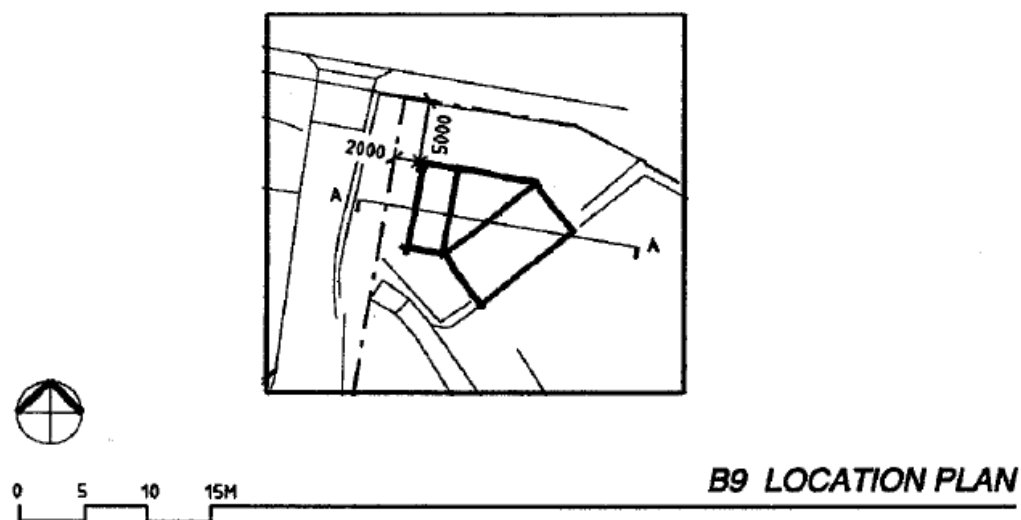
**FIGURE 16 B8 – Building envelope diagram**

All levels are to AHD



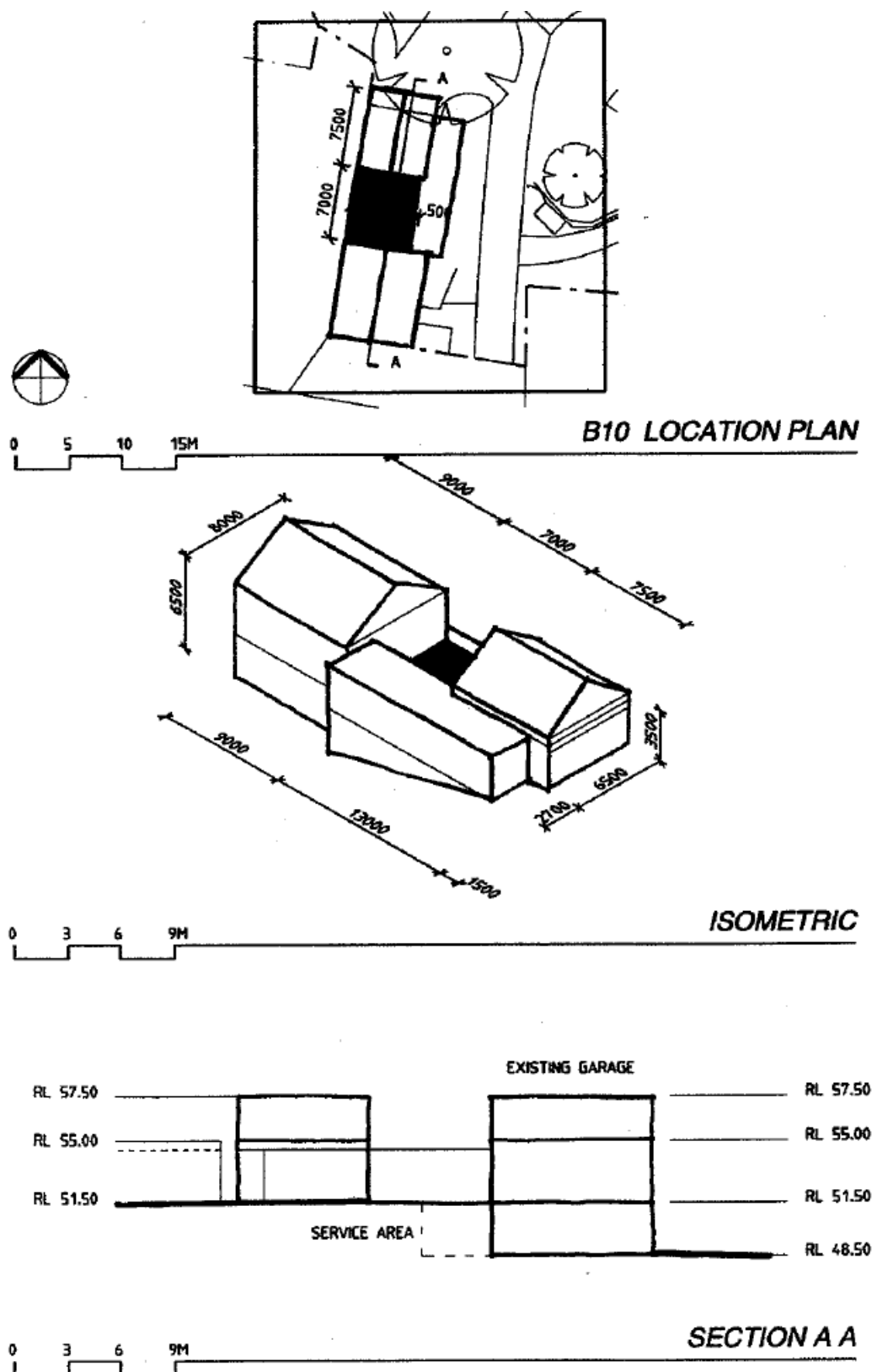
**FIGURE 17 B9 – Building envelope diagram**

All levels are to AHD



**FIGURE 18 B10 – Building envelope diagram**

All levels are to AHD



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### G1.4.5 Design elements, roof form and building materials

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New buildings and alterations and additions should have a consistency of character, form and colour, so that they are identified as ‘belonging’ to the Babworth House Estate and are subservient to the overall character of the Estate.

Construction techniques and materials important determinants of energy efficiency and the amount of non-renewable resources used in development.

#### Objectives

- 01 To promote building design that complements the architectural style and cultural significance of Babworth House and grounds without mimicking them.
- 02 To encourage referential and appropriate contextual design.
- 03 To promote a consistency between the new buildings on the site so that each clearly constitutes part of an integrated estate with a common design theme or character.
- 04 To encourage a variety of suitable roof forms that retain principal view corridors and solar access on and beyond the site.
- 05 To encourage the use of quality craftsmanship, materials and finishes for the exterior of new buildings and structures.
- 06 To encourage contemporary design of any new buildings or structures which through its design idiom, scale, massing, materials, detailing and construction techniques provides an appropriate response to the cultural significance of Babworth House and its landscape setting.
- 07 To encourage the use of reusable, recyclable and renewable resources in construction.
- 08 To promote energy efficient development.
- 09 To maximise the life cycle of buildings in order to reduce energy costs in demolition, reconstruction and recycling.

#### Controls

- C1 A design statement is submitted with development applications. In the design statement the applicant must demonstrate that the proposed design through the design idiom, scale, massing, materials, detailing and construction techniques appropriately respond to the cultural significance of Babworth House and its setting.
- C2 Particular regard is given to roof design so as to protect existing views from buildings on adjoining properties.
- C3 Where pitched roofs are permitted on the Building Envelope Diagrams (see Figures 10-18), the roof pitch is within the range of 30° to 45°.

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- C4 Where permitted on the Building Envelope Diagrams (see Figures 10-18), pitched roofs are sheeted with copper, zinc, slate or suitable slate substitute to complement Babworth House.
  - C5 Flat roofs are concrete plus waterproof membrane and covered with landscaping, water and/or min. 25mm gauge pebbles of approved colour.
  - C6 The impacts of large unbroken expanses of wall are suitably reduced by articulation, modelling, window openings etc.
  - C7 Solid, external walls of new buildings are cement rendered, integrally coloured or painted. A minimum of 70% of these solid walls throughout the site are painted the same colour and this colour is of a hue value of not less than 3-8 if white is 1 and black is 10. This is not a restraint on colour but on tone and applies in order to relate to the external colour of Babworth House.
  - C8 Windows and external doors and frames are painted, and this colour is of a hue not less than 3 if White is 1 and Black is 10 (as for external walls).
  - C9 Mirrored or other highly reflective materials (with a reflectivity of 15% are not used on building exteriors.
  - C10 Buildings have a good thermal mass through the use of materials such as concrete slab floors, cavity brick, concrete block and stone walls.
  - C11 Materials of high thermal mass are used for living areas and are located to maximize the absorption of heat from air circulating in the dwelling and from winter sun.

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### G1.4.6 Landscape, open space

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High quality landscape design is important for the creation of a quality setting, integrating the new buildings on the site with one another and with Babworth House, and in improving the appearance of the development, and the amenity of the area.

Landscaped open space may include the curtilage of Babworth House and significant spaces, and both communal and private open space areas.

Private open space contributes to the amenity of individual dwellings and should be clearly delineated from communal areas. Private open space may be provided at ground or above ground level. Above ground private open space may comprise balconies or rooftop areas.

Communal open space is the shared open space available for use by all residents of the site. Communal open space for recreation and relaxation of residents may include landscaped areas, swimming pool or tennis court and is controlled by a common management.

Land within Lot E on the foreshore of Double Bay has potential significance as public open space subject to public pedestrian access being available from a public place.

#### Objectives

- 01 To allow conservation and interpretation of the significant landscape and grounds.
- 02 To provide adequate private and communal open space which meets user requirements for outdoor activities and use, and enhances the amenity of the area.
- 03 To retain significant trees, vegetation and other key landscape elements on the site.
- 04 To preserve the landscaped link with the harbour.
- 05 To fully integrate the landscape design in communal, private and public open space areas.
- 06 To enhance stormwater management.
- 07 To enhance the appearance, amenity and energy efficiency of housing through integrated landscape design.

#### Controls

- C1 The masterplan application includes a landscape concept plan which addresses:
  - a) restoration and location of significant landscape zones and elements as identified in the adopted Conservation Management Plan;
  - b) existing vegetation and proposed plantings and landscaping;
  - c) species to be retained and removed;
  - d) methods of delineating private and communal open space (devices such as hedges, changes in level). Fencing within the site is generally not acceptable, except safety fences (e.g. pool fences);



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- e) location of communal facilities (e.g. tennis courts, swimming pools, change rooms and garden sheds);
  - f) lighting (e.g. along driveways and pathways);
  - g) watering and irrigation systems;
  - h) areas (m<sup>2</sup>) of private and communal space;
  - i) drainage and stormwater management; and
  - j) other relevant matters identified by Council during pre-DA discussions.
- C2 A detailed landscape plan (including an arborist report) and details of proposed work within 1a/1b graded zoned of significance (identified in Figure 4), prepared by a landscape consultant specialising in historic gardens, is submitted with development applications. A landscape plan includes a plan for the restoration and reconstruction of historic garden areas which is consistent with the historic character of the Babworth House garden.
- C3 Private open spaces are located:
- a) to take advantage of outlook and natural features of the site;
  - b) so as to receive at least 2 hours of sunlight per day in mid-winter, where possible;
  - c) to reduce adverse impacts of adjacent buildings on privacy and overshadowing; and
  - d) to address surveillance and privacy where private open space abuts communal open space or public open space.
- C4 Each dwelling (not being a dwelling unit within the Babworth House building) has private open space with:
- a) a minimum area of 25m<sup>2</sup> for dwellings of 2 or more bedrooms;
  - b) a minimum dimension of 2m;
  - c) direct access from a living area of the dwelling; and
  - d) delineation or screening where necessary to ensure privacy to users.
- C5 Any communal open space:
- a) provides adequate space for recreational uses;
  - b) maintains principal views and landscape character of the site;
  - c) assists with stormwater management;
  - d) links visually and functionally the new buildings within a consistent landscape framework or theme; and
  - e) is accessible to users.
- C6 Where there are communal open space areas, Council will require a Landscape Management Plan to provide details of the care, control and maintenance of all communal areas and facilities.
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- C7 The design for private and communal open space:
- a) recognises the heritage landscape through the use of materials and plant species;
  - b) uses vegetation types and landscape materials, features and works which will not adversely affect the structure of proposed buildings or buildings on adjoining properties;
  - c) considers personal safety by ensuring good visibility along paths and driveways;
  - d) contributes to energy efficiency and amenity by providing substantial shade in summer, especially to west-facing windows and open car park areas and admitting winter sunlight to outdoor and indoor living areas;
  - e) provides privacy between dwellings;
  - f) avoids risk of damage to overhead power lines, sewer lines, stormwater drainage lines and other services; and
  - g) limits hard and impervious services at ground level to minimise potential for runoff from development.
- C8 Landscape design should demonstrate through the use of plant species, hard landscape elements and materials that it provides an appropriate response to the cultural significance of the Babworth House gardens and landscape.
- C9 Tennis courts or swimming pools are located within the areas graded 1c under the adopted Conservation Management Plan (see Figure 4).
- C10 Tennis courts or swimming pools are designed and have regard to existing ground levels of the site and adjoining properties and positioning of the buildings on adjoining properties and on the site.
- C11 Tennis courts or swimming pool are located and designed to mitigate noise and light spill impacts upon adjoining properties. Lighting of tennis courts is not guaranteed.
- C12 Swimming pools are setback from adjoining property boundaries to allow for sufficient landscaping and access.
- C13 Facilities associated with tennis courts or swimming pools are sited and designed to integrate physically and visually with the landscape and other built elements and complement the character of the site.
- C14 Tennis court fencing does not impact significantly on views from or over the site.
- C15 To avoid impact on adjoining properties a swimming pool should not be located in the north-eastern area of the site which comprised the former tennis court to Babworth House.
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### G1.4.7 Acoustic and visual privacy

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Visual and acoustic privacy is an important contributing factor to the amenity of a place, particularly for residential uses. Privacy needs of both prospective residents and existing neighbours influences the location of buildings and private open space areas, the placement of windows, screening devices (including landscaping) and the selection of materials.

#### Objectives

- O1 To provide adequate acoustic and visual privacy for future residents on the site and residents on adjoining land.

#### Controls

- C1 Buildings demonstrate consideration of:
- a) overlooking impacts to private open spaces and living room windows and mitigation measures;
  - b) locating sensitive areas of use, such as bedrooms, away from noise sources; and
  - c) acoustic treatment of noise sources (particularly plant areas)
- C2 Measures to provide adequate visual privacy include some or all of the following:
- a) a minimum distance separation of 9m where windows/balconies are directly facing;
  - b) off-setting of windows;
  - c) raised sill heights (over 1,600mm above floor levels); or
  - d) screen walls or plantings.
- C3 Acoustic treatment of shared walls and floors between new dwellings are constructed in accordance with the Building Code of Australia.

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### G1.4.8 Access and mobility

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Accessways need to be designed to perform their designated function and be compatible with the cultural significance of the site and its desired future character objectives.

Access and mobility provisions are necessary so that developments are accessible and able to be used by all members of the community.

The provisions are principally directed towards eliminating barriers to people with disabilities and the aged.

Because of the heritage significance of the site, access provisions are also necessary to ensure that adequate consideration is given at the design concept stage to the manner in which construction vehicles, equipment, machinery and facilities are to enter and leave the site and move around the site.

Unless otherwise specified, the objectives and controls set out in this section are not advocating or requiring the provision of access to the site by the general public.

#### Objectives

- 01 To ensure that vehicular access to and from the site is safe and convenient.
- 02 To provide public access to the foreshore of Double Bay.
- 03 To preserve the historical pedestrian link with Darling Point Road.
- 04 To ensure new buildings, associated spaces and communal areas are accessible, useable or adaptable for all people in the community, including people with disabilities and the aged.
- 05 To ensure that vehicular access is provided in a way that mitigates traffic impacts.
- 06 To maintain and use historic driveways and pathways, wherever possible.
- 07 To maintain the character and use of historic access points and driveways as configured (no widening) and without significant changes in level.
- 08 To minimise the adverse impact of the movement of construction vehicles, equipment, machinery and facilities on the heritage significance of the site and the amenity of the surrounding neighbourhood.

## Controls

- C1 Use existing driveways from Mitchell Road and Mount Adelaide Road, and provide additional access from Eastbourne Road. The Mitchell Road access is via a right-of-way over part of 4 Mitchell Road. The right-of-way provides access only to Lot B of the site. The right-of-way is a private arrangement on the title of 4 Mitchell and continued access to Lot B over the right-of-way cannot be guaranteed by the DCP.
- C2 Where appropriate, split traffic loads either by several discrete in/out systems or in the case of Mitchell Road and Mount Adelaide Road access points by a one-way connection between those points.
- C3 Encourage direct pedestrian links to public transport and other facilities or services.
- C4 Use existing historical pedestrian link with Darling Point Road.
- C5 Public access is provided (and may be offset against any s.94 contribution) both physically and legally between Eastbourne Road and the foreshore, and along the foreshore. Council acknowledges that due to the steepness of the terrain in this area, access for the mobility impaired may not be achievable.
- C6 Maintain and encourage use of existing pathways as presently configured. Any new vehicular and pedestrian accessways are to be carefully designed with regard to:
  - a) the location of significant spaces or elements on the site;
  - b) significant trees;
  - c) the landscaped setting and character of the site; and
  - d) the provision of access for people with disabilities.
- C7 Accessways, driveways and open parking areas are suitably landscaped to enhance amenity while providing for security and accessibility of all residents and visitors.
- C8 Accessways are designed, surfaced and graded to facilitate onsite stormwater management in accordance with a stormwater management plan.
- C9 Vehicular accessways and driveways are designed to:
  - a) prevent traffic conflicts;
  - b) enable adequate manoeuvrability for all vehicles;
  - c) enable all vehicles to enter and exit the site in a forward direction;
  - d) enable vehicles to pass (where appropriate); and
  - e) reduce speed.
- C10 New driveways are of bitumen with clay or concrete brick kerbing, edges, trims and gutters.
- C11 The extension to Eastbourne Road is of brick or concrete paving.
- C12 The materials for new pedestrian pathways are gravel or bitumen with a brick edge or brick paved.

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- C13 Paths provide uninterrupted, comfortable access for people with disabilities to all facilities and amenities generally accessible to building users.
- C14 Parking spaces are adequately designed to provide easy, convenient and safe access to all buildings or facilities within a development.
- C15 Doors and doorways are of adequate width and design to enable access to all public areas within a building (see Building Code of Australia for details).
- C16 All accessories such as door handles, bell pushes, switches and mail boxes are easy to manipulate and are located at an appropriate height.
- C17 The finish on ground and floor surfaces does not restrict access.
- C18 Signs including visual alarms are visible and legible to as many people as possible, including people with sight impairments or colour blindness.
- C19 A construction management plan is provided and is to include:
- a) the proposed movement of construction vehicles, equipment, machinery and facilities to, from and within the site;
  - b) the phases of construction;
  - c) the types of vehicles, equipment, machinery and facilities to be used throughout the construction;
  - d) the periods and times during the construction when movement will occur;
  - e) the steps which are to be taken to mitigate adverse impacts on the heritage significance of Babworth House and the site, the amenity of the surrounding neighbourhood and on-street parking; and
  - f) the location of materials and machinery stores.

Note: The use of right-of-way over 4 Mitchell Road by construction vehicles and for the storage of construction materials should be avoided other than where that use is associated with traffic management works, maintenance works and works which provide for the future shared pedestrian and vehicle use of the right-of-way.

### G1.4.9 Car parking and servicing

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The onsite car parking requirements aim to satisfy the parking demand likely to be generated by residential development while discouraging unnecessary car use and site excavation resulting from the provision of overly-generous amount of on-site parking.

Limiting unnecessary car use and encouraging other modes of transport, such as walking, cycling and public transport helps to improve local amenity and minimise pollution and the use of non-renewable energy sources.

Parking areas, garages and driveways must be designed carefully so that they do not detract from the appearance of the development and the surrounding streetscape.

The design of parking and driveway areas should also acknowledge the need to limit the amount of impervious surfaces over a site and the amount of site excavation.

The overly generous use of impervious surfaces such as paving and bitumen can increase temperature in warmer months and lead to excessive stormwater runoff.

Excessive excavation can lead to site instability and interrupt ground water flows relied upon by surrounding vegetation.

#### Objectives

- 01 To maintain the integrity and amenity of Babworth House and its landscaped setting.
- 02 To maintain the amenity of adjoining properties and the safe and efficient operation of the local road network.
- 03 To provide convenient and safe car parking and access for residents and visitors.
- 04 To limit site excavation resulting from development.
- 05 To ensure that onsite car parking and driveways do not dominate or detract from the appearance of development and the integrity and amenity of Babworth House and its landscape setting.
- 06 To limit the adverse temperature and stormwater run-off impacts of impervious alternative modes of transport.
- 07 To encourage the use of public transport and alternative modes of transport.
- 08 To encourage suitably landscaped open car parking areas and accessways while providing for the needs of residents and visitors.

## Controls

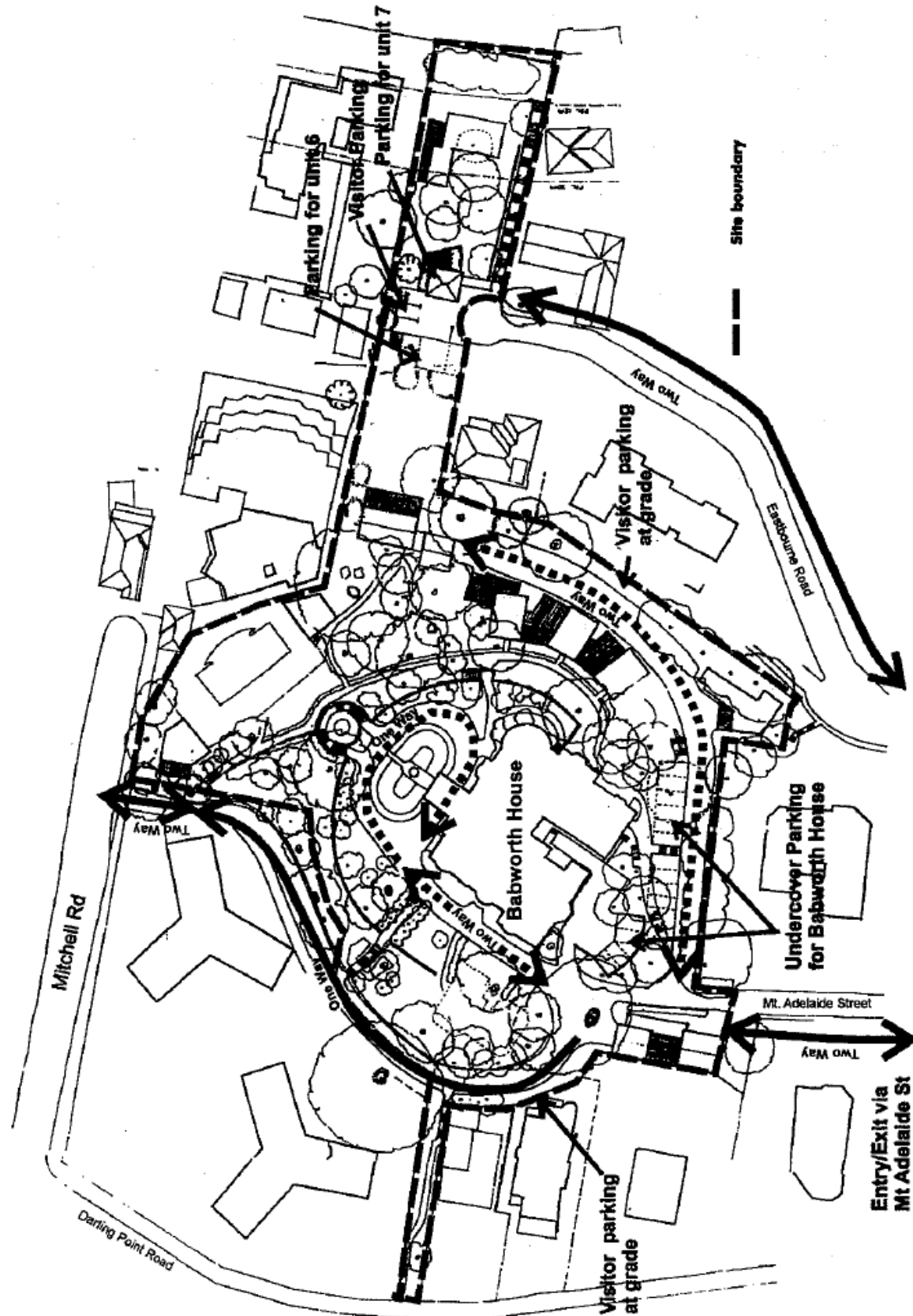
C1 The number of car parking spaces to be provided on the site is outlined in the table below.

Dwelling size	Number of spaces provided
1 bedroom	1 space/dwelling
2+ bedroom	2 spaces/dwelling
Visitors	¼ dwellings
Babworth House	Maximum of 14 spaces irrespective of use

- C2 For uses other than those identified in PC1 or where variation to the rates set out in PC1 are sought, Council will consider parking provisions on its merits and in light of a traffic and parking report, to be submitted with development applications and other relevant considerations (e.g. heritage and amenity).
- C3 Parking facilities are designed and located to:
- maintain cultural (heritage) significance of the grounds and not detract from the heritage significance of Babworth House and its gardens;
  - provide easy, convenient and safe access to all buildings;
  - enable the efficient use of car spaces and accessways, including safe manoeuvrability for vehicles between the parking areas and the street;
  - preserve significant trees;
  - reduce the visual dominance of car parking areas and accessways;
  - enhance the landscaped setting and character of the site; and
  - generally comply with the vehicular access, parking and servicing arrangements set out in Figure 19. Council may consider other arrangements on their merits.
- C4 Innovative solutions in the provision of car parking (e.g. underground, semi-basement) may be implemented, where site conditions permit, to achieve the objectives for parking.
- C5 The area of site excavated for the purpose of underground car parking is limited to the building footprint of each building as determined by the building envelope diagrams.
- C6 Parking facilities are sited and designed to integrate physically and visually with the landscape and other built elements.
- C7 Open car parking spaces are designed, surfaced and graded to facilitate onsite stormwater management in accordance with a Stormwater and Soil Management Plan.
- C8 Adequate manoeuvrability and parking is provided for service vehicles.
- C9 Utility service reticulation is provided underground.



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- C10 One car wash bay is provided at the western at-grade visitor parking area and another at the at-grade parking area adjacent to buildings B2-B4. Each bay is to be graded to an internal drainage point and connected to a Sydney Water Corporation sewer. A trade waste agreement from the Corporation will be required for the connection. Council will favourably consider onsite wastewater recycling if the proposal is plausible.
  - C11 The arrangement of parking spaces and driveways allow vehicles to enter and leave the site in a forward direction.
  - C12 Accessways and driveways are designed to enable vehicles (the 85<sup>th</sup> percentile vehicle) to enter the designated parking space in a single turning movement and leave the space in no more than two turning movements.
  - C13 Visitor car parking areas are designed to minimise impact on adjoining properties in regard to matters including noise and vehicle lights.

**FIGURE 19** Vehicular access, parking and servicing

### G1.4.10 Site facilities

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The main site facilities (other than those associated with tennis courts, swimming pools etc. as per Section 1.4.6) requiring design attention include:

- mail boxes;
- garbage storage areas; and
- clothes drying areas.

#### Objectives

- O1 To ensure site facilities are effectively integrated and are unobtrusive.
- O2 To ensure site facilities are adequate and accessible to all residents and easy to maintain.

#### Controls

- C1 All facilities are designed to accommodate the needs of people with disabilities and the aged.
- C2 There are minimal standalone structures on the site.
- C3 Garbage storage facilities and mailboxes are sited and designed to integrate physically and visually with other built elements and the landscape design, and complement the character of the site.
- C4 Garbage storage facilities are designed and located to adequately contain noise, odour and visual impacts to residences.
- C5 Residential development includes an outdoor area suitably for located clothes drying facilities. This area is located in a secure place and visually screened from public and communal spaces.
- C6 Garbage storage facilities enable the storage and collection of recyclable material.

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### G1.4.11 Energy efficiency

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Energy efficiency provisions aims to promote ecologically sustainable by reducing the emission of greenhouse gases and the consumption of non-renewable resources.

Energy efficiency can also lead to significant cost savings for households.

Energy efficiency provisions for the design of buildings refer to:

- the orientation of buildings and living areas;
- the size and location of glazing;
- shading and landscaping;
- air movement;
- insulation; and
- appliances.

#### Objectives

- O1 To promote ecologically sustainable development through the design of buildings.
- O2 To maximise the benefits of passive solar design.
- O3 To minimise fuel use.
- O4 To encourage use of public transport services.

#### Controls

- C1 Council may require an Energy Efficiency Report to accompany all development applications for any new building.
- C2 Development applications may be exempt from the energy efficiency compliance certificate requirement where:
  - a) compliance conflicts with the conservation requirements of Babworth House; and
  - b) compliance conflicts with the desired future character for the site.
- C3 New residential buildings, where possible, include at least one north-facing room capable of use as a living area.
- C4 Windows to living areas, where possible, receive at least 3 hours of sun between 9am and 5pm on 21 June.
- C5 North-facing windows to living areas of neighbouring dwellings do not have sunlight reduced to less than 3 hours between 9am and 5pm on 21 June.
- C6 East facing windows are provided where possible for morning sunlight during winter months.

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- C7 Suitably screened external clothes drying areas with access to sunlight and breezes are available to all dwellings where possible.
  - C8 Buildings are sited and designed to provide solar access to living areas and principal areas of open space, having regard to slope, views, existing vegetation and overshadowing.
  - C9 Where possible, taking into account views, new buildings have an area of roof that is suitable for the installation of solar collectors and photovoltaic cells.
  - C10 Building materials and insulation that assist in providing acceptable thermal conditions are used wherever possible.
  - C11 Air movement by naturally ventilated systems within dwellings is encouraged, and should be designed to provide acceptable thermal conditions.
  - C12 Building materials, appliances and fuel sources are selected to achieve greater energy efficiency.
  - C13 Glazing to the west is avoided or otherwise treated by external screening devices (such as screens, pergolas and tree planting) to reduce summer heat load.

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### G1.4.12 Water and soil management

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Water and soil management on the site is required to ensure that the hydrological characteristics of the site and water quality of the harbor are not affected and soil erosion is avoided. Water management is also required to encourage the conservation and reuse of water.

#### Objectives

- O1 To minimise changes to the hydrological characteristics of the site.
- O2 To prevent soil erosion.
- O3 To prevent pollution of the harbour from stormwater run-off.
- O4 To encourage water conservation and reuse.
- O5 To reactivate the historic drainage channels on the site and integrate them to the overall management system.
- O6 To control stormwater quality and quantity and eliminate discharge impacts on adjoining properties.
- O7 To ensure cost-effectiveness in the provision and maintenance of stormwater drainage works.
- O8 To reduce the pressure of new housing development on domestic water supplies.
- O9 To ensure building and landscape design incorporates techniques for conserving mains water.

#### Controls

- C1 A stormwater and soil management plan is submitted with the masterplan application.
- C2 The stormwater and soil management plan demonstrates how runoff, sedimentation, erosion and groundwater flow is to be managed on the site.
- C3 Any development on the site minimises the extent of site clearing and earthworks.
- C4 Where excavation to a depth of more than 2m is proposed, Council will require the submission of a geotechnical report and a hydrological report as set out in the Woollahra Council Development Application Guide.
- C5 A stormwater drainage system is established onsite to control run-off and sediment during construction works.
- C6 Drainage and detention systems are designed to cater for a 100 year Average Recurrence Interval storm event.

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- C7 New drainage systems are designed to:
- a) incorporate historic channels (e.g. drainage channels along pathways) where possible;
  - b) store water for irrigation of landscaped areas through measures such as detention systems and rainwater tanks;
  - c) reduce overall town water usage on the site;
  - d) control the discharge to the harbor, including the quality of runoff;
  - e) provide a suitable level of protection to people and to property;
  - f) ensure that existing downstream systems are not adversely affected;
  - g) fit in with the hydrology of the natural system as much as possible;
  - h) consider the distribution of soil types and the scope for onsite filtration in areas where infiltration will not affect surrounding properties or contribute to slope instability or ground water pollution; and
  - i) retain significant trees.
- C8 Any inground drainage system incorporates measures for onsite water quality management and reuse.
- C9 Measures to reduce water consumption may include:
- a) rainwater tanks with direct plumbing to dwellings to reduce mains water consumption and minimise the amount of stormwater entering the drainage systems;
  - b) dual flushing toilets;
  - c) locating and grouping new plants;
  - d) irrigation systems that respond to the varying water needs of different sections of the garden; and
  - e) directing run-off from hard impervious surfaces to vegetation.
- C10 Overland flow path between Eastbourne Road and the harbour is provided. Such overland flow path is designed to control water depth and flow velocity in extreme rainfall events to Council's specified guidelines.
- C11 The existing Council drainage easement over the site is to be retained and the stormwater drainage line within the easement is to be upgraded if necessary. Council may consider the possible relocation of the easement and drainage line to another part of the site.
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### G1.4.13 Safety and surveillance

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Safety and surveillance provisions aim to use design to maximise personal security, reduce anxiety and fear, and maintain general safety and wellbeing within the local environment.

#### Objectives

- O1 To ensure a safe environment by promoting crime prevention through design.
- O2 To provide personal and property safety and surveillance for residents and visitors and enhance perceptions of community safety.

#### Controls

- C1 Buildings adjacent to public or communal streets or open space have at least one habitable room window with an outlook to that area.
- C2 Site planning, buildings, fence, landscaping and other features clearly define public, communal, semi-private and private spaces.
- C3 Buildings are designed to minimise access between roofs, balconies and windows or adjoining dwellings.
- C4 Pedestrian and vehicle thoroughfares are identified and reinforced as 'safe routes' through:
  - a) appropriate lighting;
  - b) casual surveillance from dwellings;
  - c) minimised opportunities for concealment;
  - d) landscaping which allows long-distance sight lines between buildings and the street; and
  - e) avoidance of 'blind' corners.
- C5 Lighting is provided to pedestrian ways, dwelling entries, high fences to the street, driveways and car parks to ensure a high level of safety and security at night. Such lighting may need to be shielded or hooded to minimise nuisance to neighbours.
- C6 Individual dwellings and entries are well lit and readily identifiable by visitors and emergency vehicles through clear house numbering and visibility.



### G1.4.14 Subdivision, maintenance and management

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The maintenance of the estate, particularly the grounds, in a consistent manner will be affected by the ownership and management structure. Should the estate be split into multiple ownership a common management arrangement is strongly preferred.

A community title scheme, which comprises house lots and common areas, and may include strata lots, provides an ideal mechanism for the management of the estate as a whole. This form of subdivision is therefore recommended if there is to be multiple ownership of the site.

#### Objectives

- O1 To prevent fragmentation of the estate into disparate allotments bearing no apparent relationship to one another or to Babworth House and its grounds.
- O2 To ensure the site remains under a single management structure.
- O3 Where there are multiple owners, to provide joint responsibility for the maintenance of significant elements and common facilities and areas.
- O4 Where there are multiple owners, to share the maintenance costs burden and provide a consistent standard of estate management.

#### Controls

- C1 The masterplan application includes a notional plan of subdivision showing how the current titles will be amalgamated and re-subdivided under a common management structure. A community title scheme would be deemed suitable for a multiple ownership option.
- C2 A management agreement (as for example under the *Community Titles Act*) is submitted with any application for subdivision and addresses matters including, but not limited to:
  - a) ongoing care and maintenance of common areas and facilities;
  - b) conservation management of Babworth House and significant elements of the estate;
  - c) funding arrangements; and
  - d) insurances.