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# WOOLLAHRA MUNICIPAL COUNCIL

## *Hawthornden Development Control Plan*

*Approved: Monday 25th November 1996*  
*Came into force: Wednesday 4th December 1996*

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## ACKNOWLEDGEMENTS

Woollahra Municipal Council would like to acknowledge the author of this document, Mr Warwick Mayne-Wilson of Mayne-Wilson and Associates - Landscape Architects and Heritage Landscape Advisors.

## POST SCRIPT

The draft *Guidelines for Determining Curtilages for Heritage Places, Department of Urban Affairs and Planning* referred to in this development control plan have since been approved by the Heritage Council. The approved document, *Heritage Curtilages, Department of Urban Affairs and Planning, December 1996*, and its amended definition of curtilage should be applied in relation to Section 3.0 and when using this development control plan.

# Part 1

## 1.0 Preliminaries

### 1.1 Preamble

This Development Control Plan is a set of requirements adopted by Woollahra Municipal Council following public exhibition and is intended to give potential applicants an indication of the considerations that Council would make in assessing an application submitted for its approval. It has been prepared in accordance with section 72 of the Environmental Planning & Assessment Act, 1979, and in accordance with section 90(a)(iv) of that Act will be taken into account by Council in processing a development application and by any court in resolving an appeal.

This Plan applies to the place known as *Hawthornden*, situated at 6-12 Roslyndale Avenue, Woollahra, which is listed on the Heritage Schedule to the Woollahra Local Environmental Plan, 1995. It is the intention of that Plan that buildings and places so listed should be conserved in an intact condition as far as possible because of their historic, social, aesthetic, and scientific significance. The latter includes aspects such as their technical, architectural, educational or research values.

Conservation is the process of retaining these significant qualities. It generally aims at preserving as much as possible of the original fabric and setting of the heritage item or place. This Development Control Plan lays down Council's requirements for the conservation of *Hawthornden* and the assessment of any proposals for future development or use of the site.

The first step in the conservation process is to identify and understand what is significant about the heritage item and/or place. With regard to *Hawthornden*, this is set out in section 2 of this Plan in the form of a statement of significance, based on the terminology of the Burra Charter. Various items and elements of the site are then ranked in order of their heritage significance, as shown in figures 1, 2 and 3.

The next step is to define the curtilage of the site, which is set out in section 3 of this Plan. The factors which were taken into account when determining the curtilage are set out in Appendix 1. It is shown by a broken black line on the plan in figure 5.

The third step is to define the conservation policy for the site. This includes the physical constraints and those arising from the statement of significance and Burra Charter, which are set out in Appendix 2. The policy is stated in section 4.

The conservation policy provides the basis for the specific controls to guide possible future applications regarding the site. These are set out in section 5 of this Plan.

Section 6 draws attention to the conservation incentives applicable to the site, and section 7 sets out the requirements for development applications affecting the site.

The development controls in this Plan will be considered by Council in assessing development proposals. Council may refuse consent to a development which does not comply with this Plan or may modify the development by way of conditions so that it does comply.

## **1.2 Name of the plan**

This plan is known as the “*Hawthornden Development Control Plan*”. It was adopted by Council on Monday 25 November 1996 and came into force on Wednesday 4 December 1996 in accordance with Clause 20(4) of the Environmental Planning and Assessment Regulations, 1994.

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

The land to which this Plan applies is situated at Nos. 6-12 Roslyndale Avenue, Woollahra, being Lot 100, DP738428.

The dwelling house, known as *Hawthornden*, the gardens, gate posts, gates, and Bunya Pine are listed as heritage items in the schedule to Woollahra Local Environmental Plan 1995. The house, gardens and trees are also listed as heritage items on the register of the National Trust of Australia (NSW), but not on that of the National Estate.

## **1.4 Relationship to other plans & documents**

This plan is to be read in conjunction with:

- The Heritage Act 1977 (as amended)
- Woollahra Local Environmental Plan (LEP) 1995
- Woollahra (Draft) Residential Development Control Plan 1996
- Other relevant development control plans and policies
- The Conservation Study of *Hawthornden* prepared by Rod Howard Heritage Conservation Pty Ltd. in August, 1994.

The statutory requirements within LEP 1995, the provisions of the Environmental Planning & Assessment Act, 1979, and any other relevant statutory documents take precedence over provisions in this Plan. Other than those, the guidelines and controls set out in this Plan shall apply to any development of the site instead of provisions in other development control plans and policies where there is an inconsistency between this Plan and those other plans and policies.

## **1.5 Objectives**

The objectives of this Plan are:

- i. to define and conserve the cultural significance and curtilage of the property known as *Hawthornden* at 6-12 Roslyndale Ave, Woollahra, NSW.
- ii. to encourage the preservation, restoration or reconstruction of its buildings/landscape elements (including vegetation) and setting which together contribute to its heritage significance.

- iii. to specify controls to ensure that any future development within its curtilage is subservient to the principal building and is undertaken in a manner that is sympathetic to and does not detract from its overall heritage significance and the heritage significance of the adjacent heritage item at 14 Roslyndale Avenue.

## **1.6 Decision-making criteria**

In making a decision on any development application with regard to *Hawthornden*, Council will take into account the extent to which it complies with the following criteria:

- the provisions of this and other relevant plans and documents listed above
- the objectives set out above
- the statement of significance in section 2 and illustrated in figures 1, 2 and 3
- the site curtilage as defined in section 3 and illustrated in figure 5
- the conservation policy contained in section 4
- the detailed controls set out in section 5 of this plan
- the conservation outcomes set out below.

## **1.7 Conservation outcomes**

The purpose of this Plan is achieve the following conservation outcomes:

- The exterior form, fabric and architectural detail of the 19th century and significant early 20th century sections of *Hawthornden* will be conserved. Any proposed alterations will not diminish or destroy significant original fabric on any of the facades of the building.
- Significant spaces, fabric and detailing of the interior of the building which contribute to the overall significance of the place will be conserved. There will only be minimal and sympathetic alterations to heritage fabric or areas of most significance.
- Generally, all future alterations or additions to the buildings will read as new work. For example, details such as skirting, window and door frames, ceiling cornices, etc., will be similar and sympathetic, but not identical.
- The curtilage, setting and significant viewsheds from *Hawthornden* to the north and north-east will be preserved.
- The grounds, including especially the mature trees, distinctive functional spaces, driveway, and stone stairways and retaining walls will be conserved.

## 2.0 The Cultural Significance of the Site

### 2.1 Statement of significance

The cultural significance of the site is based on the following value criteria:

#### Historical

*Hawthornden* has historical significance as one of the oldest 19th century mansions (1858) in the suburban area of Sydney to survive with its regional setting and approach.

The whole of the site, one of the largest remnants in this locality, is evidence of the history of subdivision and social development in Woollahra in the 19th century, including subdivision into smaller leasehold estates.

#### Social

*Hawthornden* has social significance through its past use as a suburban estate and its successive occupancy by prominent figures of the day, including one who become Treasurer of the newly formed State of Queensland, another who later became Chief Justice and Lt. Governor of NSW, and several leading businessmen and directors.

*Hawthornden* provides evidence of affluent, upper-middle class life in the State since 1860, as demonstrated through the dignity of the house, its relationship to the garden, the spacious layout of the grounds, the nature of the various subservient buildings, and the range of its recreation facilities.

*Hawthornden* is held in high esteem by the local community, who value the presence of the large, landscaped and treed grounds in an area of Woollahra otherwise dominated by intensive subdivision and high densities of building.

#### Aesthetic

*Hawthornden* has aesthetic value deriving from the relative intactness of its Victorian Regency architecture, with colonial revival overlays, the spaciousness of its landscaped grounds, and its skilful perched siting and setting, in which the house is seen against trees, harbour and sky when viewed from the entrance gates, the driveway and from the Bellevue Hill Ridge.

Valuable, mature trees dating from the earliest period of development remain on this site, and have a rich visual presence in the surrounding locality. The composite palette of plantings that has accumulated over the last 140 years serves to enhance the setting, enframe the house, and integrate it well into its site.

#### Technical/Educational

In terms of its footprint, form, fabric and spatial arrangements, *Hawthornden* is largely intact and maintains some of its mid-Victorian structural qualities as well as many of its colonial revival



details, ceilings, sashes, tile roof, etc.. The house is a distinguished example of the remodelling work of the colonial revival architects, Wilson, Neave and Berry. It is unusual in their output in that it was a conversion of a plain Victorian Regency style house (subsequently refurbished in the filigreed 1880s 'boom' style) into a colonial [Georgian] revival house with a Mediterranean style verandah. Together with the contemporary neighbour Struan Lodge (14 Roslyndale Ave.) also by Wilson, Neave and Berry, built on the 1918 subdivision, it forms an interesting enclave of that firm's work.

The early specimen trees provide important evidence of late 19th century and early 20th century plantings and gardening practice in the Woollahra area. The successive planting overlays are each typical of their period, reflecting the prevailing style of landscaping at the time, the plants' availability in local nurseries, and the occupants' tastes and preferences.

### **Representativeness**

*Hawthornden* is a good representative example of a generous 19th century suburban state with a substantial stone mansion and landscaped grounds designed for and occupied since 1860 by affluent, upper-middle class residents of some eminence in NSW society.

It is also a good representative example of how such estates were successively subdivided as a consequence of increased pressure for land in this locality.

### **Rarity**

*Hawthornden* has rarity value in the Sydney metropolitan area as a private property, particularly with colonial revival style detailing, to have survived with its original building and an ample, core part of its setting largely intact.

It is also a rare example of the first houses erected on the edge of the ridge cliffs (hence Edgecliff Road) area of the Cooper Estate.

## **2.2 Rankings of significance**

Heritage elements of various degrees of significance are listed below:

### **Most significance**

In general terms the elements of most significance are -

- the external form and plan configuration of the mansion (the house)
- extant 19th century built fabric
- extant fabric from the 1927 modifications
- the setting and landscaped grounds

Plan prepared by Rod Howard Heritage Conservation Pty Ltd., 1994

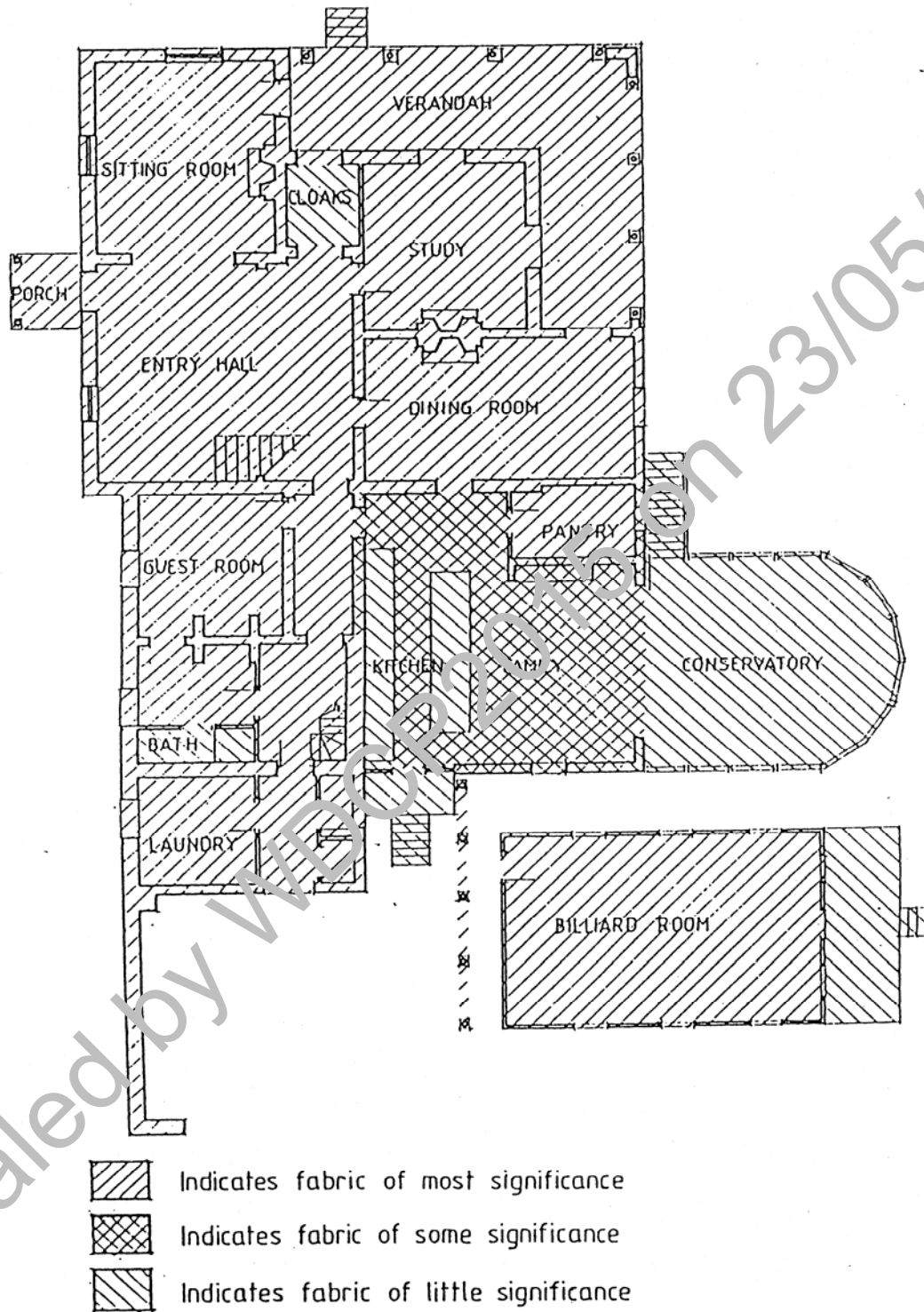
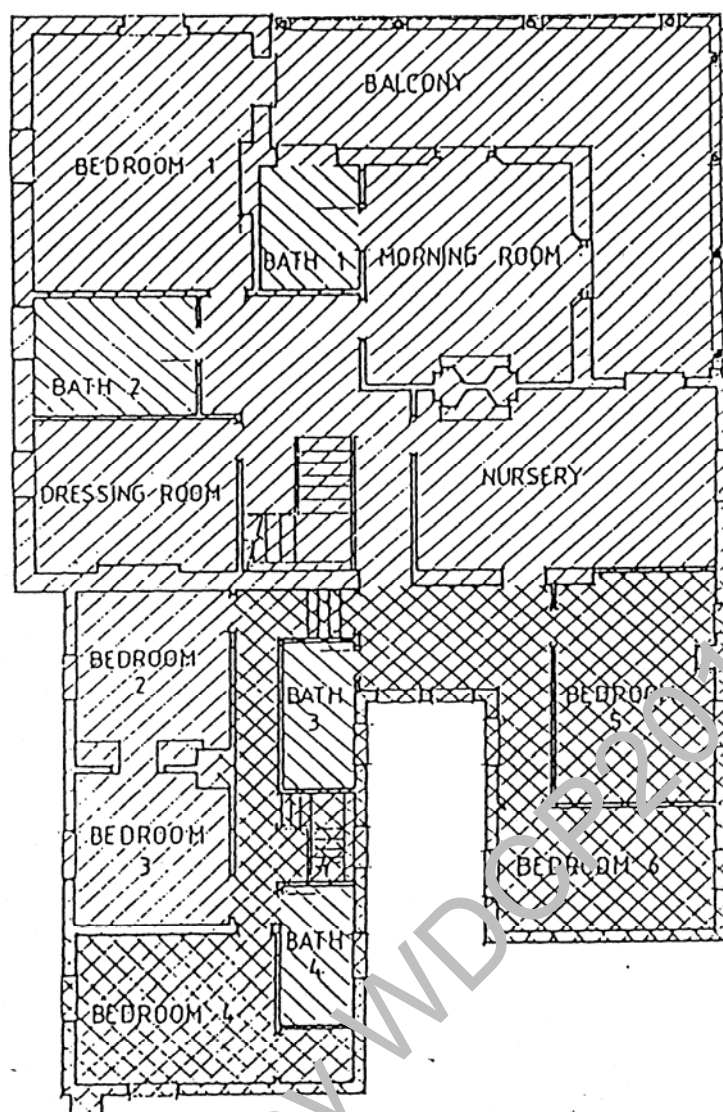


Figure 1: Plan of Ground floor Indicating Significant Fabric.

Plan prepared by Rod Howard Heritage Conservation Pty Ltd., 1994






- Repealed by WDC 2015 on 23/05/15
-  Indicates fabric of most significance
  -  Indicates fabric of some significance
  -  Indicates fabric of little significance

Figure 2: Plan of First Floor Indicating Significant Fabric.

Specifically, by item (see figure 3) they are -

- A1. the stone gateposts at Roslyndale Avenue
- A2. the configuration of the driveway and front forecourt
- A3. the entrance porch and stone flagging
- A4. the billiard room and adjacent 1927 colonnade.
- A5. the original stone staircase and retaining walls in the eastern garden
- A6. the Bunya Pine and other 19th century and early 20th century trees
- A7. the viewshed to the north (see Fig. 4)
- A8. the viewshed to the north-east (see Fig. 4)

Items of lesser significance

- B1. the wrought iron entrance gates (not original)
- B2. the teardrop carriage loop
- B3. the tennis court
- B4. the timber tennis pavilion
- B5. the portion of the garage dating from 1927
- B6. the glass house (renewed several times)

later elements of little significance

- C1. the glazed conservatory on the eastern side of the house
- C2. the swimming pool
- C3. the lower pond
- C4. the c. 1978 tennis pavilion (cabana)
- C5. the later (eastern) addition to the garage
- C6. recent stone borders, steps and retaining walls in the garden areas
- C7. the recent brick boundary wall located near the SE corner of the site

Plus recent plantings and alterations to the eastern garden area.

# HAWTHORNDEN

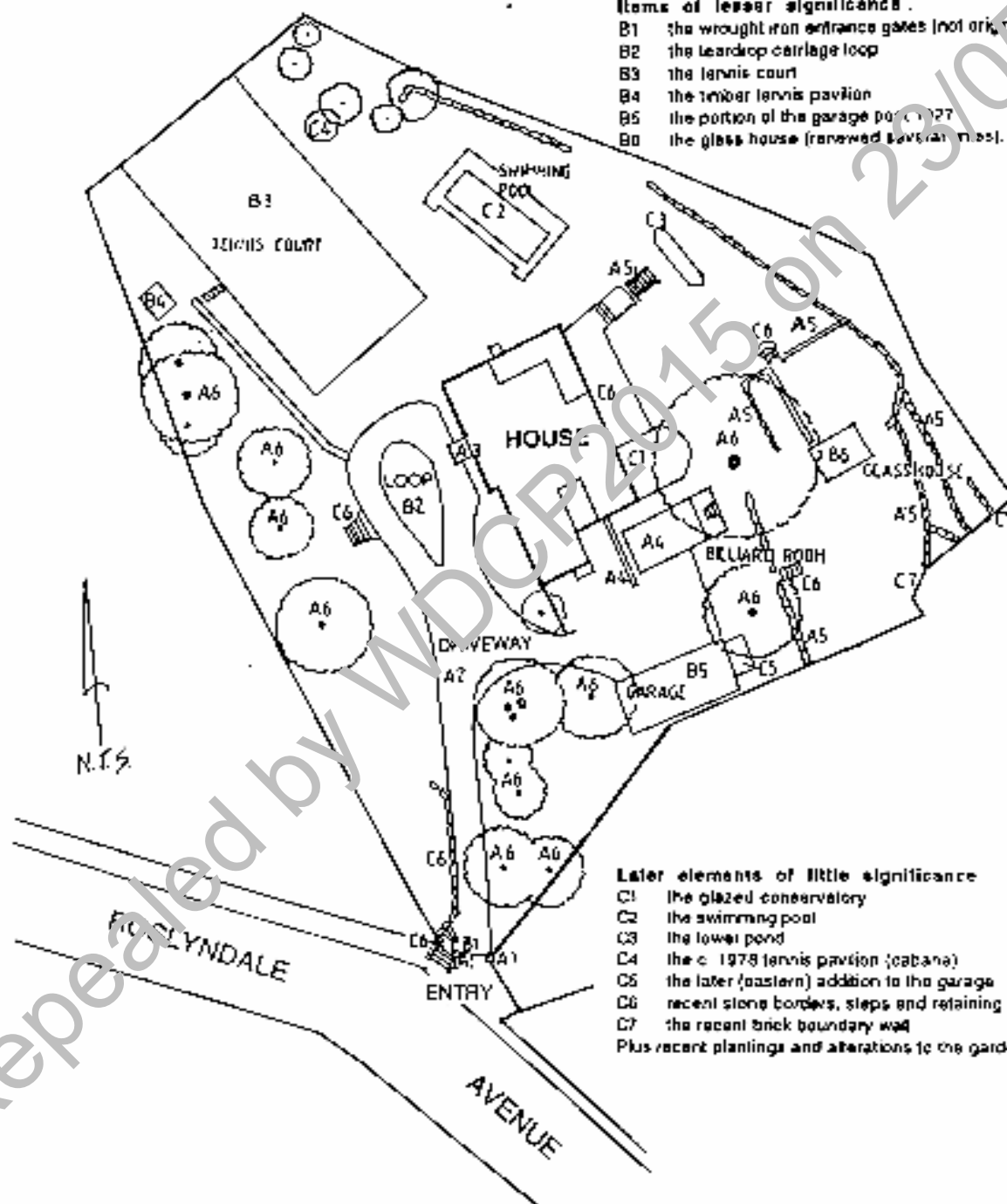
Plan showing heritage items

## Items of most significance

- A1 the stone gateposts at Roslyndale Avenue
- A2 the configuration of the driveway and front forecourt
- A3 the entrance porch and stone flagging
- A4 the billiard room and adjacent 1927 colonnade
- A5 the stone staircase and retaining walls in the garden
- A6 the Burys Pine and other 19th century and early 20th century trees
- AA the viewshed to the north (see Fig. 4)
- AB the viewshed to the north-east (see Fig. 4)

## Items of lesser significance

- B1 the wrought iron entrance gates (not original)
- B2 the leadrop carriage loop
- B3 the tennis court
- B4 the timber tennis pavilion
- B5 the portion of the garage porch 1927
- B6 the glass house (renewed several times)



## Later elements of little significance

- C1 the glazed conservatory
  - C2 the swimming pool
  - C3 the tower pond
  - C4 the c. 1978 tennis pavilion (cabana)
  - C5 the later (eastern) addition to the garage
  - C6 recent stone borders, steps and retaining walls
  - C7 the recent brick boundary wall
- Plus recent plantings and alterations to the garden

Figure 3: Items of Significance

VIEWSHEDS TO THE NORTH AND NORTH-EAST

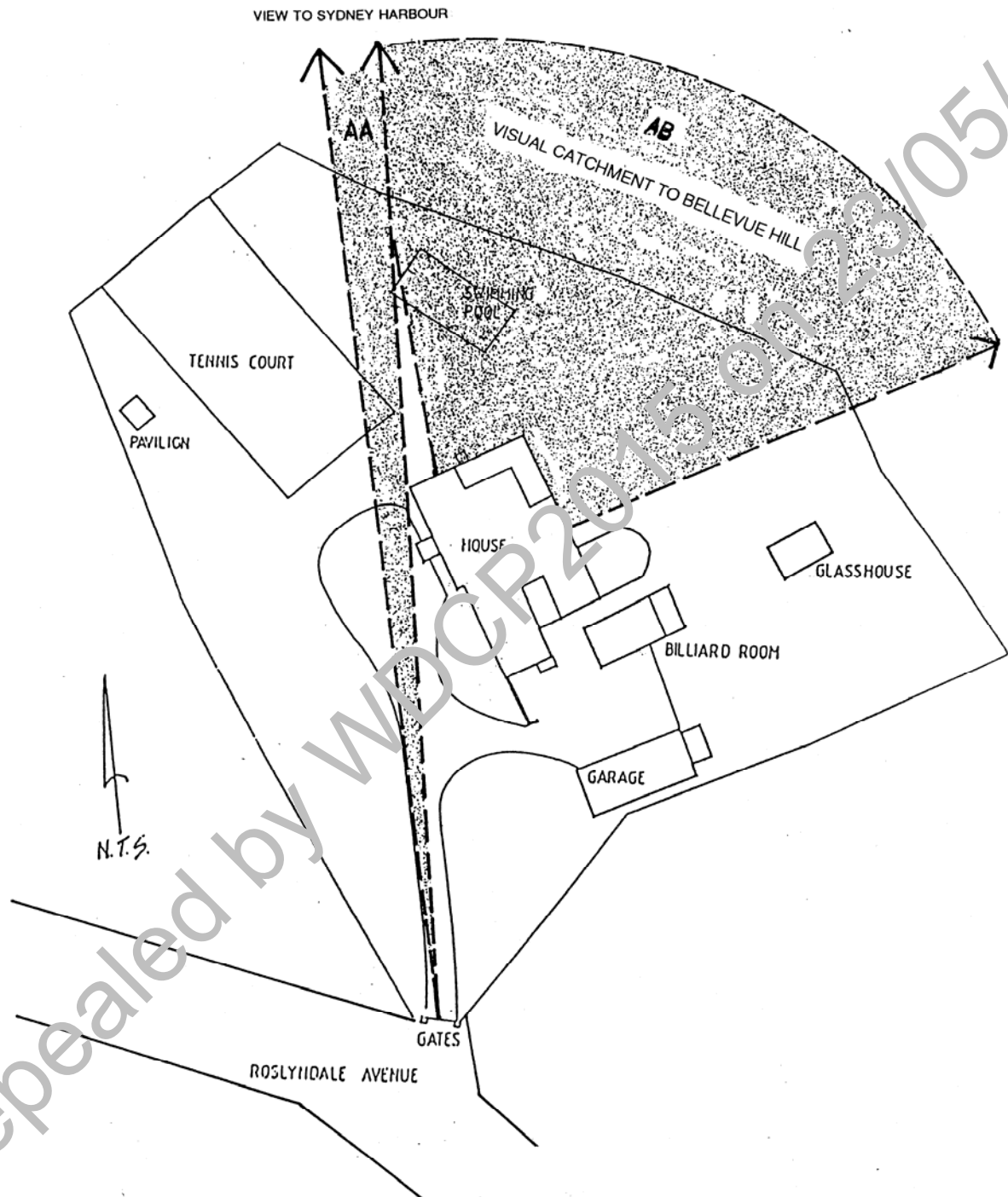


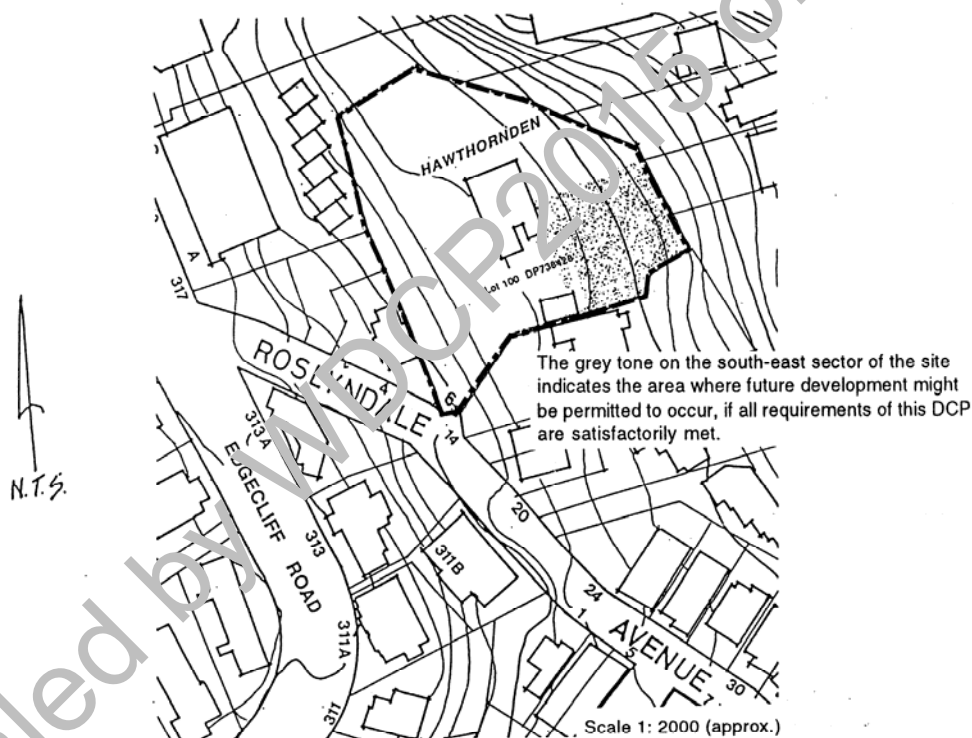
Figure 4: Viewsheds to the north and north-east

### 3.0 The Curtilage for the Site

A curtilage may be defined as the area of land surrounding heritage items of places which is essential for their interpretation and the maintenance of their cultural significance.<sup>1</sup>

It has been determined that the curtilage comprises the whole of the property as it currently exists, i.e. Lot 100, DP738428, and shown on the plan in Fig. 5. The reasons for this determination are set out in Appendix 1.

However, should it become necessary for any development to be undertaken in order to generate funds to meet the cost of conserving the heritage fabric of the place, this may occur within the curtilage but only in the south-east sector of the site, and provided it is small in scale, subservient to the purposes of the main building, and no subdivision or strata titles on the land are involved. Such development must be undertaken in a manner that is sympathetic to and does not detract from the overall heritage significance of the dwelling house, the place as a whole and the adjacent heritage item at 14 Roslyndale Avenue.



**Fig. 3** The curtilage for Hawthornden is indicated by the broken line on the above plan and encompasses the whole of Lot 100 DP738428. This plan is indicative only, and the boundaries are subject to verification through survey.

Figure 5: The curtilage for Hawthornden

<sup>1</sup>See Draft *Guidelines for Determining Curtilages for Heritage Place*, Dept. of Urban Affairs and Planning.

## 4.0 Conservation Policy for the Site

### 4.1 The conservation policy: general principles

1. Any conservation work undertaken on the house, significant site elements, or its setting should retain or recover the cultural significance of the place. The 'significant elements' are those noted in section 2.2.
2. The perception of the house and setting as a consistent, holistic entity should be retained, as should all the component elements that contribute to its distinctive character as a Victorian 'gentleman's residence'.
3. No new construction, demolition or modification which would adversely affect the setting should be allowed and/or which would interrupt or obstruct:
  - the existing view of the house and beyond it to the Harbour gained by passers by looking down the entrance driveway from Roslyndale Ave. - see viewshed AA shown on Figure 4;
  - the existing view from the house itself north to the Harbour and east to Double Bay and Bellevue Hill - see viewshed AB on Figure 4;
  - the successive views outward (as above) as one moves around the grounds.
4. Elements of significance occur in all portions of the site and should be retained and conserved in a manner appropriate to their degree of significance. Adaptation may be permitted where it does not substantially detract from the place's cultural significance.
5. Fabric deemed to be of little significance may be removed or modified if it is intrusive, inappropriate, or harms significant fabric or stylistic elements. However, any such fabric should be recorded before removal.
6. An appropriate use should be found for the site which respects its original purpose, fabric and various spaces which facilitated its use and enjoyment.
7. All works on items deemed to be of high significance should be carried out under the direction and supervision of experienced conservation practitioners.
8. Any work carried out in the south eastern sector of the property must not have an adverse effect on the heritage significance of 14 Roslyndale Avenue.

### 4.2 The existing house

1. The exterior form and architectural detail of the 19th century and significant 20th century sections of the building as identified on figures 1 and 2 should be conserved.
2. No alterations which could interfere with, or diminish, original (1858) or 1927 remodelled fabric on any of the facades of the building as identified on figures 1 and 2.



3. The design of any new development within the property adjacent to the existing house should be similar to the architectural form, scale and character of that building and not detract from the cultural significance of the place.
4. Any construction activity occurring in the immediate vicinity of the building should be accompanied by all necessary precautionary action to prevent damage or other interference which could reduce its significance.
5. Significant interior spaces and principal features of the building which contribute to the overall significance of the place should be conserved. Only minimal and sympathetic alterations that are reversible and do not damage or remove significant fabric should be permitted in areas of most significance.
6. The billiard room should be retained and conserved. However, it has already been moved once in the past, and if - as part of any new development - it proves impractical to retain it in its present position, consideration could be given to relocating it, but only within the south-east sector of the site.

#### **4.3 Other site elements**

1. The sandstone gate piers at Roslyndale Avenue and the entrance driveway with tear drop loop in front of the house should be retained in their present location and configuration, and their sandstone elements conserved.
2. The historic open, sunny and spacious entrance forecourt should be retained.
3. The existing ground levels, and the various garden spaces and elements listed in the statement of significance as being of “most significance” should be retained.

#### **4.4 Implementation of the conservation policy**

Every effort should be made to conserve the setting and historical fabric of most significance, and no intervention should be instigated without careful consideration of the alternative processes outlined in the Burra Charter to accomplish this end.

Fabric and site features deemed to have lesser significance should also be conserved wherever possible, with as little intervention as possible.

A program of maintenance should be established to ensure the continued good condition of all these elements.

Conservation works should be carried out in the following ways:

- a. conservation of remaining fabric of most significance in situ.
- b. Removal of intrusive and, if necessary, non-significant fabric.

- c. Reconstruction of elements of most significant fabric to be based on existing evidence and to match existing intact fabric as closely as possible.
- d. Preservation or restoration of the setting and landscape elements of most significance.

If retention of fabric of lesser significance adversely affects the proper conservation and adaptive reuse of fabric of most significance, it should be removed, but before doing so, it should be fully recorded and documented.

All demolition work of fabric of lesser significance that is deemed essential in any adaptive works to the house should be carried out in a manner which would not affect the fabric of most significance.

Any new works should be designed, located and executed in a manner which enhances and does not interfere with the significant elements of the house. New buildings or extensions should be designed in sympathy with the house.

## Part 2

### 5.0 Specific Development Controls

#### 5.1 Subdivision

Given that the curtilage consists of the whole site, a proposal for any further subdivision (including strata subdivision) of the property would be unacceptable to Council, being inconsistent with the objective of maintaining *Hawthornden*'s integrity as a heritage item.

#### 5.2 The dwelling

##### 5.2.1 Exterior

- The exterior form, fabric and architectural detail of the 19th century and significant early 20th century sections of the dwellings as identified in figures 1 and 2 are to be conserved. Proposed alterations must not diminish or destroy significant original fabric on any of the facades of the building.
- Any proposed new structures should be consistent with the plain, rectangular form of the dwelling.
- The walls of any ground floor extensions to the dwelling should be of ashlar sandstone blocks of similar proportions, surface treatment and mortar jointing as in the original walls. However, the walls of the first floor should be of brick, cement rendered, ruled out with joints to indicate the original sandstone coursing, and painted to match the rest of the building.
- The proportions of the openings and their timber frames in any new structures or extensions should be similar, but not identical, to those of the dwelling.
- Any supporting columns, e.g. in a new verandah, should be of the same Tuscan style, capitals, relative proportions and material as those of the 1927 remodelling.
- All windows should be of the wooden, double-hung sash type, with four or six panes similar to those on the northern section of the house.
- Any new roof should match the hipped form of the house. Its tiling should match the existing Wunderlich French pattern tiles installed in 1927.
- New chimneys should be constructed to similar form, height, materials and detailing to the original chimneys at the northern end of the house.

### **5.2.2 Interior**

- Significant interior spaces, fabric and detailing of the building identified in figures 1 and 2 which contribute to the overall significance of the place are to be conserved. Only minimal and sympathetic alterations will be permitted to heritage fabric or areas of most significance.
- The internal joinery of the windows, particularly those in the northern section of the house should be carefully conserved. Joinery for windows in future alterations or extensions to the eastern or southern sections of the house should generally be similar to, but need not be identical with, those in the northern section.
- It is desirable, wherever possible, to conserve the original ceilings and cornices or those fitted during the 1927 remodelling of the house. If conservation work uncovers earlier ceilings above the latter which could be restored or preconstructed, expert advice sought as to whether they should have precedence over the 1927 fabric. Ceilings fitted after 1927 are not regarded as having heritage significance, and could be replaced by ones that resemble either the original ceilings or those of the 1927 refitting.
- Skirting boards should be of timber and generally follow the form and dimensions of those in the north-eastern rooms of the house.
- Light fittings should generally be sympathetic to the historic character of the house.
- Fireplaces, grates, mantelpieces and their surrounds should generally be in the style and materials of those typical of the mid to late Victorian period, or of the early 20th century, and not be fitted uncharacteristically forward of the fireplace opening.
- Because Victorians used both a wide range of paint colours and wall papers in interior decoration, and schemes used in the colonial revival style are generally more muted and plainer, it is not possible to specify any particular scheme in this DCP. In any case, interior decoration is an area in which some allowance should be made for personal taste and self-expression. However, it is recommended that the advice of a period interior designer or house historian be sought when interior redecoration is being considered.

### **5.3 Heights**

- The wall height of any proposed extension or addition must not exceed the height of the walls of the existing dwelling.
- The roof height, pitch and form of any proposed extension or addition should preferably be up to 500mm lower than that of the main building.
- The height of any new self-standing, subsidiary structures on the site should not exceed that of the existing billiard room and garage. An increase could be permitted to the extent (i.e. by the number of metres of vertical fall) that the proposed new structure would be downslope of those present structures. Any increase allowed must consider the

affect of the height on the amenity and heritage significance of the adjacent property at 14 Roslyndale Avenue.

#### **5.4 External materials, colours & finishes**

- Generally, the materials, finishes and colours of new structures on the site should be sympathetic to those of the existing 1927 colonial revival architectural style.
- The colours of any new works should match those of the exterior walls of the existing building. The present colour (ivory/cream) is generally regarded as appropriate; however, alternatives could be approved if investigations reveal that these were original (1858) or used in the 1927 redecoration.
- The colour of elements such as shutters, verandah railings, and the external woodwork of windows and doors should be of an appropriate contrasting hue. The present dark green is appropriate, but alternatives could be approved if investigations reveal that these were original (1858) or used in the 1927 redecoration.
- The driveway, including the tear drop loop of the entrance forecourt should continue to be of bitumen, with sandstone kerbing.

#### **5.5 Garden elements, landscaping & management of significant vegetation**

- The existing levels and features of the various garden spaces such as sandstone stairways, retaining walls, paths and edging should be retained.
- The sandstone gate piers at Roslyndale Avenue and the entrance driveway and carriage loop at the front of the house should be conserved.
- The entrance forecourt should be retained. The interior of the tear-drop loop should be paved with gravel and its slope and levels should be adjusted just sufficiently to collect and drain water away from the front of the house. A Bangalay Palm could be planted within the northern section of the loop, as in the 1920s.
- Trees dating from the 19th and early 20th century should be protected and conserved. Any remedial work should be undertaken by a well qualified and experienced arborist.
- Where mature trees have become senescent or have been poisoned, consideration should be given to their replacement, if possible in advance of their final demise and removal. Given the desire of owners of more recently built neighbouring dwellings on the western perimeter also to have access to sun and views across the grounds of *Hawthornden* to the north-east, consideration could be given to replacing them by plants with a similar character and design intent, but of more modest height and canopy spread. However, 'signature' or landmark plantings such as the Bunya Pine should only be replaced by the same species.

- Some plants popular in the late 19th and early 20th century such as Camphor Laurel, Wild Olive, Giant Bamboo and Privet, have since been declared noxious because of their rapid reproductive capacities. Should they die, they should not be replaced by the same species. An effort should be made to select plants with a similar character and design intent, but with a more modest height and canopy spread and no propensity to multiply.
- Not all plantings made since 1927 have been well located, and as they are of little heritage value, Council is prepared to consider applications for their removal or relocation to a more appropriate position. This applies particularly to the two Liquidambars planted at the northern end of the entry forecourt, as they obstruct the view to the harbour from the entrance drive and have no heritage significance.
- The steeply sloping banks, turfed in buffalo grass, of the terraced eastern garden are characteristic of the late 19th and early 20th century, and should be retained and carefully maintained.
- The various garden 'rooms' and divisions in the south-east sector have no particular heritage value, although some of the mature plantings on the periphery do. Council would be prepared to consider applications for the redesign of this area by a qualified conservation landscape architect, subject to the provisions of Council's tree preservation order.
- Access to the excellent views outwards to the east could be improved by the judicious location of selected breaks in the screening planting. Council would be prepared to consider applications for this purpose, subject to the provisions of its tree preservation order and the preparation of a landscape planting plan proposing an appropriate scheme prepared by a conservation landscape architect.
- Although the tennis court and the swimming pool are listed as being of lesser and no heritage significance respectively, the provision and location of these facilities is suitable and appropriate for this type of property. It is desirable, though not mandatory, that they be conserved.

## **5.6 Protection of viewsheds**

- No construction of buildings or planting of trees should take place which would obstruct the viewsheds defined in Figure 4.
- Some consideration should be given to the desire of neighbours on the western side of *Hawthornden's* boundary for access to view to the north-east. Judicious pruning of exuberant tree canopies by a skilled arborist could assist in facilitating that aim.

## 5.7 Future development in the grounds.

### 5.7.1 General

No new structures shall be permitted other than in the south-east sector of the site (see Fig. 5), where views outwards are blocked by thick plantings (some of heritage value), both within and beyond the property. Consideration must be given to the impact of any new structure on the heritage significance of the property at 14 Roslyndale Avenue.

- Only structures which satisfy the service or recreational needs of the occupants of the dwelling would be considered in that quarter.
- The design of any new development within the south-east sector or adjacent to the existing house should be sympathetic to the architectural form, scale and character of that building, and be of such a limited mass as in no way to compete with it.
- Any construction activity occurring in the immediate vicinity of heritage buildings should be accompanied by all necessary precautionary action to prevent damage or other interference which could reduce their significance.
- In order to avoid damage to the roots of trees of heritage significance (e.g. the 19th century Camphor Laurels) the use of pier and beam construction rather than traditional foundations may need to be considered.
- The billiard room should be retained and conserved. However, as this has already been moved one before, consideration may be given to adjusting the location of this element, but only within the south-east sector of the site.
- Should demolition of the glass house, post-1927 alterations to the garage, or a section of the garden's sandstone retaining walls be proposed to allow new subservient structures to be erected to improve the amenity of the dwelling, Council is prepared to consider this. Although each of these elements has some significance, the loss of one, or possibly two, of them would not adversely affect the interpretation of the site. However, they must be recorded before any approved demolition occurs. If they are to be retained, they should be treated in such a manner that their significance is not diminished.

### 5.7.2 Setback requirements

As the subdivision of this site occurred in 1918, before the setback requirements of the (Draft) Woollahra Residential Development Control Plan 1996 come into effect, the existing setback of the 1927 garage and man's quarters do not comply with the table in section 3.3.C3 of that Plan. Given that situation and the width and configuration of the site of *Hawthornden*, it would be inappropriate for the side setback dimensions specified in that table to be applied to future development on that site. Generally, however, any new subservient structure in the south-east section of the site should be set back no less than 7 metres from the eastern boundary, and 3 metres from the southern boundary

## **5.8 Pedestrian & vehicular access & parking**

- It would better suit the heritage value of *Hawthornden* to maintain the present arrangements for pedestrian and vehicular access.
- If future owners were to consider that provision for visitor parking should be upgraded, Council is prepared to consider a proposal, provided it does not adversely affect the heritage fabric or cultural significance of the place.

## **6.0 Conservation incentives relating to Heritage Items**

Please refer to clause 32 of Woollahra Local Environmental Plan 1995.

## **7.0 Requirements for Development Applications affecting the Site.**

### **7.1 Preparatory steps**

Persons preparing a development proposal should make a prior study of;

- Council's heritage report information requirements;
- the statement of significance as set out in Part 1, section 2 of this Plan;
- the curtilage as set out in Part 1, section 3 of this Plan and
- the specific controls as set out in Part 2 section 5, of this Plan

before proceeding to the drafting of any plans or development application.

However, applicants should check with council officers whether any other council codes or development control plans are applicable to the development proposed.

### **7.2 Minor development**

Such as,

- routine maintenance
- interior redecoration of rooms remodelled after 1930
- planting or replanting schemes for small shrubs, perennials and annuals
- relocation of minor garden elements

does not require a development application to be submitted.

However, applicants should check with Council officers whether any other Council codes or development control plans are applicable to the development proposed.



# THE CURTILAGE OF THE SITE

## Background

The leasehold land on which *Hawthornden* was built comprised approx. 10 acres in July 1857. The estate was substantially subdivided in 1918, leaving *Hawthornden* with an area of land comprising 1 acre, 2 roods and 21.5 perches. In 1985 and 1986 two minor subdivisions were made, involving small adjustments to the southern boundary. The site is known as Lot 100 in DP 738428, and comprises 6517 sq. metres.

## History of the Place's Development

The basic layout of the site appears to have been established quite early, with major plantings such as the Camphor Laurels and the Bunya Pine. The entrance gates and driveway were well established by 1884, and the whole of the land to the north of the mansion was shown as 'shrubbery and flower garden'. The garden to the east was also a terraced flower garden. The land immediately to the east of the entrance drive gate (but south of the house) was shown as 'cultivation'.

Despite the remodelling of the house in 1927, the general setting of the garden and grounds was retained within a still very large block, and the extensive gardens continued to be maintained to a high standard.

After a period of general neglect during 1973-76, the house was restored/refurbished between 1978-1993, as well as the gardens and grounds. Again, this was done within the general framework of the historic layout and planting, with some older materials such as sandstone being reused, especially in the south-eastern section.

In sum, much of the early extent, layout and planting of the historic garden setting to the house survives, namely:

- a. The important original siting of the house and its proximity to the sandstone cliff below to the north-east. This setback was a deliberate siting response to the topography and view possibilities.
- b. The house is still surrounded by a large extent of grounds on all its principal frontages (except the south). This is extremely rare in built-up areas of Sydney, especially for houses still in private ownership.
- c. The property still retains its original entrance gate pillars and carriage drive; it is not clear if the tear-drop shaped centre existed before 1927.
- d. The historic view to the harbour from the entrance driveway, and from the N and NE frontages of the house remains, but is best seen from the upstairs verandahs.

- e. Many of the historic mid to late 19th century and early 20th century plantings remain. Most are in good health. The National Trust listing, revised in 1994, concluded that “the 19th century trees are important elements of 19th century gardening practice, as well as being important local landmarks. It is probably the last substantial garden situated on the Woollahra hillside.”

The Record of Hearing of the Land & Environment Court (Appeal no. 10487 of 1995) described the siting and layout of the house and grounds, noting the extensively landscaped gardens and the views of Sydney Harbour from the mansion’s two storey verandah. It added that:

“The harbour is also visible from the driveway near the gates looking towards the north. From this viewpoint the main section of *Hawthornden* is framed by an arcade of trees in the foreground, the landscaped gardens in the middle distance, the waters of the Sydney Harbour and the sky [in the background]. This view has changed little since the building was erected ...”

Mr Lehany, in evidence, stated that, the house is picturesquely sited above a major sandstone escarpment and oriented towards dramatic harbour views from the north to the north-east. The Court assessment referred to the “perched nature of the grounds and the relationship to the harbour” from viewing points in the driveway. It agreed with Mr Lucas’ emphasis on the importance of the setting and approach, and said that the 1994 Conservation Study had given too little consideration to it.

## Methodology for Determining a Curtilage

Based on the draft guidelines for determining curtilages for heritage places prepared for the Department of Urban Affairs & Planning in 1994, the following factors have been taken into account:

1. Can the curtilage demonstrate the place’s historic allotment - the original land grant, leasehold, or at least the core portion of it ?
2. Is there evidence of original allotment boundaries that can be maintained ?
3. Can the curtilage demonstrate how the environmental context and setting of the place assist in understanding and interpreting it ?
4. What are the significant natural and human-made features of the place that must be preserved ?
5. How do the design and layout of the place (including its present boundaries) contribute to its significance ?
6. Does the proposed curtilage demonstrate and/or maintain the place’s traditional access

and transportation links with the broader community ?

7. Does the combination of items, together with their surrounds, contribute in a cumulative way to the meaning and significance of the place ?
8. Do the functional uses of items and spaces and the relationships between them contribute to the understanding and interpretation of the site ?
9. Does the curtilage need to maintain scenic viewsheds, as well as visual links with key places - main roads, towns, rives, harbours and hills ?
10. Will the proposed curtilage maintain the proportion or scale of an item within its site/setting ?
11. Does the curtilage take account of the vegetation and its historic, aesthetic, functional and/or technical roles ?
12. Does the proposed curtilage maintain the place's landmark qualities ?
13. Does the proposed curtilage protect any possible archeological features ?
14. Should the curtilage include or recommend framing and screening devices ?

Taking each factor into consideration, the following conclusions have been reached:

1. The Original Allotment

As mentioned above, the leasehold land on which *Hawthornden* was built comprised approximately 10 acres in July 1857, being part of a large tract of land originally granted to Captain John Piper, and subsequently acquired by Daniel Cooper in 1826. When the 1918 subdivision occurred, adequate space was left to the north, from where there were views to the harbour. Only one new block was created between the neighbouring property (on which there was already one house in 1884) and the northern garden of *Hawthornden*.

The fact that this side was not more subdivided indicates that those owning the house understood that the northern sector, and the views through it to the Harbour, was the most important part of the grounds. That consideration was shared by the assessor in the recent case before the Land & Environment Court.

Although the construction of the tennis court resulted in the destruction of the shrubbery garden in the northern section of the block, it did at least ensure that by being 'transperent' open space, the view through to the Harbour from the entrance drive was retained, even though this has been partly obscured in summer by unfortunately placed plantings in more recent times.

## 2. Maintaining Original Boundaries

Although the 1918 subdivision reduced the estate to about one tenth of its original size, there was no reduction on the eastern side, where the steep rock benches are. This boundary is intact, and should remain so. Only a fragment of the original southern boundary is intact, and none of the western boundary is. However, these have remained virtually unaltered (apart from minor adjustments) since 1918.

## 3. Environmental Context & Setting

The 1994 Conservation Plan states that it is necessary to preserve the historic situation of the mansion as a free-standing 19th century building in a large estate, so characteristic of early settlement in Woollahra; and to preserve a sufficient portion of the site so that this relationship can be successfully interpreted. It is considered that the whole of the site is essential for this purpose.<sup>2</sup>

## 4. Significant Natural & Human-Made Features

The significant natural features of the site comprise the sandstone rock benches, principally on the east and north-east which - because they fall sharply away - permit extensive views out in those directions. They also define that boundary edge of the site, and have protected it from further subdivision in that quarter.

The most significant human-made features of the site comprise the house itself, the entrance porch and stone flagging, the billiard room and adjacent 1927 colonnade, the stone staircase to the eastern terraced garden, the stone gateposts at Roslyndale Ave, and the configuration of the driveway. Lesser items of significance are the wrought iron entrance gates, the 'tear-drop' turning area adjacent to the house, the glass house, the portion of the garage dating from 1927, and the tennis court and timber tennis pavilion. These should all be included within the curtilage.

## 5. Design & Layout

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<sup>2</sup> In 1995, the assessment of the Land & Environment Court in respect of the site of *Hawthornden* was as follows: *"It is imperative in the Court's opinion that the spaciousness of the grounds and the vistas which contribute to the feeling of perched openness of the grounds must be retained. Over the years the site has been reduced in size by subdivision, and the grounds which presently surround the house are well proportioned to the house. To reduce them further in size ... cannot be permitted"*.

The placement of the mansion towards the north-eastern edge of the original site ensured best access to the views out to the Harbour and to cooling breezes from that direction in summer. However, it was sufficiently set back to permit a terraced garden on the east, a generous shrubbery on the north, and a vegetable garden and orchard in the south-eastern sector. The gently sloping space to the west of the site permitted the development of a spacious forecourt which enabled the house to be best presented from that quarter and accessed via a driveway to the front porch (with the garage nearby). Many of these different functional spaces are linked by sandstone steps and paths, while bold planting, both on the perimeter and between the different areas, gives them a good sense of spatial definition and enclosure.

#### 6. Access & Transportation Links

The place's access to Roslyndale Avenue was established at the time the house was built (c. 1858), and the entrance gateway presumably soon afterwards. This arrangement has remained unaltered since, primarily because access from the north and east was prevented by the sandstone rock benches and/or steep slopes. For historical, aesthetic and functional reasons, these arrangements should be maintained.

#### 7&8 Combinations & Interrelationships

It is the combination of, and interrelationships between, these various elements - the portentous entrance gates, the carriage drive and loop, the classically styled building, the billiard room, the tennis court, the swimming pool - that demonstrated the uses, activities and lifestyles of the successive upper-middle class occupants; in other words, that give the whole place its cultural meaning. By themselves, some of these items are of little if any inherent significance (as the list demonstrates): it is the role that, cumulatively, they play in contributing to the overall use, understanding and interpretation of the place that gives them significance.

#### 9. Viewsheds & Visual Linkages

The view from the entrance gate through the frame of the planting on the property out to the Harbour is highly valued by the passing public, visitors, and residents. It is essential that the view be retained, both from the entrance driveway and from the rooms and verandahs of the house. Views out to the ridge and valley on the east, and of the property from the Bellevue Hill ridge, are also important to retain.

#### 10. Proportion & Scale

It is generally considered that the spacious grounds which surround the house are well proportioned in relation to the large scale of the house, and that it would be most undesirable to reduce them further in size.

#### 11. Vegetation and its Role

Numerous mature trees enframe and screen the site, particularly on the south and west. One - the Bunya pine - is listed on Council's register of significant trees. A few trees are mid to late 19th century plantings, and demonstrate the landscaping style and taste in plants prevalent in Woollahra at that time. They also provide an indication of the attitudes and lifestyles of the occupants of the site, and contribute both aesthetic value and amenity. As LandArc's Landscape

Heritage Assessment Report (1994) stated: 'The sum total of all these trees adds enormously to the visual quality and asset value of the property'. According to the Woollahra History and Heritage Society, "it is the largest remaining cluster of garden and trees on the Edgecliff escarpment". They should therefore be conserved.

## 12. Landmark Qualities

It is the same mature vegetation (particularly the Bunya Pine), rather than the house (which is partly obscured by the dense planting) which gives the place a rich green, landmark quality when viewed from the east. This characteristic, identifying feature should be preserved.

## 13. Archeological Features

Neither the Conservation Study of 1994 nor subsequent reports have identified, or suggested that there might be, archeological features that need to be protected via a curtilage on this site.

## 14. Framing, Screening & Buffer Zones

The mature trees on the western and southern boundaries of the site provide a good measure of screening, while the line of Bangalay Palms on the northern boundary ameliorate the impact of the high apartment block beyond. It is desirable that this screening be conserved. However, elements such as the wisteria vine on the tennis court fencing, and the wild olives and bamboos along the eastern boundary, need to be firmly contained, as they interfere with the viewsheds.

## Conclusion

There is no one portion of the site of distinctly less significance that it should not be conserved; the curtilage should therefore consist of the whole of the property as it currently exists. This corresponds with the views expressed by the Land and Environment Court in 1995.

Should it become necessary for any development to be undertaken in order to generate funds to meet the cost of conserving the heritage fabric of the place, this could occur within the curtilage but only in the south-east sector of the site, and provided it is small in scale, subservient to the purposes of the main building and no subdivision or strata titles on the land are involved. Such development must be undertaken in a manner that is sympathetic to and does not detract from the overall heritage significance of the dwelling house and the place as a whole.

## APPENDIX 2

# CONSERVATION POLICY: CONSTRAINTS

### Constraints arising from the Statement of Significance:

Generally, changes to the use of spaces and portions of the site may only take place if they do not affect the interpretation of the significance of the place. Thus no activity should occur which would:

- significantly detract from or interfere with the relationship between the house and its setting.
- remove or reduce the evidence of historical associations and social activity contained within the significant fabric of the house and component elements of the site.
- reduce the intactness of the site's remaining significant fabric and setting.

### Any future action should take the following into account:

- Original and significant fabric on the site should be retained and conserved. This includes the house, the billiard room, the garage, and mature trees.
- The site has throughout its history been used as a residence, for which purpose the building and its ancillary structures have been designed.
- Evidence of past use contained in the built fabric and in spaces such as the entrance forecourt, the presentation garden, the eastern terraced garden, and the fruit and vegetable garden, should be conserved wherever possible.
- No activity should occur which prejudices the character of the place.

### Constraints arising from the Burra Charter

The Burra Charter provides guidelines for conservation work and practices. The following are constraints arising from the application to *Hawthornden* of relevant articles of the Charter:

- Conservation work should retain or recover the cultural significance of a place, and must include provision for its security, its maintenance and its future. [Article 2]
- All conservation is based on a respect for the existing fabric and should involve minimum intervention. It should not distort the evidence provided by the fabric. [Article 3]

- The conservation policy appropriate to a place must first be determined by an understanding of its cultural significance and its physical condition. [Article 6]
- The conservation policy will determine which uses are compatible. [Article 7]
- Conservation requires the maintenance of an appropriate visual setting: eg form, scale, colour, texture and materials. No new construction, demolition or modification which would adversely affect the setting should be allowed.
- Adaptation is acceptable where the conservation of the place cannot otherwise be achieved, and where the adaptation does not substantially detract from its cultural significance. [Article 20]. However, this must be limited to that which is essential to a use for the place determined in accordance with Articles 6 & 7.
- The contributions of all periods to the place must be respected. If a place includes the fabric of different periods, revealing the fabric of one period at the expense of another can only be justified when what is proposed to be removed is of slight cultural significance. [Article 16]
- Any work on a place must be preceded by professionally prepared studies of the physical, documentary and other evidence, and the existing fabric recorded before any disturbance of the place. [Article 23]
- Disturbance of fabric may occur in order to provide evidence needed for the making of decisions on the conservation of the place. [Article 24]
- Appropriate professional direction and supervision must be maintained at all stages of the work. [Article 27]

### **Constraints Arising from the Physical Circumstances of the Site.**

The steep cliffs and rock benches on the eastern and north-eastern edge of the site have provided a natural boundary to the property throughout its history, and effectively prevent access to it from those directions. Intensive subdivision and construction of housing almost on the southern, western, and north-western boundaries also prevent access to the site from those quarters, and provide a strong sense of enclosure.

The virtual wall of multi-residential development along those boundaries indicates that the limits of development have been achieved in those sectors, except perhaps in that adjacent to the far northern boundary of *Hawthornden*, and that the surroundings and context of the property are now fixed. It also means that the grounds of *Hawthornden* are extensively overlooked and lack visual and aural privacy except in its lower, eastern sector.

Although not wholly a heritage issue, a further constraint is the poisoning of tall, dense, late 19th century heritage plantings along the property's western boundary. This is mute testimony to the desire of residents in most adjacent dwellings to have clear visual access across the grounds of *Hawthornden* to obtain good views to the north-east and east. There is therefore a need to



achieve a just balance between *Hawthornden's* occupants' desire to retain heritage and other plantings which provide screening for privacy, and their neighbours' desire for access to good views.

Finally, the large extent of the grounds and their steady fall towards the east means that any further development on the site involving the creation of additional, impermeable surfaces will necessitate the installation of storm water detention basins to control the flow of runoff onto neighbouring properties below to the east. Unless skilfully designed, this could cause serious disruption to heritage elements.

Repealed by WDCP2015 on 23/05/15