

# INNER WEST COUNCIL MEETING REPORT AND RESOLUTION

**Item No:** C0818(3) Item 15**Subject:** INTERIM HERITAGE ORDER AND HERITAGE ASSESSMENT OF DWELLINGS AT 73 AND 73A THE BOULEVARDE, DULWICH HILL**Prepared By:** Peter Failes - Urban Design Planner**Authorised By:** David Birds - Group Manager Strategic Planning**SUMMARY**

In response to the imminent threat associated with a development application (DA) to demolish a house at 73 The Boulevarde, Dulwich Hill (Lot 1 DP 301656) and construct a four (4) storey residential flat building, the potential heritage significance of the property was brought to Council's attention by the adjoining property owner at 73A The Boulevarde, Dulwich Hill. Council undertook a preliminary heritage assessment and this concluded it was likely, on further inquiry or investigation, to be found to be of local heritage significance and recommended that an Interim Heritage Order (IHO) be placed on the property to ensure protection of the house while further research was carried out on the heritage significance of the property. Accordingly, a memorandum was sent to the General Manager recommending this and an IHO was placed on the property, which was gazetted on 23 March 2018.

Council engaged a heritage consultant (Robertson & Hindmarsh) to provide an expert heritage assessment. The heritage assessment has established that the house at 73, as well as the adjoining house at 73A (Lot X DP 411590) The Boulevarde, Dulwich Hill, meets the NSW Office of Environment and Heritage's criteria for local heritage significance and recommends both properties being heritage listed.

The IHO will lapse six months from the date that it is made unless Council has passed a resolution to place the item on the heritage schedule of the Marrickville Local Environmental Plan 2011. As the IHO was made 23 March 2018, the resolution of Council is required by 23 September 2018.

It is recommended that Council resolve to include 73 The Boulevarde, Dulwich Hill (Lot 1 DP 301656) in Schedule 5 of the Marrickville Local Environmental Plan 2011 as a local item of environmental heritage. The listing is to include the interiors of the intact rooms, including the inglenook. It is also recommended that Council resolve to include 73A The Boulevarde, Dulwich Hill (Lot X DP 411590) in Schedule 5 of the Marrickville Local Environmental Plan 2011 as a local item of environmental heritage. The listing is to include the front garden, path & fence, the exterior of the front section of the house (in front of the first floor addition); and the interior of the front section of the house (including the interiors of the intact rooms, including the ceilings and fireplaces).

The planning proposal has been referred to Council's Inner West Local Planning Panel for advice in accordance with the Local Planning Panel Direction – Planning Proposals which, at the time of the preparation of this report, was due to meet on 28 August 2018 before the Council meeting to which this report is made. The advice from the Inner West Local Planning Panel on this matter will be provided to Council in the form of a memorandum prior to the commencement of the Council Meeting.

It is recommended that, subject to its consideration of the advice of the Inner West Local Planning Panel, Council submits the planning proposal and the advice to the Minister for Planning for a Gateway determination, in accordance with Section 3.34 of the Environmental Planning & Assessment Act 1979. The heritage assessment also recommended investigating potential amendments or additional Heritage Conservation Areas (HCA) in the area. This will be considered as part of the new local environment plan and development control plan project for the Inner West Council and does not form part of the recommendations to Council in this report.

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**RECOMMENDATION****THAT Council:**

**Consider the advice from the Inner West Local Planning Panel in relation to 73 and 73A The Boulevarde, Dulwich Hill. Subject to Council's consideration of this advice:**

- a) resolve to include 73 The Boulevarde, Dulwich Hill (Lot 1 DP 301656) in Schedule 5 of the Marrickville Local Environmental Plan 2011 as a local item of environmental heritage. The listing is to include the interiors of the intact rooms, including the inglenook;**
  - b) resolve to include 73A The Boulevarde, Dulwich Hill (Lot X DP 411590) in Schedule 5 of the Marrickville Local Environmental Plan 2011 as a local item of environmental heritage. The listing is to include the front garden, path & fence, the exterior of the front section of the house (in front of the first floor addition); and the interior of the front section of the house (including the interiors of the intact rooms, including the ceilings and fireplaces);**
  - c) submit the planning proposal and the advice of the Inner West Local Planning Panel to the Minister for Planning for a Gateway determination to include Nos. 73 and 73A The Boulevarde, Dulwich Hill as items of environmental heritage in Schedule 5 of the Marrickville Local Environmental Plan 2011, in accordance with Section 3.34 of the Environmental Planning & Assessment Act 1979;**
  - d) requests that delegated plan making functions be granted in relation to the planning proposal; and**
  - e) publicly exhibit the planning proposal following a Gateway determination being issued.**
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**BACKGROUND**

A development application (DA201800049) was lodged with Council, to demolish the house and existing improvements at 73 The Boulevarde, Dulwich Hill and to construct a 4 storey residential flat building with basement parking, on 5 February 2018. The adjoining neighbour at 73A The Boulevarde, Dulwich Hill objected to the proposal and included in their submission a heritage assessment prepared by Sue Rosen Associates, which they had commissioned. This heritage assessment considered 73 and 73A The Boulevarde, Dulwich Hill to have a high degree of local historical significance and recommended that the individual heritage status of 73 and 73A The Boulevarde be reassessed with a view to their entry onto Schedule 5 of the Inner West Council's relevant local environment plan, as local heritage items. Also given the consistency of the identified qualities of The Boulevarde between 73A/104 and Eltham Street with the Lewisham Conservation Area, this heritage assessment recommended that consideration be given to the inclusion of the area in the heritage conservation area (HCA). The owner of 73A The Boulevarde, Dulwich Hill informed Council that they supported their property being heritage listed and included in a HCA.

In response to the imminent threat associated with the DA and the potential heritage significance, Council undertook a preliminary heritage assessment. The preliminary heritage assessment concluded it was likely, on further inquiry or investigation, to be found to be of local heritage significance. It also concluded that without imposing an IHO, Council cannot protect 73 The Boulevarde, Dulwich Hill from demolition, which could be demolished under a Complying Development Certificate. Accordingly, it recommended imposing an IHO to ensure the house was protected, while further research was carried out on the heritage significance of the property. A memorandum was sent to the General Manager recommending this and an

IHO was placed on the property and was gazetted 23 March 2018. A copy of the gazetted IHO is included as **ATTACHMENT 1** to this report.

The IHO will lapse six months from the date that it is made, unless Council has passed a resolution to place the item on the heritage schedule of the Marrickville Local Environmental Plan 2011. As the IHO was made 23 March 2018, the resolution of Council is required by 23 September 2018.

The affected owner (the proponent of the development application on the site) made an appeal to the Court against the making of an IHO by Council. The Commissioner's judgment determined that the dwelling is likely, on further inquiry or investigation, to be found to be of local heritage significance and therefore that the IHO should remain. Accordingly, the Court ordered that the appeal be dismissed.

The planning proposal has been referred to Council's Inner West Local Planning Panel for advice in accordance with the Local Planning Panel Direction – Planning Proposals, which at the time of the preparation of this report was due to meet on 28 August 2018 before the Council meeting for which this report has been prepared. The advice from the Inner West Local Planning Panel on this matter will be provided to Council in the form of a memorandum prior to the commencement of the Council Meeting.

## DISCUSSION

### Site Identification

The site that the planning proposal relates to is 73 The Boulevarde, Dulwich Hill (Lot 1 DP 301656), having a site area of 662 m<sup>2</sup>, and 73A The Boulevarde, Dulwich Hill (Lot X DP 411590), having a site area of 621 m<sup>2</sup>.

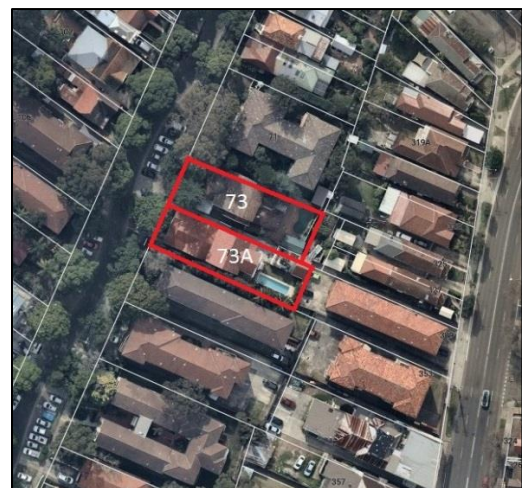


Fig. 1 & 2 – Cadastre and aerial location maps for 73 & 73A The Boulevarde, Dulwich Hill





Fig. 3 – Photograph of 73 The Boulevard, Dulwich Hill



Fig. 4 – Photograph of 73A The Boulevard, Dulwich Hill  
**Current Planning Controls**



Both properties are currently zoned R1 General Residential (see Zoning map below) and have a maximum building height of 14m under Marrickville Local Environmental Plan (MLEP) 2011. Under MLEP 2011, in terms of floor space ratio (FSR), while the FSR map allows a maximum 0.6:1, under Clause 4.4 (2A) a variable FSR applies for dwelling houses, being 0.5:1 as each of the properties has greater than 400 m<sup>2</sup> area. Under Clause 4.4 (2B) a maximum 0.85:1 is allowed for residential flat buildings. Under MLEP 2011 there are no heritage items or heritage conservation area (HCA) close to the properties, however the Lewisham Estate HCA (labelled C26) is located to the north and south, the Hoskins Park and Environs (Dulwich Hill) HCA (labelled C36) is located to the west and the Dulwich Hill Commercial Precinct HCA (labelled C28) is located to the south (see Heritage map below).

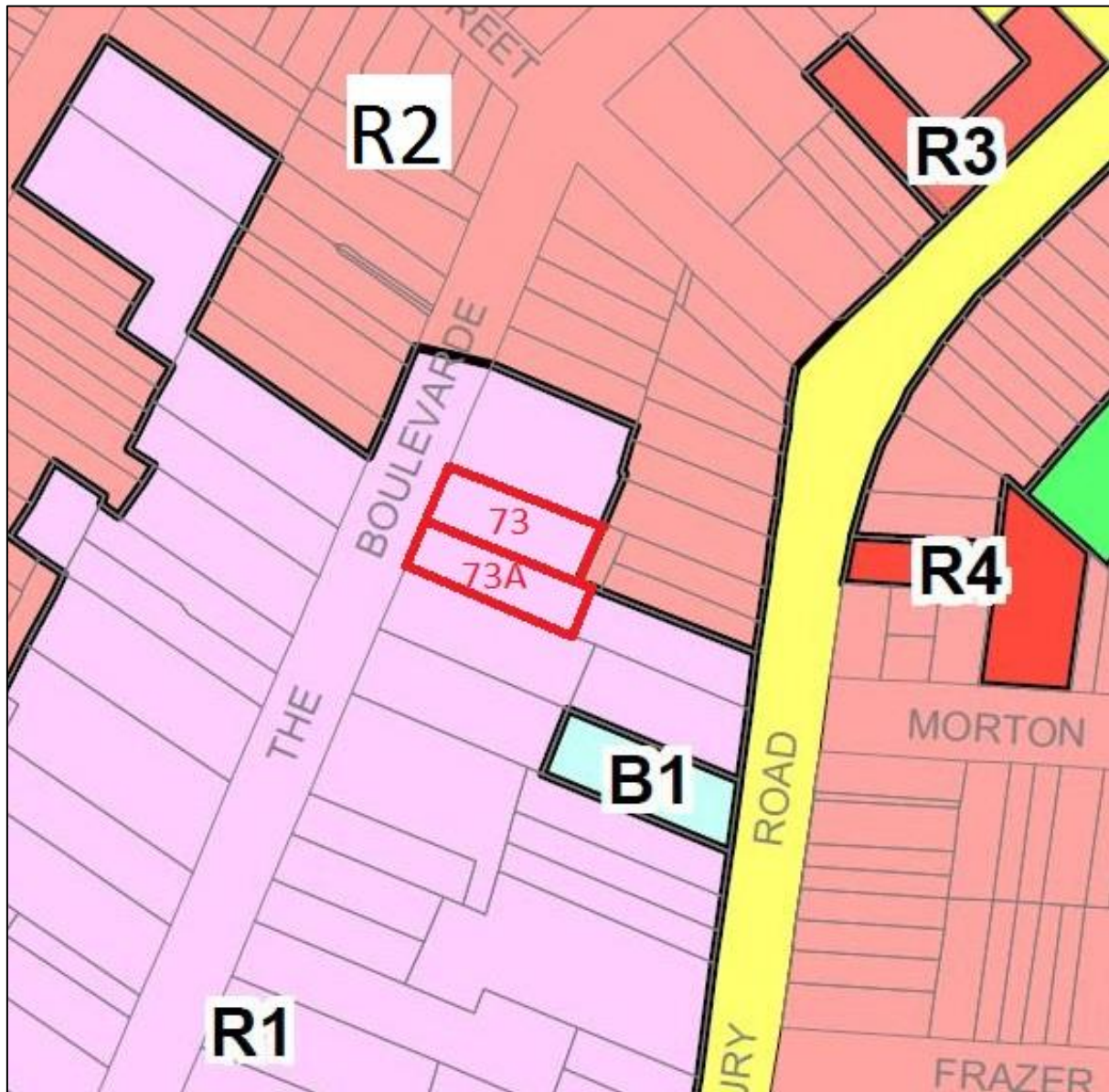


Fig. 5 – MLEP 2011 Zoning map

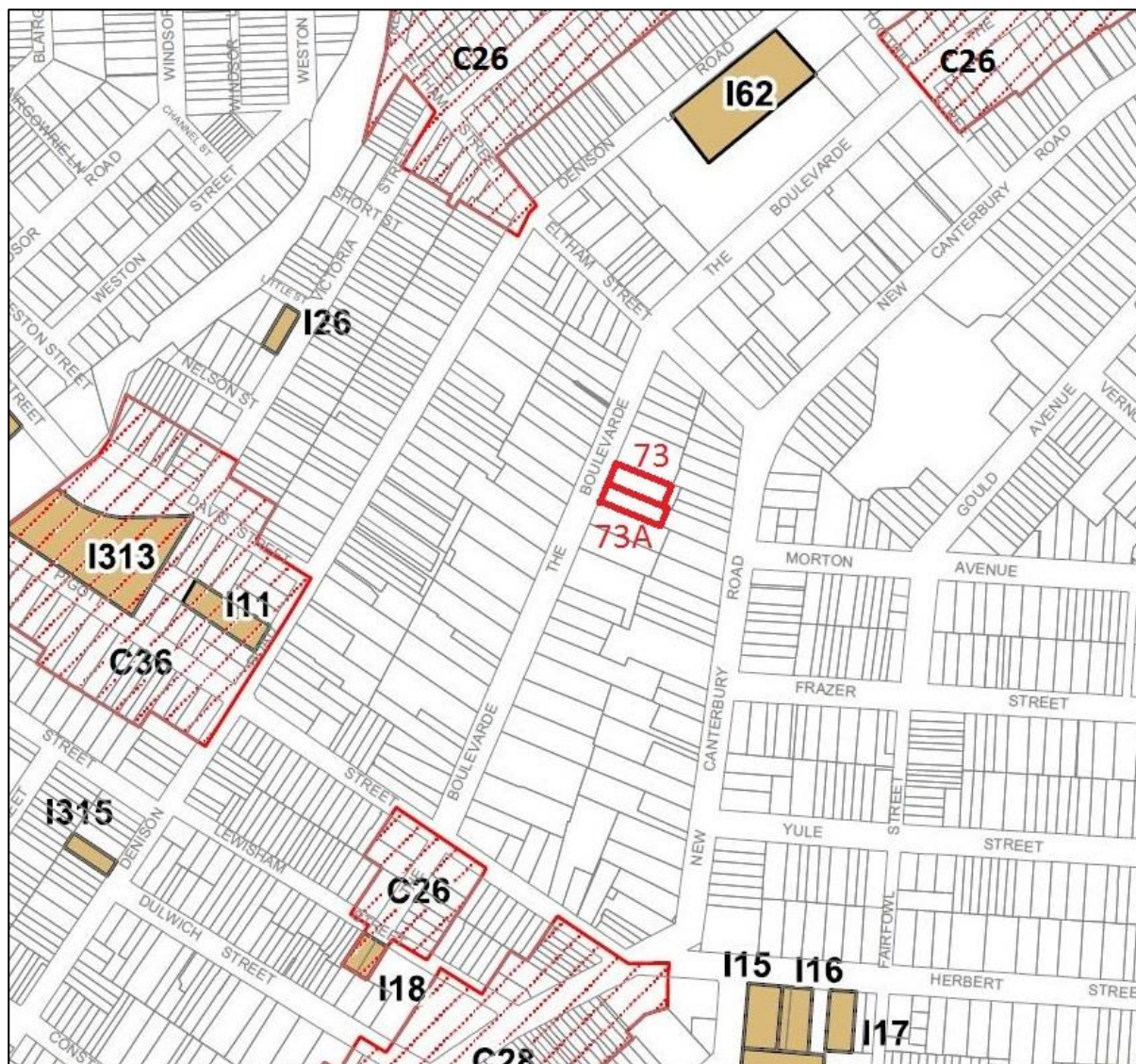


Fig. 6 – MLEP 2011 Heritage map

### Heritage Item Assessment

Council engaged a heritage consultant (Robertson & Hindmarsh) to provide an expert heritage assessment. A heritage assessment report was prepared and is included as **ATTACHMENT 2** to this report.

#### 73 The Boulevard

The heritage assessment evaluates in the statement of significance that:

*No. 73 The Boulevard, Dulwich Hill ("Bertsonie") is of historical significance at a Local level as an example of an interwar bungalow that constituted an important component in the infill development of the inner west suburbs (in between earlier Victorian and Federation houses) as well as being the result of the demolition of larger houses and subdivision of their grounds. The ground floor plan remains almost intact and the original room uses are evident and so the house still allows an interpretation of the historic uses of the rooms and an understanding of the way of life. The survival of the original milk and bread delivery box is also significant in being a physical manifestation of a food supply system that is no longer extant but is of historical and social importance. The survival of the 1920s asbestos cement garage is of significance as tangible physical evidence of the spread of car ownership in the interwar period.*



*No. 73 The Boulevarde, Dulwich Hill is of social significance as an example of the work of builder/developer, William Mitchell, who developed, financed and let houses in the wider Sydney area.*

*No. 73 The Boulevarde, Dulwich Hill is of aesthetic significance at a Regional level because of the intact nature of the decorative ceilings, joinery, wall panelling and flooring in the Entry Vestibule, Cross Hall, Living Room, Dining Room, and Bedrooms 1, 2 & 3 are excellent examples of the application of Gustav Stickley's Craftsman houses to the Australian upper middle class mass housing context. The intact inglenook is particularly rare in any housing in Australia, let alone suburban housing. Intact Craftsman interiors of this quality and size are rare in the Sydney context and rare in the speculative housing market.*

The heritage assessment concludes:

*It is recommended that No. 73 The Boulevarde, Dulwich Hill be listed as an item of environmental heritage on the Marrickville LEP (including the interiors of the intact rooms, including the inglenook) and that all the features to be protected by being listed on Schedule 5 of the LEP.*

### 73A The Boulevarde

The heritage assessment evaluates in the statement of significance that:

*No 73A The Boulevarde, Dulwich Hill is of historical significance at a Local level as an example of an interwar bungalow that constituted an important component in the infill development of the inner west suburbs (in between earlier Victorian and Federation houses) as well as being the result of the demolition of larger houses and subdivision of their grounds. The front portion of the ground floor plan remains almost intact and the original room uses are evident in this section.*

*No 73A The Boulevarde, Dulwich Hill is of social significance as an example of the work of builder/developer, William Mitchell, who developed, financed and let houses in the wider Sydney area.*

*No 73A The Boulevarde, Dulwich Hill is of aesthetic significance at a Local level because of the intact nature of the decorative ceilings, fireplaces and joinery in the front section of the house as applied to a house intended for the upper middle class mass housing market.*

The heritage assessment concludes:

*It is recommended that No. 73A The Boulevarde, Dulwich Hill be listed as an item of environmental heritage on the Marrickville LEP (limited to the front garden, path & fence, the exterior of the front section of the house – i.e. in front of the first floor addition – and the interior of the front section of the house (including the interiors of the intact rooms, including the ceilings and fireplaces) and that all the features to be protected by being listed on Schedule 5 of the LEP.*

### Additional letter responding to heritage assessment prepared for the DA Applicant for Land and Environment Court proceedings

The expert heritage consultant Council engaged (Robertson & Hindmarsh) also provided a further letter responding to matters raised in the heritage assessments prepared by the DA Applicant, forming part of the Land and Environment Court proceedings that occurred in



relation to the imposition of the IHO by Council. This letter is included as **ATTACHMENT 3** to this report. This letter provides further documentary evidence and refutes contentions from these heritage assessments.

The heritage assessment report and further letter has established that the houses at 73 and 73A The Boulevarde, Dulwich Hill meets the NSW Office of Environment and Heritage's criteria for local heritage significance and recommends both properties being heritage listed. Accordingly, it is recommended that Council resolves to list 73 and 73A The Boulevarde, Dulwich Hill, as items of environmental heritage on Schedule 5 of the MLEP 2011. It is recommended that Council submits the planning proposal and the advice of the Inner West Local Planning Panel to the Minister for Planning for a Gateway determination, in accordance with Section 3.34 of the Environmental Planning & Assessment Act 1979.

### **Heritage Conservation Area Alterations**

In regards to potential alterations to Council's HCAs, the heritage assessment evaluates that:

*The report by Sue Rosen Associates suggested that both Nos 73 & 73A The Boulevarde could be incorporated into an expanded Lewisham Heritage Conservation Area including Eltham Street. The housing in Eltham Street, and extending part of the way into the adjacent streets of The Boulevarde and Denison Road is primarily of the Victorian period and the houses have a consistency of form and, in most cases, of detailing that warrants further investigation by Inner West Council for a possible new Heritage Conservation Area or an addition to an existing Heritage Conservation Area. However, the two houses at Nos 73 & 73A The Boulevarde are interwar bungalows which is of a different period of construction and architectural style than the majority of the area surrounding Eltham Street. Whilst one of the characteristics of the Lewisham Heritage Conservation Area is a mixture of nineteenth and twentieth century architectural styles and building forms the consistency of the housing in the Eltham Street area may preclude the inclusion of these two interwar bungalows. Moreover, the two houses at Nos 73 & 73A The Boulevarde are separated from the Victorian period housing by a 1960s three-storey block of flats at No 71 The Boulevarde.*

*However, it is recommended that Council investigate the possibility of the two houses being listed as a small group constructed by the same builder (including interiors but excluding the non-original additions).*

The heritage assessment concludes that:

*It is recommended that Council investigate the creation of a Heritage Conservation Area centred on Eltham Street, Dulwich Hill. Refer to the attached map of the area for a suggested area for further investigation and evaluation.*

*It is not recommended that Nos. 73 & 73A The Boulevarde, Dulwich be included in any expanded or new Heritage Conservation Area but they be investigated for listing as a small group (including the interiors but excluding the modern additions) that was erected by the same builder, William Mitchell.*

The investigations of the creation of potential amendment or additional HCAs will be considered as part of the new local environment plan and development control plan project for the Inner West Council and does not form part of the recommendations to Council in this report.

### **FINANCIAL IMPLICATIONS**

Nil.

**OTHER STAFF COMMENTS**

The preliminary heritage assessment and review of the heritage assessment and this Council report has been undertaken by Council's Team Leader - Heritage & Urban Design, Development Advisory Services.

**PUBLIC CONSULTATION**

Public participation in the form of community consultation will occur should Council resolve to prepare a planning proposal to include Nos. 73 and 73A The Boulevarde, Dulwich Hill as items of environmental heritage in Schedule 5 of the Marrickville Local Environmental Plan 2011.

**ATTACHMENTS**

1. [!\[\]\(97faa0168e491544be255cfcab218e9b\_img.jpg\)](#) Gazette of Interim Heritage Order for 73 The Boulevarde, Dulwich Hill
2. [!\[\]\(b2166b76608b8499cffc130bf1b1fe60\_img.jpg\)](#) Heritage Assessment of 73 The Boulevarde, Dulwich Hill (and 73A The Boulevarde, Dulwich Hill) by Robertson & Hindmarsh
3. [!\[\]\(b29da0f81af7d31816596405aed0e378\_img.jpg\)](#) Heritage response to L&EC heritage reports by Robertson & Hindmarsh

**C0818(3) Item 15      Interim heritage order and heritage assessment of dwellings at  
73 and 73A The Boulevarde, Dulwich Hill**

**Motion: (Drury/Hesse)**

**THAT Council:**

**Consider the advice from the Inner West Local Planning Panel in relation to 73 and 73A The Boulevarde, Dulwich Hill. Subject to Council's consideration of this advice:**

- a)    resolve to include 73 The Boulevarde, Dulwich Hill (Lot 1 DP 301656) in Schedule 5 of the Marrickville Local Environmental Plan 2011 as a local item of environmental heritage. The listing is to include the interiors of the intact rooms, including the inglenook;**
- b)    resolve to include 73A The Boulevarde, Dulwich Hill (Lot X DP 411590) in Schedule 5 of the Marrickville Local Environmental Plan 2011 as a local item of environmental heritage. The listing is to include the front garden, path & fence, the exterior of the front section of the house (in front of the first floor addition); and the interior of the front section of the house (including the interiors of the intact rooms, including the ceilings and fireplaces);**
- c)    submit the planning proposal and the advice of the Inner West Local Planning Panel to the Minister for Planning for a Gateway determination to include Nos. 73 and 73A The Boulevarde, Dulwich Hill as items of environmental heritage in Schedule 5 of the Marrickville Local Environmental Plan 2011, in accordance with Section 3.34 of the Environmental Planning & Assessment Act 1979;**
- d)    requests that delegated plan making functions be granted in relation to the planning proposal; and**
- e)    publicly exhibit the planning proposal following a Gateway determination being issued.**

**Motion Carried**

**For Motion:**                      Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York

**Against Motion:**                Crs Passas and Raciti

**C0818(3) Item 21      Notice of Motion: Glebe Island Proposals: Inner West Working  
With City Of Sydney**

**Motion: (Stamolis/Byrne)**

**THAT Council:**

- 1. Engage with City of Sydney Council to respond to major community concerns in regard to the proposals for Glebe Island. Discussions between the two Councils should address:**
  - Proximity of industrial working harbour activities to high density residential;**
  - Potential for significant noise impacts;**
  - Impact on air quality;**