INFORMATION REFERRED TO IN PLANNING PROPOSAL

- Interim Heritage Order
- Urbis Heritage Report (including reports by NBRS and GML)
- Heritage response to Urbis by Robertson & Hindmarsh
- Conomos Legal Letter
- Urbis Letter
- Sue Rosen Associates Heritage Assessment

Interim Heritage Order

Government Gazette

of the State of

New South Wales

Number 34
Friday, 23 March 2018

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, private and other notices.

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COUNCIL NOTICES

INNER WEST COUNCIL

HERITAGE ACT 1977

Interim Heritage Order No 1

Under Section 25 of the *Heritage Act 1977* Inner West Council does by this order:

I. make an interim heritage order to cover the item of the environmental heritage specified or described in Schedule 'A'; and

II. declare that the Interim Heritage Order shall apply to the curtilage or site of such item, being the land described in Schedule 'B'.

This Interim Heritage Order will lapse six months from the date that it is made unless the local council has passed a resolution before that date either:

1) in the case of an item which, in the council's opinion, is of local significance, to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; and

2) in the case of an item which in the council's opinion, is of State heritage significance, nominate the item for inclusion on the State Heritage Register.

Rik Hart
Interim General Manager
Inner West Council

Sydney, 21 March 2018

Schedule 'A'

The property situated at 73 The Boulevard, Dulwich Hill NSW 2203 on the land described in Schedule 'B'.

Schedule 'B'

All those pieces or parcels of land known as Lot 1, DP301656 with reference to all structures and including the garden.

[n2018-1054]

Urbis Heritage Report (including reports by NBRS and GML)

LAND AND ENVIRONMENT
COURT OF NSW
FILED ON
20 JUN 2018
INT

STATEMENT OF EVIDENCE
STEPHEN DAVIES, FOR THE APPLICANT

COURT DETAILS	
Court	Land and Environment Court of New South Wales
Registry	Sydney
Case number	97618 of 2018
TITLE OF PROCEEDINGS	
Applicants	**Forte Construction Group Pty Ltd & FCG No1 Pty Ltd**
Respondent	**Inner West Council**
FILING DETAILS	
Filed for	**Forte Construction Group Pty Ltd & FCG No1 Pty Ltd**, Applicants
Legal representative	Vasili Conomos, Conomos Legal William Bland Centre Level 6, Suite 8 229-231 Macquarie Street SYDNEY NSW 2000
Legal representative reference	VC:BB:N9659
Contact name and telephone	Vasili Conomos, (02) 9231 3221

URBIS

EXPERT REPORT: HERITAGE

Stephen Davies: Heritage Consultant

Property: 73 The Boulevarde, Dulwich Hill

Applicant: Forte Construction Group Pty Ltd & FGC No.1 Pty Ltd

Respondent: Inner West Council

LAND AND ENVIRONMENT COURT OF NEW SOUTH WALES
CASE NUMBER 0097618 of 2018

URBIS

1.0 Introduction

1.1 This document is an expert report prepared for the NSW Land and environment Court

1.2 Report prepared by: Mr Stephen Davies (SD), Heritage Expert (Applicant)

1.3 I have read Part 31 of Division 2 of the Uniform Civil Procedure Rules 2005 and Schedule 7 of the Uniform Civil Procedure Rules 2005. I understand my obligations to the Court and agree to abide by the rules in Part 31 in Schedule 7.

1.4 A Curriculum Vitae is attached to this Joint Experts' Report (**Annexure A**).

1.5 I have visited the site and inspected the interior.

1.6 The Statement of Facts and Contentions filed 12 March 2018 sets out in general terms, a description of the site and its context, the proposed development and the background to the current application

1.7 An 'Applicant's Statement of Facts and Contentions in Reply' was filed with the Court on 1 June 2018.

URBIS

2.0 Assessment of Contentions

Heritage

PART B – CONTENTIONS

1. *The Interim Heritage Order identifies that it has been made pursuant to s25 of the Heritage Act 1977. The Applicant contends that, in those circumstances, the Interim Heritage Order was issued by Inner West Council contrary to s25.*

Reply: The relevant delegation was granted and published in the NSW Government Gazette on 12 July 2013. The Respondent understands that this contention is no longer pressed.

2. *The Applicant contends that there are no grounds on merit for the Interim Heritage Order to have been issued and that at the date upon which the Interim Heritage Order was issued, there was no independent report prepared by Council that would have warranted the issuing of the Interim Heritage Order*

Reply: a preliminary heritage assessment report was prepared prior to the making of the Interim Heritage Order. The report concluded that "the property (73 The Boulevarde, Dulwich Hill) may, on further inquiry or investigation, be found to be of local heritage significance".

3. *The Applicant contends that the issuing by Inner West Council of the Interim Heritage Order is unnecessary as an appeal of DA 201800049, for premises known as 73 The Boulevarde, Dulwich Hill, is currently in the court system and the Respondent has raised merit matters in its Statement of Facts and Contentions in that proceeding, including Heritage matters. The Court can adequately deal with any matter of heritage that the Respondent would wish to raise within the scope of that appeal.*

Reply: Council says that the assessment of the significance of the property should properly be established through the IHO process, as set out within the *Heritage Act 1977*, which provides a mechanism and timeframe for this to take place. Steps have already been taken in this regard through the commissioning of an independent heritage consultant.

URBIS

4. *The Applicant contends that the existing dwelling on the site does not warrant heritage listing and that the dwelling is not of such significant* (sic) *that would warrant its retention.*

Reply: Council says that this is not the test for the validity of the issue of the IHO. Section 25 (2) of the Heritage Act 1977 states *A council authorised under this section may make an interim heritage order for a place, building, work, relic, moveable object or precinct in the council's area that the council considers may, on further inquiry or investigation, be found to be of local heritage significance, and that the council considers is being or is likely to be harmed.*

Comment on 'Response to Contentions' by Stephen Davies:

Contention 2. The initial report on the significance of the subject property was prepared by Sue Rosen, Historian, on behalf of the neighbour as an objection to the proposal to erect a residential flat building. The report acknowledges that the site is not a local heritage item and is not within a heritage conservation area. Areas in the vicinity of The Boulevarde have been included as conservation areas and this would indicate that area had been professionally surveyed by the then Marrickville Council and the subject site was not identified.

The Rosen assessment of significance provides information that the subject dwelling is a good representative example of a Californian bungalow dwelling. The assessment was made without an internal survey of the dwelling and no mention is made of the infill verandah bathroom or the large rear addition, including introduced stair and first floor extension.

The Boulevarde is partly subject to zoning permitting residential flat development and the subject site is zoned for a higher density. The streetscape is typified by the residential flats permitted by the zoning, including the adjacent site.

Contention 3. Urbis has prepared an assessment of the subject site and this is attached at **Annexure B.** The report concludes that does not reach the threshold for listing as an individual item in the local government area and does not contribute to a consistent group or the consistent character of the area.

This assessment is supported independently by reports prepared for the owner of the site by heritage experts Samantha Polkinghorne, NBRS, and David Logan, GML which were prepared without reference to the work of Urbis. The GML report questions the accuracy of the Rosen report. These two reports are attached at **Annexure C.**

URBIS

3.0 Conclusion

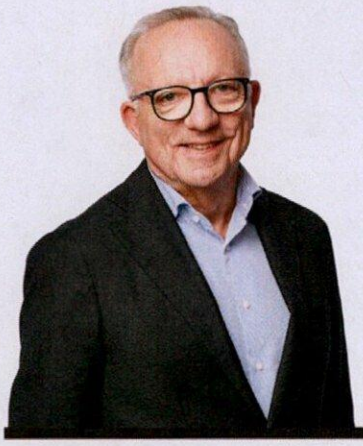
It is concluded that the IHO should be lifted on the subject property as it considered that 73 The Boulevarde, Dulwich Hill does not reach the threshold for individual significance for the Inner West Council and does not contribute to the existing or potential group or area of heritage significance.

For Applicant

Mr Stephen Davies

URBIS

ANNEXURE A



STEPHEN DAVIES

DIRECTOR - HERITAGE

SERVICES

Heritage

SECTORS

Commercial

Government

Health and Aged Care

Residential

Retail

QUALIFICATIONS

Dip. Cons. Studies, York University, UK Institute of Advanced Architectural Studies

Dip. T&CP, University of Sydney

Accredited Environmental Mediation

AFFILIATIONS

Chair – Heritage Council NSW (2016 – current)

Member – ICOMOS

Affiliate Member – RAIA. (2004)

Member – SEPP 65 Randwick/Waverley Design Review Panel (2004–2006)

Member – NSW Government Sydney Harbour Reference Group (1998–2000)

Councillor – Woollahra Municipal Council (1995–1999)

Stephen Davies is one of the country's most experienced and respected heritage consultants. He is Chair of the NSW Heritage Council, and a skilled negotiator who has a keen understanding of the political and administrative processes surrounding heritage matters.

Stephen joined Urbis in 2007 and is the foundation of our heritage consultancy. He leads a team that provide independent development and conservation advice as part of Urbis' preparation of conservation management plans, heritage impact statements and demolition reports.

Stephen is particularly proud of his work resolving the heritage issues for One Central Park in Sydney's Chippendale, and for Quay Quarter Sydney. He is an accredited environmental mediator and a member of the International Council on Monuments and Sites. He has also been an expert member of many government committees and boards.

PROJECTS

Quay Quarter Sydney (2012–Present)

Government Property NSW, various sites (2013–Present)

Varroville Estate (2013–Present)

Ascham School Adaptive Reuse, Darling Point (2010–14)

Centennial Park Cottages (2014)

St Vincent's Private Hospital, Darlinghurst (2012)

Paragon Hotel, Circular Quay (2010–12)

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ANNEXURE B

HERITAGE ASSESSMENT

73 THE BOULEVARD, DULWICH HILL, NSW 2203

URBIS

30 MAY 2018

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director, Heritage	Stephen Davies, B Arts Dip Ed, Dip T&CP, Dip Cons Studies, M.ICOMOS
Director, Heritage	Kate Paterson, B Arch, B Arts (Architecture), M.ICOMOS
Heritage Consultant	Bernice Phillips, B Arts, M Museum & Heritage Studies
Job Code	SH1380
Report Number	01 – Draft review for client

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EXECUTIVE SUMMARY

The subject site is currently the subject of an Interim Heritage Order under the Heritage Act of 1977.

Urbis has been asked to assess the heritage significance of the subject dwelling.

It is concluded that the subject dwelling does not reach the threshold for listing as in individual item in the local government area and does not contribute to a consistent group or to the consistent character of an area. The dwelling has had a number of alterations and additions that have also reduced its representative value as an intact interwar bungalow.

It is recommended that the building not be included in a heritage schedule under the local environmental plan

1. INTRODUCTION

1.1. BACKGROUND AND PROPOSAL

Urbis has been engaged by Wil Nino to prepare the following Heritage Assessment.

The subject site is not individually listed as a heritage item or contributory item under any statutory instrument, nor is it located within a heritage conservation area.

A DA (DA201800049) was submitted to the Inner West Council proposing the demolition of the existing dwelling (located at 73 The Boulevard, Dulwich Hill) and the construction of a four-storey residential flat building containing seven units and basement car parking.

On 23rd March 2018, the Inner West Council issued to the owner an Interim Heritage Order and the DA was taken off notification.

This Heritage Assessment is therefore required to assess the heritage significance of the dwelling that has been proposed for demolition.

1.2. SITE LOCATION

The subject site is located at 73 The Boulevarde, Dulwich Hill, NSW 2203.

1.3. METHODOLOGY

This Heritage Assessment has been prepared in accordance with the NSW Heritage Branch guideline 'Assessing Heritage Significance'. The philosophy and process adopted is that guided by the *Australia ICOMOS Burra Charter* 1999 (revised 2013).

1.4. AUTHOR IDENTIFICATION AND ACKNOWLEDGMENTS

The following report has been prepared by Bernice Phillips (Heritage Consultant). Stephen Davies (Director Heritage) has reviewed and endorsed its content. Unless otherwise stated, all drawings, illustrations and photographs are the work of Urbis.

2. SITE DESCRIPTION

The subject site is a rectangular shape lot. The legal description of the site is Lot 1 DP 361656.The subject site is located on the eastern side of The Boulevarde between Etham Street to the north-east and Pigott Street to the south. This section of The Boulevarde includes wide landscaped footpaths containing mature trees as well as hard stand car spaces on the deep verge.

Figure 1 – Aerial view of the subject site – indicated.

Source: Six Maps, 2018

The site is occupied by one, two-storey dwelling house with a driveway along the eastern side setback and a swimming pool in the rear yard. The dwelling is an inter-war bungalow that has had significant alterations and additions to both the internal and external fabric of the property. The remaining external features of the dwelling include the sandstone base-course, red brick façade and terracotta roof tiles. The roof has been altered to allow for a second storey at the rear of the dwelling.

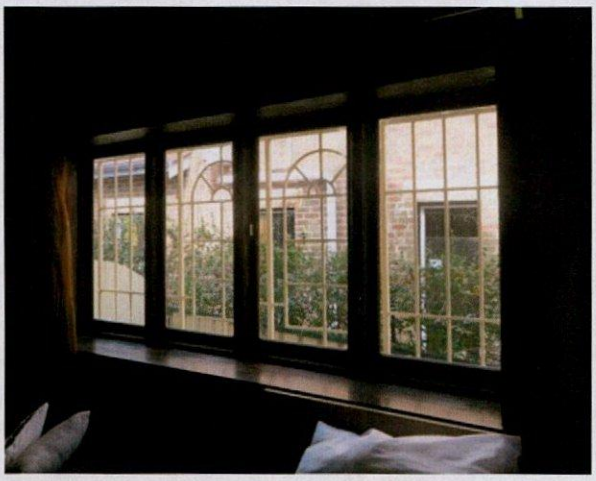
The interiors include both original and contemporary fabric.

Figure 2 – Subject site – western façade facing The Boulevarde.

Figure 3 – Internal photographs of subject dwelling.

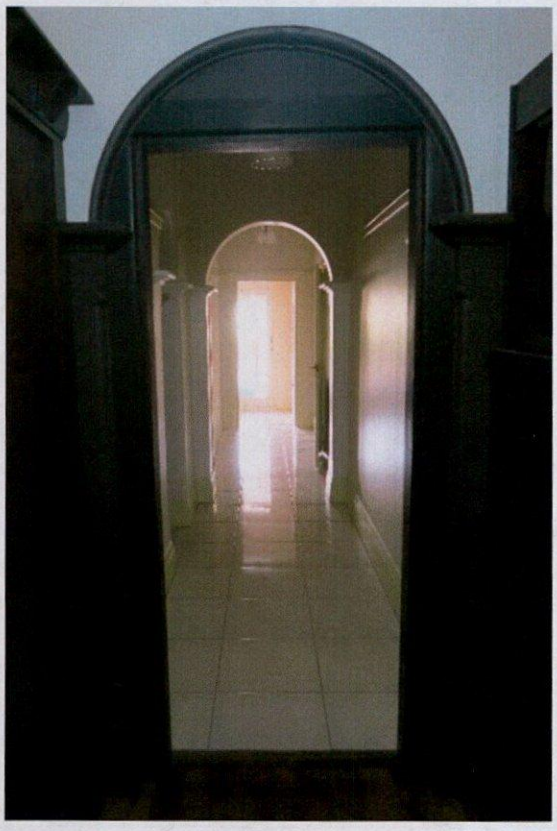
Picture 1 – Lounge Room with inglenook

Picture 2 – Later Bathroom in enclosed verandah



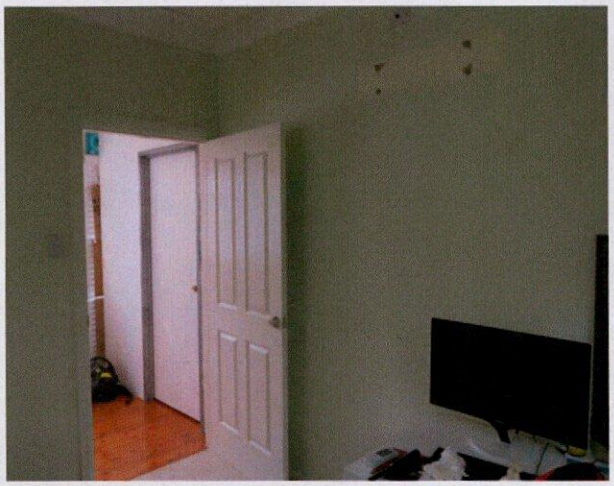
Picture 3 – Window bay on the southern side of the dwelling.

Picture 4 – Entrance foyer and hallway.



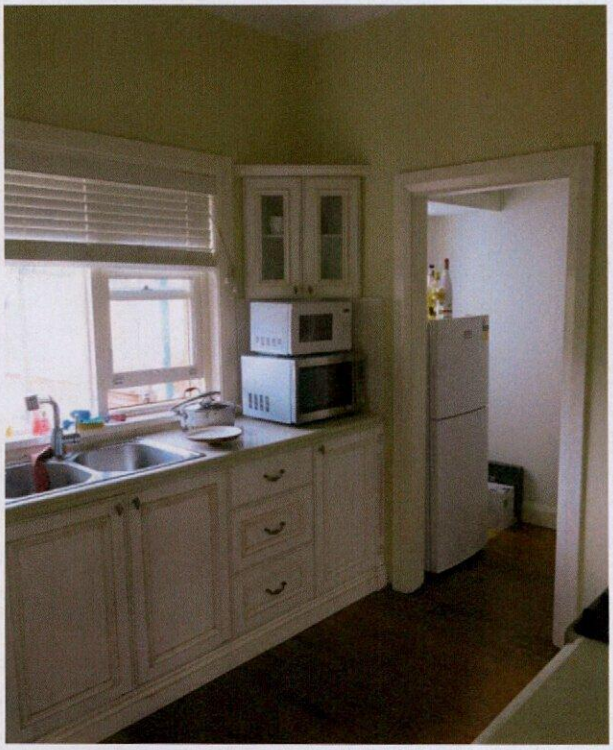
Picture 5 – Hall way with arched architrave

Picture 6 – Contemporary staircase leading to the later second-storey addition.



Picture 7 – Bedroom in the second-storey addition.

Picture 8 – Roof space of the original roof and the second-storey addition.



Picture 9 – Contemporary kitchen

Picture 10 – Contemporary laundry

Picture 11 – Veranda at the rear of the dwelling.

Picture 12 – Pool at the rear of the property.

3. HISTORICAL OVERVIEW

3.1. AREA HISTORY

The following area history is sourced directly and adapted from the Dictionary of Sydney by Chris Meader in 2008.

Dulwich Hill was originally part of around 700 acres of land granted to Thomas Moore, the colony's shipbuilder, in 1799, of which he called 'Douglas Farm'. This land includes part of the present suburbs of Marrickville and Petersham, as well as parts of Dulwich Hill and Stanmore. It was also made up of a number of other smaller land grants, mainly to emancipated convicts.

Dulwich Hill was known to have good soil and an excellent water supply from small creeks running into cooks river and long cove creek and was once heavily timbered. By the 1860s, market gardens and orchards had emerged, including Chinese market gardens. The residential development of Dulwich Hill was influenced by several wealthy Sydney businessmen including William Starkey, ginger beer and cordial manufacturer, Sir Hugh Dixson, tobacco merchant and Henry Marcus Clark, founder Marcus Clark retail chain of department stores.

In the late nineteenth and early twentieth centuries, Dulwich Hill developed as a desirable residential district with a small village shopping centre and isolated but significant pockets of industry. By 1890, there was a small but thriving commercial district along New Canterbury Road including Gladstone Hotel, blacksmiths, butchers, tobacconists, a chemist a produce store and harness markets. These developed around the steam train and horse bus terminus. Dulwich Hill railway station opened in 1895 as 'Wardell Road Railway Station' and was renamed 'Dulwich Hill Railway Station' in 1920.

The main industrial strip developed along the goods line, which opened in 1913. Factories such as the Great Western Milling Company, the Western Timber Mill, and Sidney Williams & Co Pty Ltd in Constitution Road, which made Comet windmills and other engineering products, gained the ability to move their goods quickly and in large quantities.

From the 1930s onwards, there was major development of unit blocks in Dulwich Hill, particularly during the 1960s and many Victorian villas and their gardens were replaced by standard red brick units over the suburb. Post World War two there was a major influx of immigrants to the area.

Dulwich Hill has largely retained its village atmosphere, even with late twentieth and early twentieth and early twenty-first century developments where former factory sites have been redeveloped for large apartment complexes. These complexes are themselves small villages within the suburb of Dulwich Hill.

3.2. SITE HISTORY

The subject site is located on land originally granted to Michael Griffin on 14th March 1795. The land was not subdivided until c.1875 when the land was purchased by Francis Fryer Nelson. The subdivision plan was a typical residential subdivision from the late nineteenth century which divided the land into rectangular lots (Figure 4).

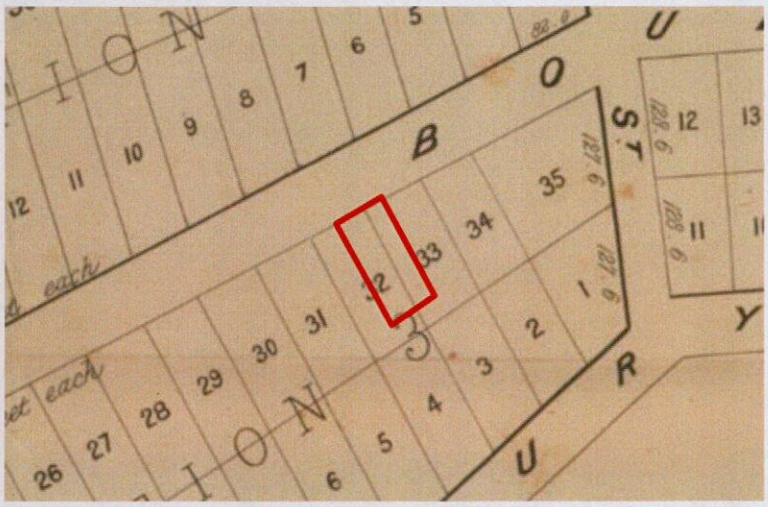
The land that the subject site now occupies is not situated on an original allotment from this 1875 subdivision. The approximate location of the subject site is located on a portion of lots 32 and 33 (Figure 5).

At the time of the original sale, lots 30-32 (on the Boulevard) were purchased by Francis Fryer Nelson. Charles Nelson purchased lots 6-3 (on the New Canterbury Road side) and lot 33 (from The Boulevard side). In 1883, this large portion of land that was owned by Charles Nelson was purchased by John Tait of Randwick Esquire. In 1885 the first reference to "Toddington" appears in the Sands Directory at 73 The Boulevarde, Petersham. A number of the owners of the land that the subject site now occupies, are listed in Sands Directory as occupying "Toddington".

Figure 4 – Lewisham Estate Petersham – Subdivision (approximate location of subject site indicated)

Source: NLA_obj_229997962

Figure 5 – Part of Lewisham Estate subdivision - Subject site approximately indicated.



Source: NLA_obj_229997962

In 1883 the "Toddington" residence was advertised in the Sydney Morning Herald where it described a two-storey brick house with a "spacious entrance hall, porch and veranda" and four bedrooms. The advertisement also boasts 2 acres of grounds including landscaped gardens, a stable yard and paddock. 264 feet is listed gives access to The Boulevard. The remaining acreage covers the site closer to New Canterbury Road.[1] From this description, the residence was located at the southern end of the allotment whereas the subject site is located at the northern end, closer to The Boulevarde.

---

[1] *The Sydney Morning Herald,* "Advertisement", Saturday 14th April 1883, page 15.

Figure 6 – Detail of family residence known as "Toddington"

PARTICULARS OF
that commodious and Substantially-built
FREEHOLD FAMILY RESIDENCE,
situate and known as
TODDINGTON,
on the BOULEVARDE at PETERSHAM,
overlooking
Summer Hill, Petersham, and Ashfield, and within 10 minutes' walk of Petersham Railway Station, with Omnibus Route direct to the centre of the City,
possessing the following accommodation :—

Source: Sydney Morning Herald Saturday 14th April 1883, Page 15.

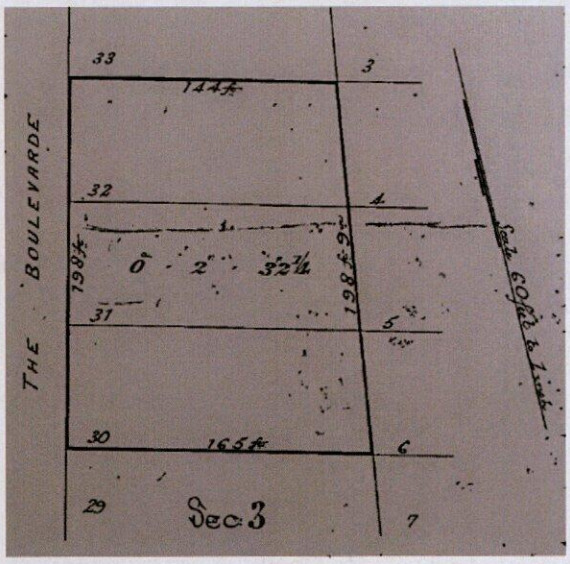
The land occupied by the "Toddington" residence and allotments originally sold to Charles Nelson underwent a further subdivision in 1892 when the land was purchased by Robert Percy Johnston. The "Toddington" residence appears to have continued to occupy the south portion of the lot as from 1918, "Toddington" is listed as a private hospital. There is little information regarding the properties that occupied the allotment adjacent or surrounding the "Toddington" residence however there are occupants listed in Sands that suggest a number of dwellings lined The Boulevarde at this time.

The lot that the subject site now occupies was formed in 1921 when the land owned by the Johnston family was purchased by William George Mitchell. Mitchell was responsible for the subdivision of the land again to how it is currently defined. The first owner of the subject site, as it exists, was Barnett Hyman who purchased the small lot from Mitchell. Mitchell continued to reside in the property adjacent to the subject site at 73a The Boulevarde up until at least 1933 (based on Sands directory research) whereas the subject site was occupied by a number of tenants.

The subject site, on this allotment can be seen in the 1943 aerial (Figure 8) situated between a number of residential dwellings. Note the two apartment blocks and single occupancy dwellings located on the south side of the subject site that are now located on the land that the "Toddington" residence once occupied.

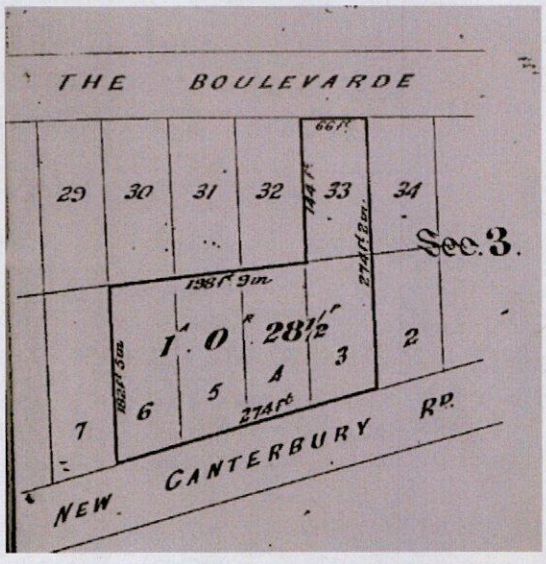
In a comparison of the 1943 aerial and a contemporary aerial, it is evident that a number of these dwellings no longer exist. This includes the dwelling on the northern side of the subject site which has been replace with an apartment building. This comparison also illustrates the alterations to the original dwelling, particularly to the rear of the property where the original roof has been replaced by the second-storey addition in 1999. The pool was added in 1996 and the carport in 1992.

Figure 7 – Subdivision of land from 1875-to current Lot and DP.



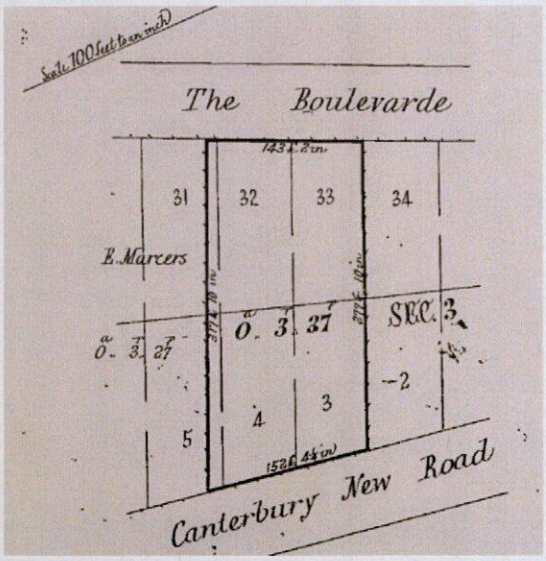
Picture 13 – 1875 Subdivision – Lots 30-32 The Boulevard

Source: Land and Titles, Vol. 225, Fol. 175



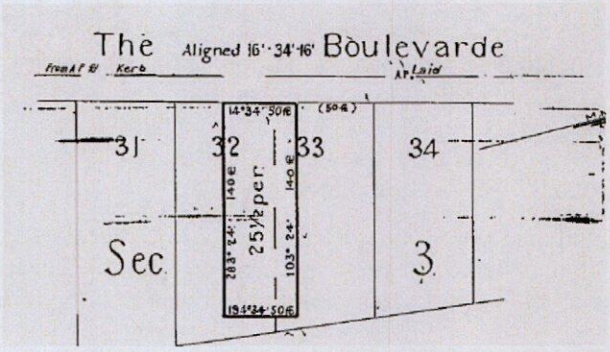
Picture 14 – 1879 Subdivision – Lot 33 on the Boulevard and 3-6 on New Canterbury Road

Source: Land and Titles; Vol. 262, Fol. 17



Picture 15 – 1892 Subdivision – Lots 32-33 (The Boulevard and 4-3 New Canterbury Road)

Source: Land and Titles, Vol. 1050, Fol. 96



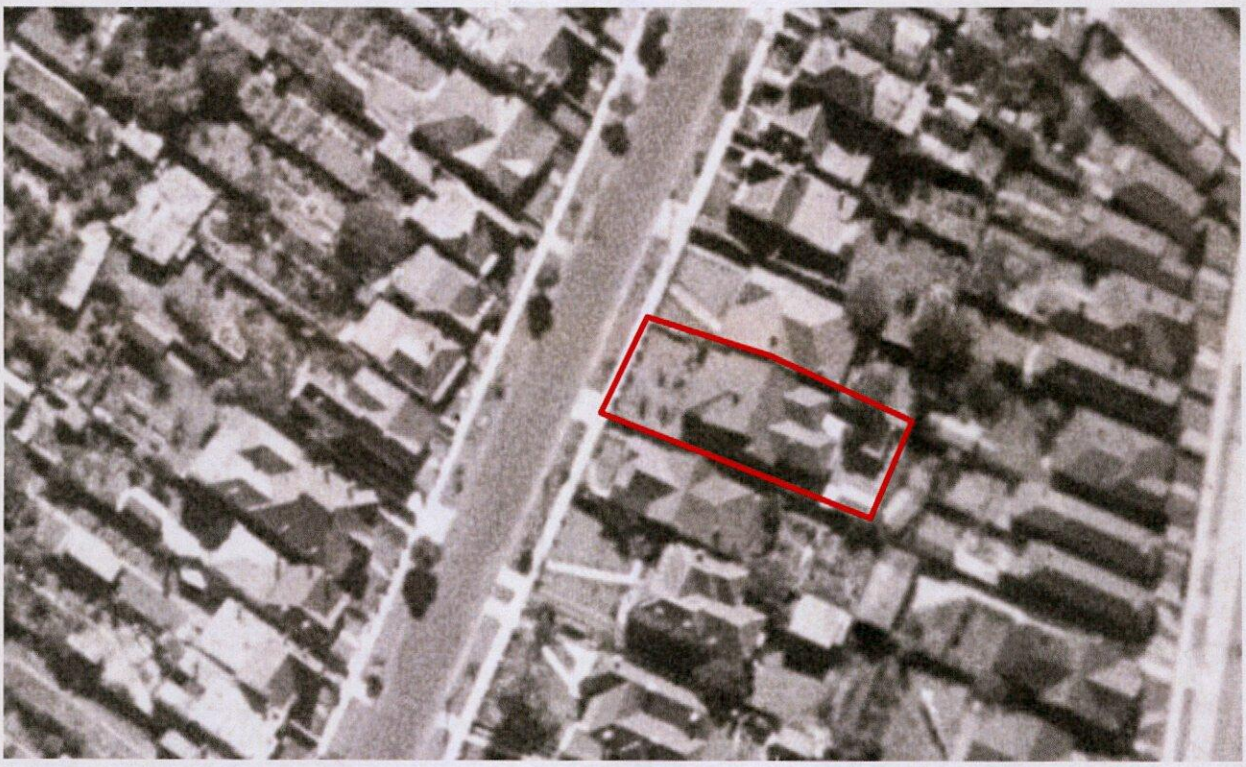
Picture 16 – The current land lot ,1921 – covering part of lots 32 and 33 from the original subdivision.

Source: Land and Titles, Vol. 3205, Fol. 148.

Figure 8 – Six maps 1943

Source: Six Maps 2018

Figure 9 – Larger overview of 1943 aerial



Source: Six Maps 2018

Figure 10 – 2018 Aerial photograph – subject site indicated.

Source: Six Maps 2018

3.3. PROPERTY OWNERS

Table 1 – Titles results – Lots 30-32 on The Boulevard (Picture 1)

Year	Owner
14th March 1795	Michael Griffin (Crown Grant)
1875	Frances Fryer Nelson
1883	Julius Tait of Randwick, Esquire.
1891	Robina Tait of Randwick
1891	Part to - Edwin Maurice Part to - Percy Johnston

Table 2 – Lots 33 The Boulevard and 3-6 New Canterbury Road (Picture 2)

Year	Owner
14th March 1795	Michael Griffin (Crown Grant)
1879	Charles Nelson of Burwood
1883	John Tait of Randwick
1891	Robin Tait of Randwick

Year	Owner
1891	Part – Edwin Maurice

Table 3 – Lots 32-33 The Boulevard and 4-3 new Canterbury Road (Picture 3)

Year	Owner
1895	Part – Robert Percy Johnston
1894	Eliza Christina Johnston, Darcy Johnston and Robert Harrison Johnston
1916	William George Mitchell

Table 4 – Lots 32-33 The Boulevard (Picture 4)

Year	Owner
1921	Parts of Lot 32-33 to Barnett Hyman of Sydney
1942	Stephen Henry Eyers and Esther Eyers
1961	James Henry Eyers (Son of Stephen and Esther)
1987	Registration of Death – Lucienne Maria Eyers
1990-2017	Various occupants.

Table 5 – Sands Directory results of 73 and 73a Boulevard after the current lot was formed and purchased by Barnett Hyman in 1923.

Year	Occupier 73	Occupier 73a
1923	Barnett Hyman	William G. Mitchell
1925-1929	Hector Hubbard	William G. Mitchell
1930-31	Walter W. Ryan	William G. Mitchell
1932-33	Mrs M. Cummins	William G. Mitchell

3.4. DATE OF CONSTRUCTION

The approximate date of construction, based on a Titles and Sands directory search is c.1923.

3.5. ALTERATIONS AND ADDITIONS

The following table has a summary of works that have taken place since 1950.

Table 6 – Summary of works

Application ID	Description	Date Created
BA50/50	Not detailed	1950

Application ID	Description	Date Created
BA248/76	Covered Patio	1976
BA730/91	Not detailed	1991
TP92/92	Carport	1992
BA812/96	To install a swimming pool in rear yard of dwelling	1996
BA75/98	For alterations and additions to the rear of dwelling	1998
DA199900727	For alterations and additions at the rear of dwelling	1999
DA199901716	To erect first floor additions to dwelling	1999
CA201800011	Class 1 Appeal in Land and Environmental Court – Deemed Refusal – to demolish existing improvements and to construct a four-storey residential flat building with basement parking.	2018
DA201800049	To demolish existing improvements and to construct a four-storey residential flat building with basement parking	2018

4. HERITAGE SIGNIFICANCE

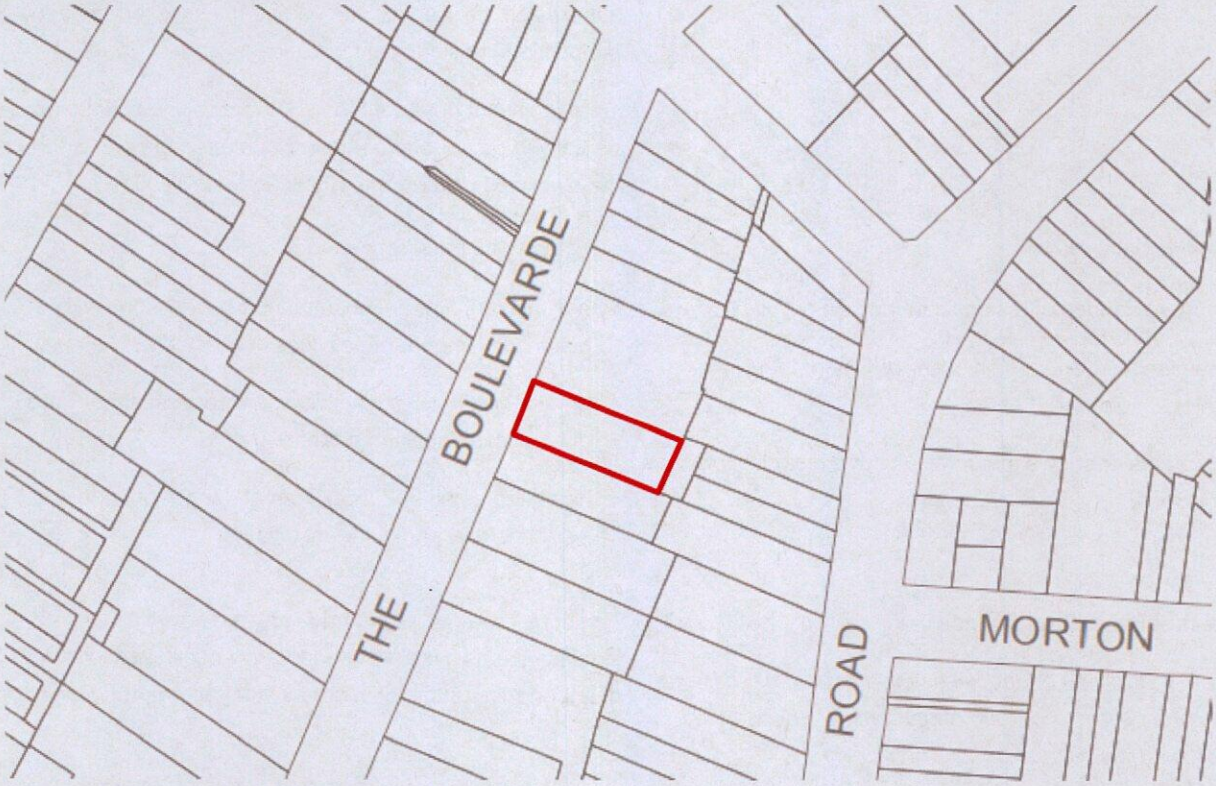
4.1. WHAT IS HERITAGE SIGNIFICANCE?

Before making decisions to change a heritage item, an item within a heritage conservation area, or an item located in proximity to a heritage listed item, it is important to understand its values and the values of its context. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise the heritage values of a place – why it is important and why a statutory listing was made to protect these values.

4.1. HERITAGE LISTING

The subject property is not a heritage listed item under the Marrickville Local Environmental Plan 2011, as shown on the heritage map below.

Figure 11 – Heritage map – subject site indicated



Source: Marrickville LEP 2011, Heritage Map HER_001

4.2. SIGNIFICANCE ASSESSMENT

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. There are two levels of heritage significance used in NSW: state and local. The following assessment of heritage significance has been prepared in accordance with the 'Assessing Heritage Significance' guides.

Table 7 – Assessment of heritage significance

Criteria	Significance Assessment
A – Historical Significance *An item is important in the course or pattern of the local area's cultural or natural history.*	Neither the existing dwelling nor the lot is part of the original subdivision of the Boulevarde from 1875. The lot, as it is now registered was not determined until 1921 when the larger blocks of land were subdivided. Whilst the subdivision in the 1920s is still a significant subdivision, the subject site has been assessed to have no connections to significant historical events or items. The significant physical fabric of the dwelling is only partially in-tact due to a number of alterations and works to the dwelling between the 1950s and late 1990s.
Guidelines for Inclusion • shows evidence of a significant human activity ☐ • is associated with a significant activity or historical phase ☐ • maintains or shows the continuity of a historical process or activity ☐	*Guidelines for Exclusion* • has incidental or unsubstantiated connections with historically important activities or processes ☒ • provides evidence of activities or processes that are of dubious historical importance ☐ • has been so altered that it can no longer provide evidence of a particular association ☒
B – Associative Significance *An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.*	The subject site does not have any associative significance as it is not linked to any special associations of importance to the local area's cultural or natural history.
Guidelines for Inclusion • shows evidence of a significant human occupation ☐ • is associated with a significant event, person, or group of persons ☐	*Guidelines for Exclusion* • has incidental or unsubstantiated connections with historically important people or events ☐ • provides evidence of people or events that are of dubious historical importance ☒ • has been so altered that it can no longer provide evidence of a particular association ☐

Criteria	Significance Assessment
C – Aesthetic Significance *An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.*	The dwelling that occupies the subject site is an inter-war bungalow. It retains features of the bungalow aesthetic including a sandstone base course and redbrick façade and much original interior timber work. Due to the many alterations to the dwelling, the subject site no longer demonstrates sufficient significance to meet the threshold for individual aesthetic significance.
Guidelines for Inclusion • shows or is associated with, creative or technical innovation or achievement ☐ • is the inspiration for a creative or technical innovation or achievement ☐ • is aesthetically distinctive ☐ • has landmark qualities ☐ • exemplifies a particular taste, style or technology ☐	*Guidelines for Exclusion* • is not a major work by an important designer or artist ☒ • has lost its design or technical integrity ☒ • its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded ☐ • has only a loose association with a creative or technical achievement ☐
D – Social Significance *An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.*	The subject site has been assessed to contain no social significance.
Guidelines for Inclusion • is important for its associations with an identifiable group ☐ • is important to a community's sense of place ☐	*Guidelines for Exclusion* • is only important to the community for amenity reasons ☒ • is retained only in preference to a proposed alternative ☐
E – Research Potential *An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.*	The dwelling has been heavily altered so there is no research potential. It is outside of this report's brief to consider archaeological research potential.

Criteria	Significance Assessment
Guidelines for Inclusion • has the potential to yield new or further substantial scientific and/or archaeological information ☐ • is an important benchmark or reference site or type ☐ • provides evidence of past human cultures that is unavailable elsewhere ☐	*Guidelines for Exclusion* • the knowledge gained would be irrelevant to research on science, human history or culture ☒ • has little archaeological or research potential ☐ • only contains information that is readily available from other resources or archaeological sites ☐
F – Rarity *An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.*	The subject site is not a rare or endangered feature of the local community. There are a number of inter-war bungalows within the Inner West that have been kept in more intact condition and or are associated with high quality intact representative examples as a group.
Guidelines for Inclusion • provides evidence of a defunct custom, way of life or process ☐ • demonstrates a process, custom or other human activity that is in danger of being lost ☐ • shows unusually accurate evidence of a significant human activity ☐ • is the only example of its type ☐ • demonstrates designs or techniques of exceptional interest ☐ • shows rare evidence of a significant human activity important to a community ☐	*Guidelines for Exclusion* • is not rare ☒ • is numerous but under threat ☐
G – Representative *An item is important in demonstrating the principal characteristics of a class of NSWs (or the local area's):* • *cultural or natural places; or* • *cultural or natural environments.*	The subject site has been found to be representative of the principle characteristics of a class of NSWs and to Dulwich Hill however not to eh extent of individual listing.

Criteria		Significance Assessment	
Guidelines for Inclusion		*Guidelines for Exclusion*	
• is a fine example of its type	☐	• is a poor example of its type	☐
• has the principal characteristics of an important class or group of items	☒	• does not include or has lost the range of characteristics of a type	☒
• has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity	☐	• does not represent well the characteristics that make up a significant variation of a type	☒
• is a significant variation to a class of items	☐		
• is part of a group which collectively illustrates a representative type	☐		
• is outstanding because of its setting, condition or size	☐		
• is outstanding because of its integrity or the esteem in which it is held	☐		

4.3. STATEMENT OF SIGNIFICANCE

This assessment has found that the subject site does not meet the criteria to be an item of heritage significance.

The dwelling that occupies the site is typical bungalow found in the Dulwich Hill and Inner West area that was constructed during the inter-war period, c.1923. Alterations have taken place in the interior and the exterior of the dwelling replacing a lot of the original features of the property.

The dwelling has representative qualities of the period however is located in an area that has been subject to residential flat development. The changes to the street and the original subdivision has meant the dwelling does not contribute to a consistent group or area of dwellings of the period.

5. CONCLUSION AND RECOMMENDATIONS

The subject dwelling does not reach the threshold for listing as in individual item in the local government area and does not contribute to a consistent group or to the consistent character of an area. The dwelling has had a number of alterations and additions that have also reduced its representative value as an intact interwar bungalow.

It is recommended that the building not be included in a heritage schedule under the local environmental plan.

6. BIBLIOGRAPHY AND REFERENCES

6.1. BIBLIOGRAPHY

Department of Lands 2018, Spatial Information Exchange, Department of Lands, Sydney, available at: <http://imagery.maps.nsw.gov.au/>.

Google Maps 2018, Aerial view of subject site, available at: <http://maps.google.com.au/maps?hl=en&tab=wl>.

6.2. REFERENCES

Apperly, R., Irving, R. and Reynolds, P. (eds) 2002, A Pictorial Guide to Identifying Australian Architecture: Styles and Terms from 1788 to the Present, Angus and Robertson, Pymble.

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[Note: Some government departments have changed their names over time and the above publications state the name at the time of publication.]

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ANNEXURE C

25 May 2018

Mr Wil Nino
Nino Urban Planning + Development
Studio 1/88 Liverpool Road
Summer Hill NSW 2130

Dear Wil,

RE: 73 The Boulevarde, Dulwich Hill
Position Letter

This letter has been prepared to set out my initial position on whether the property at 73 The Boulevard warrants heritage listing at a local level. This position is based on an initial inspection of the property, a review of the available listing information and historical research carried out to date.

Statutory Framework

- The subject site is not identified in any statutory listings.
- There are no individually listed heritage items nor heritage conservation areas in close proximity to the site.

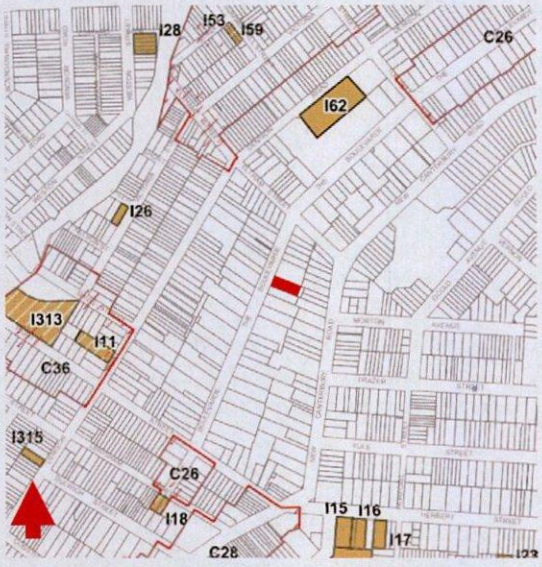

Figure 1 - Excerpt from the LEP heritage map showing the site marked red. (Source: Marrickville Local Environmental pan (LEP) 2011 Heritage Map 001

Setting

The character of development along The Boulevarde between Eltham and Piggot Streets is not of a consistent character; made up of a range of residential styles including two storey Victorian terraces, Federation cottages through to walk up apartment buildings from the 1970's onwards. The single dwellings that have been retained also demonstrate a range of modifications over time.

The Boulevard itself follows a sinuous path which provides additional street parking and the retention of mature trees. A large fir/pine tree is located at the front of the property and another is located in the

adjacent property to the north. Based on a description of The Boulevard at the time of the Lewisham subdivision in the late 1800's, the roadway was characterised as a wide tree lined street. Whilst any retained early plantings may be of some historic interest, on their own they don't contribute to an understanding of the original vision of the street as being a 'boulevard'. Any associations with the original vision is further diminished by the character of the intervening development, particularly the apartment buildings.

Existing Physical Evidence

In terms of the history of the place, the site lies within the wider property originally containing the now demolished Toddington house. No associations with the owners or uses of Toddington have been identified and it appears that the subject building does not contain any fabric associated with the earlier dwelling. It appears to have been constructed over a portion of the former carriageway. Surrounding development, including the garage and pool on the subject site, suggest that the likelihood of finding any archaeological evidence of the historic house is very low.

Based on the physical evidence viewed, some fabric associated with the 1921 structure has been retained at the rear of the building, and whilst no building records have been located that confirm later additions, the 1942 change of ownership would coincide with the architectural style of the modifications to the front and central part of the house. The additions to the roof space are relatively recent.

It would appear that the c1942 modifications included the front verandah, and potentially an altered roofline. I would agree that some aspects of the c1942 works are of architectural interest, including the Hall panelling and inglenook, however they remain alterations to an earlier building. The building does not represent an intact example of either the 1921 or 1942 phases of development. An archival recording of the building could be made and lodged with the local library to enable future research to be carried out.

Next Step Recommendations

R1 - Carry out a detailed inspection of the fabric of the house to prepare a mapping diagram of the various phases of modification on the site to describe the level of change to the place.

R2 – Continue researching the property to see if it is possible to confirm when modifications were carried out to the building, particularly from the 1942 change of ownership. The GIPA request was placed some weeks ago and we are continuing to follow up. We currently have approval to continue this work.

R3 – Prepare a streetscape analysis to describe the existing character of the street – this study would identify the varied character, scale and range of building styles. This study, in concert with R2, would demonstrate the level of change (ie. lack of intact setting and original architectural design integrity) to the eastern and western sides of the street.

R4 - As I am not an arborist I cannot determine the age of the fir/pine tree at the front of the property, however there may be some historic link should it be confirmed that this tree dates from the original development of The Boulevarde itself in 1874. There may be some benefit in having this checked and perhaps ascertain how many of the trees in the length of street between Piggot and Eltham Streets may date from the development of The Boulevarde.

R5 - Based on the completion of the above investigations you may want to prepare a formal Heritage Assessment, which would further assess the place against the Criteria set out the NSW Heritage Office publication, *Assessing Heritage Significance,* 2001.

Initial Conclusion

My initial conclusion is that the building was originally constructed c1921, following which the place underwent significant alterations in the mid 1940's, and was again modified during the last thirty years.

Any residential scaled setting for the building has been substantially diminished with the construction of adjacent and nearby apartment buildings dating from the 1970s/1980s. The visual connection with other single residential dwellings with an historic character has been broken by the addition of the apartment buildings to the streetscape.

I am of the opinion that the building is not a complete example of a particular style, and has been substantially modified from its original form. The setting has been altered by later development, which has disconnected the site from the group of (non-heritage listed) single storey residential dwellings to the west of the site. The site is not heritage listed, nor does it lie within a heritage conservation area. Based on the current physical and documentary evidence there is no justification for changing this situation.

As noted, this is an initial response to the place.

Yours Faithfully,
NBRSARCHITECTURE.

Samantha Polkinghorne
Studio Principal - Heritage

Appendix A – Historical Summary

The following research has been carried out to understand the development history of the site at 73 Boulevarde, Dulwich Hill.

Currently GIPA a request have been lodged with Ashfield Council seeking further clarification regarding any development carried out post 1940.

1. EARLY OWNERSHIP OF THE SITE

The subject site at 73 The Boulevarde, Dulwich Hill, was part of 25 acres granted to Michael Griffin by Crown Grant dated 14 March 1795. It later became part of the Lewisham Estate subdivision, which started in 1874.[1] The Boulevarde, initially also known as 'The Boulevard', was formed at that time by the owners of the Lewisham Estate, as a wide street lined on each side with firs and fig trees. It was initially *"the subject of some amount of ridicule, but [by October 1875] it has already had the effect of causing a superior class of houses to be built in its vicinity."*[2] It was said to have been the first 'boulevard' to be established in Sydney, with a second being laid out in Burwood the following year, in 1875.[3]

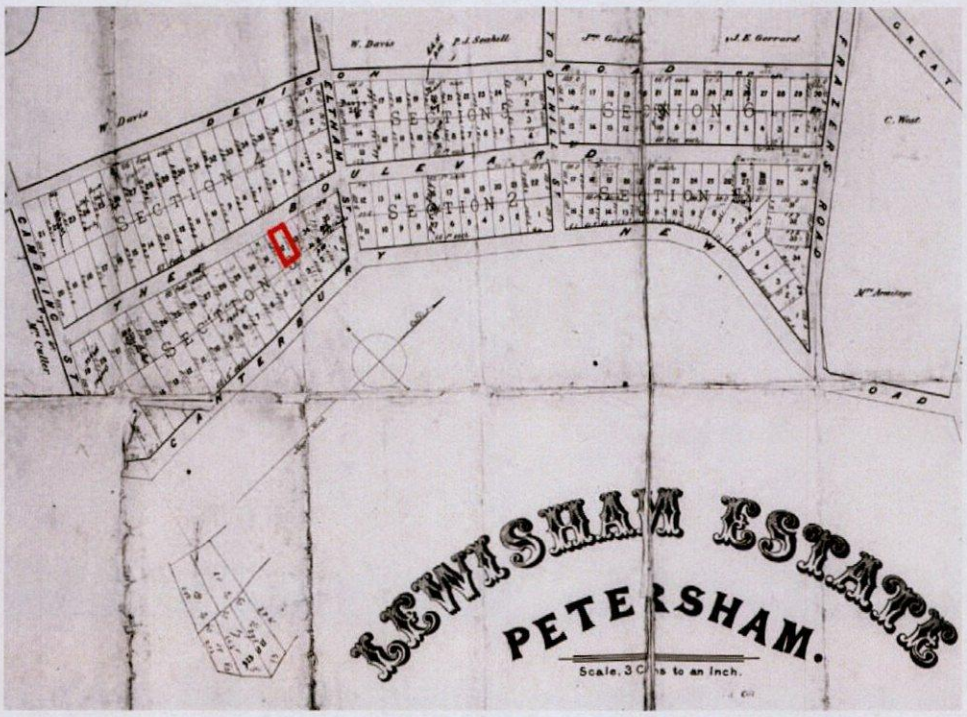

Figure 2 – Subdivision sales plan for the Lewisham Estate, Petersham, showing 73 The Boulevarde, Dulwich Hill, outlined red. The plan is not dated, however, the subdivision began in the mid-1870s. (Source: Inner West Council Archives - Marrickville, Subdivision Plans – Dulwich Hill)

[1] See Villa Sites for Sale, *Sydney Morning Herald*, 25 April 1874, p5; Advertising, Sydney Morning Herald, 11 July 1874, p9 (allotments fronting the Boulevarde)
[2] The Boulevard at Burwood, *Sydney Morning Herald*, 13 October 1875, p3
[3] *Ibid.*

In July 1876, allotments 3 to 6, and 33, of Section 3 of the subdivision were purchased by Charles Nelson, who was a landowner from Burwood, while his wife Frances Fryer Nelson had already acquired Lots 30 to 32 of Section 3 in July 1875.[4] It is likely that the Nelsons built *Toddington* at the site, as their daughter was born there in 1879.[5]

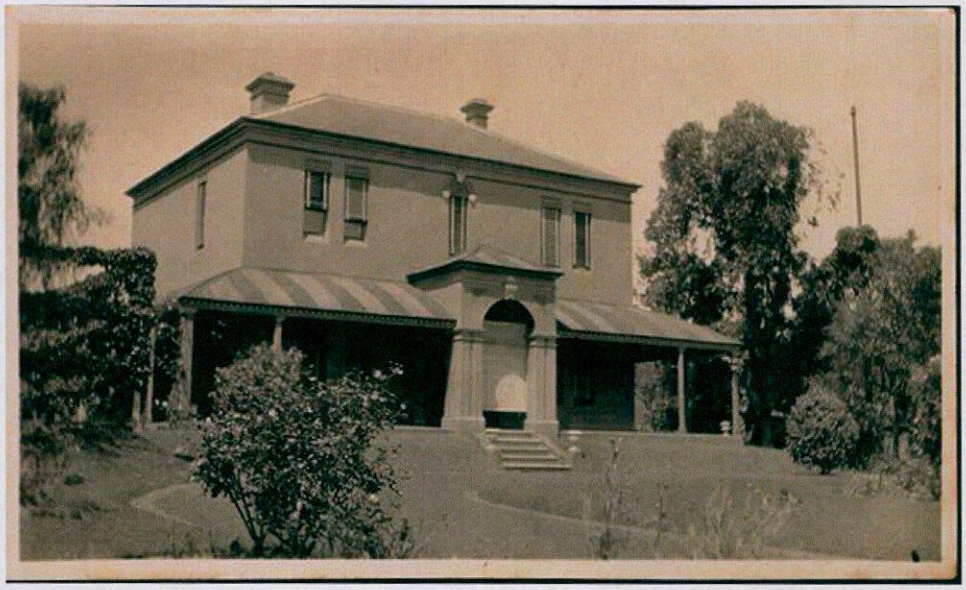

Figure 3 – c1880s photograph showing 'Toddington' at The Boulevarde, Dulwich Hill. Note the carriage loop, part of which was located at the subject site. (Source: Marrickville Library & History Services, Asset No. 184972)

However, it appears that by July 1881, Edwin Jacobs was residing at *Toddington*, as indicated by a sales advertisement for his household furniture, sold by auction at the property.[6] In May 1883, the Nelsons sold their properties as an amalgamated site, including *Toddington*,[7] transferring it to John Tait from Randwick.

'Honest John Tait' lived at Byron Lodge in Randwick and was, as a racehorse owner, closely associated with the turf.[8] After his death in 1888, at the age of 75,[9] the land was transferred to his daughter Robina Tait who subdivided the property into two portions, selling Lots 6 and 30, and parts of Lots 5 and 31, to Edwin Marcer in June 1891.[10] Lots 3-4 and 32-33, as well as the remaining parts of Lots 5 and 31 were sold to Robert Percy Johnston in March 1892.[11]

The property transferred to Robert P. Johnston contained *Toddington*, situated roughly in the centre of his property, with the verandah and front entrance presenting to The Boulevarde frontage, as shown on a map showing the property after its subdivision and transfer to

[4] NSW Land Registry Services (LRS), Certificate of Title (CT) Vol. 262 Fol. 17 (Charles Nelson); CT Vol. 225 Fol. 175 (Frances Nelson)
[5] Family Notices, *Sydney Morning Herald*, 11 March 1879, p1
[6] Advertising, *Sydney Morning Herald*, 26 July 1881, p8
[7] Property Sales, *Evening News*, 19 May 1883, p3; Sales of Property, *Sydney Daily Telegraph*, 19 May 1883, p7
[8] Mr John Tait, *Australian Town and Country Journal*, 1 May 1880, 32; Obituary. Miss Robina Tait, *Daily Telegraph*, 3 May 1927, p2
[9] The late Mr Tait, *Leader*, 27 May 1888, p17; cf. Rutledge, M., 'Tait, John (1813-1888)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, http://adb.anu.edu.au/biography/tait-john-4685, published first in hardcopy 1976 (accessed April 2018)
[10] A new Certificate of Title was issued, see NSW LRS, CT Vol. 1022 Fol. 246
[11] A new Certificate of Title was issued, see NSW LRS, CT Vol. 1050 Fol. 96

Johnston (Figure 5). The location of *Toddington* in relation to the subject site is shown in Figure 6 below, indicating that the building was entirely located outside the current property boundaries of 73 The Boulevarde, and only part of its front garden and the carriage loop would have been situated within the property.

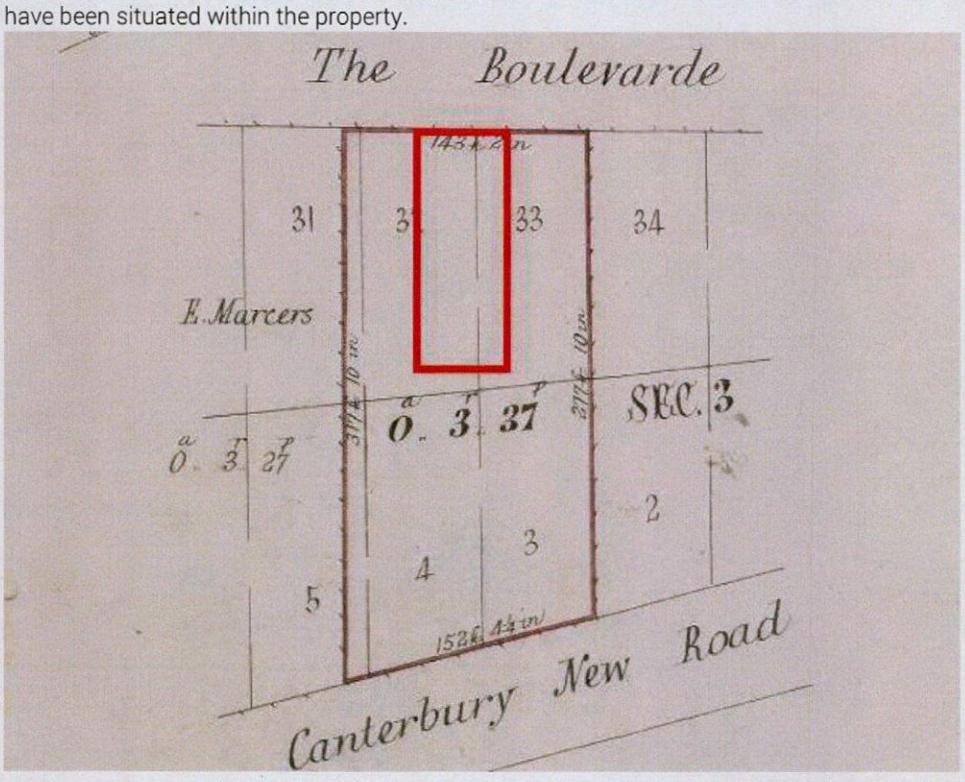

Figure 4 – Block plan included within Certificate of Title issued to Robert Percy Johnston in March 1892, showing those allotments transferred to him at the time in dark red, with the subject site outlined in bright red. Johnston resided at 'Toddington', located at 73 The Boulevarde. (Source: NSW LRS, CT Vol. 1050 Fol. 96)

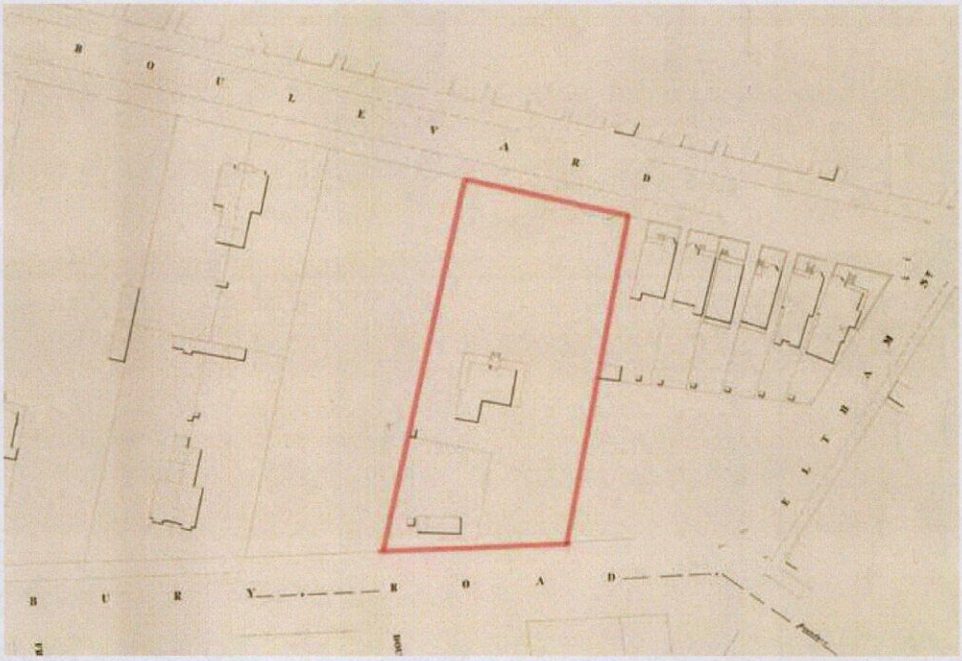

Figure 5 – Survey prepared after the 1892 subdivision, showing the location of 'Toddington' within its property boundaries, outlined red. (Source: State Library of NSW, NSW Department of Lands, Metropolitan Detail Survey Series (City of Sydney Section), 1883-1920, Petersham, Sheet 31)

Figure 6 – Overlay of the c1892 survey and an aerial photograph showing the existing buildings on the site, indicating the location of 'Toddington' (shaded red) in relation to the subject site (shaded yellow). The villa itself appears to be located outside the subject site, and only a portion of its front garden and carriage loop would have been situated on the subject site. (Source: State Library of NSW, NSW Department of Lands, Metropolitan Detail Survey Series (City of Sydney Section), 1883-1920, Petersham, Sheet 31 and NSW LRS, SIX Maps)

Robert Percy Johnston resided at *Toddington* until his death in October 1896.[12] The property was subsequently transferred to his family who tried to sell it in 1910, with the sales advertisement describing the property as follows:

> *LEWISHAM, DULWICH HILL.*
>
> *"TODDINGTON," THE BOULEVARD,*
> *Right at Addison-road, tram stops at Eltham-street.*
> *FAMILY RESIDENCE, standing in nicely laid out grounds, comprising closely shaven lawns, pretty garden beds, shrubs, and with carriage drive and tennis court all beautifully kept.*
>
> *THE HOUSE is well built of brick on stone foundation, slate roof, and contains on the Ground Floor, Drawing-room, Dining-room, Smoking-room, Pantry, Kitchen, Laundry, and offices. Upstairs are 6 Bedrooms, Maid's Room, Linen Cupboard, Bathroom (lavatory, hot and cold water).*
>
> *THE LAND has 143ft 2 in to the Boulevard by a depth on one side of 307ft 10in and 277ft 10in on the other side, with a frontage of 152ft 41/3in to New Canterbury-road at rear.*
>
> *HARDIE and GORMAN (in conjunction with STANTON and SON) will sell the above by Public Auction, at the Rooms, 133 Pitt-street, at 11.30 a.m., on WEDNESDAY, 6th APRIL 1910.*
>
> *This fine Residence is in splendid order, both inside and out, and is handy to the City by both train and tram."*[13]

It was not until 1916, however, when the Johnston family finally sold the property to William George Mitchell, a carpenter from Petersham.[14] The transfer was dated 5 January 1916.

By September 1916 at the latest, Nurse Martin had established a private hospital at *Toddington*, which was noted both in the *Petersham Valuation Books* and the *Sydney Sands Directory* of 1920 at 73 The Boulevarde, Dulwich Hill.[15] No further reference to *Toddington* could be found after that date, suggesting that the building was demolished prior to or shortly after a further subdivision was carried out in 1920 by William Mitchell.

The application for subdivision was noted in *the Petersham Council Building Register* as Application No. 156, dated 5 October 1920, and was approved by Council.[16] Mitchell sold the subject site at 73 The Boulevarde, on parts of Lots 32 and 33, to Barnett Hyman on 15 July 1921.[17] Mitchell retained the newly created 73A The Boulevarde for himself.[18]

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[12] Family Notices, *Daily Telegraph*, 29 October 1896, p8
[13] Advertising, *Sydney Morning Herald*, 23 March 1910, p20
[14] NSW LRS, CT Vol. 1050 Fol. 96
[15] Family Notices, *Sydney Morning Herald*, 2 September 196, p16; cf. 23 December 1916, p10; Inner West Council Archives - Marrickville, *Petersham Valuation Books*, 1920; City of Sydney Archives, *Sydney Sands Directory*, 1920 (Petersham)
[16] Inner West Council Archives - Marrickville, *Petersham Council Building Register*, 1920, No. 156
[17] A new Certificate of Title was issued to Barnett Hyman, see NSW LRS, CT Vol. 3205 Fol. 148
[18] Cf. City of Sydney Archives, *Sydney Sands Directory*, 1922 (Petersham). Mitchelll was noted at 73a The Boulevarde from 1922

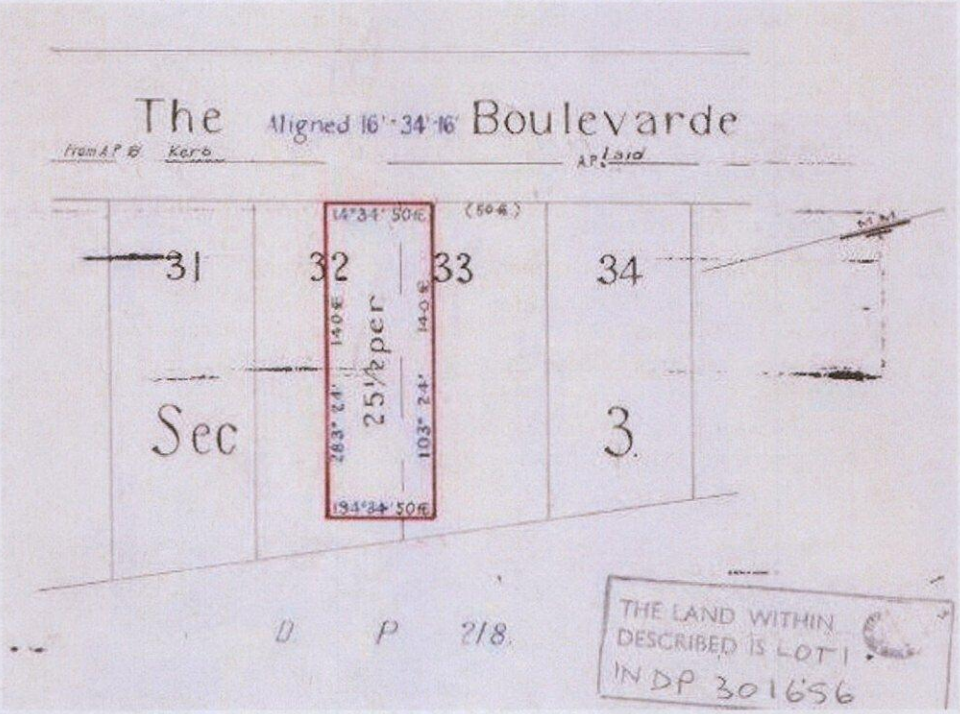

Figure 7 – Block plan included within Certificate of Title issued to Barnett Hyman in July 1921, showing the subject site outlined red. (Source: NSW LRS, CT Vol. 3205 Fol. 148)

2. CONSTRUCTION OF THE BUILDING (1921) AND GARAGE (1922)

Based on later annotations in the *Petersham Valuation Book* 1920 and the corresponding entries in the *Petersham Council Building Register* for 1921, it can be established that the existing building was constructed by Barnett Hyman in 1921. An application for a cottage on Lot 32 was submitted to Council on 31 May 1921, and was subsequently approved. The applicant for Building Application 67/1921 was noted as G. Hokin & Co. (Garratt, Hokin & Co.)[19] for the owner who was noted as Hyman.[20] The value of the building was estimated at £2,000.

Garratt, Hokin & Co. Ltd were registered as "builders and contractors, merchants, etc." from February 1922, with Sydney Garratt, Frederick Joseph Hokin, and Percy Gordon Craig as First Directors.[21] Located at the Daily Telegraph Building in Sydney and later known as Garratt Hokin and Boon,[22] it appears that they were mostly involved in various suburban buildings such as brick cottages in Lakemba,[23] Strathfield,[24] Canterbury,[25] or Campsie.[26]

On 17 October 1922, B. Hyman applied for the construction of a garage at the Boulevarde, at an estimated value of £75, which was approved (BA 180/1922).[27]

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[19] Inner West Council Archives - Marrickville, *Petersham Council Building Register*, 1921, No. 67
[20] Inner West Council Archives - Marrickville, *Petersham Valuation Books*, 1920
[21] Company Matters, *Construction and Local Government Journal*, 8 February 1922, p11; Companies Registered, *Daily Commercial News and Shipping List*, 8 February 1922, p5
[22] Company Matters, *Construction and Local Government Journal*, 15 November 1922, p9
[23] Advertising, *Construction and Local Government Journal*, 9 August 1920, p20
[24] Advertising, *Daily Telegraph*, 5 June 1920, p4
[25] Building, Industry and Machinery, *The Sun*, 17 September 1923, p2
[26] How the Suburbs are Developing, *Construction and Local Government Journal*, 31 October 1923, p6
[27] Inner West Council Archives - Marrickville, *Petersham Council Building Register*, 1922, No. 180

Hyman was noted at 73 The Boulevarde in the *Sydney Sands Directory* in 1923. At that time, Richard Williams was also noted at that address, however, he had purchased part of Lot 33 in October 1920,[28] which later became 71 The Boulevarde.[29] Hyman himself does not appear to have lived at 73 The Boulevarde, as various names were recorded at this address during subsequent years, including Hector Hubbard in 1925 and Walter W. Ryan in 1930.[30]

3. SUBSEQUENT ALTERATIONS

The property remained in Hyman's ownership until January 1942, when it was sold to Stephen Henry Eyers, a wool waste buyer, and his wife Esther Eyers.[31] After Stephen Eyers' death on 11 April 1943, aged only 42, Esther Eyers remained the sole owner and continued to live at the site with her three children, Joan, James and John.[32]

A 1943 aerial photograph (Figure 8) shows the subject site at that time, containing the residence, its front garden and its outbuildings to the rear.

Figure 8 – 1943 aerial photograph showing 73 The Boulevarde, containing the existing residence, shaded red. (Source: NSW LRS, SIX Maps, 1943 aerial imagery)

The *Petersham Council Building Register,* which notes building applications until 1949, does not contain any further applications in relation to the subject site, however, Esther Eyers took up a mortgage in December 1959 and it is thought that she carried out alterations at the site sometime after 1943, as evident within the building fabric.

[28] NSW LRS, CT Vol. 1050 Fol. 96
[29] Cf. for instance City of Sydney Archives, *Sydney Sands Directory*, 1925. 1930 (Petersham)
[30] City of Sydney Archives, *Sydney Sands Directory*, 1925 and 1930 (Petersham)
[31] NSW LRS, CT Vol. 3205 Fol. 148
[32] Family Notices, *Sydney Morning Herald,* 13 April 1943, p8

Include any additional information, based on Council files obtained from the current GIPA request.

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GML Heritage Pty Ltd
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31 May 2018

Mr Wil Nino
Director, NUPD Pty Ltd
PO Box 196
SUMMER HILL NSW 2130

Our Ref: 18-0242wnc1

Re: 73 The Boulevarde, Dulwich Hill—Preliminary Heritage Advice

Dear Mr Nino,

We refer to our commission from Nino Urban Planning and Development (NUPD) to undertake historic research and provide preliminary heritage advice for the property at 73 The Boulevarde, Dulwich Hill (the subject site).

This letter summarises our findings from the historic research undertaken and outlines our preliminary opinion and advice regarding the subject site. It reiterates advice issued to NUPD via email on 30 April and 15 May 2018.[1]

Findings and Outcomes of Historic Research

Our findings are as follows:

- Based on our research to date, and our initial site inspection, we consider that the property is unlikely to meet the threshold for local heritage listing under any of the standard NSW heritage assessment criteria.
- The alterations to the original form and interior of the house, including enclosure of the front verandah and, in particular, the first-floor addition have modified the dwelling such that it does not meet the threshold to satisfy Criterion C (aesthetic significance). The additions have adversely affected the integrity of the design as well as its streetscape appearance and diminished the quality of the interior.
- While the most intact central room, containing the inglenook, is a handsome internal feature, it is not rare. Alterations and additions elsewhere interior detract from the intactness and quality of the house in general.
- The property is not an impressive example of its type, nor is this typology of house rare or unusual in the Inner West of Sydney.
- Barnett Hyman, who commissioned the construction of the property and owned it from 1923 to 1941, is not significant within the local government area (LGA). Whilst he is noted in a single newspaper article as a 'well-known' furrier in April 1913, he is not sufficiently prominent, nor does he remain of sufficient local repute in today's terms to satisfy Criterion B (associative significance). Hyman rented out the house at intervals (which we know from the Sands Directory) and it is unknown whether he

actually occupied the property for any great length of time or perhaps had another residence elsewhere.

- Our research indicates that the dwelling was built by George Hoskins. The connection to George Hoskins is of some interest and warrants further investigation. Initial findings suggest that it is unlikely to be an association sufficient to elevate the property to the threshold for local significance under Criterion B. The notable aspects of George Hoskin's life and company relate to his family members' connection to the foundational era of the Australian steel and iron manufacturing industry and for his role in the construction of the significant Federation estate in Burwood, the Appian Way. His brother Charles and Charles' son Cecil were closely associated with B.H.P. There is a possibility that George Hoskins constructed other dwellings along The Boulevarde, and this could be investigated.
- There is no information available on any architect/designer involved in designing the dwelling; it may have been designed by Hoskins himself.
- As yet, no information garnered in the historic research indicates that the property satisfies Criterion B (historic significance). In 1874, The Boulevarde is noted by George Pile (who subdivided and aligned the road) as an exemplary street for the locality at the time due to its 'gardenesque' qualities. The house at No. 73 dates from a much later phase (1923) rather than being one of the early phase of houses constructed concurrently with The Boulevarde, some of which can be seen in the 1912 historic photos.
- The alignment and character of The Boulevarde has changed considerably since then. Redevelopment in the latter half of the twentieth century has seen The Boulevarde lose much of its intactness/integrity as a 'gardenesque' street lined with nineteenth-century/Federation era villas as evidenced by neighbouring flat buildings, newer housing stock and mixed character along the length of the street.
- The Norfolk Island pine tree in the front yard of the property may have some significance. The original plantings along The Boulevarde were fig trees and pine trees, as noted by Pile on 1874. We recommend the tree be dated by a suitably qualified arborist. If it is a younger tree, planted with the house or soon after, its retention would be recommended as it contributes to the streetscape and amenity of the area and is sympathetic to the original nineteenth-century planting scheme.

Opinions Regarding *Heritage Assessment—73A The Boulevarde, Dulwich Hill*

As requested, we have reviewed the report prepared by Sue Rosen on behalf of the owners of the adjoining property at 73A The Boulevarde Dulwich Hill, a copy which was provided to us.[2]

We note the following regarding that report:

- The report states that the builder of No. 73 was William George Mitchell. This appears to be an error. GML's research indicates that the builder was G. Hoskins.
- The report claims that the streetscape and setting of No. 73 is significant for its intactness. GML's research shows that the street character and the setting of No. 73 has undergone major change. Additionally, there are several unit blocks within this part of The Boulevarde.
- The report notes that Nos 73A and 73 are relatively intact. This is incorrect, as both properties have had major additions and alterations which have substantially altered their original form. The report

fails to observe that No. 73 has had a large upper level roof extension that has changed its form and character.

- The report does not note the substantial alterations and additions to the property at 73A, which have changed its original form, layout and configuration particularly to the rear of the property.
- The report concludes by saying that the significance of the property should be 'further assessed', rather than claiming that it should be listed.

Conclusion

While we are yet to undertake a full heritage significance assessment of the property under the standard NSW criteria, it is our preliminary opinion that the property at 73 The Boulevarde is unlikely to meet the threshold for local significance.

Yours sincerely
GML Heritage Pty Ltd

David Logan
Partner

Endnotes

1 Email correspondence—GML (David Logan, Emma McGirr) to NUP (Wil Nino), 30 April and 15 May 2018.

2 Sue Rosen, *Heritage Assessment—73A The Boulevarde, Dulwich Hill*, report prepared for Mr and Mrs Alex Catania, March 2018.

Heritage response to Urbis by Robertson & Hindmarsh

Robertson
&
Hindmarsh
Pty Ltd

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31 July 2018

The General Manager
Inner West Council
7-15 Wetherill Street
LEICHHARDT NSW 2040

Attention: Niall Macken
Team leader – Heritage & Urban Design

Dear Sir,

"Bertsonie", 73 The Boulevarde, Dulwich Hill

I confirm that we have received the following additional documents/information from Inner West Council subsequent to the submission of our report dated 19 June 2018:

Heritage Assessment 73 The Boulevard (sic) Dulwich Hill, NSW 2203, dated 30 May 2018.
Attached to that report at Annexure C were:
Letter dated 25 May 2018 from NBRS Architecture heritage including their Appendix A – Historical Summary, and
Letter dated 31 May 2018 from GML Heritage.

Undated history by Urbis,
Copies of the Petersham Subdivision and Building Registers and Valuation Books.

URBIS Heritage Assessment report, dated 30 May 2018:
History:
It is my opinion that the history of the various subdivisions of the original Toddington estate contained within in the report dated March 2018 by Sue Rosen Associates, "Heritage Assessment 73A The Boulevarde, Dulwich Hill", dated March 2018, is a clearer representation of the sequence of allotments and owners than that contained within the URBIS Heritage Assessment report.

Significance Assessment:
Criterion a: Historical significance:
We reiterate our original assessment in our report dated 19 June 2018 with regard to the historical significance of the property and repeat that it meets the threshold for listing at a local level in this regard.

Principals
(nominated responsible architects):
Dr Scott Robertson FRAIA ARB No: 4122
Jan Robertson FRAIA ARB No: 4182

Criterion b: Associative significance:
As stated in our report of 19 June 2018 the plan of the house still allows an interpretation of a way of life of a group important to NSW's cultural history (ie the well-to-do middle class)

Criterion c: Aesthetic significance:
With regard to aesthetic significance the URBIS report fails to describe or assess the architectural characteristics, especially the interior, of the house at 73 The Boulevarde. In fact, there is no mention of the interior in the assessment and the photographs of the house contained in the report concentrate on the altered fabric and do not adequately cover the surviving original fabric of the Hall, Living Room and the two front Bedrooms. In this regard any assessment in the report cannot be supported as there is no description or discussion. There is no attempt at placing the interior within a context of interwar housing design and no mention of the its Craftsman interior.

Criterion f: Rarity:
With regard to rarity, there is no evidence in the URBIS report to support the contention that the house is not rare as there have been no detailed studies of the interiors of interwar houses. The house is an early 1920s house with a significant, mostly intact Craftsman interior. Again, the lack of description or any attempt at a comparative analysis of what evidence is publicly available with regard to the prevalence or likely influences on the hose at 73 The Boulevarde.

Criterion g: Representative
Unlike the URBIS report our report found that the house demonstrated "the principal characteristics of a class of the local area's cultural places" and, therefore, met the guideline for inclusion under this criterion at a local level.

NBRS letter and Historical Summary, dated 25 May 2018 at Annexure C of the URBIS report:
On page 9 of the NBRS Historical Summary the author states:
"Based on later annotations in the *Petersham Valuation Book* 1920 and the corresponding entries in the *Petersham Council Building Register* for 1921, it can be established that the existing building was constructed by Barnett Hyman in 1921. An application for a cottage on Lot 32 was submitted to Council on 31 May 1921, and was subsequently approved. The applicant for Building Application 67/1921 was noted as G. Hokin & Co. (Garrett, Hokin & Co) for the owner who was noted as Hyman. The value of the building was estimated at £2 000."

Examination of the source documents shows that the above NBRS statement is not accurate.

Petersham Council Building Register 1920-25:
Application 67 of 1921 is listed as "G. Hokin & Co / 1 DF Cottage / Lot 32 boulevard / S & F / 1 new dwelling / Estimated value 2000 / Fees 1".
There is no statement that the land is owned by Barnet Hyman in this primary source document.

Petersham Council Building Valuation Book 1920-22 (as at 1 January 1920):
"Boulevard 71 / Owner Miller Alfred Leslie Accountant / Occupier owner
Boulevard 73 / Owner Mitchell William George Builder Brook Lodge … Petersham / Occupier Martin Mrs Mary".
This primary document of 1920 maintains Mitchell as the owner of 73 The Boulevard (sic) and that Mrs Martin was still the occupant. It is not until the 1923-25 Valuation Book (as at 1 January 1923) that Barnett Hyman is listed as the owner of 73 The Boulevard and William George Mitchell is listed as the owner of 73A the Boulevard.

The sequence of Land Titles provides a more accurate representation of the ownership of the land and the process of subdivision.

William George Mitchell purchased the residual portion of the Toddington estate from Robina Tait in March 1892. This residual estate comprised Lots 32, 33 & Part Lot 34 of DP 114 and Lots 3, 4 & part Lot 5 of DP 218. This estate contained Toddington house which was used by the occupant, Mrs Mary Martin as a private hospital. The address of the hospital in the Sands Directory was given as 73 The Boulevard.

Lots 32, 33 & Part Lot 34 fronted The Boulevarde and were re-subdivided into three equal-frontage lots Lots A, B & C. Lot A became No. 71A, Lot B became No. 73 and Lot C became No. 73A The Boulevarde (Figure 2.11 in the Rosen report illustrates this).

Analysis of the owners and occupiers (see Appendix A to this letter) indicates that No 71A The Boulevarde was occupied by its owner, Richard Williams, in 1922 which indicates a completion of construction in 1921. Likewise, William Mitchell is also recorded as living at No 73A in 1922 which indicates a completion in 1921.

No 73 The Boulevarde was not occupied by Barnett Hyman until 1923 which would indicate a completion date of 1922. Building Application 1921/67 was lodged at Petersham Council by G. Hokin & Co as the applicant. Hokin & Co was not the registered owner so it could be assumed that the company was engaged by the owner of the land to construct the house. Hyman was also not the registered owner at the time of the lodgement of the BA but he still could have commissioned the design of the house and the engagement of Hokin & Co to construct it. It is also possible that Mitchell engaged Hokin & Co to construct the house at No 73 but, given the stylistic difference between Nos 73 & 73A The Boulevard it is more probable that the designers of the two houses were different and, therefore, it was Hyman who commissioned the design of the house at No 73 The Boulevarde.

NBRS also state that Hyman did not live at No 73 The Boulevarde. If the Sands Directory is correct then Hyman is recorded as being the occupant of the house in both 1923 and 1924.

GML letter, dated 31 May 2018 at Annexure C of the URBIS report:
The author of the GML letter states that the most intact central room of the interior of the house at No 73 The Boulevarde is not rare. No evidence is given to back up the statement that the interior is not rare. The letter's author provides no list of comparable or better Craftsman interiors. The letter also does not give an accurate description of the extent of the intact rooms (ie the Hall, the Living Room with the inglenook, and the two front Bedrooms). No mention is made of the surviving service hatch for food deliveries and no mention is made of the 1922 garage.

In addition, no discussion of the impact of the changes to the house is given. The enclosed front verandah is a reversible alteration that could be removed to reinstate the open front verandah. Such a reversal would not impact the significant fabric of the front verandah or front wall of the house. Whilst the addition of the first floor has altered the original proportion of wall to roof when viewed form the street it is a sympathetic addition that integrates with the overall design (in contrast to the 1980s first floor addition to the neighbouring house at No 73A The Boulevarde). Reversible alterations have not been an impediment to listing other buildings in New South Wales (eg Elizabeth Bay House, Lyndhurst, Hyde Park Barracks, etc).

With regard to the typology of the house not being rare in the inner west of Sydney it should be stated the building type of a freestanding bungalow on a separate block of land is not rare in the context of the inner ring of suburbs developed in the interwar period. However, the survival of an intact Craftsman interior in the main suite of rooms is rare as these interiors rarely make it to statutory heritage listings and have not been systematically recorded or studied. It is even rarer for such an interior in a middle class bungalow to survive unscathed. More often, the interiors of the typical 1920s Californian Bungalow reflect transitions between decorative Federation interiors and the restrained English Arts and Crafts interior of stained timber accents. Full-blown wall panelling and inglenooks are rare in the typical 1920s bungalow.

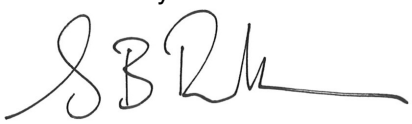
GML state the builder of No 73 The Boulevarde was George Hoskins. However, Inner West Council records inherited from Petersham Municipal Council state the applicant was G. Hokin & Co. As discussed earlier in this letter, it is not clear who commissioned G. Hokin & Co to lodge the application and construct the house.

We disagree with the GML statement that the house does not satisfy the criterion of historical significance. As stated in our report of 19 June 2018, the house does fulfil this criterion at a local level as it demonstrates the subdivision of larger estates and the subsequent urban infill. The Craftsman interior demonstrates the historical influence of American culture on Australia. Moreover, the 1922 garage demonstrates the introduction of the motor car to the middle classes and the need to house this very expensive asset.

More intact examples:
At the Land & Environment Court hearing it was suggested by the applicant's heritage consultant that a more intact example of a house of the period was opposite the subject site, at No 102 The Boulevarde. From an examination of the photographs of the house available on-line it appears that the house is an earlier house in a transitional style. Its overall form is Federation whilst its dark bricks indicates a construction date after World War 1. The only relatively intact room shown in the on-line real estate photographs is the Living/Dining Room which displays elements of the earlier English Arts & Crafts movement and does not have any of the characteristics of the American Craftsman interior. The other spaces and exterior at the rear depicted in the photographs show that the original character of the house has been changed and modernised. For example, the photograph of the bedroom indicates that the fireplace has been removed whereas the fireplaces in the bedrooms of "Bertsonie" are intact.

It was also suggested by the same consultant that sufficient interwar houses were already protected in the Inner West Local Government Area within HCA35 – Interwar Group – Dulwich Hill and Marrickville. The houses in that Heritage Conservation Area are small bungalows constructed in the period 1936-1941. They are 1930s hipped roof cottages that display the design aesthetic of the post-Great Depression and do not in any way resemble the aesthetic sensibility of the period when "Bertsonie" was designed and constructed some 15 to 20 years earlier.

Yours faithfully



Dr Scott Robertson
for Robertson & Hindmarsh Pty Ltd

APPENDIX A

Table showing owners & occupiers 69-75 The Boulevarde (1920-1925)

No.	Lot (Mitchell's subdivision)	Owner (Valuation Books)	Occupier (Sands)
1920			
69		Frederick George Hagley, civil servant	Frederick Hagley
71		Alfred Leslie Miller, accountant	Alfred L. Miller
73		William George Mitchell, builder	Mrs Martin, private hospital
75		……. Hogarth	Mrs Mary Hogarth
1921			
69			Frederick Hagley
71			Alfred L. Miller
73			Miss Pitt, private hospital
75			Mrs Mary Hogarth
1922			
69			Frederick Hagley
71			Alfred L. Miller
73	Lot A		Richard Williams
73A	Lot C		William G. Mitchell
75			Mrs Mary Hogarth
1923			
69		Frederick George Hagley, clerk	Frederick Hagley
71		Alfred Leslie Miller, accountant	Alfred L. Miller
~~73~~ / 71A	Lot A	……. Williams ……	Richard Williams
73	Lot B	Barnett Hyman, freeholder	Barnett Hyman
73A	Lot C	William George Mitchell, builder	William G. Mitchell
75		……. Hogarth	William Welch
1924			
69			Frederick Hagley
71			Alfred L. Miller
71A	Lot A		Richard Williams
73	Lot B		Barrett (sic) Hyman
73A	Lot C		William G. Mitchell
75			T.W. Begg
1925			
69			Frederick Hagley
71			Alfred L. Miller
71A	Lot A		Richard Williams
73	Lot B		Hector Hubbard
73A	Lot C		William G. Mitchell
75			T.W. Begg, solicitor

Conomos Legal Letter

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CONOMOS LEGAL
DEVELOPMENT & PLANNING LAWYERS

27 August 2018

Mr Rik Hart
The General Manager
Inner West Council
2-14 Fisher Street,
PETERSHAM NSW 2049 BY EMAIL

Dear Sir,

Property: 73 The Boulevarde, Dulwich Hill
Our Ref: VC:BB:N9659

We refer to Council's Interim Heritage Order with regard to the above site.

We have read the report recommending a resolution of council that the subject site be made a heritage item.

The Council would be aware that an Interim Heritage Order was the subject of an appeal to the Land and Environment Court. In that appeal the Council argued that it was not the role of the Court in disposing of that particular appeal to adjudicate upon whether the property the subject of the Interim Heritage Order should be made a heritage item but rather, whether the Interim Heritage Order should remain in place to allow the council to undertake further investigation to see whether the property was worthy of being made a heritage item.

The Interim Heritage Order itself did not purport to be in place because council had concluded that the property was worthy of heritage listing but rather that investigations should occur.

The Court concluded at [63] and [64] that in one respect only, there were further investigations or enquiries that could be carried out. That is, in relation to the rarity of the interior craftsmanship. This was not a conclusion that the building is of heritage significance, but rather, that there is a "real chance or possibility" after further enquiry that it will be found to be of heritage significance.

Since the time of judgment in the hearing of the appeal of the Interim Heritage Order, the Council has not undertaken further investigation that would lead to a conclusion that the property is worthy of heritage listing.

Liability limited by a scheme approved under Professional Standards Legislation

While Dr Robertson has attempted to address some of the evidence, given that he was not present during the hearing of the appeal and was not an expert witness for the Council, his additional review is of little assistance and is, in several respects, misleading:

1. Dr Robertson is critical of the Urbis report in a number of respects. He alleges that the Urbis report contains no mention of the interior in the assessment or photos of the interior. This is plainly incorrect. The report made specific reference to the intact "original interior timber work".

2. While it is evident that he was given a copy of the Urbis Heritage Assessment Report, he was not given a copy of the joint report of Niall Macken and Stephen Davies. If he had been, he would realise that the significance or otherwise of the craftsman interior was canvassed at some length.

3. Dr Robertson asserts that the examination of the source documents demonstrates that the NBRS research of the history of the house is inaccurate and that the Sue Rosen Associates representation is a clearer representation of the sequence of allotments and owners than that contained in the Urbis Report. Yet, the summary of the source documents at p2-3 demonstrates that in the relevant respects, the Sue Rosen Associates report as adopted by Dr Robertson, was incorrect in its assertion that both houses at 73 and 73A were owned and constructed by William Mitchell. Critically, Dr Robertson's supplementary comments contradict the clear finding of the Land and Environment Court at [63] that the builder of the house was G Hokin & Co and the first owner was Hyman.

4. The criticism of the lack of research to support the conclusion on rarity of the inglenook and interior craftsmanship also ignores evidence given in the appeal. It also ignores the fact that at the hearing of the appeal the applicant faced with the very late provision of Dr Robertson's report attempted to rebut that opinion with photographic evidence of other examples. The Council unreasonably objected to the tender of that evidence on the basis that Mr Macken did not have an opportunity to address it. That material has now been submitted to the Council by Mr Davies yet evidently Dr Robertson has not considered this material. It supports the evidence given by Mr Davies that Inglenooks and craftsman interiors are not rare. Dr Robertson can hardly claim that the interior is rare given that he has done no research to demonstrate that it is.

5. Criticism of the lack of reference to the garage is also misplaced. As the Court noted at [68], there was no evidence given with respect to the heritage significance of the garage. This of course was because no-one seriously considered it to be of any significance. There is no evidence given by the Council's expert that was significant or even original.

Liability limited by a scheme approved under Professional Standards Legislation

We would share the considered opinions of Stephen Davies (Urbis), David Logan (GML), and Samantha Polkinghorne (NBRS) that the property does not reach the threshold for heritage listing. There has been no further investigation by the Council which would counteract those opinions such that listing would be warranted.

Rather than the Council resolving to make a planning proposal to include the item in the inventory of heritage items, the appropriate course would be for the heritage significance of the property to be assessed by the Court in the applicant's development application which is currently the subject of an appeal to the Court. In the context of that development appeal before the court that the appropriateness of removal of the building can be properly assessed. Clearly then, the Court could determine whether the building was of such heritage significance that it should not be demolished.

In the above circumstances and based upon the compelling evidence of three highly qualified and respect heritage consultants, the council would not find any substantive reason to list the subject property and building as a heritage item.

Yours faithfully

Vasili Conomos

Liability limited by a scheme approved under Professional Standards Legislation

Urbis Letter

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27 August 2018

Inner West Council + Inner West Planning Panel

73 THE BOULEVARDE, DULWICH HILL

Introduction

I represent the owners of the property at 73 The Boulevard, Dulwich Hill and make objection to its listing on Schedule 5 of the Marrickville Local Environmental Plan 2011.

The proposed listing is the result of an objection by the neighbour at 73A of the property to a proposal to erect a residential flat building on the site. Both sites are zoned for higher density and both sites have adjacent residential flat development adjacent to them in accordance with the zoning. The setting of these properties is represented by residential flat development in accordance with the zoning.

It is noted that both 73 and 73A The Boulevard have been subject to unsympathetic alterations and additions over time.

Significance

Reports have been prepared by 5 experts and these reports vary in historic accuracy. Three reports, by NBRS Heritage, GML Heritage and Urbis Heritage, all question the significance of 73 The Boulevard and do not agree that the building reaches the threshold for individual significance. A report by Sue Rosen, on behalf of the objector neighbour who is concerned about the proposed development, and by Robertson and Hindmarsh, prepared on behalf of the Council, conclude the dwelling reaches the threshold. It is noted that the reports which do not support the listing, all by reputable heritage consultants, are not included in the report to Council and the Panel.

The objection to the listing has been refuted by the Roberston Assessment and I will examine some of matters.

Historic

The Urbis report actually uses information from Council's own archive and librarian and uses both Sands and Land Titles, which Roberston says it does not. It is an accurate history and is supported by NBRS Heritage. It refutes the work done by Sue Rosen. The historic significance does not reach the threshold. Most subdivisions are the result of the subdivision of earlier estates and the subdivision does not represent a historic subdivision, such as Haberfield. If the subdivision were the main factor for listing then we would list the late 20th c walk-up flats next door, being in the same original subdivision.

Social and Associational significance

There is no argument for the social significance of the dwelling or its association with important persons.

Technical or scientific

There is no known technical significance of the dwelling and the Roberston report explains that these types of interiors were bought in a kit form from Department Stores at the time so not of special technical skill was required. Refer to Photo 1 for an interior that was crafted for the dwelling rather than being kit assembled.

Aesthetic

The dwelling, as discussed is of a representative type that fails to meet the threshold for individual significance. It is agreed that the mission interior, including ingle-nook, is representative but it is located in an altered dwelling that does not represent well the characteristics of a good example of a dwelling of the period. The ingle- nook is not so significant to warrant listing the entire dwelling to conserve it.

Rare and Representative

Whist the ingle- nook is not common it could not be said to be rare as a typology such that the building would be listed for that reason alone. The interior is representative however as the dwelling has been altered and is in a degraded location it would not in my opinion reach the threshold for individual listing on that criterion.

The reports by Council do not include any examples of Mission interiors in the Inner West or Sydney however a short survey of recent listings and known examples provides a range of interiors across Sydney. How can the interior be said to be rare when there are easily found examples on the inter-net.

The rear garage is constructed of material, including fibro, dated later than the dwelling and Is not a rare element in the Inner West.

The IHO Process

It is observed that more recently Sydney Councils have looked to list more minor buildings and have placed IHOs on a range of buildings that are not listed and which have been proposed for redevelopment. While Council have the ability to do this, it is difficult to see a rationale that is consistent or which relates to the extensive background of work undertaken to identify heritage places in the council area. Based on what is presently listed in the Inner West and the use of HCA's to capture the more significant groups of typical buildings that have heritage value, the subject site is not a heritage item and should not be a heritage item.
If Council are of the view that the threshold for listing should be lowered to capture a much broader range of places, it is incumbent on them to undertake a comprehensive study or review of items and potential items, establish a clear new threshold and propose what would inevitably be a very large number of new heritage items. To randomly lower thresholds and attempt to list buildings that have not previously been listed is extremely poor heritage and planning practice.

As discussed earlier, all places have potential significance as every building represents its period, style and evolution. For a place to be of sufficient significance to be a heritage item it must demonstrate characteristics at a level that is above average or have some specific attribute of significance that elevates it for social, historic or associational value. Simply being a Interwar house, for example, is not a reason for heritage listing. Current listings are based on a high threshold of significance. The example of No.3 Hurlstone Avenue, Sumer Hill, Photo 1 below, provides a superb example of a Mission Interior, very much influenced by the Greene and Greene dwellings of

Pasadena, California that Scott Robertson has highlighted in his report. This building is a heritage item in a Conservation Area. The room below is almost an entire ingle nook being a complete room arrangement around the fireplace. The Robertson report says we don't have record of these interiors but recent sales information, see examples at Attachment A, has provided a number of fine interiors in the area of this style that are not yet listed individually. Many of these are in locations that would be included in conservation areas, unlike the current dwelling which is a residential flat zone.

Photo1.

Compare this interior with the subject dwelling at 73 The Boulevard below in Photo 2.

Photo 2.

Simple Mission interior which may be compared to the examples in Attachment A.

Conclusion

Most buildings that have some heritage value are found in HCA's and are not heritage items. They are the majority of heritage buildings and are described as contributory. The reason for creating precincts is to conserve groups of buildings that are contributory (as well as items) for their collective value rather than their individual value.

Similar buildings to contributory buildings may be found outside HCA's that are not heritage listed as they are not individually of sufficient significance to be a heritage item and they do not form part of a group of similar related places.
73 The Boulevard is a building that could be considered contributory if it were in an HCA. It is a typical home from the period, speculatively built, set on a generous lot, altered but retaining some of its designed form and consistent with the style and scale of buildings built across the suburb as it developed. It is not an exemplar or outstanding example of its time. This was the reason the building was not considered for inclusion in a conservation area when the area was surveyed.

The house at 73 is relatively competently designed but it does not display design excellence and has detailing suggesting it was unlikely to be architect designed but probably builder designed, as argued in the heritage assessment.
The building is pleasant but not distinctive and does not demonstrate the design quality, form, scale, attention to detail that is seen in exemplary examples in the Inner West.
There is an inherent temptation to want to list any place that is under threat and which appeals to the local community for its established aesthetic values and amenity values. The notional listing of this property falls within that category, however on close examination of actual heritage values the property does not achieve a threshold for listing.

If Council were to proceed with the listing it suggests the basis of the current LEP listing is flawed as it cannot be relied upon as a statement of what is significant. It is important that the LEP has consistency and fairness, it exists to prevent random actions by Council and community and to give a level of certainty to owners and residents.

There are no substantial grounds to heritage list this property. To proceed would be in defiance of good heritage practice and undermines the existing basis of listing. There can be no certainty for any property owner in the council area if Council, at its whim, can place an IHO on any property that an objector decides should be kept, irrespective of due process.

Effectively, heritage listing would be on the basis of any application that is lodged and whether there is any objection to it. This is poor heritage and planning practice and has nothing to do with the proper statutory management of heritage in the council area.

Does the property, under proper examination reach the threshold for individual heritage listing that Council have adopted across the council area?

The answer is that the dwelling does not meet Council's current criteria. No. 73 does not achieve the required threshold for listing and the IHO should be removed.

Yours sincerely,

Stephen Davies
Director

URBIS

ATTACHMENT A: EXAMPLES OF MISSION INTERIORS AND INGLE-NOOKS.

Date: 11/07/18

2/29 Bay Road Waverton NSW 2060

Two storey inter-war apartment building with inglenook.

Under North Sydney LEP 2013:

- Zone: R3 Medium Density Residential.
- Heritage: Not a heritage item and not located within a Heritage Conservation Area.

Source:

Realestate.com.au https://www.realestate.com.au/sold/property-apartment-nsw-waverton-124990498

Legislation.nsw.gov.au

Image 1: Front of building (Source: Realestate.com.au)

Image 2: Inglenook (Source: Realestate.com.au)

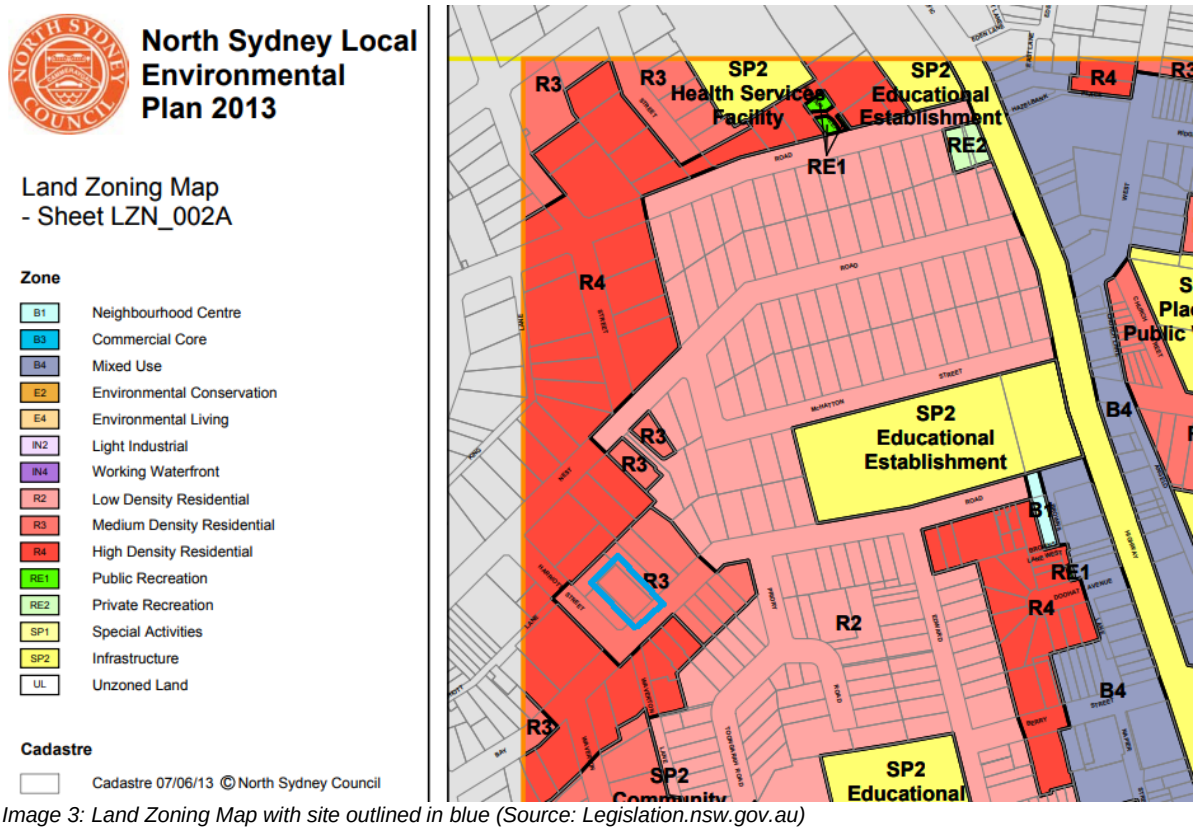

Image 3: Land Zoning Map with site outlined in blue (Source: Legislation.nsw.gov.au)

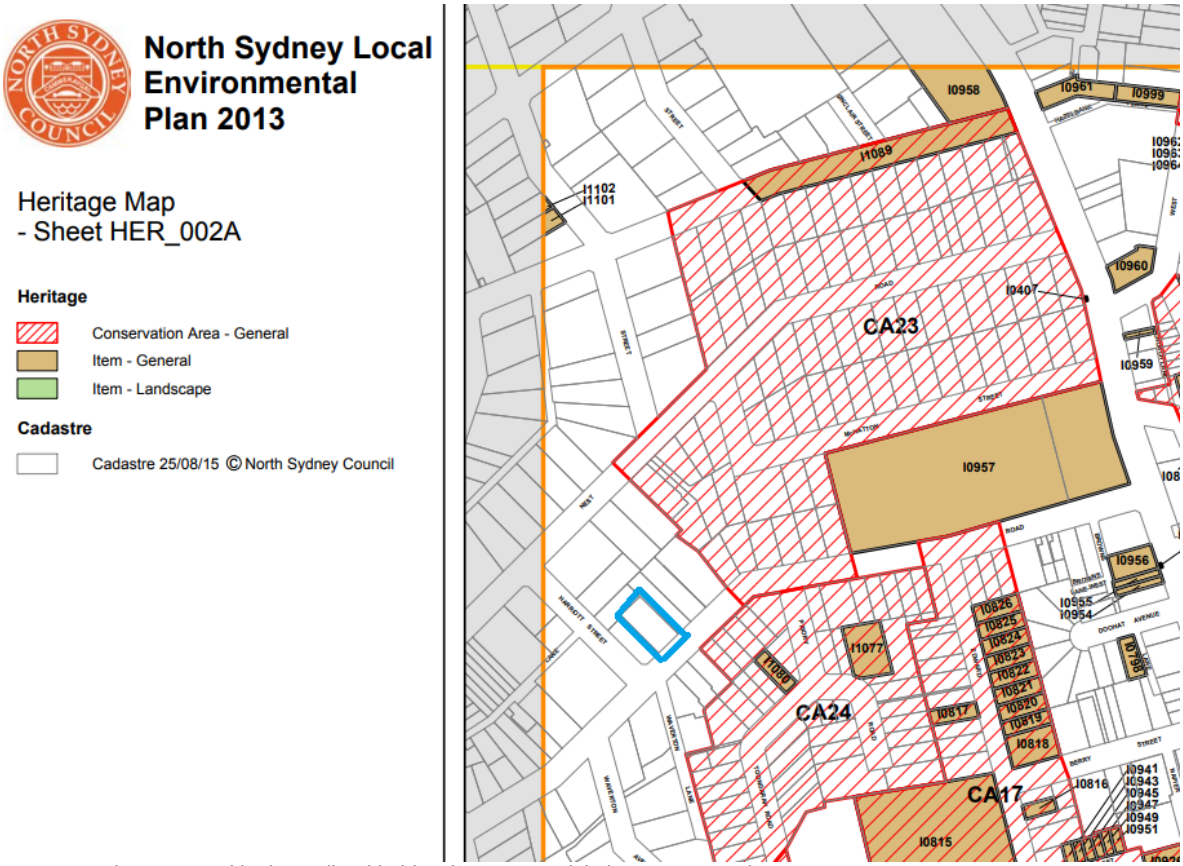

Image 4: Heritage Map with site outlined in blue (Source: Legislation.nsw.gov.au)

Date: 11/07/18

7 Gipps Street Drummoyne

Bungalow with inglenook.

Under Canada Bay LEP 2013:

- Zone: R2 Low Density Residential.
- Heritage: Not a heritage item. Located within a Heritage Conservation Area.

Source:

Realestate.com.au https://www.realestate.com.au/sold/property-house-nsw-drummoyne-113991451

Legislation.nsw.gov.au

Image 1: Front of building (Source: Realestate.com.au)

Image 2: Inglenook (Source: Realestate.com.au)

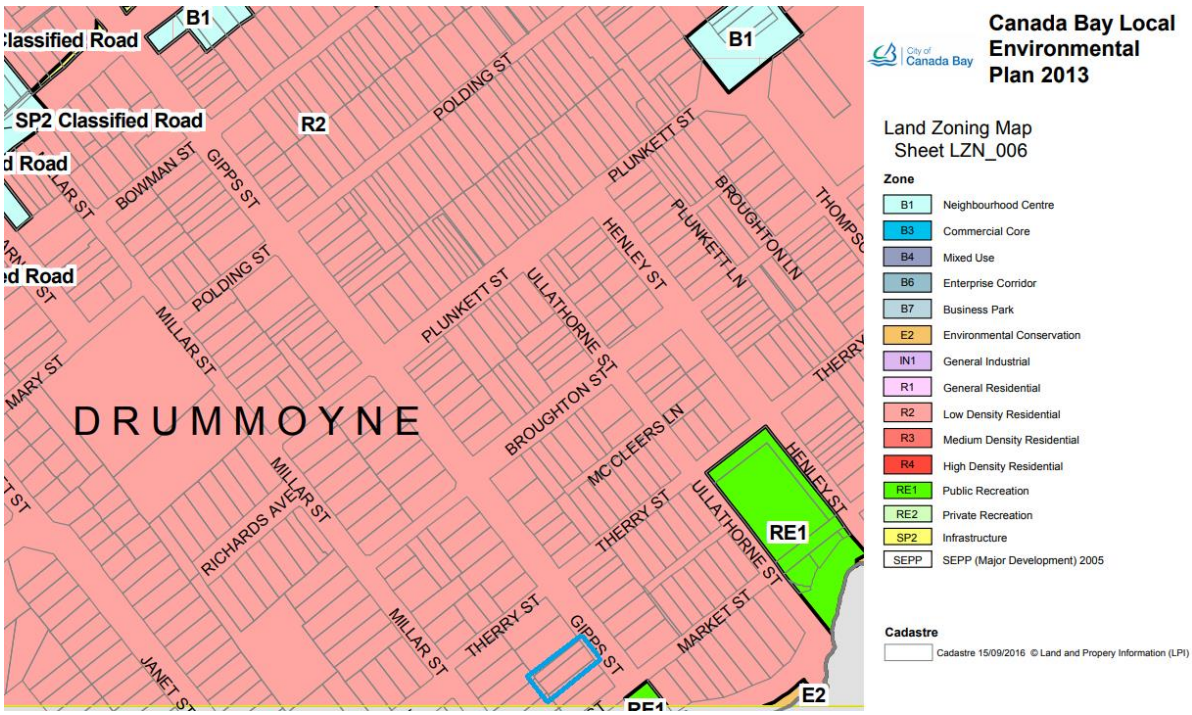

Image 3: Land Zoning Map with site outlined in blue (Source: Legislation.nsw.gov.au)

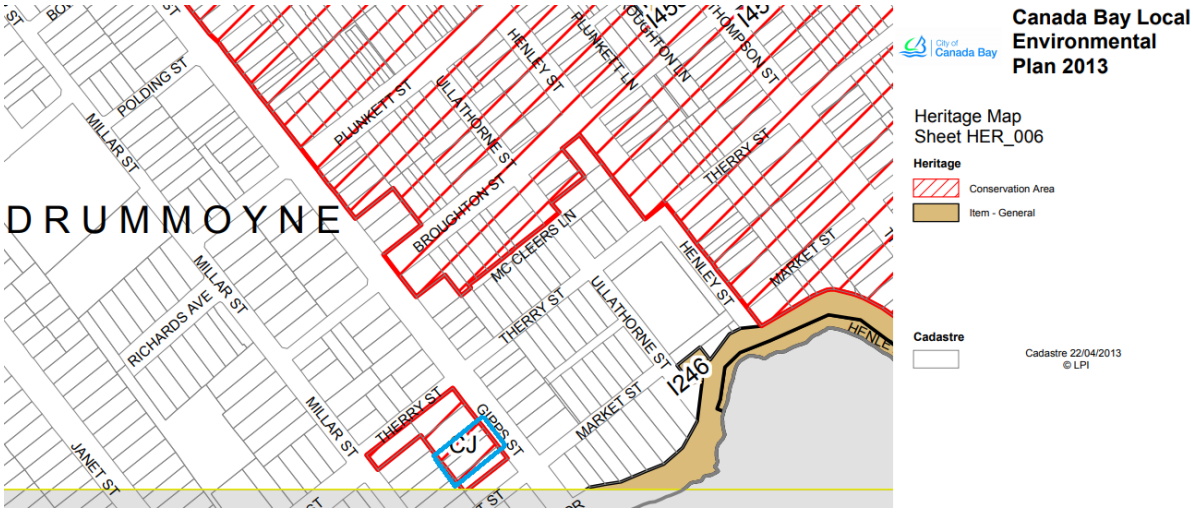

Image 4: Heritage Map with site outlined in blue (Source: Legislation.nsw.gov.au)

Date: 11/07/18

12 Coogee Bay Road Randwick NSW 2031

Two storey Edwardian dwelling with inglenook and timber panelling.

Under Randwick LEP 2013:

- Zone: R2 Low Density Residential.
- Heritage: Heritage item and within a Heritage Conservation Area.

Source:

Realestate.com.au https://www.realestate.com.au/sold/property-house-nsw-randwick-113074895

Legislation.nsw.gov.au

Image 1: Front of building (Source: Realestate.com.au)

Image 2: Inglenook (Source: Realestate.com.au)

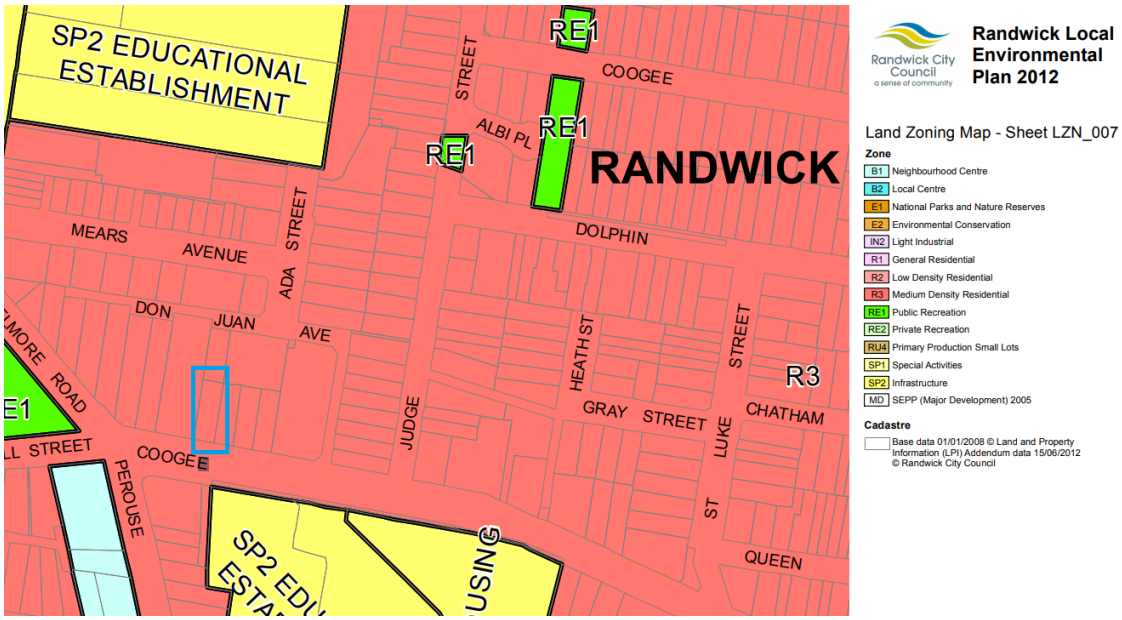

Image 3: Land Zoning Map with site outlined in blue (Source: Legislation.nsw.gov.au)

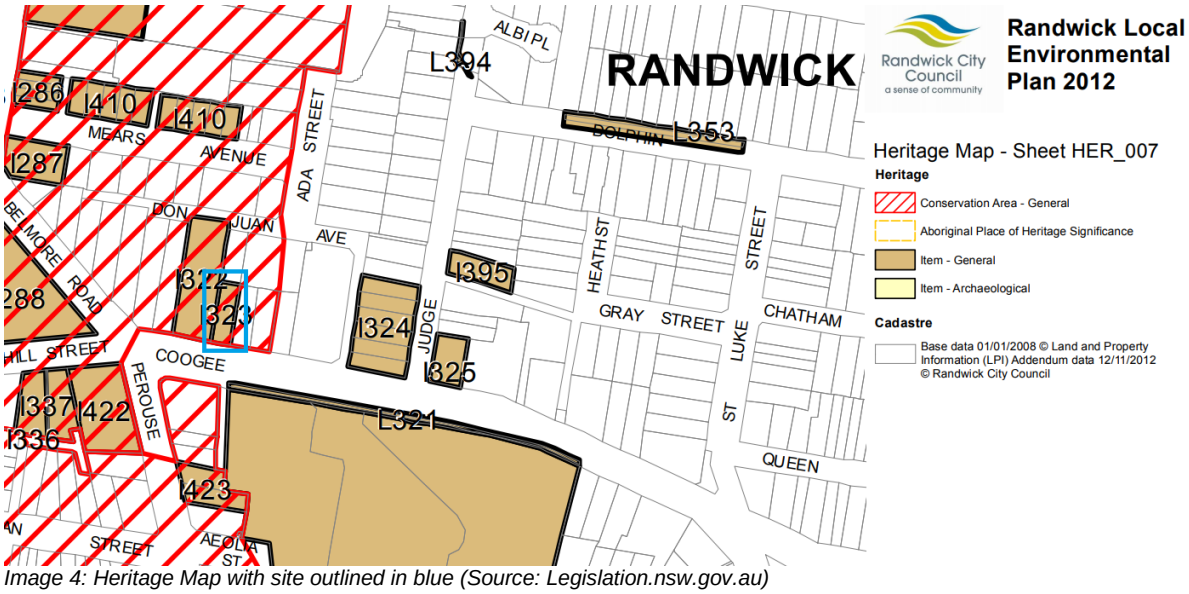

Image 4: Heritage Map with site outlined in blue (Source: Legislation.nsw.gov.au)

Date: 11/07/18

12 Wentworth Rd Vaucluse NSW 2030

Two storey inter-war dwelling with inglenook.

Under Woollahra LEP 2014:

- Zone: R2 Low Density Residential.
- Heritage: Not a heritage item and not located within a Heritage Conservation Area. Adjoins heritage item/s.

Source:

Urbis

Realestate.com.au https://www.realestate.com.au/sold/property-house-nsw-vaucluse-120255833

Legislation.nsw.gov.au

Image 1: Front of dwelling (Source: Realestate.com.au)

Image 2: Inglenook (Source: Urbis)

Image 3: Inglenook in living room (Source: Realestate.com.au)

Image 4: Timber ceiling (Source: Realestate.com.au)

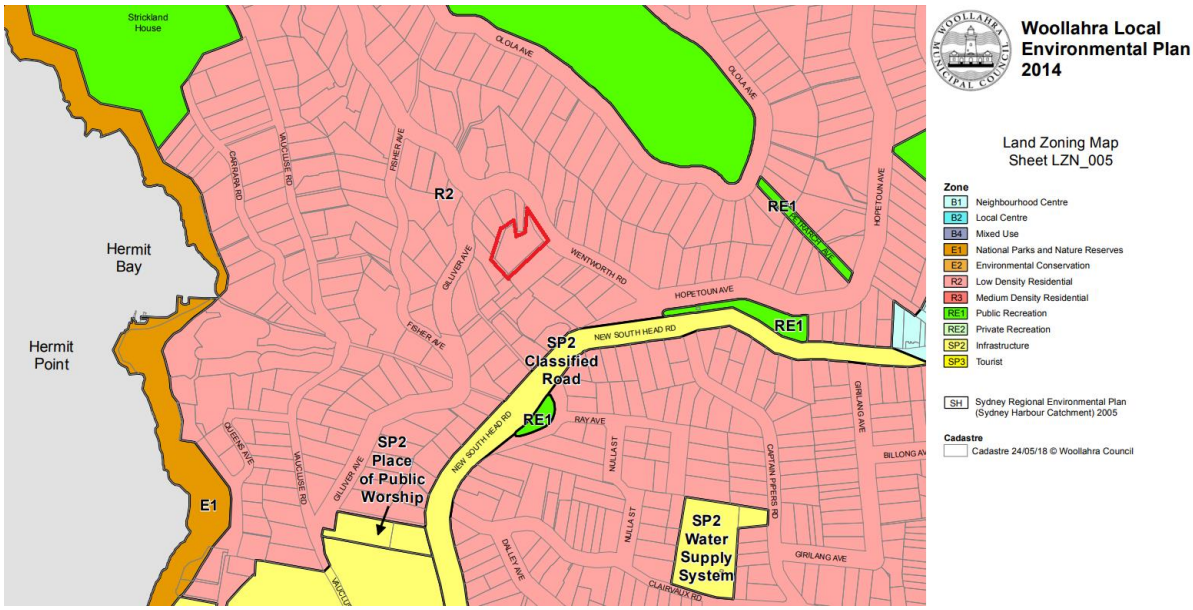

Image 5: Land Zoning Map with site outlined in red (Source: Legislation.nsw.gov.au)

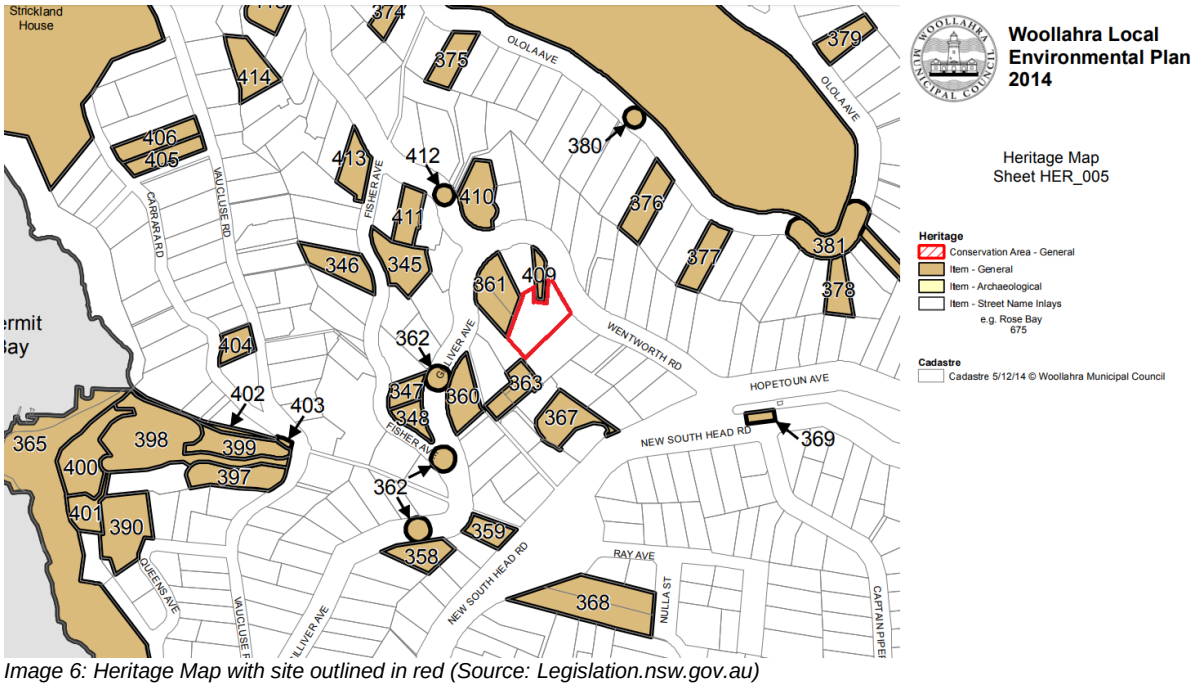

Image 6: Heritage Map with site outlined in red (Source: Legislation.nsw.gov.au)

Date: 9 July 2018

30 Shaw Street Petersham NSW 2049

Single storey Federation/inter-war era bungalow with timber panelling and decorative brick and timber fireplace.

Under Marrickville LEP 2011:

- Zone: R2 Low Density Residential.
- Heritage: Not a heritage item. Located within a Heritage Conservation Area, being 'C18 Petersham South HCA'.

Source:

Domain.com.au https://www.domain.com.au/30-shaw-street-petersham-nsw-2049-2014157450

Legislation.nsw.gov.au

Image 1: Front of dwelling (Source: Domain.com.au)

Image 2: Living area (Source: Domain.com.au)

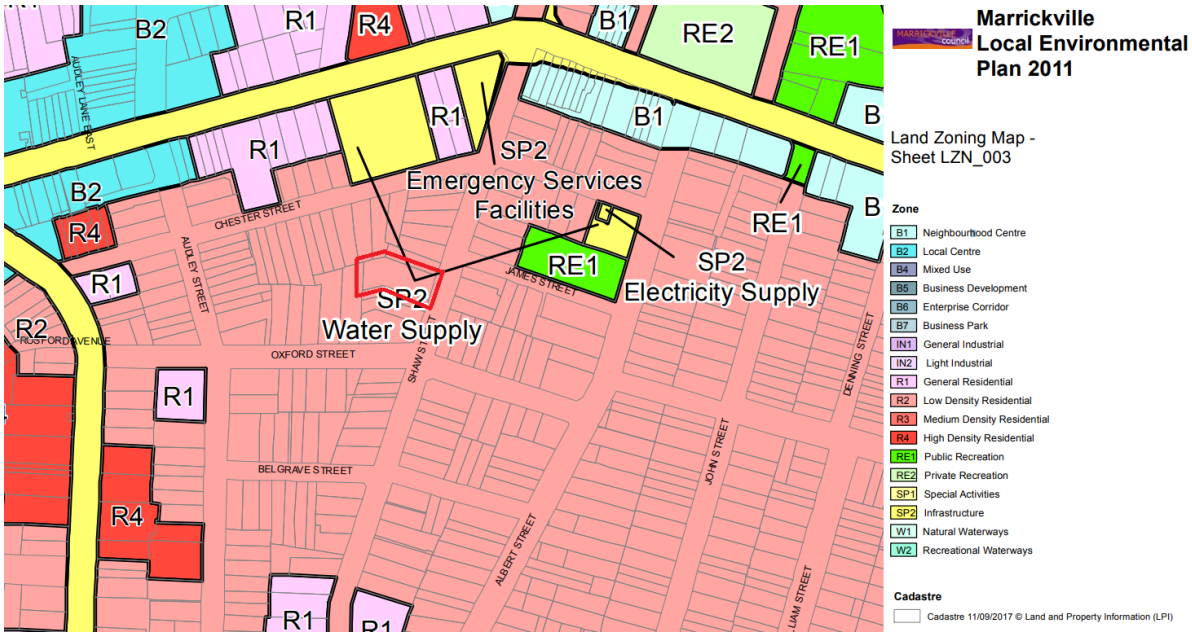

Image 3: Land Zoning Map, site outlined in red (Source: Legislation.nsw.gov.au)

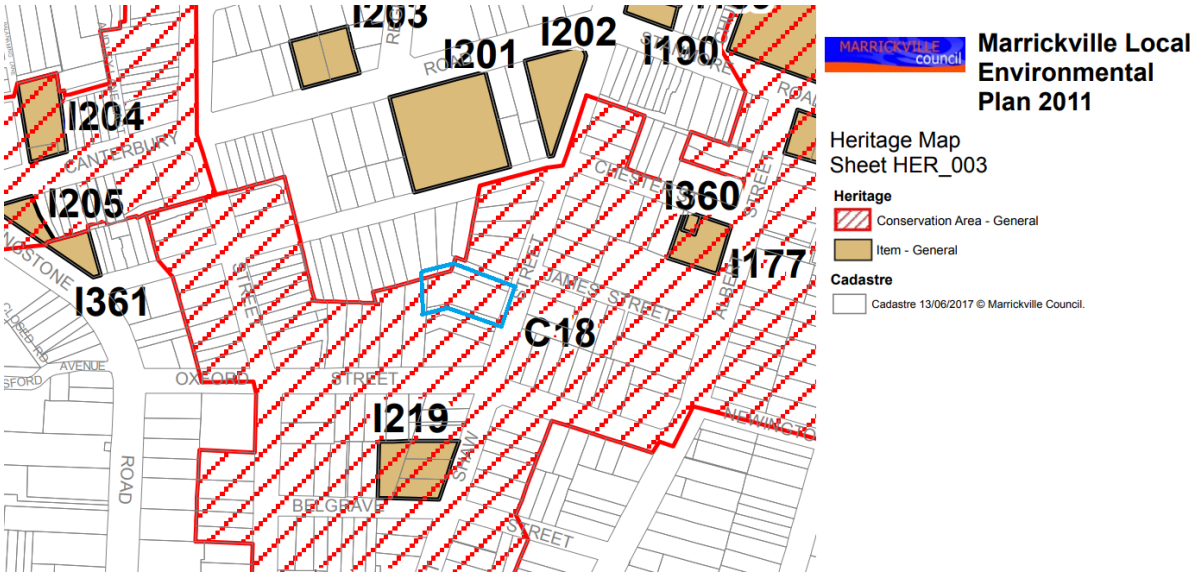

Image 4: Heritage Map, site outlined in blue (Source: Legislation.nsw.gov.au)

Sue Rosen Associates Heritage Assessment

HERITAGE ASSESSMENT

73A The Boulevarde, Dulwich Hill
March 2018

SUE ROSEN ASSOCIATES
HISTORY | HERITAGE | RESEARCH

Date:

March 2018

Controls:

Marrickville Local Environmental Plan 2011
Marrickville Development Control Plan 2011

Address and Property Description:

73A The Boulevarde, Dulwich Hill
Lot X DP 411590
Parish of Petersham, County of Cumberland

Authors:

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1. INTRODUCTION

1.1 Background

This Heritage Assessment has been undertaken at the behest of Mr and Mrs Alex Catania of 73A The Boulevarde Dulwich Hill to ascertain the heritage significance of 73A in the context of The Boulevarde, more generally and the adjoining No.73. The aim is to consider if either the street or the two residences meets the criterion for inclusion in the Lewisham Heritage Conservation Area and/or Schedule 5 of the LEP.

1.2 Site Location and Description

Lot X DP 411590 is located at 73A The Boulevarde, Dulwich Hill, Parish of Petersham, County of Cumberland in the Inner West Council LGA. It is approximately 626m^2 in area.

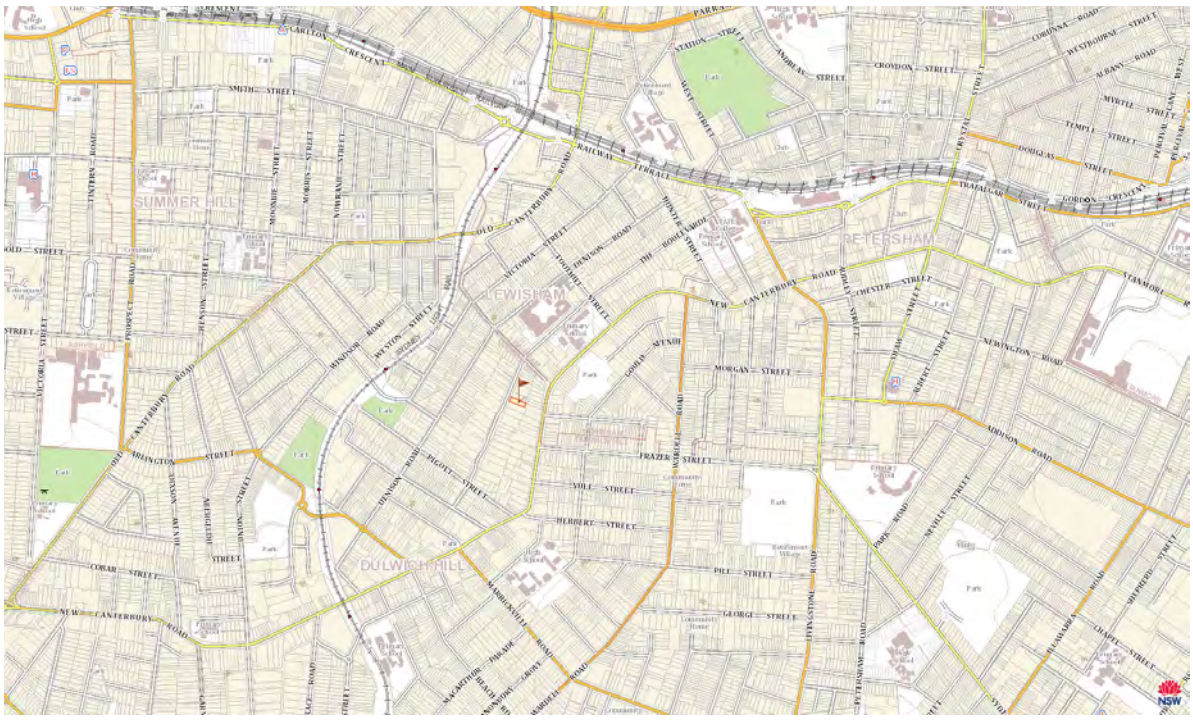

Figure 1.1 | Map showing Lot X DP 411590 at 73A The Boulevarde, Dulwich Hill, in context of the surrounding area. Lot marked in red. [SIX Maps]

Figure 1.2 | Detail map of Lot X DP 411590. Lot marked in red. [SIX Maps]

Figure 1.3 | Aerial view of Lot X DP 411590 and surrounds. Lot marked in red. [SIX Maps]

1.3 Heritage status

No 73 and 73A have no heritage status and are outside the Lewisham Conservation Area on the Marrickville LEP

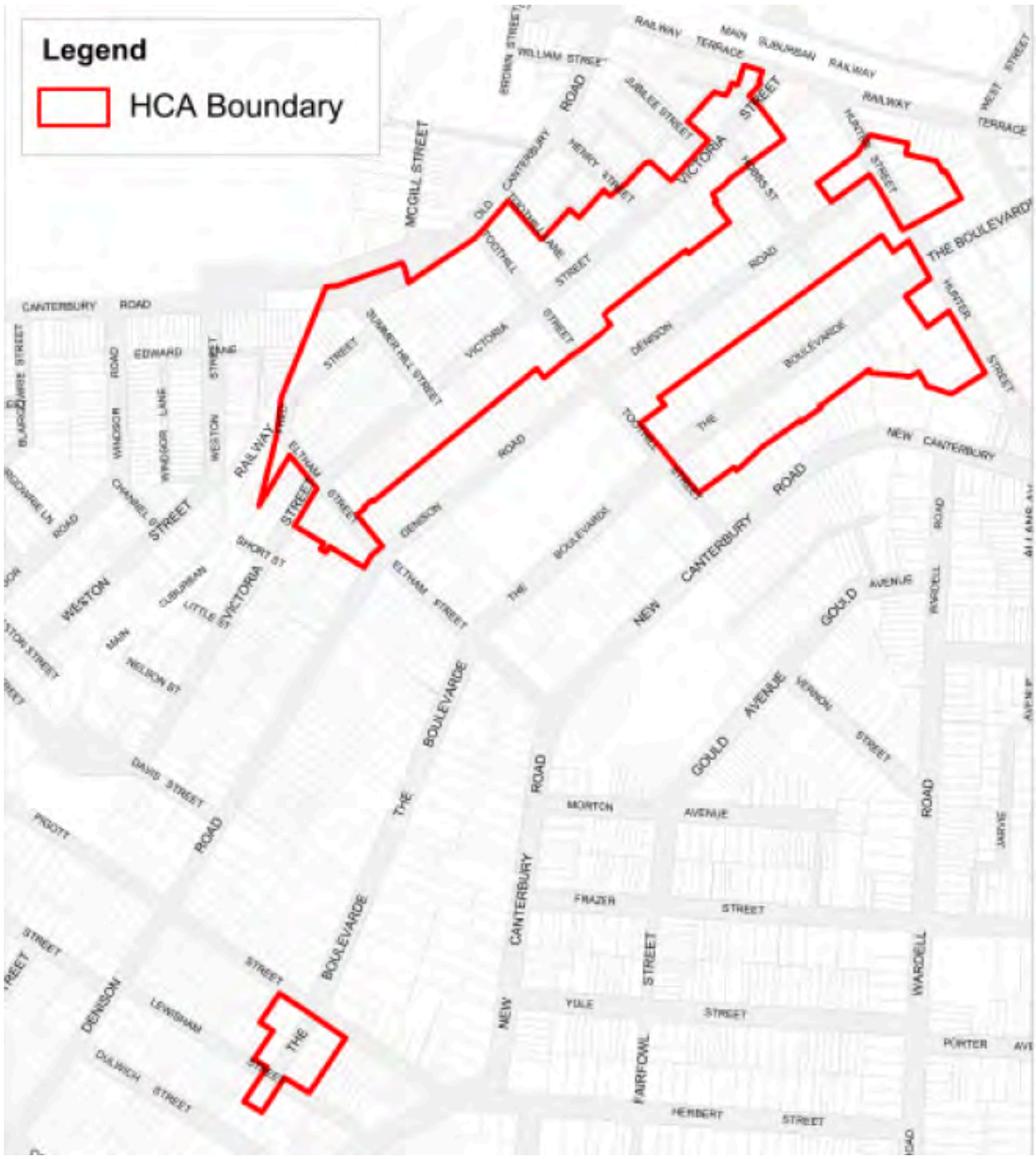

Figure 2.5 |The Lewisham Heritage Conservation Area. 73 and 73A are located on the eastern side of The Boulevarde between Eltham and Piggot Streets [Marrickville DCP, 2011]

1.4 Methodology

A site visit was undertaken by architectural historian Roy Lumby and historian Sue Rosen. This was followed by historic research at Council Archives. A land tenure search was undertaken, as well as various searches at on-line research sites. Sources are detailed in the footnotes throughout. An analysis of the physical fabric

and form was undertaken, and a contextual history prepared by historian, Liz Gorman. An assessment of significance was undertaken followed by a review of Council's heritage planning documents. Finally, recommendations were formulated based on the preceding study phases.

The methodology employed in this study conforms to the principles and guidelines of The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 1999. The assessment presented is in accord with the criteria and guidelines prepared by the NSW Heritage Branch of the NSW Department of Planning for the preparation of Heritage Impact Statements.

1.5 Terminology

The terminology used in this report is consistent with the *NSW Heritage Manual* and the definitions of the *Burra Charter*.

2. HISTORICAL EVIDENCE

2.1 The site through time

The land that the study site occupies is on part of the 100 acres granted to William Beckwith on the 3rd October 1974 and on part of 25 acres granted to Michael Griffin on 14th March 1794. The land would later become part of the 1850's *Petersham Estate* subdivision.

Figure 2.1 | Parish Map of Petersham, showing the extensive area covered by the *Petersham Estate* subdivision. Section 3C of the *Petersham Estate* would later be further subdivided and sold as the *Lewisham Estate*. The land that 73 and 73A The Boulevarde occupies was first granted to Griffin and Beckwith in 1794, marked in red. [SIX Maps]

Figure 2.2 | Plan of Joshua Frey Josephson's *Lewisham Estate*. 73 and 73A The Boulevarde is located on part of Lots 32 & 33 of Section 3 [NLA: Obj. 229997962]

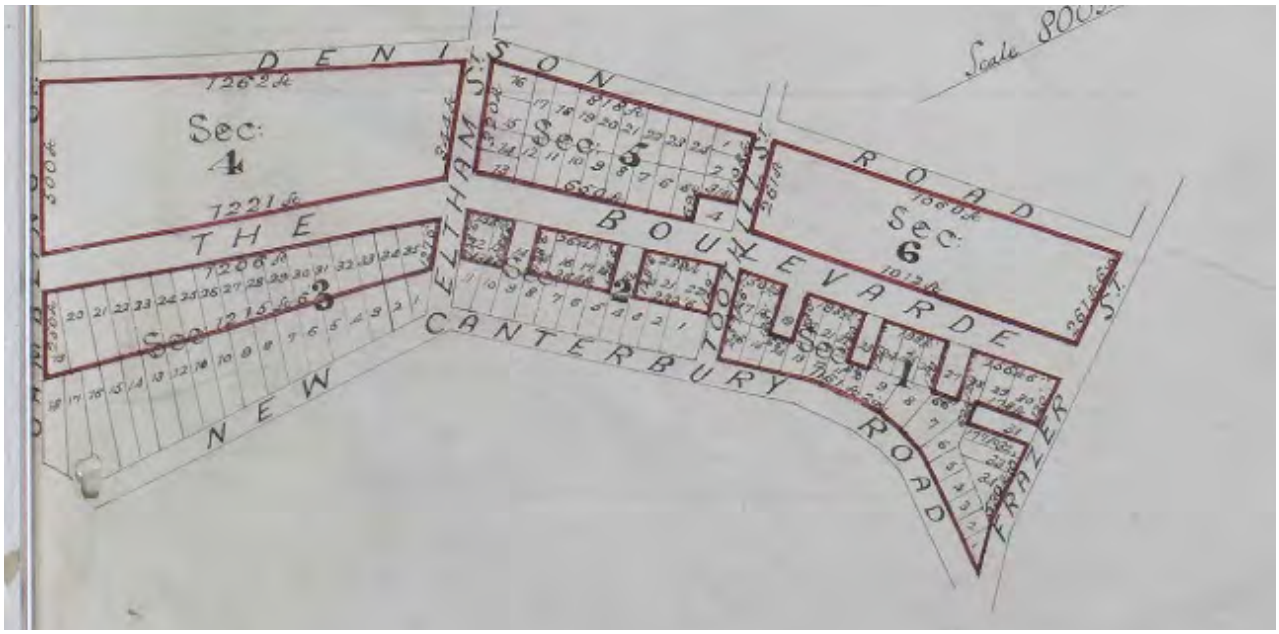

Figure 2.3 | George Sutherland Caird's allotments purchased from the *Lewisham Estate* in 1875, marked in red. The unmarked Section 2 and Section 3 allotments facing New Canterbury Road were retained by Pile until mid-1876, when he began selling them off. Burwood landowner, Charles Nelson purchased Lots 3 – 6 of Section 3, which once related to the total land parcel at 73 and 73A The Boulevarde. [LRS: CT Vol. 260 Fol. 42]

The Boulevarde at Dulwich Hill and the corresponding local subdivision pattern was created by Western District Judge, Joshua Frey Josephson's subdivision of Section 3C of the *Petersham Estate*, which he named the *Lewisham Estate.*[1]

In March 1874, Josephson purchased two portions of 'unoccupied' land; 35 acres and 3 roods and also 15 acres 2 roods and twenty perches. The Primary Application states that the certificate of title was to be issued in the name of 'George Pile the Younger of Margaret Street, Sydney Agent on production of receipt for Seven Hundred pounds.'[2]

The certificate was issued to George Pile on the 9th January 1875.[3] The sale of the lots of the *Lewisham Estate* followed that month; large swathes of the estate were purchased by Sydney merchant George Sutherland Caird. The Section 2 and Section 3 lots fronting New Canterbury Road between Toothill and Gambling (now-Piggott) Streets remained with Pile through to May 1876 before being sold.[4]

The parcel of land that contained what would become 73 and 73A The Boulevarde was once a substantial holding that fronted The Boulevarde and spanned to New Canterbury Road. On the 12th July 1875, Frances Fryer Nelson purchased The Boulevarde lots 30, 31 and 32 of Section 3 of the *Lewisham Estate*. Her husband, Burwood landowner Charles Nelson, purchased lot 33 fronting The Boulevarde, and lots 3-6 fronting New Canterbury Road in June 1876.[5]

It was here that they built and resided at their handsome, two-storey Victorian home, 'Toddington'. The birth of the Nelson's son in 1877 is reported as 'Petersham', however by the March 1879 birth of their daughter specifies their residence was specified as 'Toddington, Petersham'.[6] The residence, while accessed from and addressed as The Boulevarde, was situated closer to the middle of the land parcel. This afforded it a large front garden and a stately driveway. The house appears on an 1891 Metropolitan Detail Series plan of Petersham as well as a later miscellaneous plan of subdivision from the 1920's – which erroneously labels the house 'Teddington'.[7] See Figures 2.5 and 2.6.

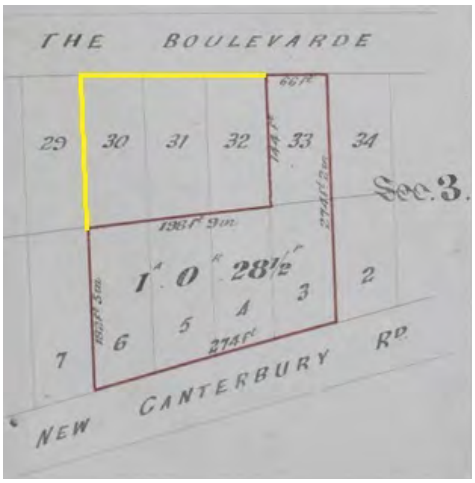

Figure 2.4 | The aggregated allotments purchased in 1875 and 1876 by Frances Nelson (yellow) and Charles Nelson (red). [LRS: CT Vol. 262 Fol. 17 & Vol. 225 Fol.175]

[1] LRS: CT Vol. 260 Fol. 42

[2] LRS: PA 3641

[3] LRS: CT Vol. 198 Fol. 67

[4] LRS: CT Vol. 200 Fol. 144; Vol. 260 Fol. 42

[5] LRS: CT Vol. 225 Fol. 175; Vol. 262 Fol. 17

[6] *The Sydney Mail and New South Wales Advertiser*, 17 February 1877, p.219; *Sydney Morning Herald*, 11 March 1879, p.1

[7] SLNSW: *Metropolitan Detail Series*, Petersham, object a136733h; LRS: DP300318

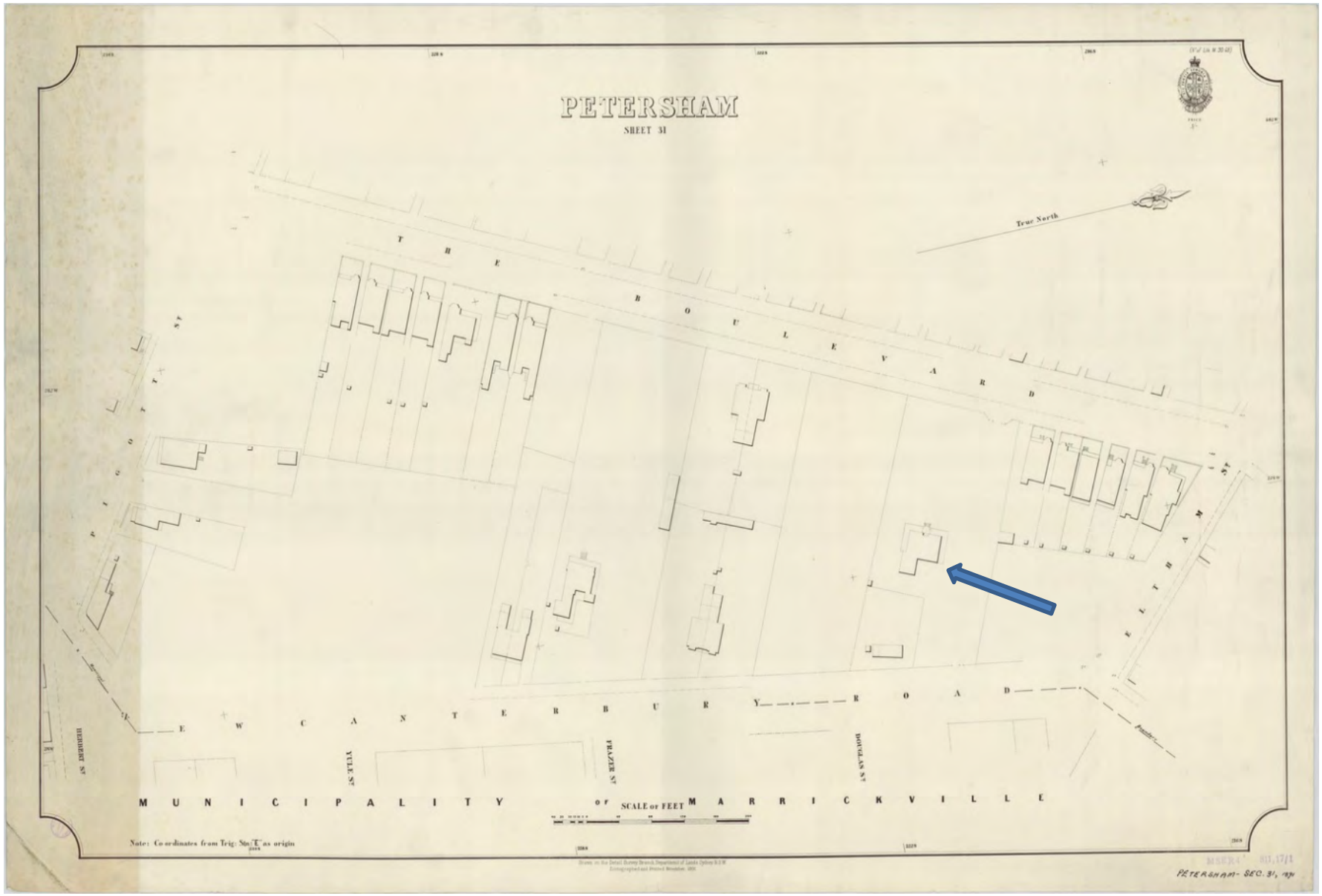

Figure 2.5 | 1891 plan of Petersham, from the Metropolitan Detail Series. *Toddington*, The Boulevarde is indicated by the blue arrow. The vacant block to the left of the residence is also part of the property. A gate onto The Boulevarde is indicated at the property's north eastern corner. [SLNSW: obj. a1367355h]

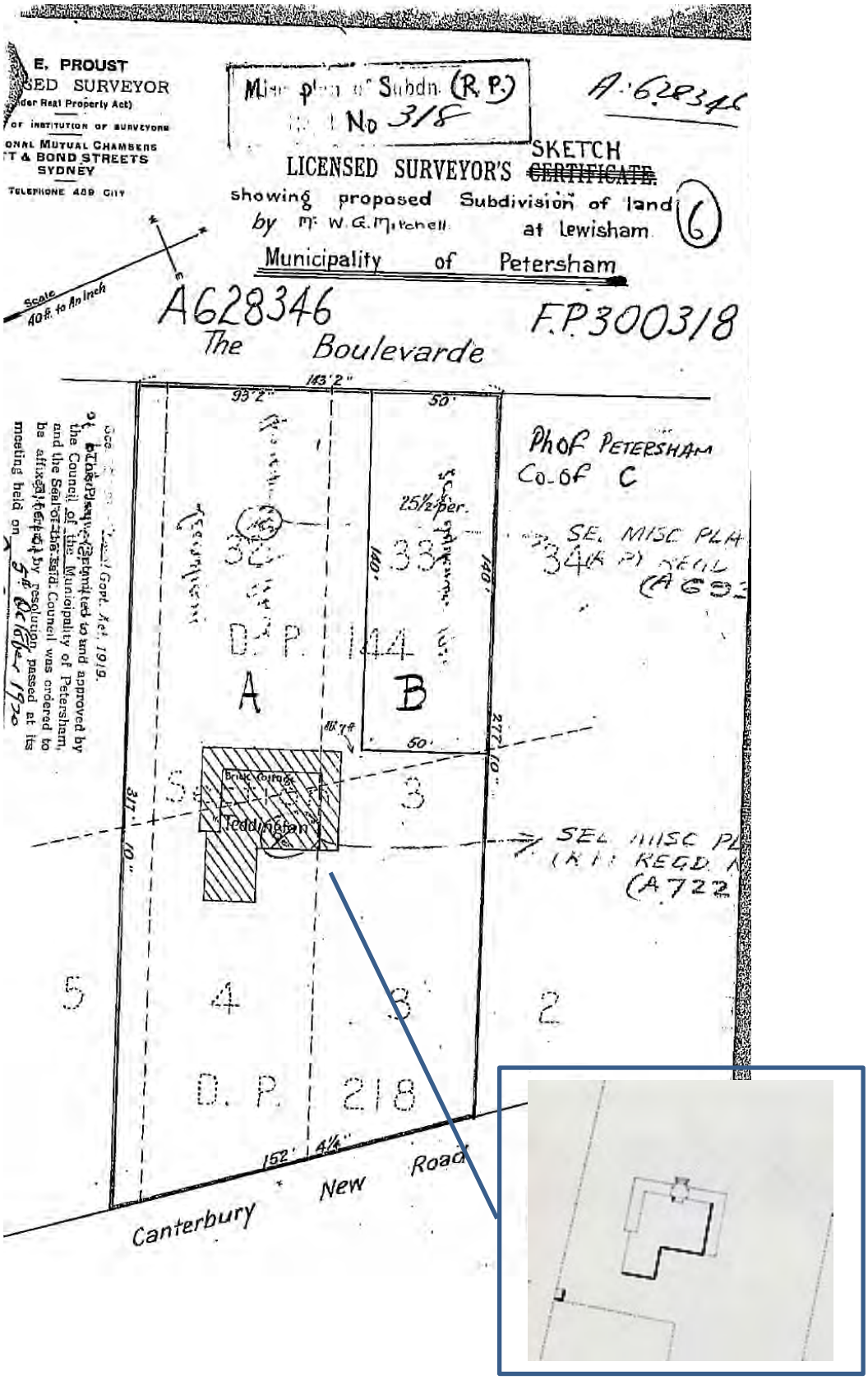

Figure 2.6 | Miscellaneous plan of subdivision showing a stage of William Mitchell's subdivision of *Toddington* at 73 The Boulevarde, Dulwich Hill. The residence is sited on the plan. Inset detail taken from the Metropolitan Detail Series plan of Petersham in Figure 2.5 confirms that the residence is *Toddington.* [LRS: DP300318]

Figure 3.7 | *Toddington*, n.d. Constructed by the Nelsons, who resided here at The Boulevarde from the mid-late 1870s to 1883. Carriage driveway and formal landscape visible. [Inner West Council Library/Robert Hutchinson: RH Postcard2_A]

A 1910 sale advertisement describes the house and grounds – which, apart from the addition of modern conveniences, would be as originally designed:

> "Toddington," The Boulevarde…
> Family residence, standing in nicely laid out grounds, comprising closely shaven lawns, pretty garden beds, shrubs, and with carriage drive and tennis court, all beautifully kept.
>
> The house is well built of brick on stone foundation, slate roof, and contains on the Ground floor, Drawing-room, Dining-room, Smoking-room, Pantry, Kitchen, Laundry and offices.
>
> Upstairs are 6 Bedrooms, Maid's Room and Linen Cupboard, Bathroom (lavatory, hot and cold water).
>
> The land has 143ft 2in to The Boulevard by a depth on one side of 307ft 10in and 277ft 10in on the other side, with a frontage of 15ft 41/2in to New Canterbury-road at rear.
>
> Also, Block of Land adjoining, having 61ft 111/2in x 141ft on one side and 158ft 61/2in on the other, and 60ft at rear.[8]

The Nelsons offered the *Toddington* house and grounds for sale in 1883 and it was purchased that June by John Tait for a sum of £3500.[9]

[8] *Sydney Morning Herald*, 2 April 1910, p.21

[9] *Evening News*, 19 May 1883, p.3; LRS: CT Vol. 225 Fol. 175; Vol. 262 Fol. 17

Scottish-born jeweller, John Tait emigrated with his wife to Hobart Town in 1837 and set up his business. On moving to New South Wales in 1843, he became the licensee if the *Albion Inn* at Hartley, and later, the *Black Bull Inn* at Bathurst before the *Commercial Hotel*, Castlereagh Street, Sydney in 1853.

Figure 3.8 | John Tait [ADB]

Despite his background as a jeweller and publican, Tait is most well-known for his successful career in racehorse breeding and training, which he started in 1847 using horses from local breeders, Thomas Iceley and George Lee. His operation was conducted as a business, and as the success of it depended on winning races, he closely supervised the selection of his horses and their training. They were reported to consistently run in top condition. Over the course of his racing career, his horses won multiple Melbourne Cups, Sydney Cups, and A.J.C Derbys, among numerous other competitive racing stakes in New South Wales, Victoria and Queensland.

He moved in to *Toddington* in 1883, where he was reportedly noted for his hospitality. Tait resided at the property until his death from sudden heart failure in May 1888.[10] He was survived by his second wife, who continued to reside at the property.[11] In 1891, *Toddington's* certificate of title was transferred to John Tait's daughter from his first marriage, Robina Tait; 'Miss Robina Tait' was recorded as residing at the property in the 1892 edition of the *Sands Directory.*[12] In June 1891, Robina sold off part of the property to Croydon builder, Edwin Marcer, it was a rectilinear block comprising Lot 30 and Lot 6 and the majority of Lot 31 and Lot 5.

Robina Tait retained the residue of the *Toddington* grounds until March 1892, when she sold the property to Robert Percy Johnston.[13]

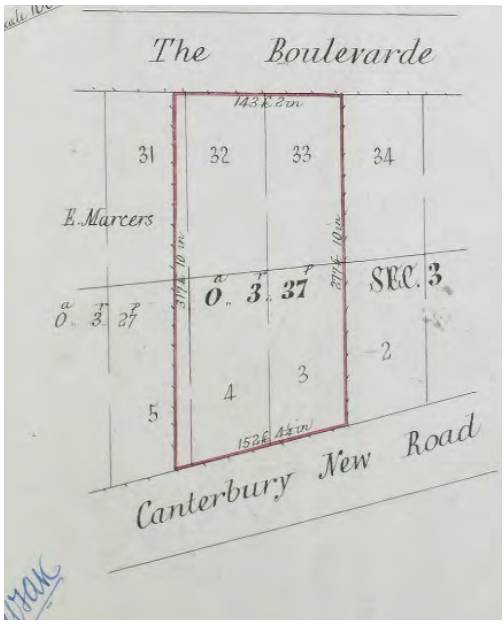

Figure 2.9 | The parcel of land sold by Robina Tait to Robert Percy Johnston, containing *Toddington* and the future study site. [LRS CT Vol. 1050 Fol. 96]

[10] Martha Rutledge, 'Tait, John (1813–1888)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, http://adb.anu.edu.au/biography/tait-john-4685/text7753, published first in hardcopy 1976, accessed online 1 March 2018.

[11] *Sands Directory,* 1889, p.336

[12] *Sands Directory,* 1892, p.374

[13] LRS: CT Vol. 1050 Fol. 96

Toddington's new owners were related to Major George Johnston, who was claimed (with James Ruse) to be the first man to set foot on shore in January 1788. In 1799, Johnston settled in the Marrickville area; his *Annandale* property was a successful farming operation, producing both wheat, maize and assorted livestock. George Johnston famously led the Rum Rebellion of 1808, when the New South Wales Corps deposed Governor Bligh. Johnston assumed the lieutenant-governorship following Bligh's arrest, temporarily becoming the head of the colony's government.[14]

Both Robert Percy Johnston and his wife, Eliza Christina Johnston were grandchildren of Major George Johnston; their fathers, Robert and David, being the second and third of George's sons.[15] Following George's death in 1823, R. Percy's father, Commander Robert Johnston, forcibly took over the administration of the *Annandale* estate by taking his mother, Esther to court and having her declared insane to prevent her from selling the property. Esther then went to live with her youngest son, David (Eliza's father) at Georges Hall, where she stayed until her death in 1846.[16]

Robert and Eliza took up residence at *Toddington* following the purchase. Robert died in late October 1896. The funeral procession left from *Toddington* and travelled to the Johnston family's vault at Waverly Cemetery.[17]

The property passed to Eliza, her eldest son Darcy and her brother, George Johnston, in joint tenancy in February 1897. That August, George died and Eliza's second eldest son, Robert Vernon was added to the title. Following their maternal grandfather, David, who had been the Superintendent of Government Stock, Darcy and Robert were both graziers at the family's property at Mundoonan.[18]

By 1903-4, the property had been numbered as 73 on The Boulevarde. Eliza continued lived there with a number of her children, nine of whom had survived infancy. In 1913, there was a veritable Johnston 'tribe' residing at the property - Eliza and five of the nine: Gladys Madge, Florence Ada, Charles Eric and Arthur Stanley and Ralph.[19]

Eliza Johnston attempted to sell *Toddington* house and grounds in 1910.[20] However, the sale was not successful, and they retained the property until January 1916 when the property was transferred to Petersham builder, William George Mitchell.[21]

William Mitchell lived with his son, Albert at "Brook Lodge", 174 Denison Road, Dulwich Hill, following the purchase of the Johnston's property at 73 The Boulevarde. In the 1917 edition of the *Sands Directory*, *Toddington* at No.73 The Boulevard, was leased to 'Mrs Martin, massuese'. This was the beginning of the conversion of the grand residence of *Toddington* into a private hospital. Subsequent directory entries and newspaper articles refer to the property as 'Mrs Martin, private hospital' and then as 'Toddington Private Hospital'.[22]

It was not until the early 1920's that William Mitchell began to subdivide the land at The Boulevarde. He divided the land into 8 allotments; the study site at No.73A is on Lot 'C' of Mitchell's subdivision. Lot A (No.71) sold in October 1920, with the others following in 1921-1923. This began the infill development of the site. Mitchell constructed a brick-on-stone bungalow for himself at newly numbered No. 73A The Boulevarde, as well as one next door at No. 73, which was purchased by Furrier, Barnett Hyman in April

[14] Robert Cashman & Chrys Meader, *Marrickville: Rural outpost to inner city,* Petersham, 1990, p.80

[15] Anglican Church Diocese of Sydney Archives: *Baptism, Burial, Confirmation, Marriage and composite registers*: Liverpool St Luke/Marriage/29 March 1856 - 17 February 1877

[16] Robert Cashman & Chrys Meader, *Marrickville*, p.83

[17] *Daily Telegraph*, 30 October 1896, p.8

[18] SRA: Colonial Secretary's Papers, 1788-1856; Copies of letters sent within the Colony 1814-1827, Series 897, Reels 6041-6064, 6071-6072, Series 899, Fiche 3001-3162.

[19] AEC: *Electoral Rolls*, Petersham/1903-4 and 1913/Dulwich Hill/Dulwich Hill

[20] *Sydney Morning Herald*, 2 April 1910, p.21

[21] LRS: CT Vol. 1050 Fol. 96

[22] *Sands Directory*, 1917, p.760; 1918, p.620; *The Hebrew Standard of Australasia*, 30 July 1920, p.10

1921.[23] The Bungalows were completed by 1921 with the first directory appearance in 1922 of No. '73A' The Boulevarde and of No.73 ceasing to be the address of the Toddington Private Hospital. William Mitchell took up residence at No.73A in 1922, with No.73 being resided in by Richard Williams in 1922, Richard Williams and Barnett Hyman in 1923, and only Barnett Hyman in 1924.[24]

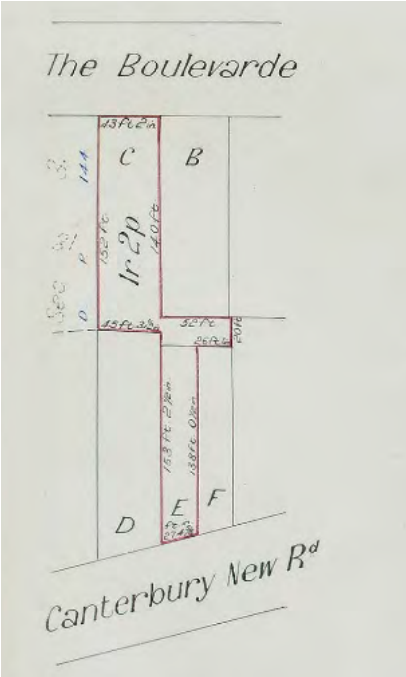

Figure 2.10 | 1929 [CT Vol.4332 Fol.152]

Figure 2.11 | 1939 [CT Vol. 5009 Fol. 185]

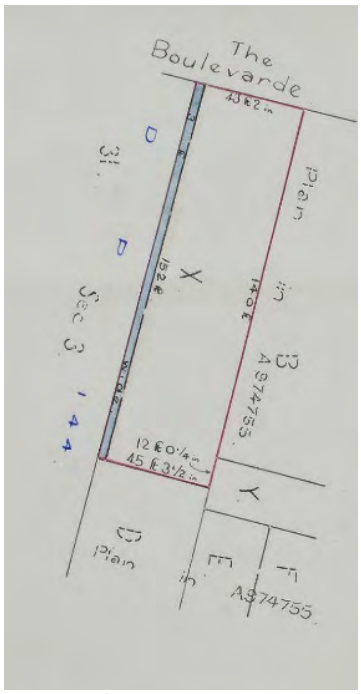

Figure 2.12 | 1960 [CT Vol. 7842 Fol.38]

[23] LRS: CT Vol. 1050 Fol. 96

[24] *Sands Directory*, 1922, 1923, 1924

Mitchell's name is a frequent entry in the Building and Subdivision Register held in Council's archives and while little is known of him, he appears to have been very active in the local area and beyond. In 1920, there is an entry in the *Government Gazette* announcing the dissolution of the partnership of William George Mitchell and Reginald Scott-Young of the firm Reg Scott-Young & Co. at 63 Pitt Street Sydney.[25]

In 1938, Mitchell sold off Lot E on New Canterbury Road, retaining Lot C at 73A The Boulevarde. The property at No.73A contained the residence with a sizable rear garden. After The property was transferred to William Mitchell's death in 1949 the property was transferred to his son, Albert William Victor Mitchell and Victor William Thompson in joint tenancy in May 1950. Albert Mitchell became the sole proprietor in 1951. In June 1959, Albert subdivided Lot C into Lots X and Y [Figure 2.11], selling Lot X at No.73A to Hans Lattick and wife Linda.

Figure 2.13 | 1943 aerial photograph showing the study site at 73A The Boulevarde, Dulwich Hill and surrounding area. [SIX Maps]

The property was retained by the Lattick family for the next 50+ years, being sold in early 2012.[26] The lot footprint remains unchanged since Albert Mitchell's subdivision in 1959, with William Mitchell's original 1920 master-built residence largely intact, but for modern additions to the rear.

[25] *NSW Government Gazette*, 12 March 1820, p.1658.

[26] LRS: CT X/411590

3. PHYSICAL EVIDENCE

This section builds on the documentary evidence to describe the local and streetscape context and the house fabric.

3.1 The Boulevarde

The Boulevarde is a level, tree lined street which runs in an approximate North-South Direction between West Street and Lewisham Street, Dulwich Hill. Between Eltahm and Piggot Streets the line of road has been narrowed and curves introduced, presumably to 'calm' traffic flow.

3.2 73A The Boulevarde

The study site is located on the eastern side of The Boulevarde between Eltahm and Piggot Streets and faces north.

The house at 73A demonstrates characteristics of the Inter War California Bungalow style such as rock-faced sandstone (unusually carried up to enclose the verandah), windows mounted on external wall faces, and gabled roofs with vertical battens in the gable end. However, the comparatively steep pitch of the main roofs and the more shallow pitch of the verandah roofs, along with the gabled sections at the front of the house, are more commonly associated with the Federation Bungalow style, which predates the advent of the California Bungalow in NSW.

The composition of the principal elevation facing The Boulevarde is distinctive, and is not commonly found in Federation or California Bungalow style dwellings. This is due to the symmetrical disposition of the building mass and the two gabled sections of roof on either side of the verandah.

Intact internal fabric includes:

- Original leadlight windows in principal rooms and leadlight glazing in the hall, front door with side and highlights.
- Fireplaces with chimney pieces and tiled fireboxes, suggesting the house was heated by means of gas or electricity
- Brass door hardware with an Art Nouveau influence
- A rich variety of fibrous plaster ceilings, which are different in every space in which they occur,.
- Plaster wall vents
- Several rooms have ceiling mounted light fittings that apparent date to the 1920s and the 1930s.

Intact external fabric includes:

- The overall form of the original section of the house.
- Timber framed wall-mounted window joinery
- The stone walls and piers associated with the front verandah.
- Timber verandah fabric.
- Gable fabric, including the vent in the main roof.

- Stone lintels over openings.
- Marble treads of the verandah stair.
- Tessellated tiles on the verandah floor.
- Verandah ceiling linings.

At the front of the property, stone from the original fencing remains, as does the sinuous path leading from the front gate to the verandah steps. The path has retained original tessellated tiles.

The two-storey addition at the rear of the building does not obscure the integrity of the original section or impact on an appreciation of it.

See following site photographs.

3.3 Site Photographs – 73A The Boulevarde

3.3.1 Exterior

Figure 3.1 | The original portion of the house demonstrates a remarkable level of integrity and evidence of changing taste during the interwar period.

Figure 3.2 | View from North West across 73 and 73A The Boulevarde.

Figure 3.3 | View along northern façade. 2018.

Figure 3.4 | View across eastern façade. 2018.

Figure 3.5 | View to front door along southern façade. Original features include tessellated tiled floor, door frame, leadlights and side panels. 2018

Figure 3.6 | Plinth engraved with "1920' plinth on front verandah, 2018.

3.3.2 Interior

Figure 3.7 | Ground Floor Plan 2011. [Realestate.com.au]

Figure 3.8 | Living Room 2011. Showing original decorative plaster ceilings, and timber leadlight windows and fireplace. [Realestate.com.au]

Figure 3.9 | Dining Room 2011. Showing original decorative plaster ceilings, and timber framed sash windows. Original vents, architraves and skirting. [Realestate.com.au]

Figure 3.10 | Door leading from Bedroom to front verandah. 2018 . Part view of original fireplace.

Figure 3.11 | Door leading from Bedroom adjacent to Dining room. 2018 . Showing original fireplace, decorative ceilings and picture rail.

Figure 3.12 | Original arch leading to alcove leading to bathroom. 2018.

Figure 3.13 | Original door furniture. 2018.

3.4 No. 73 The Boulevarde

73 The Boulevarde is a substantial and representative example of an Inter War Californian Bungalow style residence. The stone base and front verandah, with brick piers supporting sturdy squat columns, is characteristic of the style, as is the form of the house and detailing of original external fabric.

The original plan of the house is conservative, similar to planning found in Federation era dwellings. The interior has apparently retained a high level of integrity in a number of rooms, as indicated by the following photographs from realestate.com.au. The property was sold in August 2017. It has not been inspected by the study team.

Figure 3.14 | Exterior view showing. [realestate.com]

Figure 3.15 | Ground floor plan[realestate.com.au]

Figure 3.16 | The living room, view toward fireside nook, original features include the ceiling beams and battens, doors, architraves and skirting boards. [realestate.com.au]

Figure 3.17 | Detail of fireside nook of living room, which is remarkably intact and an outstanding feature of the house. [realestate.com.au]

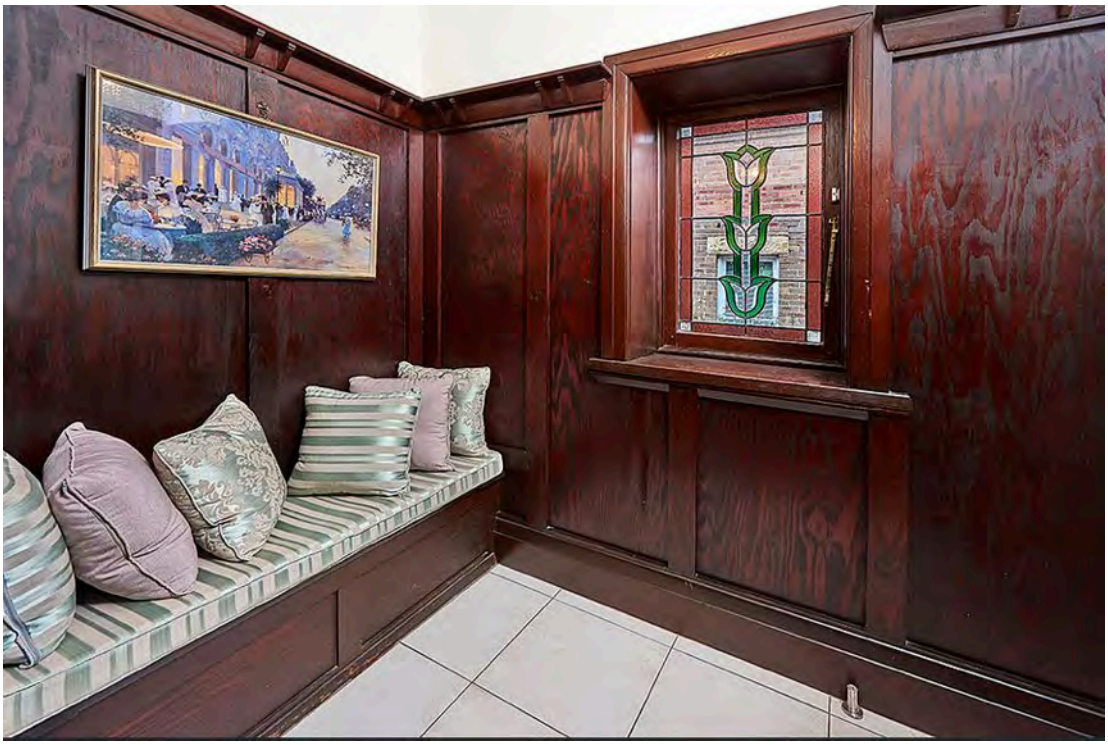

Figure 3.18 | Detail of entry, original features include joinery, paneling, leadlight glazings typical of 1920s.[realestate.com.au]

Figure 3.19 | View from Bedroom 4 down Hall to entry. Original details include doors, panelling, and ceiling joinery elements. [realestate.com.au]

Figure 3.20|Bedroom 2 original details include the beams and battens across the ceiling, doors and architraves and picture rails. [realestate.com.au]

Figure 3.21|Bedroom 3 original details include the decorative ceiling and lining and timber joinery items including the glazed door, architraves and skirting boards. [realestate.com.au]

Figure 3.22 |Bathroom, which is likely to have been refurbished in the 1930s or 1940s, as evidenced by floor and wall tiles and fittings such as the towel rail and toilet paper holder. [realestate.com.au]

3.5 Physical Analysis

The planning of the house at 73A as originally built is similar in certain aspects to that of 73 The Boulevarde - an entry on the southern side of the house, opening into a transverse hallway behind the first range of rooms and leading to a double loaded corridor running to the rear of the house. The plan is similar to that found in Federation era houses, for instance at Mosman, constructed by building contractor Sydney Blackman for his own use.[27] The cottage was evidently completed during 1903.[28] This response to the planning of his own home suggests that Mitchell was conservative in approach.

[27] Certificate of Title Volume 1279 Folio 96.

[28] Sands Sydney and Suburban Directory, 1904 edition. The listed householders were George and Sydney Blackman.

Figure 3.23 |Comparative Plans. 73 The Boulevarde (left); 73A The Boulevarde (centre); Effingham Street Mosman (right). Although all of the houses have been modified and enlarged, the original plan with entry at the side and L-shaped hallway and corridor is evident in all three. [realestate.com.au]

In essence the houses at 73 and 73A The Boulevarde are contemporary. The pair complement one another and are significant elements in this section of the Boulevarde. 73A is a rather more orthodox example of a California Bungalow style dwelling, notwithstanding its conservative plan. Evidence suggests it has retained a relatively high level of integrity in some sections of its interior.

3.6 The Lewisham Estate Conservation Area

It is considered that the section of The Boulevarde between no's 73A /104 and Eltham Street has sufficient integrity and aesthetic quality to warrant consideration for inclusion in Inner West Council's LEP as a heritage conservation area.

The Boulevarde: western side	
1 Eltham Street A corner store with attached residence. Although modified, its original form is still very legible.	
92 The Boulevarde. Victorian Italianate style cottage with high level of integrity externally. Some original fence fabric such as piers and dwarf wall has been retained.	
94 The Boulevarde. Unusual Federation Bungalow style dwelling with high level of integrity externally.	

96 The Boulevarde Victorian Italianate style cottage with high level of integrity externally.	
98-100 The Boulevarde Semi detached pair of dwellings with a rare combination of single and two storey configurations. The architectural form of the single storey section is similar to that of 96 The Boulevarde, while the architectural form of 100 The Boulevarde is similar to a dwelling in a row of terrace houses. 98 The Boulevarde has retained much of its original form while 100 The Boulevarde has retained its original form and a substantial amount of original external fabric.	
102 The Boulevarde California Bungalow style dwelling that has retained its original form and a relatively high amount of original fabric. Brick sections of front fencing appear to be original.	
104 The Boulevarde Victorian Italianate cottage that has retained its original form and some original external fabric. There is the potential to regain its historic appearance.	

The Boulevarde: eastern side	
59 The Boulevarde An imposing group that has retained it s overall form and some original elements. Recently conserved.	
61-63 The Boulevarde Two single storey Victorian Italianate cottages that are substantially intact externally. Original fencing in place.	
65 The Boulevarde Two storey Victorian Italianate house that is substantially intact externally. original fencing retained.	

67 The Boulevarde Two storey Victorian Italianate house that is substantially intact externally. original fencing retained.	
69 The Boulevarde The house does not contribute. However, the original fencing has been retained.	
71 The Boulevarde Non contributory flats, although they date to an important period of development along The Boulevarde.	

73 The Boulevarde Intact California Bungalow style dwelling. Infilled verandah openings are reversible. Later additions do not detract from its contribution.	
73A The Boulevarde Distinctive Federation cum California Bungalow with a high level of external integrity. Later additions do not detract from its contribution.	

Other elements warranting inclusion in the Conservation area:

- Brick kerbs.
- Street name inscribed in footpath.
- Mature Brush Box trees.
- Curved configuration of the street. Although not original. it contributes to the character of the precinct.

4. HERITAGE SIGNIFICANCE

4.1 Statement of Significance

No.'s 73 and 73A The Boulevarde Dulwich Hill have a high degree of local historical significance due to their capacity to demonstrate housing development in the interwar period and the consolidation of the area as a residential suburb. They are capable of demonstrating the NSW historic theme of, "Towns, suburbs and villages" and the National theme "Building settlements, towns and cities" due to the historic subdivision pattern created by the formation of the lots in the mid 1910s as villa estates were consolidated. They can also demonstrate the NSW theme "Accommodation" as suburban bungalows developed in the interwar period. The arrangement of the interior rooms and their finishing make comment on the NSW historic theme of "Domestic Life" and the national historic theme of "Developing Australia's cultural life" illustrating living standards and expectations of the 1920s. As finely detailed and intact exemplars of the Californian bungalow they also illustrate the NSW theme of "Creative endeavour". They have a high degree of local associative historical significance due to their association with builder, William George Mitchell and a high degree of local aesthetic significance as examples of Federation and Californian Bungalow styles. As a relatively intact pair they have exceptional local significance at a local level under the rarity criterion and a high degree of local significance as representative examples of their kind.

4.2 Individual Criterion

Criteria a) an item is important in the course, or pattern, of the Inner West LGA's cultural or natural history.

No.s 73 and 73A have a high degree of local historical significance as a pair of quality houses constructed on the newly subdivided 73 The Boulvarde Dulwich Hill by local builder William George Mitchell, c.1920. They demonstrate the NSW Historic themes of "Towns, suburbs and villages", "Accommodation", "Domestic Life" and "Creative endeavour". They also demonstrate the national themes of "Building settlements, towns and cities" and "Developing Australia's cultural life". The residential consolidation that occurred in this period is a significant phase in the historic development of the area; the survival of these relatively intact houses ably demonstrates the nature and quality of that development. They are important in demonstrating, along with other housing in the street the important historical process of development and subdivision resulting in the initial suburbanisation of the area. They demonstrate important aspects of the cultural history related to the historic themes listed above, particularly through the quality of their finishes and detailing.

Criteria b) an item has strong or special association with the life or works of a person, or group of persons, of importance in the Inner West's cultural or natural history.

No. 73 and 73A The Boulevarde have a high degree of local historical significance due to their association with local builder and developer William George Mitchell who was very active in the area and more broadly. 73A was constructed as his own residence and 73 as a neighbour. It demonstrates his skill, taste, design sensibilities as well as his and construction capabilities. Mitchell resided there from its construction until his death in 1949.

Criteria c) an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the Inner West LGA.

73A The Boulevarde has a high degree of local aesthetic significance. 73A is an unusual and individual example of a dwelling demonstrating characteristics of the Federation and California Bungalow styles, which have retained a high level of integrity externally and internally. Later additions do not detract from their significance. 73 The Boulevarde is a good representative example of a Californian Bungalow style dwelling, which has a level of individuality in its detail. It has also retained a high level of external and internal integrity. Both are important elements within the local streetscape.

Criteria d) an item has strong or special association with a particular community or cultural group in the Inner West LGA for social, cultural or spiritual reasons.

They are not significant under this criterion.

Criteria e) an item has potential to yield information that will contribute to an understanding of Inner West's cultural or natural history.

They are not significant under this criterion.

Criteria f) an item possesses uncommon, rare or endangered aspects of the Inner West's cultural or natural history.

No.'s 73 and 73A The Boulevarde are of exceptional local significance under this criterion as a pair of intact surviving bungalows from the period of suburbanisation of the area. This is due to their integrity and intactness, internally and externally.

Criteria g) an item is important in demonstrating the principal characteristics of a class of the Inner West's cultural or natural places; or cultural or natural environments.

No.'s 73 and 73A are of high local significance under this criterion due to their capacity to demonstrate this class of housing that emerged in the early interwar period. They represent quality housing development c. 1920, as the economy recovered from the stringencies of war.

5. Analysis of Planning Policy

As identified in the Fox & Associates Marrickville Heritage Study of 1986, the LGA in common with other inner Sydney suburbs was characterised by a subdivision pattern retained evidence of the original grants in subdivision and street patterns. Villas were constructed on large blocks following the break-up of the early grants in the latter half of the Nineteenth Century. This is evident in the land tenure history associated with 73 and 73A The Boulevarde. [See Section 2]

A later period of development followed in the 1920s when bungalows were constructed following further subdivision often using local stone and locally manufactured bricks. In the 1960s further consolidation occurred with the construction of two and three storey apartment buildings. Fox & Associates identified the mix of surviving development as tangible evidence of the area's development.[29] The story of The Boulevarde, including that section between 73A/104 and Eltham Street is an exemplar of that development history. The parent lot of which 73 and 73A The Boulevarde derive and their sibling lots demonstrate suburban development from the 1880s.

The residential character of the area was established in the period 1861 – 1918 with closer settlement, and it was in the later years, in the 1910s, that builder William George Mitchell's name appears in the Building and Subdivision Registers of Council. It was Mitchell who purchased the *Toddington* property at 73 The Boulevarde from the Johnston family in 1915 and set about subdivision, he then constructed the pair of sandstone and brick and tile bungalows at 73 and the newly created 73A The Boulevarde. The development was one of a number of projects with which he is identified.

In 2011 Paul Davies Pty Ltd undertook a review of the boundary of the draft Lewisham Estate HCA. The study limited the key period of significance to between 1886 -1915. With the area identified as demonstrating the:

> '… transition between the late 19th-century principles of inner urban development and the early 20th Century ideals of the suburban landscape]and] characterised by a feeling of spaciousness. This character is enhanced by the relatively flat topography and the width of the road reservations, generous footpaths and the increasing setback to the front facade of the house, which has allowed some of the houses in this area to plant a small garden which helps to soften the streetscape further…'[30]

By default, elements from the interwar period and the later 1960s apartment development, key phases identified by Fox & Associates were excluded. However, the DCP which was adopted contemporaneously in 2011, did not take up the Paul Davies Pty Ltd recommendations. Rather, it identified the core period of heritage significance as 1880-1940 with the primary architectural styles listed as:

- Victorian Italianate/Victorian Filigree;
- Federation styles; and
- Inter-War styles (in particular Californian bungalow). [31]

The DCP's Statement of heritage significance for the Lewisham Conservation Area refers to its **aesthetic significance** due to the range of housing typologies dating from the late 19th and early 20th century including:

> '… finely crafted Victorian Italianate, Rustic Gothic, Filigree and Regency houses, terraces and villas and later Federation examples, including Federation cottages, terraces and Queen Anne houses … [and] good examples of houses and residential flat buildings from the Inter-War period…'[32]

[29] Fox & Associates, pp.45-46.

[30] Paul Davies Pty Ltd, 2011, p.7

[31] Marrickville Development Control Plan, 2011, Part 8 Heritage, p. 129

[32] Marrickville Development Control Plan, 2011, Part 8 Heritage, p. 127

It could also be legitimately added to this statement that the 1960s two and three storey apartment development in The Boulevarde represents a significant period in the residential development of the area and that by excluding The Boulevarde between 73A/104 and Eltham Street is a serious omission in terms of preserving the history of the area in its entire historic residential development context, it is assumed due to the presence of the 1960s apartments development in that area. No 71 The Boulevarde, is an example where the apartment building is set well back from the street, with intervening mature native trees and of moderate and consistent height providing a softer more human scale than the overdevelopment of sites that is increasingly occurring.

The core heritage values and elements identified in the DCP for the Conservation Area the following can also be applied to that portion of The Boulevarde from 73A/104 to Eltham Street currently excluded from the Conservation Area:

i. The HCA demonstrates a range of substantially intact high style and modest dwellings and corner shops that demonstrate the different phases of development and options for housing available in the 19th century.

ii. Evidence exists of the application and adaptation of the 19th century residential forms to the larger lots of the 20th century 'suburban dream' with space for off-street parking at the rear of the property and a good garden to provide an aesthetically pleasing setting for most houses.

iii. The HCA contains evidence of the social and cultural values of the late 19th century community demonstrated through the prominent location of community facilities at the northern (Baptist church) and southern ends (memorial scout hall) of the HCA.

iv. The HCA enjoys high quality street tree planting.

v. Sandstone kerbing, guttering and public infrastructure is seen throughout the HCA.

vi. The prevailing low-density character is due to large lot sizes and garden spaces in front of buildings.

vii. There is a mix of single and two storey buildings.

viii. The HCA contains good groups of substantially intact late Victorian and Federation villas, houses, bungalows, semi-detached cottages and terraces.

ix. Individual properties are of high aesthetic value.

x. There are a high proportion of intact or substantially intact built elements.

xi. Building heights are appropriate to architectural style and period of construction.

xii. Detailing and finishes are appropriate to the typology and period of construction.

xiii. Roof forms are appropriate to the typology and period of construction.

xiv. Federation (tall and narrow) chimneys are prominent in roofscape views.

xv. Fences are appropriate to the typology and period of principal building.[33]

The subdivision and public domain elements identified in the DCP are equally applicable to The Boulevarde between 73A/104 and Eltham Street. Namely:

i. Regular subdivision patterns;

[33] Marrickville Development Control Plan, 2011, Part 8 Heritage, p. 128

ii. Open character to the streetscape due to wide streets, footpaths, large lot sizes and generous suburban scaled building setbacks;

iii. Brush Box and other formal street tree planting at maturity and density to form a good avenue/act as street wall; and

iv. Sandstone block kerbing and guttering. [With the exception of the area between Eltham and Piggot, removed as part of a road narrowing project by Council at an unknown date]

The specific elements that contribute to the consistency of the streetscape from the public domain, also remain consistent.[34]

i. Prevailing low density character due to large lot sizes and front garden spaces;

ii. Mixture of single and two storey buildings;

iii. Good groups of substantially intact late Victorian and Federation villas, houses, bungalows, semi-detached cottages and terraces;

iv. Individual properties of high aesthetic value:

a. Building forms appropriate to architectural type;

b. High quality detailing to the front elevation; and

c. Increasing simplification of scale and detailing towards the rear, including window size, detail and proportion;

v. High proportion of intact or substantially intact built elements:

a. Consistency of form and detailing to intact and substantially intact original dwellings and streetscapes; and

b. Any additions visible from the public domain of a minor scale respect the original built form and are unobtrusive in the context of the streetscape;

vi. Building heights appropriate to typology and period of construction:

a. Original development mixes one and two storey depending on the conventions of the architectural style;

vii. Detailing and finishes appropriate to typology and period of construction:

a. Window openings appropriate for architectural style;

b. Timber framed windows;

c. Complex timber joinery windows to main bay of the front elevation (Federation); and

d. Use of appropriate colour schemes for detailing;

viii. Roof forms appropriate to typology and period of construction:

a. Prominence of Federation (tall and narrow) chimneys in roofscape views;

b. Lack of major alterations to roof form and volumes;

c. Slate roofs; and

[34] Marrickville Development Control Plan, 2011, Part 8 Heritage, p. 129.

d. Unglazed or low glazed dark red terracotta tile roofs;

ix. Fences appropriate to typology and period of principal building:

a. Original Iron Palisade fences; and

b. Original low face-brick (not rendered or painted) walls;

x. Lack of car parking infrastructure accessed from the primary street frontage; and

xi. Garden plantings in front of dwellings.

The inter-war houses constructed at 73 and 73A The Boulevarde are in remarkably original condition including their interiors – both individually and as a pair they meet the threshold for a high level of local heritage significance for their aesthetic features associated with the area deriving from the fabric – brick, sandstone tiles and complex timber joinery, stained glass windows, verandahs, high quality detailing and garden setting including fencing. Consistencies between the two, attributable to their construction by William George Mitchell in the inter-war period provide them with a distinctive place in the streetscape.

In summary, 73 and 73A The Boulevarde and surrounding lots provide physical evidence of the pattern of development that typified the *Lewisham Estate* and development elsewhere in the former Marrickville and Petersham LGAs. A gentleman's residence converted to an institution (1917 - Nurse Martins private hospital, then called Toddington private hospital) and subsequent infill development with bungalows. Followed in the 1960's with *Toddington's* demolition to make way for 2 and 3 storey unit blocks. The site's history, extant features, combined with the streetscape exemplify three phases of residential development observed in the now Inner West LGA. As noted by Fox & Associates, the character and significance of the LGA is reliant on the many 'ordinary' examples of such residential precincts.[35] As the research undertaken for this assessment shows, the subdivision pattern of the area is clearly discernible and tangible evidence of the residential development of the area.

[35] Fox & Associates, p.50.

6. Recommendations

- It is recommended that the individual heritage status of 73 and 73A The Boulevarde be reassessed both individually and as a pair with a view to their entry onto Schedule 5 of the Inner west LEP.
- Given the consistency of identified qualities of The Boulevarde between 73A/104 and Eltham Street with the Lewisham Conservation Area, that consideration be given to inclusion of the area in the HCA.