

## STATEMENT OF HERITAGE IMPACT

### 29 BAYSWATER ROAD, BOLWARRA NSW 2320 SITE SUBDIVISION

WITHIN THE  
BOLWARRA HERITAGE CONSERVATION AREA



Prepared by EJE

Prepared for: Hunter Land Pty Ltd

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Cover Image: View of subject site and existing residence from corner of Bayswater Road and Kensington Road, Source: Google Streetview captured July 2023

## INTRODUCTION

EJE Heritage has been requested to provide a Heritage Assessment and subsequent Heritage Impact Statement for the proposed development of a site subdivision located in Bolwarra NSW, which involves the division of the existing site at 29 Bayswater Road, Bolwarra 2320 into four smaller sites for future development of three sites.

The initial section of the report places the site within an historical context, and examines the physical condition and context of the current building. With the history and physical condition and context of the building understood, a heritage assessment of the site can be completed using the NSW Heritage Branch guidelines encompassing the Australia ICOMOS Burra Charter 2013 heritage values: historical significance; aesthetic significance; scientific significance; and social significance.

The Statement of Heritage Impact that follows examines the proposed works, identifying any impacts which the proposal might have on the significance of the heritage items, and any measures which should be taken to mitigate any negative impacts, if these are in fact identified.

The Historical Context section of this report was prepared by Rohan Hearn  
This Statement of Heritage Impact was prepared by EJE Heritage. The project team consisted of:

- Barney Collins – (Director), Conservation Architect
- Stephen Batey – Architect
- Rohan Hearn – Architectural Technician

Unless otherwise acknowledged, photographic images are by EJE Heritage.

## METHODOLOGY

This report has been undertaken in accordance with the NSW Heritage Office publications, Assessing Heritage Significance and Statements of Heritage Impact, together with the Australia ICOMOS, The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013.<sup>1</sup>

## CONSTRAINTS AND LIMITATIONS

EJE is not qualified to offer structural opinions. This report is not intended to convey any opinion as to the structural adequacy or integrity or integrity of the structure, nor should it in any way be construed as so doing. Similarly, the author's observations are limited to the fabric only: they do not comment upon the capacity, adequacy, or statutory compliance of any building services.

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<sup>1</sup> Burwood: Australia ICOMOS, 2013.

## 1. THE HERITAGE ITEM

### 1.1 SITE DESCRIPTION

#### 1.1.1 Heritage Item

The subject site is located at 29 Bayswater Road, Bolwarra 2320.

Site is located on the corner of Kensington and Bayswater Road and is generally rectilinear in shape and with a total site area of 3456.2m<sup>2</sup>. The contour of the land generally slopes upward to the west, however the site has a visible depression to the centre where there is a water course draining to the east. The real property description for the site is 1/151602.

The site features an existing dwelling which may have been constructed around the turn of the 19<sup>th</sup> to 20<sup>th</sup> century, a shed and a rear garage which has been constructed upon an earth berm in approximately the late 1980s.

#### 1.1.2 Heritage Listings

The site and building are not listed as a Heritage Item of Local significance in Maitland Local Environmental Plan 2011, Schedule 5 Part 1.

The subject site is within a Heritage Conservation Area: Bolwarra Heritage Conservation Area



Fig 1.0, Maitland LEP Heritage Conservation Map, HER 5050, site boundary outlined in red, Source: Maitland LEP 2011

The subject site is in proximity to further Heritage Items of Local significance, as hereunder.

Suburb	Item	Address	Description	Item No.
Bolwarra	War Memorial	Westbourne Road	Road Reserve	I7
Bolwarra	Bolwarra House	31 Bayswater Road	Lot 22, DP 773575	I8
Bolwarra	Stone Barn	34 Kensington Road	Lot 1, DP 607865	I9
Bolwarra	"Gowan Brae"	59 Kensington Road	Lots 20 and 21, Sec D, DP192940	I10
Bolwarra	Residence	4 Paterson Road	Lot 1, DP 781303	I11
Bolwarra	Residence	6 Paterson Road	Lot 1, DP 779050	I12
Bolwarra	Residence	8 Paterson Road	Lot 3, DP 744298	I13
Bolwarra	"Dareel"	6 Westbourne Road	Lots 1-4, DP 1125981	I14
Bolwarra	Virginia House	11 Westbourne Road	Lots 1-4 DP 1120613	I15
Bolwarra	"Shenstone"	20 Westbourne Road	Lot 10, DP 536722	I16

### 1.1.3 Site and its Context



Fig 2.0, Aerial imagery showing Bolwarra and existing context including Bolwarra Heights to the north of the site and Oakhampton to the west of the Hunter River, subject site shown outlined in red, Source: Nearmaps

Site is located in Bolwarra, a small suburb of Maitland located approximately 4.3km to the north east of the commercial centre of Maitland. The suburb predominantly features low density residential development. The suburb is generally surrounded by farmland with Bolwarra Heights and Largs located to the north of the site and Lorn located to the south, Bolwarra is also bounded by the Hunter River running to the west.

Housing in the immediate context is characterised largely by fibro and brick dwellings with tiled roofs, many of the homes do not have front fences and sit further back in the site. There are a number of newer infill dwellings interspersed throughout the suburb and there are sections of newer housing developments to the north of the suburb and at Bolwarra Heights.

Several other significant site subdivisions have occurred recently within close proximity to the subject site. One such subdivision is the subdivision of the Warrane Homestead which sits approximately 200m to the east of the site at the corner of Maitland and Bayswater Road. Other larger subdivisions have occurred approximately 400m to the east of the site along Paterson Road with a total of approximately 20 dwellings.

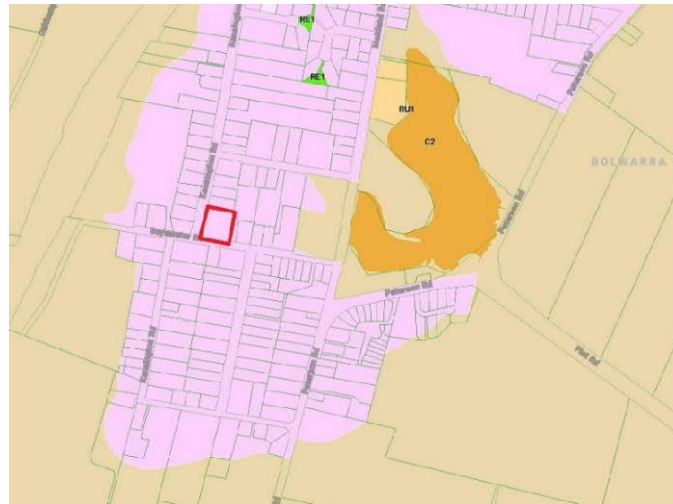


Fig 3.0, Site zoning map, Source: Mecone Mosaic

Site zoning of housing in Bolwarra is R1 General Residential. Suburban Bolwarra is surrounded by much larger farmland properties classed as RU1 Primary Production. RE1 Public Recreation zoning, is also present in several small lots to the north of the site and C4 Environmental Living and C2 Environmental Conservation zoning can also be identified in the immediate vicinity.

1.1.4 Proposed Works Area



Fig 4.0, Aerial imagery showing immediate context and proposed works area, boundary of subject site outlined in red. Source: Nearmap by license

Proposed works are to be carried out within the existing site boundaries and involve the subdivision of the one site into four smaller properties.

Proposed sites are to be of a consistent scale to one another (within 691-1041m<sup>2</sup>). The new subdivision will be arranged with three sites fronting onto Bayswater Road and one site fronting onto Kensington Road, the existing dwelling and shed are to be maintained in their current location on the corner site.

Proposal also consists of some road widening to Bayswater Road to facilitate access to the proposed sites.

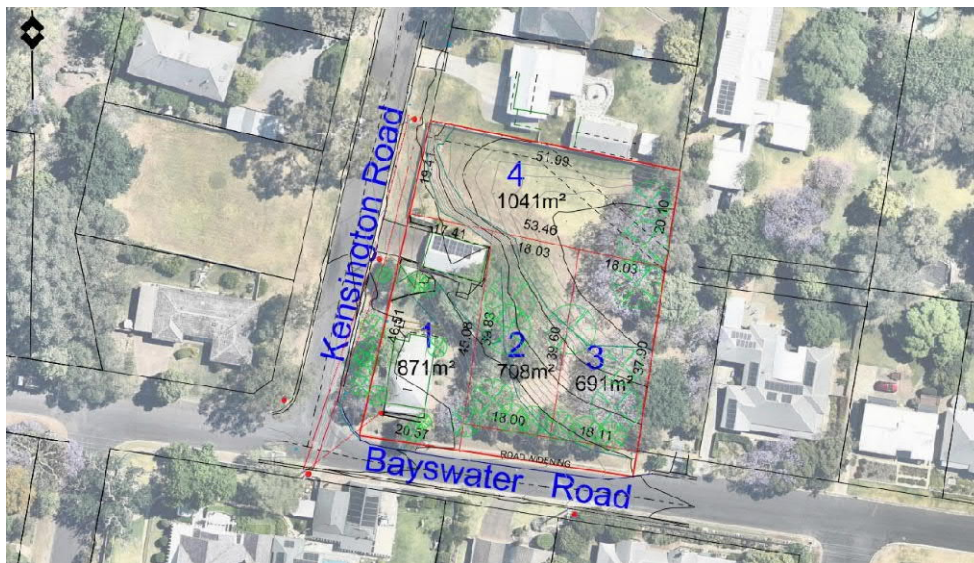


Fig 5.0, Proposed subdivision plan, Source: High-Definition Design PTY LTD.

## 1.2 SITE SUMMARY HISTORY

### 1.2.1 Brief Historical Context

Old Bolwarra is a small suburb set on the high grounds amidst the farmlands of Bolwarra. It was developed out of the prominent colonial agricultural estate, two thousand and thirty acres in area which was granted to John Brown in December 1822<sup>2</sup> and originally known as Bulwarra. At the centre of the grant the second Bolwarra house was built c.1830<sup>3</sup> and its remarkable estate barn built in stone in 1836.

Flooding of the Hunter River during the 1850s saw nearby residents take refuge at Bolwarra House to escape the rising water. It was reported after a particularly serious flood in June 1857 that nearly 100 people had sheltered there.<sup>4</sup> At about this point in time, John Wiltshire Pender is recorded to have become involved with Bolwarra House. He is credited as being a supervising foreman on site for his uncle, a builder, who was working on the house.<sup>5</sup> The scope of work is currently unknown. J.W. Pender is known to have executed alterations and additions to Bolwarra House and the creation of new stabling and Fowl House during the 1880s.<sup>6</sup> J.W. Pender's son W.H. Pender designed the major alterations and additions to Bolwarra House for then owner Stewart Corner in 1919.<sup>7</sup>



Fig 6.0: Bolwarra House pre 1919. Maitland Mercury



Fig 7.0: Corner's Barn. Hunter Living Histories

The development of a suburb on this estate appears to have been conceived by the last estate owner Jane Dickson in the 1870's when she offered its fertile agricultural land for sale to her tenant farmers. For that sale the subdivision plan prepared by the surveyors Bruncker Wolf & Badgery in 1976 created farm allotments but also delineated the streets which were the genesis of the plan of Bolwarra suburb, being Westbourne, Kensington, and Bayswater Roads alongside the main road to Paterson Plains as it was then known. Although these roads are shown clearly on the plan forming a square, there was no allotment design at this time of the sale of farms, and the interior of the square is identified on the plan as a field, probably a vineyard.

But soon after, in 1885, this field was subdivided into large house allotments and offered for general sale under the description "Gentleman's Estate" by the estate of the late Jane Dickson. John Rourke, the saddlery merchant in West Maitland, purchased

<sup>2</sup> Dangar (1828) p14 Middlehope Parish

<sup>3</sup> Henry Dangar's map of the Hunter Valley in 1828 indicates the first Bolwarra House was located near the northwest corner of the grant near where Riverside Street and Vantage Court are located today

<sup>4</sup> Article 'Calamitous Flood' Empire(Sydney) 22<sup>nd</sup> June 1857 p05

<sup>5</sup> Reedman (2010) p61

<sup>6</sup> Pender Listing

<sup>7</sup> ibid



and converted the colonial Bolwarra house into a grand suburban villa residence. Several other multiple allotments were purchased by West Maitland merchants leading to these impressive villas and gardens being established upon them over the next 25 years: Dareel c. 1887, Gowan Brae 1889, Ourinda c. 1894 and the remarkable Shenstone c. 1911. During this time about a dozen timber houses of architectural quality were constructed on the regular single blocks, each about half an acre in area.

Until the 1940's this suburb grew gradually on its Victorian allotments, with the addition of other houses, in masonry and timber. Some were of architectural distinction such as Dungaleer, Kensington House and Gowrie, particularly towards the end of this period, there were also some smaller simple hipped roof cottages of a farm character developed at this time.

There is good evidence that most of Bolwarra's house had outbuildings, among them stables, large garages, shelters for small animals and house cows. Leading from the formal roads were several informal back ways from Addison Road leading into the deep blocks to service these back buildings and, on the outer facing streets, they led away with long drives leading to larger villas.

The suburb was closely integrated into the old estate, whose rural activities continued all around and well up into it. Three large hay barns and two sets of dairy buildings abutted the streets. The householders kept cows and small animals, and the expanse of farmlands was readily visible through its many open edges and unbuilt upon blocks. Cattle were regularly droved to market down Paterson Road. The old agricultural public school which had started in the 1850s had been renewed in the 1890s for children of both farmers and of the suburb. (Bolwarra Public School is listed as opening in 1852 until May 1870 when it closed. It opened again in September 1891 and has continued to the present day.)

Apart from the suburban houses a small wine shop was present which has existed since 1885 and, from 1931, Saint Augustine's church hall. The only other urban component was the wonderful Ravensfield sandstone memorial to the Great War with the street lamp, which was designed by the architect Walter H Pender, a resident, with names of men from the farms and the suburb lettered in gold upon it.

At first with the need for housing on flood free land after the devastating floods of 1949 to 1956 then with the 1960s suburban expansion in the district generally, many of the Victorian suburb allotments as well as the farm land on its approach roads which were divided into smaller single house blocks.

At the end of the 1960's two cul-de-sac subdivisions were made on the northern part in Kensington Road and, in the 1990s and early 2000's to the east side of Paterson Road.

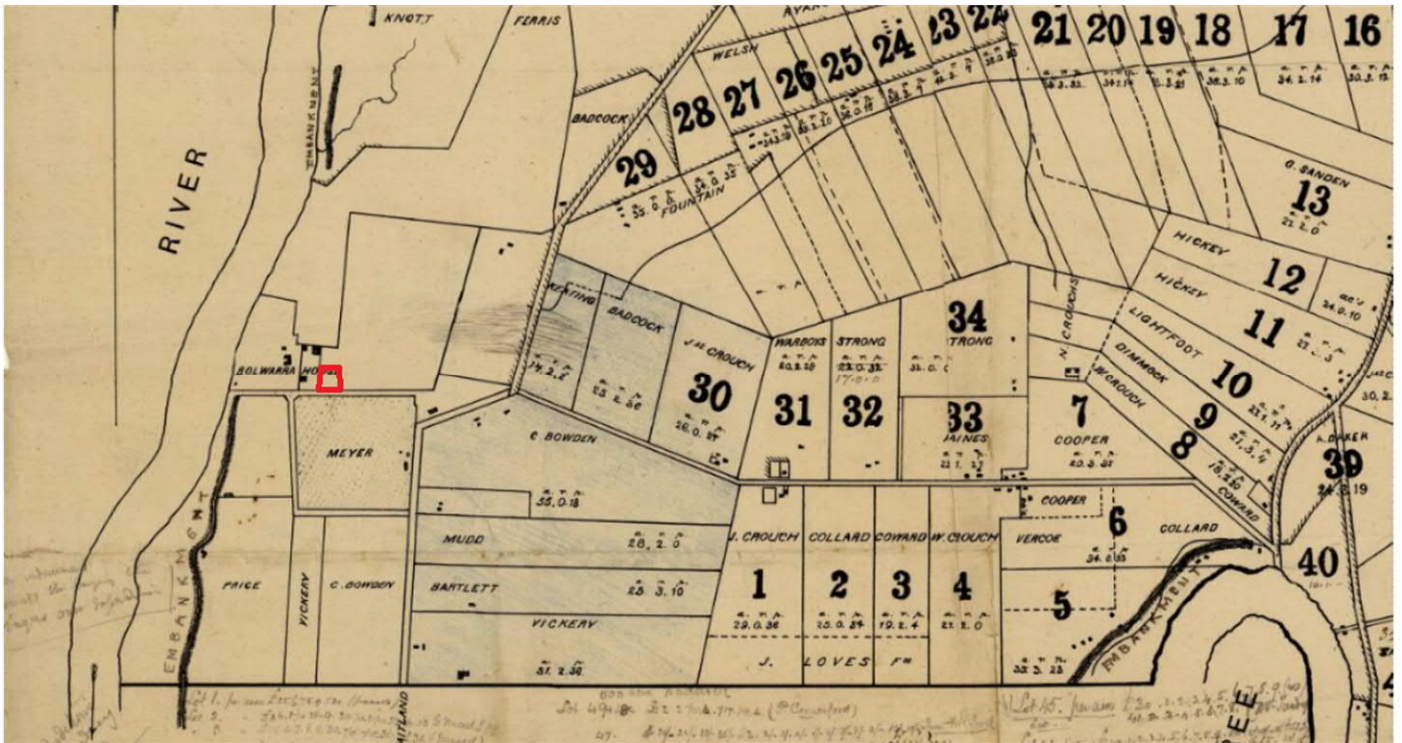


Fig 8.0, Extract from the Bruncker Wolfe & Badgery Bolwarra subdivision plan, 1876, position of subject site shown highlighted in red, next to the Bolwarra house property. The properties, numbered or not, tend to have land-owners names associated with them which suggests that the subdivision occurred some time prior to the 1876 date of this map allowing for time to complete land sales. The watercourse which is shown commencing at Keating’s property just left of centre and travelling up to Lot 17 near the top right actually commences in the hollow of the subject site near Bolwarra House.

## 1.2.2 Previous Physical Changes



Fig 9.0, Historical aerial imagery, 1944 Source: NSW Spatial Services

Original residence at 29 Bayswater Road is visible at this time with two sheds to the east of residence. There is a moderate degree of development to the block south of site. Bolwarra House and Stone Barn are the only structures visible on the west side of Kensington Road opposite the subject site. There is a small depression visible at the centre-right of the image.



Fig 10.0, Historical aerial imagery, 1974 Source: NSW Spatial Services

Intensification of development is visible throughout the suburb in aerial imagery from 1974. New residences are now present to the north of the subject site. New concentrations of development are present especially further east along Bayswater Road and to the south of the site.

Subdivision has now occurred to Bolwarra House site as a new residence is now visible in this time. Existing planting throughout the Bolwarra House site is visibly much more established. The depression at the right of the image has been enlarged into a visible dam and the channel filling it clearly comes from the rear of the subject site.



Fig 11.0, Historical aerial imagery, 1993 Source: NSW Spatial Services

Continued intensification of development is visible throughout the suburb in aerial imagery from 1993 with new houses to the east of subject site.

Street tree planting is now established through the suburb, planting is now visible especially along the Bolwarra house boundary lines.

The extended driveway leading to 23 Bayswater Road directly to the east of the subject site is also visible in this time.

The dam at the right of the image is larger again and what may be a second dam is visible behind 17 Bayswater Rd.

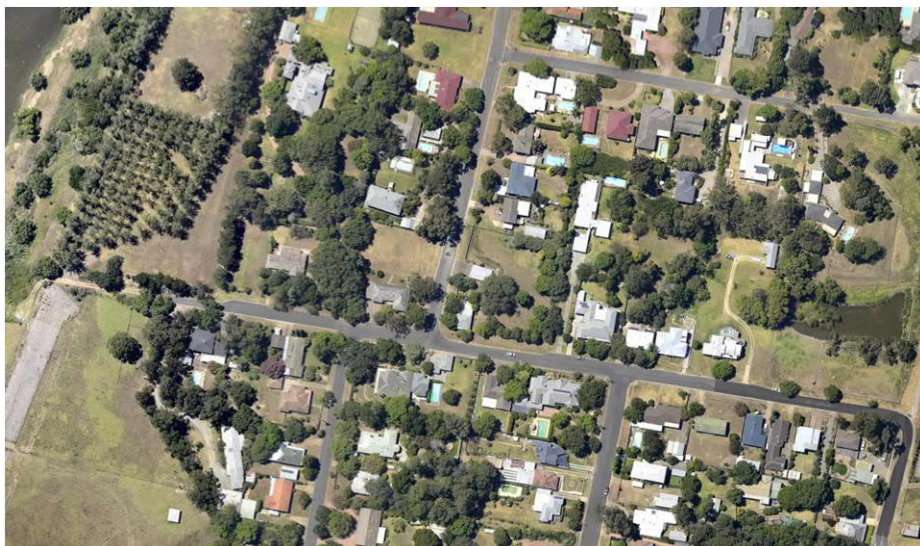


Fig 12.0, Historical aerial imagery, 2014 Source: NSW Spatial Services

Development of the block on which subject site sits has continued through this time with completion of neighboring houses at 15 Bayswater Road, 17 Bayswater Road and 21 Bayswater Road completed.

Continued development of street tree growth has occurred throughout the suburb and especially upon Bayswater Road.

### 1.2.3 Physical Analysis

Existing buildings on site, namely the existing dwelling, shed and house all maintain a generally good built condition. The current proposal does not propose any works to the existing buildings on site.

Existing house is from the Edwardian era clad in weatherboard with an open verandah to the front of the house.



Fig 13.0, View of subject site and existing residence from corner of Bayswater Road and Kensington Road, Source: Google Streetview captured July 2023



Fig 14.0, View from Bayswater Road to undeveloped side of site. Source: Google Streetview captured July 2023



Fig 15.0, View from Kensington Road to undeveloped rear of site. Source: Google Streetview captured July 2023

## 2. SIGNIFICANCE ASSESSMENT

The NSW heritage assessment criteria encompass four generic values in the Australian ICOMOS Burra Charter 2013: historical significance; aesthetic significance; scientific significance; and social significance.

These criteria will be used in assessing heritage significance of the place.

The basis of assessment used in this report is the methodology and terminology of the Burra Charter 2013; James Semple Kerr, *The Conservation Plan: A Guide to the Preparation of Conservation Plans for Places of European Cultural Significance*;<sup>8</sup> and the criteria promulgated by the Heritage Branch of the NSW Office of Environment and Heritage. The Burra Charter 2013, Article 26, 26.1, states that:

Work on a place should be preceded by studies to understand the place which should include analysis of physical, documentary, oral and other evidence, drawing on appropriate knowledge, skills and disciplines.

Places and items of significance are those which permit an understanding of the past and enrich the present, allowing heritage values to be interpreted and re-interpreted by current and future generations.

The significance of the place is determined by the analysis and assessment of the documentary, oral and physical evidence presented in the previous sections of this document. An understanding of significance allows decisions to be made about the future management of the place. It is important that such decisions do not endanger its cultural significance.

The NSW Heritage Manual, prepared by the former NSW Heritage Branch and Department of Urban Affairs and Planning, outlines the four broad criteria and processes for assessing the nature of heritage significance, along with two added criteria for assessing comparative significance of an item.

### Heritage Significance Criteria

The NSW assessment criteria listed below encompass the following four values of significance:

- Historical significance
- Aesthetic significance
- Research/technical significance
- Social significance

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<sup>8</sup> (7<sup>th</sup>ed). Burwood: Australia ICOMOS, 2013.

Listed below are the relevant Heritage Assessment Criteria identified in the Heritage Act:

Criterion (a) An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (b) An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

Criterion (d) An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

Criterion (e) An item has the potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (f) An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (g) An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural places; or cultural or natural environments).

An Assessment of Significance requires that a level of significance be determined for the place. The detailed analysis uses the levels of significance below:

LOCAL	Of significance to the local government area.
STATE	Of significance to the people of NSW.
NATIONAL	Exhibiting a high degree of significance, interpretability to the people of Australia.



## ANALYSIS OF HERITAGE SIGNIFICANCE

The listing datasheets for Bolwarra House, the Stone Barn and Bolwarra Conservation Area are devoid of Analysis of Significance. New analysis has had to be prepared by EJE.

### Historical Significance

Criterion (a) An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

Bolwarra House and the associated Stone Barn demonstrate links to the original Bolwarra land grant, original land grantees and the use to which they put their grants to. The subdivision of the grant to create the town was informed by the location of these two structures.

The Bolwarra House and associated Stone Barn are both likely to demonstrate a moderate degree of local significance under this criterion.

While many of the original timber clad dwellings that existing before the 1950 flood have been dispensed with, the Bolwarra Conservation Area existing subdivision still shows links to the grid of the original Bolwarra land subdivision.

The Bolwarra Conservation Area is likely to demonstrate a moderate degree of local significance under this criterion.

29 Bayswater Road is believed to date from the transition between the 19<sup>th</sup> and 20<sup>th</sup> centuries when numerous other dwellings are known to have been constructed in Bolwarra. 29 Bayswater Road is not one of the Gentleman's Houses which were intended from the 1885 subdivision but what appears to be an example of a workers cottage of that era. It may possess little to moderate local significance for demonstrating this period of substantial growth in the Bolwarra vicinity.

Criterion (b) An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

Bolwarra House, the associated Stone Barn and Bolwarra Conservation Area have historical links to original land grantee John Brown, early land owner Jane Dickson and the original constructor of the home/ owner- saddlery merchant John Rourke. The Bolwarra House also shows historical links to John Wiltshire Pender, who is known as a foreman who worked on the site, the total scope of his work however is unknown. Bolwarra House also possesses associations to W. H. Pender who designed the major configuration for the house for the Corner family in 1919.

Bolwarra House is likely to demonstrate moderate to high local significance for its historic associations.

The Stone Barn and Bolwarra Conservation Area are likely to demonstrate a moderate degree of local associative significance under this criterion.

29 Bayswater Road has no known associations with persons of historic importance. It is not considered to demonstrate significance under this criterion.

### Aesthetic And Technical Significance

Criterion (c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

Bolwarra House and the associated Stone Barn were examples of a Colonial Georgian Style. Bolwarra House received late Victorian additions before major remodelling in an Inter-War style by W.H. Pender. It is not considered to be intact. While it may be impressive in its immediate context, it is also located well back from public view and contributes little to the aesthetics of the area. It may demonstrate little aesthetic significance.

The Stone Barn are likely to demonstrate a moderate degree of local aesthetic significance under these criteria.

The Bolwarra Conservation Area includes a number of notable residences of exemplary style including Dareel c. 1887, Gowan Brae c. 1889, Ourinda c. 1894, and Shenstone 1910. During this era about a dozen other timber houses of considerable architectural quality were constructed in the area however many were largely lost in the 1950's. The Bolwarra Conservation Area is likely to demonstrate a moderate degree of local importance significance under these criteria.

29 Bayswater Road is a simple stand-alone cottage and demonstrates non more than little significance in its context.

### Social Significance

Criterion (d) An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

Bolwarra House is likely to be important to the community of Bolwarra as the name of the town is derived from this property. The property with which Bolwarra House is associated provided employment to the earliest settlers and workers of the place and also provided shelter and refuge during flooding events of the Hunter River. It is purely a private residence nowadays and as such provides a symbol or landmark of this community identity rather than an active community gathering place. Bolwarra House is likely to demonstrate moderate social significance in a local context.

The Stone Barn does not currently demonstrate any special associations with the Bolwarra community and was ancillary to the role that Bolwarra House demonstrated. The Stone Barn is likely to demonstrate only little social significance under this criterion.

The Bolwarra Conservation Area is the focus of the Bolwarra location in which the community lives. It is likely to be important to the community of Bolwarra. The Bolwarra Conservation Area is likely to demonstrate moderate local social significance under this criterion.

29 Bayswater Road has no known special associations with the community of Bolwarra and is only considered to demonstrate little social significance.

### Research Significance

Criterion (e) An item has the potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

Bolwarra House is one of the earliest structures in Bolwarra though has been modified and updated a number of times during its existence. It is not the first Bolwarra House. The first existed near Riverside Street and Vantage Court well north of the current site. There may be research potential in regards to earlier versions of the current house available, but these are likely to be difficult to determine. There is likely to only be little evidence of earlier information pertaining to the development of Bolwarra itself at the site. In contrast to this, the Hunter Estates Comparative Heritage Study of pre 1850s Homestead Complexes in the Hunter Region identifies a changed course of the Hunter River, (excavated) grind groves used by Aboriginal people, and Alluvium fill. There is at least moderate local significance able to be demonstrated under this criterion.

The Stone Barn may have research potential to demonstrate the historic operations of the productive parts of the Bolwarra property. It may demonstrate little to moderate research significance in a local context.

Bolwarra Conservation Area has been drawn out of the heart of what was a rural property and is now a residential subdivision of good quality. There may be research potential to indicate former uses and former structures within the bounds of the conservation area which will provide more specific information than can otherwise be gathered from written material. Within the Conservation Area there may be the potential for moderate local significance under this criterion.

29 Bayswater Road appears to be at the head of a watercourse which flowed through the whole of the Bolwarra property and helped form the subdivision layout. There may be potential to research historic riparian species or other natural information from the rear of the site. This information is likely to be available from other nearby local sources and is unlikely to be unique. The subject site may demonstrate little research significance in regards to European Heritage.

### Rarity Significance

Criterion (f) An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

Bolwarra House and the associated Stone Barn are not seen to be rare building typologies in Bolwarra or the greater Hunter Valley. Bolwarra House associated Stone Barn is not likely to demonstrate significance under this criterion.

Bolwarra Conservation Area is not seen to be holding any examples of particularly rare building typologies. Houses constructed during similar eras can be found in abundance throughout Maitland the greater Hunter Valley. The Bolwarra Conservation Area is not likely to demonstrate rarity significance.

29 Bayswater Road is an example of a typical workers cottage which has been modified and added to in the past. It is not considered to be rare for either its fabric or context.

### Representative Significance

Criterion (g) An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural places; or cultural or natural environments).

Bolwarra House is a representative example of a nineteenth century homestead in the Hunter Valley on a property on which a township has since arisen. It may demonstrate moderate significance in a local context.

The Stone Barn may be a fine example of rural Colonial Georgian farm structure from the early-to-mid 1800s. It may demonstrate moderate significance in a local context.

Bolwarra Conservation Area contains a number of representative examples of rural architecture from the late 1800's to early 1900's including the Gowan Brae and Dareel houses. The Bolwarra Conservation Area is likely to demonstrate moderate representative significance in a local context under these criterion.

29 Bayswater Road is not a fine, intact or pivotal example of a workers cottage in Bolwarra. It is not considered to be significant under this criterion

## 2.1 STATEMENT OF SIGNIFICANCE

Proposed work area is part of the Bolwarra Local Conservation Area. This Statement of Significance is provided from the Maitland DCP 2011:

The historic significance of Bolwarra can be traced to the surviving buildings and gardens of the late nineteenth century which record the original subdivision of “gentleman’s houses”. These qualities give the area historic significance for the locality. The same remnant plantings and surviving estate development are of aesthetic significance. Many of the later but undistinguished houses are set in attractive gardens hence complementing the character of the earlier development.

Bolwarra House is able to demonstrate historic significance for its links to the original Bulwarra Grant and grantees and the use to which they put the land. It is also important to the community of Bolwarra for providing the name and being the centrepiece of the township. It also served the community historically by providing refuge in flood events. It possesses historic associations to important local architects J.W. and W. H Pender as well as to important owners Jane Dickson, John Rourke, Stewart Corner. Archaeological excavations have already been undertaken on site and there may be potential for further research potential. Bolwarra House is representative of the numerous rural homesteads which were constructed on rural land grants in the Hunter Valley in the early-to-mid 1800s. It is able to demonstrate moderate local significance under several criteria.

The Stone Barn is also able to demonstrate historic significance for its links to the original Bulwarra Grant and grantees and the use to which they put the land. It is a relatively intact fine and representative example of a Colonial Georgian rural farm structure. It bears associations to former owners of the Bolwarra property. It may be able to provide physical evidence able to inform on previous rural uses of the barn and the Bolwarra property. It may demonstrate moderate local significance under a number of criteria.

29 Bayswater Road: The significance of this site is explained in detail below.

## 2.2 SIGNIFICANCE OF PROPOSED WORK AREA

The history of the subject site at 29 Bayswater Road, Bolwarra can be linked back to the Bolwarra subdivision from 1876 as the current southern and western site boundaries can be traced back to those in the plan. While there is no exact dating on the residence on the subject site, it can be reasonably assumed that the home was constructed at some time between the late 1880s and early 1900s as it was during this time that several other timber houses were constructed in the suburb.

The existing house at 29 Bayswater Road is not noteworthy in terms of its architecture but still maintains a generally good build condition and the design is still in keeping with overall scale and built form of other existing dwellings within the Bolwarra Conservation area. Site has substantial quantity of established tree growth helping to establish visual privacy between adjacent lots and enhance characteristics present throughout the conservation area.

### 3. PROPOSED WORKS

#### 3.1 THE PROPOSAL

Proposal consists of dividing existing site into four smaller sites to provide for future housing. Future housing needs to be consistent with local planning guidelines and in keeping with local character.

Proposed sites are to be of a consistent scale to one another (within the total extent of 700-1000m<sup>2</sup>). The new subdivision will be arranged with three sites fronting onto Bayswater Road and one site fronting onto Kensington Road, the existing dwelling and shed are to be maintained in their current location on the corner site.

Proposed sites are as follows:

- Site 1 (w/ existing house) – 871m<sup>2</sup>
- Site 2 – 702m<sup>2</sup>
- Site 3 – 691m<sup>2</sup>
- Site 4 -1041m<sup>2</sup>

The proposal also consists of some road widening with associated civil works to Bayswater Road to facilitate access to the proposed sites.

No demolition or other works are proposed as part of the proposal.



Fig 16.0, Proposed subdivision plan, Source: High-Definition Design PTY LTD.

The following documents were reviewed in regards to the scope of the proposed works and any resultant heritage impacts:

Dwg No.	Dwg. Title	Date	Rev
HD376-HD01	Proposed Subdivision Lot 1 DP151602 – Overall Subdivision Plan	07-05-2024	4
HD376-HD02	Proposed Subdivision Lot 1 DP151602 – Overall Subdivision Plan with Aerial	07-05-2024	4

### 3.2 HERITAGE OBJECTIVES OF THE MAITLAND CITY COUNCIL DCP 2011:

Part E of the DCP relates to Special Precincts - Heritage Conservation Areas, with Part 1 being the Bolwarra HCA. The following policies relate to the area and future development.

#### 1.3 Conservation Policies

##### What to Keep:

- Well defined edges of Conservation Area due to floodplain;
- Predominating single detached residential character;
- Neighbourhood character of shopping precinct;
- Existing form of road approaches to the town;
- Existing density of development.
- Landmark trees, including the large Bunyah Pine at the town's entrance
- Buildings and outbuildings associated with agricultural land use

##### What to Encourage:

- Single detached residential dwellings;
- Consistent scale and form of residential development, predominantly single storey

##### What to Avoid:

- Medium density development and detached dual occupancy – which are inappropriate because of their scale, design, size of allotment, etc;
- Re-subdivision of larger allotments to allow new dwelling in rear or front yards
- Large garages and carports on the street frontage, and details on them which mimic those on the dwelling

The introduction to the Bolwarra HCA states "Unlike Lorn and Morpeth the village of Bolwarra has changed markedly since the flood of 1955, because of substantial infill rebuilding. The introduction goes on to say "The pattern of subdivision, as determined in 1847, remains evident but the new start which the flood provided has meant that the distinctive timber cladding theme of the pre 1950s has been dispensed with. Hector Abraham's report advises better control of the quality of introduced buildings into the HCA would help to preserve the areas character while satisfying the objectives of The Maitland Urban Settlement Strategy 2001-2020 key policy 4.1, which is to consolidate housing in existing areas.

"In most cases, if new houses were located behind in a discrete way, sharing one drive like an unformed lane or access road, for which there is historic precedent, then there would not only be no visual impact, but an essential character of the old suburb would be returned to it".

### 3.3 BACKGROUND

#### 3.3.1 Pre-Lodgement Consultation

No pre-lodgement consultation has been undertaken.

#### 3.3.2 Considerations of Alternatives

No alternatives were considered as part of the application.

## 4. HERITAGE IMPACT ASSESSMENT

### 4.1 MATTERS FOR CONSIDERATION

#### 4.1.1 Fabric and Spatial Arrangements

Proposal does not include any changes to fabric and/or spatial arrangements of Bolwarra House, The Barn or the existing dwelling. The proposal, being a subdivision, has the potential to change the spatial arrangement of the subject allotment through the introduction of additional dwellings in the future.

Future housing proposals however will need to pass DA Approval before construction can commence. Proposals will need to take into account the Maitland DCP 2011 in regards to fabric and spatial arrangements in order to be considered for acceptance. Impacts of the future dwellings can be assessed on their merits at the time they are designed and proposed.

#### 4.1.2 Settings, Views and Vistas

Considered purely as a subdivision, with no structures proposed, this proposal does not include any changes to settings, views or vistas upon nearby heritage items or the Bolwarra Heritage Conservation Area.

Future housing proposals however will need to pass DA Approval before construction can commence. Proposals will need to consider the Maitland DCP 2011 in regards to fabric and spatial arrangements to be considered for acceptance as proposal will affect settings, views and vistas. Impacts of the future dwellings can be assessed on their merits at the time they are designed and proposed.

#### 4.1.3 Landscape

Some tree removal is proposed to direct future building envelopes. The trees to be removed are not significant to the site or nearby items. The aerial photos in figures 11 and 12 above demonstrate that all the trees on site east of the existing dwelling can be dated after 1993. They are not regarded as landmark trees or remnant plantings in the Bolwarra Heritage Conservation Area. Existing street trees to boundaries will be maintained to ensure maximum screening to neighbouring heritage items. Any tree removal that may be proposed as part of a future development application is able to be assessed based on merit at the time of design and proposal.

#### 4.1.4 Use

Proposal does not change use of existing development in the Bolwarra Heritage Conservation Area.

Future development reflects development patterns of intensification and in-fill development already in occurrence throughout the suburb's history. Future development will have to take into account Maitland DCP guidelines in regards to future development, however site subdivision and development has been successful in previous occasions. The zoning of the site is not proposed to be altered and thus the future use of the site will be compatible with the heritage items and conservation area.

#### 4.1.5 Demolition

Proposal does not include any demolition.



Future proposals for dwelling on site will have to submit development application regarding any future demolition, earth moving or tree removal. Impacts of the future dwellings can be assessed on their merits at the time they are designed and proposed.

#### 4.1.6 Curtilage

Proposal does not include any changes to existing curtilage on site.

#### 4.1.7 Moveable Heritage

Proposal does not include any changes to movable heritage.

#### 4.1.8 Aboriginal Cultural Heritage

An AHIMS basic search of the site was carried out on the 8<sup>th</sup> of May 2024 and no Aboriginal sites or places are identified within 200m of the subject site.

#### 4.1.9 Historical Archaeology

-

#### 4.1.10 Natural Heritage

-

#### 4.1.11 Conservation Areas

Proposal takes place within the Bolwarra local Heritage Conservation area. Proposed works not to have any effect on the local heritage area but may lead to future development in the suburb. Any proposed development will need to take the character and local form of buildings into account in regard to the Maitland DCP 2011.

Refer to 4.1.18 for a list of conservation policies from – Heritage Objectives of the Maitland City Council's DCP 2011:

#### 4.1.12 Cumulative Impacts

The proposed works are intended to lead to the construction of three new residences.

Future development reflects intensification of suburb that reflects development pattern already in occurrence throughout the suburb's history. Future development will have to take into account Maitland DCP council guidelines in regards to future development however site subdivision and development has been successful in previous occasions. Impacts of the future dwellings can be assessed on their merits at the time they are designed and proposed.

#### 4.1.13 The Conservation Management Plan

-

#### 4.1.14 Other Heritage Items in the Vicinity

Bolwarra House: The impacts of the proposal on the significance and setting of Bolwarra House have been addressed in the clauses above

Bolwarra Stone Barn: The impacts of the proposal on the significance and setting of the Stone Barn have been addressed in the clauses above

#### 4.1.15 Commonwealth/National Heritage Significance

-

#### 4.1.16 World Heritage Significance

-

#### 4.1.17 Compliance with the Maitland LEP 2011

The subject site is not a heritage listed item, but is within the Bolwarra Heritage Conservation Area. All building work to the site will be subject to the LEP and should be developed in accordance with the relevant policies of the Development Control Plan.

All works as part of this application and to be considered under future applications are subject under the following clauses in the Maitland Local Environmental Plan 2011:

#### 5.10 Heritage Conservation

- 1) Objectives The objectives of this clause are as follows-
  - a. To conserve the environmental heritage of Maitland,
  - b. To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- 2) Requirement for consent Development consent is required for any of the following-
  - f. Subdividing land on which a heritage item is located or that is within a heritage conservation area,

The proposal does not materially affect a listed heritage item. It does not impact the significance of the nearby items or the conservation area as described in their Statements of Significance. The proposal, being the creation of new boundary lines and minor civil works to remove trees and widen the road corridor makes minimal impact to settings and views of the nearby items and the conservation area. Significance, fabric, settings and views are conserved by the proposal in accordance with the LEP objectives. This Statement of Heritage Impact has been prepared to accompany documents seeking consent for the subdivision of land located within a heritage conservation area.

#### 4.1.18 Compliance with the Maitland DCP 2011

In accordance with the Heritage Objectives of the Maitland City Council's DCP 2011:

#### 1.3 Conservation Policies

##### What to Keep:

- Well defined edges of Conservation Area due to floodplain;
- Predominating single detached residential character;
- Neighbourhood character of shopping precinct;
- Existing form of road approaches to the town;

- Existing density of development.
- Landmark trees, including the large Bunyah Pine at the town's entrance
- Buildings and outbuildings associated with agricultural land use

EJE Response: The proposed works are located well within the heritage conservation area and do not affect its well defined edges. The proposal once subdivided will support single detached residences in compliance with this policy. The proposal is not within the shopping precinct, nor will it affect the road approaches to the town. Future development facilitated by this proposal will increase density, however this is necessary for the future growth of Bolwarra. Each new dwelling proposed will need to go through the DA process and can be assessed at that time. The proposal does not affect any landmark trees and street trees will be retained. The existing dwelling has always been a residence and not an agricultural outbuilding. The proposal complies with this policy.

#### What to Encourage:

- Single detached residential dwellings;
- Consistent scale and form of residential development, predominantly single storey

EJE Response: The development facilitated by this proposal will support single detached residential dwellings. Future dwellings will need to go through development assessment and consistency of scale can be assessed at that time. Due to the slope toward the rear of the site, there may be potential for two storeys at the rear with single storey appearance at the front. The proposal complies with this policy

#### What to Avoid:

- Medium density development and detached dual occupancy – which are inappropriate because of their scale, design, size of allotment, etc;
- Re-subdivision of larger allotments to allow new dwelling in rear or front yards
- Large garages and carports on the street frontage, and details on them which mimic those on the dwelling

EJE Response: No new structures are proposed under this application. Medium density will not be encouraged by the current proposal. Any new dwellings / garages / carports proposed in the future will be able to be assessed on their merits through the DA process. The subdivision proposed will facilitate new dwellings alongside the existing dwelling and no battle-axe arrangements will be created. The proposal complies with this policy.

## 5. SUMMARY AND RECOMMENDATIONS

The proposal includes the division of the existing site at 29 Bayswater Road, Bolwarra 2320 into four smaller sites for future development of three sites. Proposed works do not directly involve a heritage item but do take place in the vicinity of locally significant items and within a local heritage conservation area: Bolwarra Heritage Conservation Area.

When viewed as a subdivision, the proposed works will have no impact on the immediate built environment or the local heritage conservation area. Despite this, future residential development on the subdivided parcels of land will have to consider local LEP and DCP requirements during the design and proposal phase to ensure potential development is suitable for construction.

Some key things that future proposed developments will have to consider in regard to the Maitland DCP 2011 include: the design of single detached houses, maintain existing density of development, retain existing site edges and to discourage large bulky carport/carparks to front of site.

It is worth noting that a pattern of site subdivision/ intensification has already been observed in Bolwarra over its entire history and that several recent site subdivisions have been successfully approved/ constructed in the past decade. This phenomenon is a continuation of the historic pattern which is already evident in Bolwarra.

This Statement of Heritage Impact has examined the proposed subdivision and found that it satisfies the DCP controls for the conservation area and allows for better use of the allotment to satisfy development controls in the area. The proposal is considered to be satisfactory from a heritage point of view and is recommended for approval.

## REFERENCES

Apperley, R, Irving, R and Reynolds, P (1989) 'Identifying Australian Architecture – Styles and Terms from 1788 to the Present' Angus and Robertson Sydney

Australia ICOMOS Inc (2013a) 'The Burra Charter: the Australia ICOMOS charter for places of cultural significance', Australian ICOMOS (International Council on Monuments and Sites) Inc, Burwood, accessed 29/04/24

Australia ICOMOS Inc (2013b) 'Burra Charter article 22 – new work', practice note, Australian ICOMOS (International Council on Monuments and Sites) Inc, Burwood, accessed 29/04/24

Dangar, H (1828) 'Index and directory to map of the country bordering upon the River Hunter : the lands of the Australian-Agricultural Company, with the ground plan and allotments of King's Town, New South Wales' Joseph Cross London

Heritage NSW (2019) 'Subdivision and NSW State Heritage Register items policy and procedure', Heritage NSW, NSW Government, accessed 29/04/24

Heritage NSW (2020) Material threshold policy, Department of Planning, Industry and Environment, NSW Government, accessed 29/04/24

DPE (Department of Planning and Environment) (2023) 'Assessing heritage significance', DPE, NSW Government, accessed 29/04/24

Lucas, Clive Stapleton & Partners Pty Ltd (2013) 'Hunter Estates – A Comparative Study of pre 1850s Homestead Complexes in the Hunter Region' Volumes 1-2

Reedman, L (2010) 'Early Architects of the Hunter Region – A Hundred Years to 1940' Second Edition Boraga Academic Newcastle

### Newspapers

Construction and Real Estate Journal

Sydney Gazette

Sydney Mail

Sydney Morning Herald

The Maitland Mercury

The Maitland Mercury and Hunter River General Advertiser

The Newcastle Herald

The NSW Government Gazette

### Online Resources

Genealogy.com: <https://www.genealogy.com/>

Google Maps: <https://www.google.com.au/maps>

Hunter Living Histories

Nearmap (by license): <http://au.nearmap.com/>

University of Newcastle: Cultural Collections: <https://www.flickr.com/photos/uon/>

NSW Land & Property Information: Historical Lands Records Viewer: <http://images.maps.nsw.gov.au/>

NSW LPI: NSW Globe: <http://globe.six.nsw.gov.au/>

NSW LPI: Spatial Information Exchange: <http://maps.six.nsw.gov.au/>

## LEGISLATION

[Heritage Act 1977 \(NSW\)](#)

[Environment Planning and Assessment Act 1979 \(NSW\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#)

[National Parks and Wildlife Act 1974 \(NSW\)](#)

## MORE INFORMATION

[Australian Heritage Database](#) – Department of Climate Change, Energy, the Environment and Water (Cth) webpage

[Commonwealth Heritage List](#) – Department of Climate Change, Energy, the Environment and Water (Cth) webpage

[Heritage](#) – Environment and Heritage (part of Department of Planning and Environment) webpage

[Manage Heritage Items](#) – Environment and Heritage (part of Department of Planning and Environment) webpage

[State Heritage Inventory](#) – Environment and Heritage (part of Department of Planning and Environment) webpage

[UNESCO World Heritage List – properties in Australia](#) – UNESCO World Heritage Convention website