STATEMENT OF HERITAGE IMPACT

IMPOUNDING POOL
27 WHARF ROAD, BIRCHGROVE
"DEVON VILLA"

FINAL REPORT AUGUST 2002

Cultural Resources Management
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SECTION 1.0

PRECIS OF THE REPORT

1.1 The Work

The subject of this report is an impounding pool and sliprails located on the waterfront of 27 Wharf Road, Birchgrove. The objective of the report has been to evaluate the impact on European cultural values if the pool and sliprails were removed and the site was remediated following this action. This assessment uses an existing heritage assessment prepared for the entire property and, in addition, presents new evidence regarding these structures and takes into consideration a structural and engineering assessment of the items and the likely outcomes of their demolition.

1.2 Historical Context

The structures have been built on land that was subdivided from the original William Balmain grant of 1800. The subdivision occurred in 1852 and 27 Wharf Road was sold as part of a larger lot in 1853. This Lot was further subdivided in 1859 and six weeks later Lot 2, being the study area, with its house named "Devon Villa", its out-buildings, terraced grounds, sea-wall and paling fences, was sold to George Robert Harrison. The sequence of events suggests that the house and all the property improvements were constructed in 1853. Prior to that work the irregular shoreline had its High Water Mark at a point under the existing boat shed.

Harrison retained the property until 1862 when he sold it to William Gill. The Gill family retained the property until 1901 although it was mostly tenanted during their period of ownership. During this time some substantial changes were made to the property in the form of out-buildings on the eastern side. A boat shed was built by the later 1890s. Henry Hardman purchased the property from John Gill in 1901. Hardman sold it to Isabella Portman in 1914. Isabella died in 1949 and her children inherited the house. It was purchased outright by one of the sons. David Portman sold it in 1953 to William and Annie Hunt. They in turn sold the property to the Sullivans in 1979. The Sullivans undertook some substantial changes to the exterior and interior of the house. The current owners purchased the property from the Sullivans.

1.3 The Development of the Waterfront

The stone sea wall and a small set of steps let into it approximately on the site of the impounding pool appear to have remained largely unchanged throughout the nineteenth century. The first significant changes to the waterfront of 27 Wharf Road occurred in the early years of the twentieth century. By 1911 a boat shed and slip had been constructed on the same site as the present structures to the east of the pool. By then there was also a landing stage along the stone sea wall. These structures may have been constructed as early as 1909. A line of reclamation that created a straight waterfront from the previously U-shaped inlet that occupied this and the adjoining Wyoming waterfront had also been created by 1911.
The Portman family undertook a substantial programme of change and modernisation to their property in the 1920s-1930s. The pool was constructed as part of this work in 1922. Comparison of the structures with the original specification for the pool and sliprails shows that they have undergone virtually no change at all in the intervening years.

1.4 The Pool As a Harbour-side Element

Swimming in the harbour has a long history dating back to the first settlement. The first public baths were constructed in the 1820s. By the later decades of the nineteenth century there were many public harbour-side tidal pools. Increased pollution and changes in the sport led to the growing popularity from the later part of the nineteenth century of enclosed swimming pools. The development of privately owned bathing and swimming pools can be traced to the mid-nineteenth century and, until the mid-twentieth century, the ownership of a pool was a sign of prestige and wealth. There were few bathing pools of the mid-nineteenth century but from the 1880s ornate pools became a feature of the wealthy waterside eastern and inner suburbs. The growth of swimming pools as a harbour feature coincides with the great suburban expansion of the Federation Period to the 1920s. Numerous waterside properties at places such as Mosman, Hunters Hill and Neutral Bay had swimming pools as harbour features. The construction of the pool at Wharf Road is part of this tradition of aquatic culture, and a symbol of wealth and prestige in the early decades of the twentieth century.

1.5 The Elements

DCP 21 describes this as “the most significant surviving waterfront streetscape” in the Leichhardt Municipality and one of the major “surviving, largely intact Victorian/Federation waterfront streets in Sydney”. Its significance is based on an accumulation of fabric over time that illustrates the development of the area, technological innovation and evolving aquatic interests and needs. All elements of this waterfront are described as highly significant with the very earliest fabric being the most significant of all. The elements that comprise the waterfront at 27 Wharf Road and its environs are as follows:

- The stone sea-wall behind the pool at 27 Wharf Road was built by 1859. It is now attached to the concrete inner wall of the impounding pool.

- The sea-wall and steps at Wyoming were in the course of construction in 1859 and they were probably finished at that time or shortly thereafter. Some of these elements are eroded and back fill is being lost. The wall was altered, probably in the 1860s-1870s, with the addition of a boat-shed, deep-water mooring/pool and other features.

- The sea-wall at 29 Wharf Road was probably built in the 1870s and a boat-shed was added to the waterfront in about 1909. The sea-wall has lost some backfilling and is part dependent for stability on the outer wall of the impounding pool.

The concrete walls of the impounding pool, the boat-shed and the slip-rails at 27 Wharf Road and a common boundary wall between 25 and 27 Wharf Road, at the waterfront, were built in 1922. The boat-shed and slip-rails built at this time replaced an earlier...
weatherboard boat-shed built over the 1859 sea wall. This boat-shed was probably constructed in c.1909. It was certainly built by 1911.

1.6 Cultural Significance

The pool, boat-shed and slip-rails have contributory value to the significance of Devon Villa in that they were constructed as components of a substantial and important period of its development. As the property may be demonstrated to have cultural value to the local community the contributory elements must also have value for their role in demonstrating the changing, tastes, needs, fashions, interests, aspirations and affluence of the owners. It has significance in that it is one of the few structures of this type for which a particular builder may be identified and for which other examples of his work might be located.

The pool was built during an important phase in the development of swimming as a sport and the principal period of harbour-side pool construction in the inter-war period. The form of the pool and its siting, therefore, define an earlier period of permissible harbour development. It also coincides with the closer association of Sydney with its beach or water-sports culture. The interaction of the waterfront and the activities carried out on it with the suburbs that adjoin it plays a crucial role in the development of the individual characters of those places. The entire assemblage of fully enclosed pools on harbour-side properties may be demonstrated to be relatively small and is constantly decreasing. Those elements that remain, therefore, have value for their increasing rarity.

The technology employed in the construction of the pool is of no particular rarity or ingenuity in its own right. However, it has some value in documenting evolving methods and styles of pool construction. None of the structures have any particular aesthetic value although, in the eighty years that the pool has been on this site, it has achieved a patina of wear and weathering that makes it compatible with the rest of the waterfront structures. DCP 21 identifies variety of form and function of this hard edge to be one of the defining characteristics of this significant waterfront.

1.7 Response to Report Objectives

The study area is contained within the Balmain Conservation Area. Removal of the structures would have an adverse impact on the cultural significance of the Conservation Area and, specifically, on Devon Villa, which is a contributory element to the Conservation Area. Removal of the structures would be contrary to the objectives of DCP 21 and LEP 2000. The structures should be retained.

Demolition of the structures would remove elements that in their diverse form and function contribute to and help to define the particular character of this waterfront. The patina of age acquired over eighty years makes the pool wall compatible with its surroundings. Removal of these elements would be visually intrusive and would diminish the record of activities that give purpose and form to the shoreline. For these reasons the structures should be retained.

3 DCP 21, Wharf Road Birchgrove: Attributes of View from the Water; 6-7
4 Defined on Leichhardt Local Environmental Plan 2000-Heritage Conservation Map
5 DCP 21, Wharf Road Birchgrove: Section 3.1 Heritage Objectives, 14; Section 3.3.1 Controls Waters Edge, 21; Section 3.4 Views, 23.
6 LEP 2000, Part 3:15 Heritage Conservation, 9
The sea-walls and features such as a mooring dock at the waterfront of Wyoming have been assessed to be of significance to the heritage value of that property. The oldest and most highly significant of these features adjoin the slip-rails of 27 Wharf Road. Removal of the pool walls and slip-rails is likely to have an adverse impact on the stability of these items. The loss of these items through structural failure would have an adverse impact on the significance of Wyoming. For these reasons the structures should be retained.

Demolition of the structures is likely to have a substantial impact on elements of very high and high significance on the properties on either side of 27 Wharf Road. This is an unacceptable impact and could not be mitigated by any stabilisation works. This may possibly cause the loss of more original fabric and create an adverse visual impact. The demolition of the walls and slip-rails is also likely to have some impact on the extant and original mid-nineteenth century sea-wall behind the inner pool wall. This is an unacceptable and avoidable impact. It is preferable to retain the existing structures which serve to stabilise the older elements and which are also visually compatible with the existing sea-walls on either side.

8 Patterson Britton and Partners, Op Cit: 8
SECTION 2.0

THE INVESTIGATION

2.1 Background

This report provides an assessment of the cultural significance of an impounding pool and slip-rails located on the waterfront of 27 Wharf Road, Birchgrove. The owners of the property have received notification from the Waterways Authority that the lease concerning the area occupied by these structures is to be terminated, and that the floor, outer and eastern walls of the pool and the slip-rails are to be demolished. This report evaluates the impact that the removal of these structures would have on the cultural significance of the property and its environs as well as the affect of this loss on the remaining assemblage of harbourside pools as a category of heritage items.

The structures have been included in a heritage assessment prepared for the entire property of 27 Wharf Road, Birchgrove. More recently an engineering and environmental report has been prepared that evaluates the condition of these structures and the potential results of removing them with respect to items within their immediate environs, neighbouring properties and the waterways environment.

2.2 The Subject

The subject of this report is an impounding pool and slipway located at 27 Wharf Road, Birchgrove. This property is located on the waterfront of Snails Bay at the northern end of the Balmain peninsula. It is within the Municipality of Leichhardt, Parish of Petersham and County of Cumberland and is identified as Lot 1 DP 782014. The impounding pool and slip-rails have been built on land leased from the Waterways Authority. At the time of the original lease the consent authority for Sydney’s waterways was the Sydney Harbour Trust.

2.3 Methodology

This report has been prepared in accordance with the principles expressed by the Heritage Office of NSW in its publications "Heritage Assessments" and "Statements of Heritage Impact". It also draws on the methods and procedures presented in the NSW Heritage Manual and the Burra Charter.

2.4 Objectives

The principal objectives of this report have been to respond to specific questions posed by Minter Ellison Lawyers acting on behalf of the owners of 27 Wharf Road. These questions were:

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• Whether the demolition of the slipway and impounding pool ("Structures") would have an adverse impact on the heritage significance of the conservation area, as a whole, and in particular, the Wharf Road Conservation Area as identified in the LEP, and DCP 21, respectively? If so, is it such that the Structures must be retained?

• Whether the demolition of the Structures would have an adverse impact on the heritage significance on the existing continuous unbroken shoreline of reclaimed land from the perspective from Snails Bay, looking back towards the foreshore pursuant to clause 33 of the LEP?

• Whether the demolition of the Structures would have an adverse impact on the heritage significance of "Wyoming" pursuant to clause 16(7) in the LEP. If so, is it such that the Structures must be retained?

• If any works will be required to ensure the structural stability of the adjoining properties (Nos 25 and 27 Wharf Road) following the demolition of the Structures, whether these works would have any adverse impact in the heritage significance of "Wyoming"; and on the Conservation Area, eg existing stone walls and other structures which we understand pre-date the Structures?

If so, are they such that it is preferable, in heritage terms, to retain the Structures, rather than demolish them and carry out the stabilisation works?11.

To respond to these questions it has been necessary to:

• Review the evaluation of significance of the structures as components of the property of 27 Wharf Road, Birchgrove presented in the Heritage Assessment

• Evaluate the significance of the structures as contributory elements to the waterfront of Snails Bay

• Evaluate the significance of the structures as components of a similar group around the harbour foreshores.

2.5 Tasks

The work undertaken to achieve these objectives has encompassed the following:

• Primary research in the archives of Sydney Water, the Land Titles Office, Lands Department of NSW, Mitchell Library, the Waterways Authority and the Maritime Museum of Sydney.

• A visual survey on both land and water of the structures within their environs

• A visual survey of a representative sample of harbour pools

• A statistical evaluation based on information from the Waterways Authority’s assets register and plan archives

11 Minter Ellison to CRM: 4 March 2002.
A review of the structural integrity of the structures based on a report prepared by Patterson Britton and Partners Pty Ltd.

2.6 Authorship, Client and Acknowledgements

This report has been written and researched by Wendy Thorp (Cultural Resources Management). It has been commissioned by the owners of 27 Wharf Road, Birchgrove and briefed by Katherine Gardner of Minter Ellison Lawyers. The author would like to thank the following for their assistance:

Staff of the research library, Sydney Maritime Museum

Ms Susan Norbom, Mr Frank Debreczeni and Mr George Gaweda of the Waterways Authority.
SECTION 3.0

HISTORICAL PROFILE

3.1 The Evolution of 27 Wharf Road, Birchgrove; “Devon Villa”

This property is contained within the original grant of 550 acres made to William Balmain in 1800 and sold to John Gilchrist in 1801. There is no evidence of any development of the place between then and the first subdivision of 1852. 27 Wharf Road is contained within Section 31 of this subdivision that was sold to Charles Smith and Didier Joubert in 1853. In 1859 the land along the northern part of Wharf Road was sold to John Symons. He further subdivided his purchase. Six weeks after he had purchased this land he sold Lot 2, being the study area, with its house named “Devon Villa”, its out-buildings, terraced grounds, sea-wall and paling fences to George Robert Harrison. Harrison retained the property until 1862 when he sold it to William Gill. The Gill family retained the property until 1901. It was mostly tenanted during their period of ownership. During this time some substantial changes were made to the property in the form of out-buildings constructed on the eastern side. A boat-shed was built by the later 1890s or early 1900s.

Henry Hardman purchased the property from John Gill in 1901. Hardman sold it to Isabella Portman in 1914. This family was responsible for a comprehensive programme of construction and refurbishment during the 1920s-1930s. Isabella died in 1949 and her children inherited the house. It was purchased outright by one of the sons. David Portman sold it in 1953 to William and Annie Hunt. They in turn sold the property to the Sullivans in 1979. The Sullivans undertook some substantial changes to the exterior and interior of the house. The present owners purchased the property from the Sullivans.

3.2 The Development of the Waterfront

Prior to European settlement the property at 27 Wharf Road ended in an irregular shoreline. High Water Mark was located at a point under the present boat-shed. Either as part of Smith’s subdivision in 1853 or Symon’s subdivision in 1859, more likely the former, the waterfront was reclaimed and regularised behind a stone sea-wall. This stone wall and a small set of steps which were let into it, approximately on the site of the impounding pool, are shown on a title deed of 1859. The improvements to the property including the house, stone steps and other features were amongst the earliest in this part of the peninsula.

There is no evidence of any change made to this waterfront throughout the nineteenth century. A survey of 1871 shows no change to the details recorded in 1859 but by 1887 substantial changes had been made to the properties surrounding 27 Wharf Road although the sea-wall at that point again appears to have been unchanged or minimally so. By 1898 surveys suggest that 27 Wharf Road was one of the few remaining properties to retain its mid-nineteenth century sea-wall largely unchanged.

12 LTO Old Systems Book 62 No. 438
13 SRONSW, AG Map 4672
14 Sydney Water, PWD 295-1544
15 Lands Department, 929-3000
The first significant change to the waterfront of 27 Wharf Road occurred in the early years of the twentieth century. By 1911 a weatherboard boat-shed and slipway had been constructed on the same site as the present structures, to the east of the pool. By then there was also a landing stage along the stone sea-wall\textsuperscript{16}. These may have been constructed as early as 1909. The same plan of 1911 shows the line of reclamation that created a straight waterfront line from the previously U-shaped inlet that occupied this and the adjoining Wyoming waterfront.

The Portman family, owners of the property from 1914 to 1953, was responsible for the most substantial changes made to Devon Villa and its grounds. Undated plans from Sydney Water Archives along with physical evidence contained within the house and garden show that a substantial programme of change and modernisation was undertaken in the 1920s-1930s. The pool, boat-shed and slip-rails were constructed as part of this work.

A letter from the Portman family to the Sydney Harbour Trust in 1922 outlines the plans for the pool. It states,

"I am sending a Plan of a Sea Bath for Your Approval and I hope you will sanction men to Construct same in Reinforced Concrete with 5/16" Gal Steel wire, the Bottom is to be 6" to 8" Thick on which is built a front Wall 2' 6" to 4' thick, & 8' 6" Deep, fitted with a 6" Gun Metal Storm Vales for Filling and Emptying Same.

"The Side Walls 2" & 3" thick & 8' 6" Deep in Front & 7' Deep at the Back. The Back Wall to be 15" Thick and Fastened to the preset Stone Wall. Skids at the side to have a wall 12" thick on outer edge with 6" Concrete top face..."

The Portman family provided the above details as well as additional information, in a second piece of correspondence, that the walls would be reinforced with iron rods and tubes and the bottom to be reinforced with steel mesh. The check valve was to be in gun metal with a rubber joint. The skid rails were to be 30' long in steel.

"The work is to be done by a man named Waddington who claims to be an expert in the work. I have already inspected some that he has built at Shell Cove, Neutral Bay.

"The whole of the Bath is to cost about £300-0-0 which will greatly improve the place and add to the appearance of the Bay. Trusting that I have given you the Required details I would be grateful if you could treat this as urgent\textsuperscript{18}.

The approval for this work and the lease required for it was noted on the bottom of the latter correspondence dated April 1922. The Waterways Authority no longer holds the plan for the pool and skid rails on their files. A survey prepared in 1922, and revised in 1925, shows the completed pool, "impounding bath", a concrete boat-shed replacing the old weatherboard structure and slip- rails\textsuperscript{19}.

There is no evidence of any significant change made to this impounding pool after it was built. There is no reference to it in any records located for this property until 1991. In that year the Maritime Services Board (the forerunner to the Waterways Authority) raised with Council the question of several waterfront leases including that at 27 Wharf Road. Council was asked whether it would wish to purchase them for open space. With respect to the

\textsuperscript{16} Lands Department MS 4154-Sy
\textsuperscript{17} Letter of Sydney Waterways File for 27 Wharf Road.
\textsuperscript{18} Ibid.
\textsuperscript{19} Plan Fronting Allotment 2 of a Subdivision of Part of Section 31 Balmain Estate 1922 revised 1925. Sydney Waterways Archives.
study area, Leichhardt Council did not consider it an option and a recommendation was made to sell it to the owner. This did not eventuate although in 1993 the owners, the Sullivans, wrote to Council requesting that the land be sold to them. Council did not approve the request.

1859 survey of 27 Wharf Road showing sea wall and steps
(Source: LTO, Old Systems Book 62 No. 438)
Devon Villa in 1871
(Source: State Records Office AO Map 4672)
Devon Villa in 1887
(Source: Municipality of Balmain Sheet 5, 1887: Sydney Water PWD 295 – 1544)
Statement of Heritage Impact: Impounding Pool, 27 Wharf Road Birchgrove

Devon Villa in 1898
(Source: Plan of 0a 0r 10p at Snails Bay Balmain: Lands Department 929-3000)
The area of 4.5% per includes a reclamation area of 4 per applied for under the 31st Section of the Crown Land Alienation Act of 1885 by F. Robson plan CBH 2000, which was approved at the Sydney Harbour Trust Commission in September 1900 and subsequently became vested in the said Commissioners by provision in the Government Gazette of 12th June 1901. The said area of 4.5% per is part of the area comprised in Certificate of Title Vol 2050 Folio 103.

Devon Villa in 1911
(Source: Lands Department MS 4154-Sy)
3.3 Swimming in the Harbour – A Historical Perspective

3.3.1 The Early Nineteenth Century

Government edicts against bathing in the harbour were issued from the earliest years of the nineteenth century. In part, these were a response to moral rectitude and, secondly, because of fears of the sharks and stingrays inhabiting the waters. Despite these official decrees, harbour and river bathing became a popular and noteworthy aspect of early nineteenth century life in Sydney Cove. The first formal baths were constructed in the Domain in 1829. This bathing enclosure was formed by two hulks. They remained in use until the 1860s. Several privately owned female-only baths also operated in this period20.

3.3.2 The Later Nineteenth Century

By 1853 there were four harbour baths in use by the public21. From then until the later decades of the nineteenth century many other public baths were established about the harbour including those at Manly (1859, 1861), Pyrmont (1875), Lavender Bay (1881) and Elkington Park Balmain (1882)22. From c.1850-1880 a few private landowners began to erect sea baths or bath-houses on their waterfront estates. Examples include those at Kirribilli House, Tresco at Elizabeth Bay and The Retreat at Glebe Point. All of these pools were located on properties either within the eastern suburbs or inner waterfront suburbs. Surveys of the period show no pools at places such as Hunters Hill, Balmain or Pyrmont23.

Harbour pollution decreased the popularity of public ocean bathing during the later nineteenth century and inhibited the development of new baths although several existing facilities were upgraded at this time24. In part a response to this environmental condition but also a sign of the immense wealth of the later part of the nineteenth century, from around 1880, bathing pools appear to have become a standard feature of the harbour-side houses of the wealthy. They added prestige to a property in the same manner that elaborate gardens did so or croquet lawns. They were symbols of affluence and the leisure time afforded by wealth to enjoy them.

Karskens’ survey refers to the numerous illustrations of the opulent mansions of this period and their conspicuous display of bathing houses, terraced gardens, walls, stairs and fountains. Maps of the period show a foreshore of extensively reclaimed land that encompassed many boat-houses, jetties and pools25.

3.3.3 The Twentieth Century

Despite the poor condition of the water and increasingly restrictive inhibitions concerning moral issues for public bathing, swimming remained an immensely popular activity. Other water sports, such as surf-boarding, were introduced in the early decades of the twentieth century. By the 1920s there was a well-established beach and surf culture in Sydney. The success of professional swimmers such as Boy Charlton and Fanny Durack highlighted the competitive aspects of aqua sports and the improvements to health to be gained from

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20 EJE Landscape and Christa Ludlow, Survey of Harbourside and Ocean Pools of the Sydney Metropolitan Region Report and Inventory Sheets: Section 4.2
22 EJE Landscape and Christa Ludlow: Loc. Cit.
23 G. Karskens: Loc. Cit.
24 EJE Landscape and Christa Ludlow: Loc. Cit.
them. As swimming became an established sport public baths and their provision of a controlled environment were favoured over the old public harbour-side tidal pools\(^\text{26}\).

Until well into the 1960s the ability to provide a private bathing pool was restricted to the affluent or privileged in society. In the early decades of the twentieth century during the great expansion of suburban areas such as Drummoyne, Hunters Hill, Mosman, Neutral Bay and Cremorne, numerous pools were built in the waterside suburbs. Arthur Wigram Allen photographed many in this period\(^\text{27}\).

\(^{26}\) EJE Landscape and Christa Ludlow: Loc Cit.
\(^{27}\) G. Karskens: Loc Cit.
SECTION 4.0

CULTURAL RESOURCES

4.1 Setting

4.1.1 The Conservation Area

The structures at 27 Wharf Road are part of a Conservation Area defined in the Heritage Map appended to LEP 2000 and given definition in DCP 21, Wharf Road Birchgrove. The Wharf Road precinct encompasses both streetscape and waterfront views and is described as the most significant waterfront in Leichhardt Municipality. The Wharf Road Precinct is also included as an item on the Register of the National Estate (No. 100819). DCP 21 identifies several characteristics that define the qualities of the area from the water. These are topography, the waters edge, the waterside structures and garden structures. Of the water’s edge it is said,

"...it is a defining element of the area... and provides a high level of consistency and continuity to the waterfront. The predominant form is a stone sea wall with various indents and projections to suit former and present boat sheds and water activities. These include slipways, small harbours, steps or combinations of them. They are all of high significance particularly structures from early development periods and they are the defining character of the waterfront. The waterfront varies with a consistent sea wall from the Caltex industrial site to No. 9A, the natural edge for part of Brownlee reserve... No 17 has retained the natural edge but has built a retaining wall directly on the rock edge and has cut the rock for the attachment of the former jetty and other related constructions. The sea wall continues from 19 through to 43 with a high degree of consistency. No 25 has evidence of infilled sections, No 27 has had a concrete wall built in the 1920s. A number of structures have been built that add to the interest and diversity of the waterfront...".

DCP 21 recognises that the accumulation of various periods of construction creates the historical value of this waterfront. This diverse fabric, apart from its picturesque qualities, records important periods of local development, technological innovation and changing waterfront activities. The pool wall at No. 27 is recognised as a contributory element to "the interest and diversity of the waterfront". Although the earliest elements of the waterfront are considered to be particularly significant, no distinction is made between fabric or age in the determination that all features of the waterfront are considered to be of high cultural significance.

The immediate setting of the structures is, to the east, the waterfront of 25 Wharf Road, "Wyoming", and to the west the waterside development of 29 Wharf Road.

4.1.2 25 Wharf Road, "Wyoming"

"Wyoming" has been identified as an item of State Heritage Significance in the State Heritage Register. It shares its earliest history, until 1859, with 27 Wharf Road in that it

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28 DCP 21, Wharf Road Birchgrove (1997), Summary:3
29 Ibid. Section 2.3.2

Cultural Resources Management
was part of the same process of subdivision from the original grant of 1800 through subsequent sale and subdivisions. The basic structure of the waterfront sea-wall was described in 1859 as “wharf in course of construction”.

Between 1861 and 1877 the property was developed with the construction of a house and out-buildings, and more land was acquired. The property changed ownership three times in this period. From 1877 Quartert Levitt Deloitte began to acquire more land adjoining this property. By 1881 he had acquired all of the land currently encompassed by “Wyoming” as well a house built at least ten years earlier and various out-buildings. Between 1885 and 1886 the present house, incorporating some of the older house, was constructed on the site.

The development of Wyoming included the waterfront. Long before this time the sea-wall shown as under construction in 1859 had been completed. A wharf was built on the north-eastern end and next to this an area was excavated into the reclamation. This has been interpreted as a tidal swimming pool, deep-water mooring or boat dock. At the north-western end of the waterfront was a slipway and boat-shed. The latter was partly built over a small portion of the 1850s sea-wall forming the eastern end of the inlet of which most was reclaimed at 27 Wharf Road. The Crown Land upon which these improvements had been made was purchased in 1898.

After the death of the parents Wyoming stayed in the Deloitte family for many years. The house at 27 Wharf Road, Devon Villa, was rented by one of the sons while another occupied Wyoming. In the later part of the nineteenth century Wyoming was rented out and part appears to have been converted to flats. In 1933 the property was sold to local residents the McDonalds. The house changed hands again and ultimately came to be the property of the Nicholson Brothers, a family firm engaged in providing water transport and engineering. The house and waterfront was used to accommodate activities associated with the business and company employees. It was sold in 1968 to another maritime-based company, the Stannard Brothers. Until its sale the company used Wyoming as rented flats. The present owners are restoring the house as a private residence.

4.1.3 29 Wharf Road, “Clifton”

29 Wharf Road is not identified as an individual item of significance in the schedule of heritage items appended to LEP 2000 although it is recognised as a contributory element to the Conservation Area. This site, like Wyoming and Devon Villa, shares the original history of grant and subdivision up to 1859. Unlike Devon Villa and Wyoming, the sea wall along the front of the property appears not to have been constructed as part of the 1853 or 1859 development. Although it appears to be shown complete on the 1859 survey of the allotments, a later survey undertaken in 1871 suggests that only a wall at the western end of the inlet was constructed; the shoreline appears to have been unaltered or little altered at that time.

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30 A. McPherson, The History of Wyoming: 1
31 Survey in LTO Old Systems Book 62 No. 438
32 A. McPherson, Op Cit: 2
33 Ibid.
34 Ibid: 8
35 This is demonstrated on an 1896 survey, Plan of 0a Or 10p at Snails Bay Balmain 1898: Lands Department Plan 929-3000
36 Ibid: 12
37 Ibid: 18-19
38 Survey of Snails Bay from Ballast Point to Ferdinand Street 1871. SRO AQ Map 4672
29 Wharf Road was sold in 1859 to Edward and Matilda Bingham. The property changed hands several times, apparently undeveloped, until 1872 when the land now occupied by 29 Wharf Road was purchased by Thomas Salisbury. He appears to have built the timber house on the property in 1875. It is possible that the sea-wall was built along the front of the property at this time although the earliest evidence for it is from 1887. On this basis it could be that the next owner was responsible for this work.

By the 1880s the house was known as "Clifton" and was at that time occupied by John Bateman, a painter. In 1884 Walter Beavis, headmaster at Balmain Public School, purchased the property and the vacant lot next to it on the west. He remained at this address until 1925. During this time, in 1914, Beavis purchased the Crown Land on the waterfront. Prior to that purchase he appears to have constructed a rendered brick boat-shed in about 1910 on the waterfront.

After Beavis' sale of the site in 1925 it changed ownership on several occasions and in 1940 the land was subdivided to create 29 and 29a Wharf Road.

4.1.4 The Waterfront as Part of the Conservation Area

As the preceding discussion makes clear, the structures at 27 Wharf Road and those in their immediate environs are a tapestry of elements that derive from the very earliest period of European occupation into the twentieth century. They may be summarised as follows:

- The stone sea-wall behind the pool at 27 Wharf Road was built by 1859 and probably in 1853.
- The sea-wall at Wyoming was in the course of construction in 1859 and was probably finished at that time or shortly after. It was altered, probably in the 1860s-1870s, with the addition of a boat-shed, deep-water mooring/pool and other features.
- The sea-wall at 29 Wharf Road was probably built in the later 1870s or 1880s and a boat shed was added to the waterfront in about 1909.
- The concrete wall of the impounding pool and the slip-rails at 27 Wharf Road were built in 1922. The boat-shed and slip-rails built at this time replaced an earlier boat-shed built over the 1853 sea-wall. This boat-shed was probably constructed in c.1909. It had certainly been built by 1911.

The diversity of fabric within this small stretch of the waterfront exemplifies the value placed on the cumulative development of the waterfront by DCP 21. The structures at 27 Wharf Road encompass both the earliest element of c.1853 (considered by the DCP to be the most highly significant component of a significant accumulation of elements) and one of the latest.
4.2 The Elements: 27 Wharf Road

4.2.1 The c.1853 Sea-Wall

The earliest element on this property, and one of the earliest in the Conservation Area waterfront, is the stone sea-wall that exists behind the impounding pool. It is not readily visible because of the later wall built in front of it and which is attached to it. The specification of works prepared in 1922 (refer Section 3.4) states that the 15" concrete wall would be attached to this stone sea-wall.

The intact and exposed section of sea-wall at Wyoming of a similar date provides the best evidence for what the sea-wall at Devon Villa is likely to comprise. The facing is composed from dressed sandstone blocks averaging 3 x 1.5 feet. There is no evidence for a mortar bed. The back fill behind the wall encompasses sandstone rubble. In places the wall has been bedded on the natural rock shelf.
4.2.2 The Impounding Pool

An impounding pool or swimming pool is defined by the Waterways Authority as,

"a structure (sometimes referred to as an impounding pool) designed to contain water for swimming which is an impermeable structure capable of holding water at a constant level regardless of fluctuations in the level of ground water or contiguous tidal waters outside it".45

These solid structures are no longer permitted to be built in the harbour. Any enclosed swimming area must now be of buoyed mesh or netting either anchored to ensure that the top does not significantly protrude above the water level, or, hung from a suspension cable.46 The form of the pool and its siting, therefore, define an earlier permissible harbour development and, as discussed in Section 3.3.3, are illustrative of a particular period of Australian cultural development as well as evidencing the financial resources available to the then owners of this property.

The pool conforms to the specifications described in the 1922 correspondence. It is constructed in concrete and the impression of the formwork is visible on the internal face. There are steps down into the pool from the house at the south-western corner, a feature of the 1922 design. There are a number of mooring rings on the bay side. It is now fenced around with a modern metal palisade fence.

The inner, outer and eastern concrete walls do not appear to be founded on rock. There does not appear to be a reinforced floor except for a small area near the bottom of the stairs leading into the pool. The rest of the pool floor has a thin sand/cement mortar base. This is overlain by mud. Below the mortar are sand, silt and cobbles. There is no bedrock within the pool. Infilling occurs through the valve and fissures in the rock.47

The concrete is failing in places, however, a structural assessment concluded that, although there is some cracking in the walls and surface weathering, the pool generally is in reasonable condition and could have a long life expectancy. Any defects could be addressed.48

The pool has a degree of rarity in that the name of the builder, Waddington, is known from the 1922 correspondence. No other instances of a specific builder associated with a pool have been found during this course of this research. Furthermore the letter states that Waddington specialised in this work and was certainly responsible for others built at Shell Cove (Neutral Bay). Investigation of the Shell Cove area revealed at least one structure that is likely to have been constructed by the same man.

45 MSB, Sydney Harbour and Tributaries Waterside Control Plan 1990: 26
46 Waterways Authority, Guidelines for the Siting, Design, Construction and Maintenance of Waterside Structures
47 Patterson, Britton and Partners Pty Ltd, 27 Wharf Road Birchgrove Proposed Demolition Works Engineering and Environmental Report: 4-6
48 Ibid: 4
South-western corner of the pool (above) and north-eastern corner (below)
4.2.3 The Boat-shed and Slip-Rails

Although the boat-shed is not encompassed by the Waterways Authority's requirement for demolition, it does form a component part of the slip-rails that are required to be removed. The boat-shed and slip-rails were built in 1922 replacing an older weatherboard structure and slip that were probably built in c.1909 (refer Section 3.3.3). The boat-shed was constructed in slab concrete rendered on the outside but exposed in the rough inside the building. Some elements of this building have been altered but the double hung ledge and braced timber doors opening onto the slip are likely to be original. The boat-shed at its northern end is built over part of the c.1853 sea-wall. The floor of the shed appears to be a slab poured over fill that must overlie, in part, this older element.

The slip and rails leading from the shed to the water conform to the 1922 specifications. The slip-rails are in a poor state and require replacement to be functional⁴⁹.

There is a common boundary wall between 25 and 27 Wharf Road constructed in concrete and certainly constructed as part of the boat-shed programme of 1922. The erosion of the c.1859 sea-wall and loss of backfill at 25 Wharf Road has led to the stability of this wall, and part of the boat-shed, being undermined⁵⁰.

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⁴⁹ Ibid.
⁵⁰ Ibid.
Inside the boat-shed with the slip-rails running under the doors (above) and the rails to the water.
4.3 Class of Items

There are no means by which to evaluate the relative rarity of the slip-rails. Visual assessment alone can conclude that they are a common feature of the waterfront but it is not possible to determine the rarity or otherwise of this type or construction nor identify it as an example of its time. There are, however, means to determine to some degree the status of the impounding pool.

4.3.1 Variants

It is one example of a substantial number of enclosed swimming areas that are found around the harbour foreshores. A survey of public harbour-side pools undertaken in 1997 identified the following broad categories:

- Natural or rock-shaped pools: these use a natural or excavated rock landform with an enclosure completed by adding more rocks or concrete.
- Rock and concrete pools: are constructed on a rock shelf or are excavated into rock and use a concrete side to increase water depth.
- Suspended enclosures: are usually formed by nylon mesh or steel rings in a mesh form suspended from an overhead cable supported on piles or the shore.
- Floating enclosures: are also enclosed by a form of mesh that is supported by flotation devices.
- Pile and mesh enclosures: are similar to suspended enclosures but the mesh is anchored to timber or concrete piles.
- Pile and framed enclosures: are similar to pile and mesh but there is some form of walling inserted between the piles, usually consisting of timber slats, steel rods or square mesh sheeting.
- Pile and Framed enclosures with boardwalk: are similar to the above but more elaborate and incorporate a boardwalk that may also be used as a jetty.
- Formed and enclosed pools: are constructed from either mass or reinforced concrete and usually constructed on a solid rock shelf. The pool must have a concrete floor or a concrete screed placed over excavated rock. They are not open to the sea but may receive some flushing from tidal or wave action. Generally seawater must be pumped into them\textsuperscript{51}.

The impounding pool at 27 Wharf Road conforms to the last category of formed and enclosed pools.

This survey identified a complete corpus of seventy-four public harbour-side pools of which twenty-nine were classified as ocean pools and forty-five were tidal pools\textsuperscript{52}. The ocean pools were all located in beach-side suburbs such as Bronte, Avalon and Newport while the tidal pools survey was confined to the harbour and rivers. The latter, therefore, is a better comparative sample to the pool at Wharf Road and also compliments Karskens

\textsuperscript{51} EJE Landscape and Ludlow, Harbour Pools Survey: Section 3.0
\textsuperscript{52} Ibid.
survey in 1986 of privately built harbour-side pools. Karskens identified fifty-three pools of this type\textsuperscript{53}.

### 4.3.2 Chronological Range

Of the forty-five tidal or harbour pools built for public use identified in 1997, the chronological range of the group may be categorised as follows:

<table>
<thead>
<tr>
<th>Date Range</th>
<th>No. of Pools</th>
</tr>
</thead>
<tbody>
<tr>
<td>1850 - 1900</td>
<td>3</td>
</tr>
<tr>
<td>1900 - 1910</td>
<td>3</td>
</tr>
<tr>
<td>1910 - 1920</td>
<td>3</td>
</tr>
<tr>
<td>1920 - 1940</td>
<td>21</td>
</tr>
<tr>
<td>1940+</td>
<td>10</td>
</tr>
<tr>
<td>Unknown</td>
<td>5</td>
</tr>
</tbody>
</table>

The overwhelming preponderance of pools built in the inter-war period is reflected in Karskens’ survey although she does not supply specific numbers per period of construction. The main difference appears to be in the slightly greater number of middle-later nineteenth century pools that can be identified surviving in part or whole associated with houses of that period. She concludes,

"The pools usually occur in clusters of three or four, and as far as could be ascertained, were mainly associated with early twentieth century houses. Early to mid-Victorian houses were carefully examined but no definite examples were located apart from those already identified by the historical survey: Tresco (Elizabeth Bay), The Retreat (Glebe Point), Kirribilli House and Sunnyside (Kirribilli). Later Victorian pools include one in Woodford Bay at Longueville and one in Simmons Point in Balmain. There were also several open-ended enclosures lining the shores at Birchgrove which may have been pools, but now appear to be slipways. These are associated with late Victorian houses. The areas richest in surviving pools were the 1900-1920s suburbs of Drummoyne (near the Gladesville Bridge), Hunters Hill (both sides of the peninsula), Neutral Bay (Shell Cove) and Mosman, where nine pools line the east side of Mosman Bay\textsuperscript{54}.

For the purposes of the present evaluation a similar visual survey was undertaken of the same area and, in the intervening fifteen years since this survey was made, the number of pools or remnants of pools appears to have been considerably reduced. This reduction, possibly by as much as a quarter, is in part no doubt due to the Waterways Authority requirement to remove structures such as this from leased land\textsuperscript{55}.

### 4.3.3 Geographical Distribution

The number of privately owned and constructed harbour-side pools built during the twentieth century is certainly greater than the number that can now be identified from

\textsuperscript{53} G. Karskens, Op Cit: 3

\textsuperscript{54} G. Karskens: Loc Cit.

\textsuperscript{55} This visual assessment was conducted by the author by boat in April 2002. It encompassed the same area surveyed by Karskens and used her plotted survey as a field guide.
extant or ruined examples. The Waterways Assets Register provides some simple statistical information. A full listing of their assets from 1900 – c.1998 records a total of 134 tidal pools and 158 swimming pools of different types. The Register notes in both cases a little over a third of the structures as “removed”; this can mean either that the structure has been physically removed or the lease has been removed but the structure remains.

The register does not make it possible to determine when the pools were built but it does provide for an analysis of the geographical distribution of the tidal and other pools. This can be used to help determine the relative rarity of the pool at 27 Wharf Road. The tabulation on the following page approximately groups the suburbs in geographical proximity.

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96 The information from the Assets Register was provided by Ms Susan Norbom. The print-outs are included as an Appendix to this report.
Distribution of Tidal and Swimming Pools c. 1900 – 1998 (Information from Waterways Asset Register)

<table>
<thead>
<tr>
<th>Suburb</th>
<th>Tidal Pool</th>
<th>Swimming Pool</th>
<th>Area Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domain + Woolloomooloo</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Point Piper:</td>
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<td>18</td>
<td></td>
</tr>
<tr>
<td>Darling Point</td>
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<td></td>
</tr>
<tr>
<td>Vaucluse</td>
<td>4</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Elizabeth Bay</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Watsons Bay</td>
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<td>3</td>
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</tr>
<tr>
<td>Nielsen Park</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Rose Bay</td>
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<td>53</td>
</tr>
<tr>
<td>Sandringham</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Kurnell</td>
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</tr>
<tr>
<td>Monterey</td>
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</tr>
<tr>
<td>Dolls Point</td>
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</tr>
<tr>
<td>Ramsgate</td>
<td>1</td>
<td></td>
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</tr>
<tr>
<td>Botany</td>
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<td>6</td>
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<tr>
<td>Drummoyne</td>
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<td>15</td>
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<td>Abbotsford</td>
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<tr>
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<td>Chiswick</td>
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<tr>
<td>Gladesville</td>
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<td></td>
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</tr>
<tr>
<td>Concord</td>
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<td>34</td>
</tr>
<tr>
<td>Hunters Hill</td>
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<td>8</td>
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<tr>
<td>Woolwich</td>
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<td>Huntley's Point</td>
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<tr>
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<td>Balmain</td>
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</tr>
<tr>
<td>North Sydney</td>
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</tr>
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<td>Waverton</td>
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<td>Mosman</td>
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<td>Cremorne</td>
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<tr>
<td>Neutral Bay</td>
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<tr>
<td>Clifton Gardens</td>
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<td>Northwood</td>
<td>2</td>
<td>3</td>
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</tr>
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<td>Longueville</td>
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<tr>
<td>Lane Cove</td>
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<tr>
<td>Riverview</td>
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<td>19</td>
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</tbody>
</table>

Cultural Resources Management
4.3.4 Conclusions

Based on the preceding discussion, the following conclusions may be drawn:

- The sea-wall behind the impounding pool is one of the earliest elements in the Balmain Conservation Area waterfront and compliments the structure that survives and is visible at 25 Wharf Road. The age and rarity of this element is assessed in DCP 21 to be of the highest cultural significance.

- The group of elements that comprise the waterfront structures of 27 Wharf Road and those in the immediate environs provide a representative sample of waterfront development from the 1850s to the 1920s. This diverse fabric and the range of activities represented by it is considered to be highly significant in DCP 21. It is one of the defining elements of this highly significant waterfront.

- The construction of this pool in the 1920s was not rare but followed a fashionable trend amongst both wealthy landowners and Councils providing facilities for the increasing popularity of swimming. The construction of the pool on the property at that time may be seen to have been a show of prestige, affluence and fashion and, therefore, helps to define the character of the property.

- The pool is representative of the most commonly surviving period of pool building and conforms to a standard type that is now no longer permitted to be built in the harbour.

- The pool is in a suburb that had one of the lesser incidences of pool building and, thus, is relatively rare for the locality. It is also unusual or rare to know the name of the specific builder responsible for the structure.

- The extant assemblage of evidence of this harbour-side activity is decreasing at a substantial rate.

- The structure of the pool is generally good although needing repairs.

- The stability of the older walls and steps on either side of 27 Wharf Road now depends to some degree on the reinforced concrete walls of the pool.

- The boat-shed was built as part of the same programme as the pool and the major programme of house and garden renovation of the 1920s.

- The pool and slip-way replaced an earlier structure on this site and these structures are built partly over the site of the 1859 sea-wall

- The slip-rails are in poor condition and the boundary wall between 25 and 27 Wharf Road is being undermined by loss of fill.
SECTION 5.0

CULTURAL SIGNIFICANCE

5.1 Evaluation Criteria

"Heritage significance", "cultural significance" and "cultural value" are all terms used to describe an item's value or importance to our own society. The Australian ICOMOS Burra Charter defines cultural significance as,

"...aesthetic, historic, scientific or social value for past, present or future generations".

This value may be contained in the fabric of the item, its setting and relationship to other items, the response that the item stimulates in those who value it now or the meaning of that item to its contemporary society and in the historical records that allow us to understand it in its own context. An assessment of what is significant is not static. Significance may increase as more is learnt about the past, about the particular item and as items become rare, endangered or are found to document and illustrate aspects that have acquired a new recognition of importance.

Determining cultural value is the basis of planning for all places of historic value. A clear determination of significance permits informed decisions for future planning that will ensure that the expressions of significance are retained, enhanced or at least are minimally impacted upon. A clear understanding of the nature and degree of significance will determine parameters for and flexibility of any development. In this case it is necessary to have a clear understanding of the significance of the elements involved to determine the impact that removal of them would have on the items, their environs and as a class of structure.

An assessment of significance is made by applying standard evaluation criteria to the facts of the item's development and associations. These criteria are divided into two categories:

- Nature of Significance
- Comparative Significance

The four criteria used to assess the nature of an item's significance, the reason it is significant, are those of Evolution and Associations (Historic Significance), Creative and Technical Accomplishment (Aesthetic Significance), Community Esteem (Social Significance) and Research Potential (Scientific Significance).

Comparative significance, or the degree to which an item has significance, is assessed according to its value as a rare or representative element. Items have cultural significance is they meet at least one of the nature of significance criteria and are good examples of either of the comparative criteria57.

57 Heritage Office and NSW Department of Planning, Heritage Assessment (1996) and NSW Heritage Manual
5.2 Existing Assessments

5.2.1 The Cultural Significance of Devon Villa

The significance of the pool must be addressed, in the first instance, in terms of its status as one component of the property of Devon Villa. Prior to the preparation of the heritage assessment for this property the only indication of its significance was in the supporting documentation for DCP 21. This report identified the stone house to be of high local significance and its 1930s additions to be important but not of high significance. The house was noted to be part of a group of the earliest buildings in the street. Council received representations from Clive Lucas and Stapleton and Partners in October 1997 with regard to the possible listing of this property as a heritage item because of its age, its intact c.1920s works, its historical associations and its contribution to both the water and streetscape.

The Heritage Assessment prepared for this property provided a detailed analysis of the significance of the place and its components. With respect to Devon Villa as a property, it was determined to have local heritage significance for the following reasons:

- It was a significant contributory element in interpreting and documenting European occupation in Balmain and was particularly illustrative of the harbour-side residential character attributed to Balmain and valued by residents and the wider community
- It had associations with significant figures in the early European development of this area
- The development of the property throughout the nineteenth and twentieth centuries was representative of both Wharf Street development and, more generally, regional development. Its age and continuous occupation were substantial factors in this issue. Additional research has revealed that Devon Villa was closely associated with "Wyoming" during the later part of the nineteenth century. It served as rental accommodation for one of the Deloitte brothers while the other occupied Wyoming.
- The house contained substantial elements from both nineteenth and twentieth century development which were representative of their type but were neither rare nor intact
- The property preserved the original steep topography of the site but it had been modified in a terraced garden style representative of inter-war gardens.

As a significant property, possibly one worthy of individual heritage listing, each of the components have value in their contribution to illustrating and recording the development of the site. The precise value of each element was determined in the hierarchy of significance prepared as part of the heritage assessment.

5.2.2 Hierarchy of Significance

A hierarchy of significance establishes the relative value of each component within a site or property. The evaluation generally serves to provide a means of decision-making with respect to development opportunities and constraints. With respect to the individual

elements contained within Devon Villa, the relative evaluations in the original Heritage Assessment were as follows:

- **High Significance**: the original stone-built house and steps, the landform, the views
- **Contributory Significance**: the 1920s/30s extensions and out-buildings, garden elements, archaeological elements
- **Minimal significance**: the pool, the 1970s-90s works

Some revision needs to be made of this assessment in light of more evidence that has been revealed during the course of this investigation.

When the heritage assessment was written, the evaluation of the pool was based on a comparative analysis of surveys to determine a likely period of construction. On this basis it was considered that the pool was likely to have been built after the principal programme of the 1920s/30s works. However, the letter released from the Waterways Authority file for this property shows that the pool was a component of that 1920s-30s period of work. Therefore, its relative evaluation should be raised to that of a contributory element.
5.3 Assessment of Significance

5.3.1 Historic Values

The pool, boat-shed and slip-rails have contributory value to the significance of Devon Villa in that they were constructed as components of a substantial and important period of its development. As the property may be demonstrated to have cultural value to the local community, the contributory elements must also have value for their role in demonstrating the changing, tastes, needs, fashions and interests of the owners. In particular, in light of the evidence that demonstrates the value of pools as an indicator of prestige and affluence, this element helps to define the status of the site and the aspirations of its owners.

The pool is a contributory component within an important waterfront development. Its function and form adds to the diversity of fabric and activities that help to demonstrate the importance of the waterfront in the development of the suburbs adjoining it. It is notable, however, that pool building in Balmain and Birchgrove was much less common than many other waterside suburbs and this is a relatively rare item for these suburbs.

The pool was built during an important phase in the development of swimming as a sport and the principal period of harbour-side pool construction in the inter-war period. The form of the pool and its siting, therefore, define an earlier period of permissible harbour development. It also coincides with the closer association of Sydney with its beach or water-sports culture. The entire assemblage of fully enclosed pools on harbour-side properties may be demonstrated to be relatively small and is constantly decreasing. Those elements that remain, therefore, have value for their increasing rarity.

It also has some additional significance in that it is one of the few structures of this type for which a particular builder.

5.3.2 Aesthetic and Technical Achievements

The pool has no particular aesthetic value although, in the eighty years that it has been on this site, it has achieved a patina of wear and weathering that makes it compatible with the rest of the waterfront structures. DCP 21 identifies variety of form and function of this hard edge to be one of the defining characteristics of this significant waterfront.

The technology employed in the construction of the pool is also of no particular rarity or ingenuity in its own right. However, it has some value in documenting evolving methods and styles of pool construction.

5.3.3 Social Significance

The structures at the waterfront of 27 Wharf Road provide an indicator of personal wealth and standing of the particular owners of this property. Generally the pool makes a contribution to recording the importance of swimming and water sports and their particular association with the city of Sydney and the close association of the waterfront in the development of the suburbs that adjoin it and the influence it had on the evolution of their particular characters.
5.3.4 Scientific or Research Significance

The pool demonstrates a particular and specialised type of building during one period of its development.

5.4 Statement of Significance

The pool, boat-shed and slip-rails have contributory value with respect to the significance of Devon Villa in that they were constructed as components of a substantial and important period of its development. As the property may be demonstrated to have cultural value to the local community, the contributory elements must also have value for their role in demonstrating the changing, tastes, needs, fashions, interests, aspirations and affluence of the owners. The pool has significance in that it is one of the few structures of this type for which a particular builder may be identified and other examples of his work may have been located.

The pool was built during an important phase in the development of swimming as a sport and the principal period of harbour-side pool construction in the inter-war period. The form of the pool and its siting, therefore, define an earlier period of permissible harbour development. It also coincides with the closer association of Sydney with its beach or water-sports culture. The interaction of the waterfront and the activities carried out on it with the suburbs that adjoin it plays a crucial role in the development of the individual characters of those places. The entire assemblage of fully enclosed pools on harbour-side properties may be demonstrated to be relatively small and is constantly decreasing. Those elements that remain, therefore, have value for their increasing rarity.

The technology employed in the construction of the pool is of no particular rarity or ingenuity in its own right. However, it has some value in documenting evolving methods and styles of pool construction. None of the structures have any particular aesthetic value although, in the eighty years that the pool has been on this site, it has achieved a patina of wear and weathering that makes it compatible with the rest of the waterfront structures. DCP 21 identifies variety of form and function of this hard edge to be one of the defining characteristics of this significant waterfront.
5.5 Significance of Adjoining Elements

5.5.1 Wyoming

Wyoming has been identified to be of State Heritage Significance. It is listed on the State Heritage Register.

A separate assessment of cultural significance has been prepared for the sea-walls and features on its waterfront by Clive Lucas, Stapleton and Partners Pty Ltd. It concludes that:

- The sea-walls are locally representative of mid-late Victorian harbour-side improvement by reclamation, which in a State context is rare. They contribute to the Wharf Road precinct, which is one of the most intact Victorian period harbour-side streets in Sydney.

- The sea-walls are locally rare in consideration of their historic association with Wyoming and contributed to the cultural significance of this property.

- The sea-walls are rare in that there is historic documentation available to demonstrate their age. Items of this type are usually difficult to positively date.

5.5.2 Clifton

An assessment of the cultural significance of this property was prepared by Cracknell and Lonergan. It concluded that:

- The house at 29 Wharf Road was neither rare nor representative but it contributes to the Conservation Area. It encompasses some intrusive elements principally the fence and garage.

No reference is made to the waterfront.
SECTION 6.0

MANAGEMENT ISSUES

6.1 Statutory Considerations

6.1.1 Wharf Road Development Control Plan No. 21 (May 1997): DCP 21

This planning instrument applies to almost all properties in Wharf Road. It supplements LEP 2000, DCP 1 and DCP 20. DCP 21 identifies Wharf Road as the most significant waterfront streetscape in the Leichhardt area on Sydney Harbour. It also identifies Wharf Road as one of the major surviving and largely intact Victorian/Federation waterfront streets in the city. It aims to conserve the established character to the street while still allowing change to take place that compliments its character. The controls are opposed to large scale or wholesale change, particularly the removal of significant or contributory structures and natural and landscape elements. Generally DCP 21 requires:

- Retention of the heritage items and conservation of contributory structures and landscape items including topographic form
- Retention of the principal building pattern, scale, form and style and its relation to the escarpment in any new development
- Maintenance of waterscape and streetscape views
- Maintenance of waterside structures or replacement with those of a similar scale and form.

The house and "garden structures" at 27 Wharf Road are identified by DCP 21 as contributory items within the street. The boat-shed is described as a good complimentary form but of no heritage significance. Retention was recommended with provision for rebuilding and upgrading.

The heritage assessment and this review have determined that the pool, boat-shed and slip-rails are of contributory significance to this site, therefore, retention of these items would be recommended to conform with the requirements of DCP 21.

DCP 21 states that all of the existing elements along the waterfront have high cultural significance, including the pool wall at 27 Wharf Road that is specifically referred to, and those of highest significance are the oldest. One of the oldest identifiable elements of the nineteenth century sea-wall is behind and attached to the inner pool wall. The structures at 27 Wharf Road encompass, therefore, elements of high and very high significance that DCP 21 recommends for retention. It specifically states,

"The whole of the water's edge should be retained with only minor modifications taking place that allow:

59 DCP 21, Wharf Road Birchgrove: Summary, 3
60 CRM, CRM, Heritage Assessment and Statement of Heritage Impact "Devon Villa" 27 Wharf Road Birchgrove, 2001.
61 DCP 21, Wharf Road Birchgrove: Section 3.3.1, 21

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- Repair and maintenance
- Reinstatement of earlier elements where desired and
- Small changes to allow continuing change and modification provided they are consistent with the overall pattern of the area and that,

"Existing public and private views to and from the water should be substantially retained and enhanced when opportunities arise."\(^{62}\)

6.1.2 LEP 2000

LEP 2000 identifies this as a Conservation Area being a rare and significant streetscape with a number of individual heritage items. No. 27 Wharf Road was not listed as an individual item but does contribute to the place. With respect to development in a Conservation Area, Council consent is required to demolish in whole or part buildings within it. Council will not grant consent to demolish, reconstruct, adapt or erect a building or work unless a proper assessment has been made of the heritage impact of these works on the Conservation Area.

LEP 2000 encourages development consistent with the existing character of the area and provides conservation controls to protect the urban characteristics. It requires development consent to alter or demolish heritage structures. Generally the objectives for heritage management are:

"to encourage the protection, conservation and enhancement of all heritage including cultural, historic, aesthetic, social, natural, scientific, archaeological and architectural heritage within the area to:

a) enhance the character and identity of the suburbs and localities of the local government area of Leichhardt, and
b) prevent undesirable and incremental change which reduces the heritage significance of heritage items and of a locality (Part 2, Clause 13 (4).

Part 3, Clause 15 more specifically defines Heritage Conservation objectives being:

a) to protect, conserve and enhance cultural heritage and evidence of that heritage ensuring that changes to this heritage take place in a controlled manner
b) to protect items identified as having heritage significance and provide for their conservation
c) "to enhance the character and identity of the suburbs and localities of Leichhardt by protecting the natural, scenic and cultural attributes of the harbour foreshores, water frontages, creeks, ridgelines, surface rock, remnant bushland, skylines, streetscapes and townscapes
d) to prevent undesirable incremental change to place with reduces the heritage significance of the locality
e) to protect buildings of heritage significance and elements of conservation areas including setting and context from loss of significance through inappropriate change
f) to prevent the demolition of buildings of heritage significance parts, details or other elements of those buildings
g) to allow compatible and viable adaptation and reuse of significant fabric

\(^{62}\) Ibid. Section 3.4, 23
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h) to ensure protection for places of Aboriginal significance
i) to provide for places of significance which are not heritage items.

Clause 16 requires Council consent for all development on the site of a heritage item and 16(7) requires consent be given for development within the vicinity of a heritage item. Clause 16(8) requires consent for works in a conservation area and must be based on an assessment of the potential impact on the significance of that area. 27 Wharf Road is not listed as a heritage item in Schedule 2 of the LEP but Wyoming at 25 is a listed item of State Significance. Therefore Clause 16(7) concerning development in the vicinity of a heritage item is relevant for any application regarding the demolition of the pool and slip-rails.

Clause 33 of the LEP restricts the carrying out of works between the foreshore building line and the mean high water mark. Council must be satisfied that any works or development will not “detract from the scenic qualities of the locality when viewed from the water”. The Building Foreshore Map attached to the LEP dissects the site and the mean high watermark is at the boundary between the leased land and the harbour. Therefore the restriction will apply to the proposed demolition works.

Demolition of the pool and slip-rails would substantially alter the existing view. Elements that have acquired a patina of age and wear over eighty years would be removed and, in their place, new elements would be constructed, necessary to mitigate the potential instability to the sea-walls around the existing pool and slip-rails, that would be visually intrusive because of their “newness”. This would create an adverse impact viewed from the water.

6.1.3 NSW Heritage Act

Wyoming is listed on the State Heritage Register. This replaces the old system of Permanent Conservation Orders. Listing in the Register means that certain works that may have an impact on the listed item will require the approval of the Heritage Council of NSW.

The age of the pool and slip rails, being fifty or more years, defines these items as relics. Consideration of the need to apply for an Excavation Permit prior to the commencement of any works will be necessary. The Heritage Act requires an Excavation Permit where excavation is likely to disturb or reveal relics. The demolition of the slip-rails is likely to require excavation that may reveal the old sea-wall and this excavation and any required to remove the pool would disturb structures that are defined as relics by the Heritage Act.

6.2 Condition

According to a structural assessment prepared by Patterson Britton removal of the outer and eastern wall of the pool would have the following impacts:

- Expose the western side of the slipway to wave action. Fill would be lost and progressive undermining would occur.

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63 Patterson, Britton and Partners Pty Ltd, 27 Wharf Road Birchgrove Proposed Demolition Works Engineering and Environmental Report: 6-9
- Expose the northern area of the boatshed to wave action which may cause undermining and partial collapse of the structure.

- Expose the inner wall of the pool to wave action and cause a loss of structural support which would mean its likely collapse and exposure of the old stone sea-wall. The latter would be exposed to wave action for which it was not built and it is likely to suffer damage.

- Expose the western wall of the pool to wave action and cause a loss of structural stability resulting in a probable collapse. This would have consequences for the stability of the property at 29 Wharf Road.

- Expose the wall along the boundary with 25 Wharf Road to greater wave action and erosion if the outer and eastern walls were removed. This wall supports the paling fence.

- Erosion of the mud at the bottom of the pool which is expected to have minimal environmental harm.

- The stone wall at 29 Wharf Road appears to be suffering from some damage and removal of the wall of the pool may endanger its stability and would probably incur loss of fill from behind the wall.

Ideas for mitigating these circumstances were canvassed by the Patterson Britton report, largely based on retention of some of the pool structure. However, the lack of solid foundation beneath and around the pool indicates that this would largely be useless. In short demolition of the pool walls would increase the likelihood of erosion to the site, its neighbouring properties and to the original sea wall.
SECTION 7.0

ASSESSMENT

7.1 Heritage Impacts

The proposed demolition of the structures at the waterfront of 27 Wharf Road would have the following impacts on European cultural values:

- Removal of the structures would diminish the cultural significance of Devon Villa by removing elements that have contributory value to that significance. In turn this would have an adverse impact on the Conservation Area due to the reduced significance of one of its contributory elements.

- Removal of the structures would have an adverse impact on elements that are recognised to be of high and very high significance in DCP 21. It would remove components of form and function which are uncommon along this waterfront, that help to define its character and function and which have achieved a patina of age and wear that is compatible with the older elements on either side.

- Removal of the structures would further reduce the already diminished number of privately owned enclosed pools around the harbour. This group of pool structures has heritage significance because it helps to define the historical character and standing of particular suburbs as well as the close association of the city and suburbs with the waterfront setting and the particular influence that setting has on the development of those suburbs.

- Removal of the structures would have implications for the stability of elements of very high significance and high significance on either side of 27 Wharf Road. The sea-wall and features encompassed within in, such as mooring docks, are assessed to be of significance in their own right. The potential damage caused to these elements, in the case of “Wyoming”, would impact on the integrity of an item of State Significance.

7.2 Statutory Implications

The proposed demolition of the structures at the waterfront of 27 Wharf Road would have the following statutory implications:

- DCP 21 requires retention of heritage items and contributory structures. 27 Wharf Road is not a listed heritage item but it has been assessed to have local significance. The pool, boat-shed and slip-rails are contributory to its significance and are integral components of the water views and structures. Removal of these items would be contrary to the requirements of DCP 21.

- DCP 21 requires maintenance of existing waterside views and structures with only minor modifications permitted and it identifies all existing elements to be of high significance and the oldest to be of very high significance. The structures at Wharf Road are, by the definition of DCP 21, of both high and very high significance for the
waterfront. Removal of these elements would be contrary to the requirements of DCP 21.

- LEP 2000 seeks to protect heritage places and encourages works that will enhance their character. It seeks to reduce incremental change, demolition of whole or parts of significant places and requires Council consent for development that will impact on heritage items, the environs of heritage items and the foreshore. The removal of the structures would be contrary to the provisions of LEP 2000 with respect to heritage conservation.

- The proposed works, in their potential impact on elements of Wyoming, may require Heritage Council approval and application for an Excavation Permit.

- The removal of the structures would be contrary to the Waterways Authority's own stated objective of having "no adverse impact on items of cultural or environmental heritage below mean high water mark".

7.3 Response to Report Objectives

- Whether the demolition of the slipway and impounding pool ("Structures") would have an adverse impact on the heritage significance of the conservation area, as a whole, and in particular, the Wharf Road Conservation Area as identified in the LEP, and DCP 21, respectively? If so, is it such that the structures must be retained?

Removal of the structures would have an adverse impact on the cultural significance of the Conservation Area and, specifically, on Devon Villa, which is a contributory element to the Conservation Area. Removal of the structures would be contrary to the objectives and requirements of DCP 21 and LEP 2000. For these reasons the structures should be retained.

- Whether the demolition of the Structures would have an adverse impact on the heritage significance on the existing continuous unbroken shoreline of reclaimed land...from the perspective from Snails Bay, looking back towards the foreshore pursuant to clause 33 of the LEP 2000?

Demolition of the structures would remove elements that in their diverse form and function contribute to and help to define the particular character of this waterfront. The patina of age acquired over eighty years makes the pool wall compatible with its surroundings. Removal of the elements would be visually intrusive and would diminish the record of activities that give purpose and form to the shoreline. For these reasons the structures should be retained.

- Whether the demolition of the Structures would have an adverse impact on the heritage significance of "Wyoming" pursuant to clause 16(7) in the LEP 2000. If so, is it such that the Structures must be retained?

The sea-walls and features contained within them have been assessed to be of significance to the heritage value of Wyoming. The oldest and most highly significant of these features adjoin the sliprails of 27 Wharf Road. Removal of the pool walls and slip rails is likely to have an adverse impact on the stability of these items. The loss of these items through structural failure would have an adverse impact on the significance of Wyoming. For these reasons the structures should be retained.

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If any works will be required to ensure the structural stability of the adjoining properties (Nos 25 and 27 Wharf Road) following the demolition of the Structures, whether these works would have any adverse impact in the heritage significance of A) "Wyoming"; and
B) on the Conservation Area, eg existing stone walls and other structures which we understand pre-date the Structures?

If so, are they such that it is preferable, in heritage terms, to retain the Structures, rather than demolish them and carry out the stabilisation works?

Demolition of the structures is likely to have a substantial impact on elements of very high and high significance within the properties on either side of 27 Wharf Road. This is an unacceptable impact and will not be mitigated by any stabilisation works. The latter may possibly cause the loss of more original fabric and have a visual impact. The demolition of the walls and slip-rails is also likely to have some impact on the extant and original mid-nineteenth century sea-walls behind the pool wall. This is an unacceptable and avoidable impact. It is preferable to retain the existing structures which serve to stabilise the older elements and which are visually compatible with the existing elements.
SECTION 8.0

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