

Tuesday, 31 October 2017

Mr Graham McKee  
McKees Legal Solutions  
P.O. Box 7909  
Baulkham Hills BC NSW 2153

Dear Graham,

**RE: 69 Kissing Point Road Turramurra – Preliminary Heritage Assessment**

NBRSArchitecture have been commissioned to prepare a detailed heritage assessment of the site at 69 Kissing Point Road, Turramurra. A detailed history of the place has been recently completed and is attached here as Appendix A. The initial fabric survey has been undertaken and a report from the structural engineer has been reviewed. This letter has been prepared ahead of the completion of the report to meet the Council deadline for submission of information to be considered at the Heritage Committee meeting to be held on the 7<sup>th</sup> of November 2017.

It is our opinion, based on the physical and documentary evidence that has been carried out on the property and the information contained in the specialist structural report, that the house does not meet the criteria set out by the NSW Office of Environment and Heritage for listing as a heritage item. We further note that the existing and ongoing damage caused by the tree on the adjacent property has undermined the structural integrity of this brick building. Evidence of structural movement on all facades of the building, along with damage to internal finishes, demonstrates that the building movement has impacted a high degree of the fabric of the building. To repair this damage and render the place safe and habitable will require a high degree of change to the building.

**Heritage Status**

The subject site is not listed as a heritage item in Schedule 5 Environmental heritage of the *Ku-ring-gai Local Environmental Plan 2015*, nor is it located within a heritage conservation area. The site is in the vicinity of a number of heritage items as shown on the LEP Heritage Map 2015, see below.

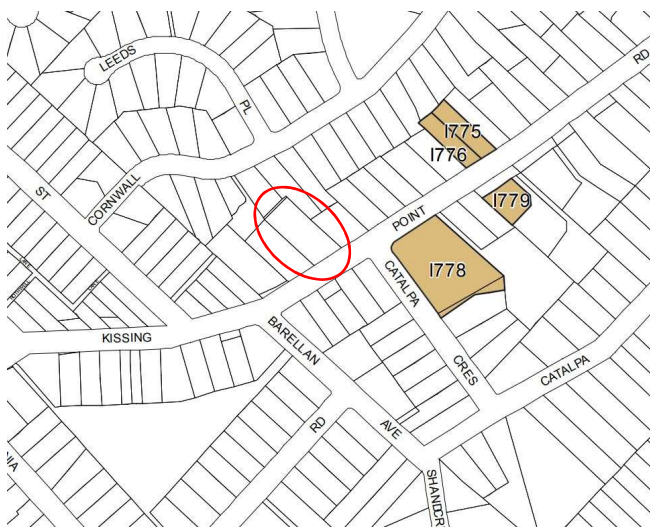


Figure 1 - Excerpt from the Heritage map contained in the *Ku-ring-gai LEP 2015* with the subject site circled in red. Nearby listed heritage items are coloured brown. North is at the top of the page.

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### Description

The house, locally known as The Gables, is Federation Bungalow in architectural character and has retained many details and materials characteristic of this style. Whilst this house is recognisable in the street, the Ku-ring-gai local government area does contain other Federation Bungalow buildings which are in sound condition and have been recognised through individual heritage listings. The internal layout of 69 Kissing Point Road has been retained in the front rooms, with the rear having been modified a number of times. The condition of the interior of the building is poor with evidence of structural movement of the floor and damage evident at the ceiling level where the roof structure has moved in response to damage at the footing level. This internal damage has been viewed by the author.

The following external images have been taken by NBRSArchitecture and date from October 2017.



Figure 2 - Primary facade as viewed from Kissing Point Road.





Figure 3 - View of the modified rear of the house.



Figure 4 - View of a portion of the addition at the rear with structural cracking at the building corner.



Figure 5 - View of the south eastern elevation showing the relationship between the tree on the adjacent site and the structural cracking on the diagonally opposite side of the building.





Figure 6 - Investigations to determine the extent of the root path demonstrating that the root reaches beyond the footprint of the building.



Figure 7 - Image showing the size of the root structure adjacent the building footings.



Figure 8 - Relationship of the adjacent tree and evidence of damage on the northern corner of the building.

**Repair**

The issue with the level of structural movement is that to properly repair the damage, as well as arrest ongoing damage, a number of substantial works need to be carried out. These works in themselves will have a major impact on the building, however are essential to ensure the building is safe and stable.

Firstly, the tree roots would need to be treated to stop further damage to the building. The options for this are either to cut the roots, which is likely to lead to the loss of the tree, or to construct piers around the roots to independently support the building. This is substantial structural work and would require extensive areas of the building to be re-supported. It is likely that this would also affect the root system.

Secondly, repairs of existing damage to the building itself would also involve rectification of floor, roof and wall components alongside affected internal and external finishes.

**Conclusion**

Based on our physical and documentary research, and an understanding of the condition of the building, the place does not adequately meet the criteria for historical, aesthetic, associational, or technical significance as set out in the NSW Heritage Office publication *Assessing Heritage Significance*, dated July 2001.

In conclusion, we do not support the proposition that the site at 69 Kissing Point Road, Turramurra, meets the criteria for listing as a local heritage item within the Ku-ring-gai local government area.

Yours Faithfully,  
**NBRS**ARCHITECTURE.



**Samantha Polkinghorne**  
Associate Director

## **APPENDIX A – Historical Research**

The research was carried out by Léonie Masson, Historian, of **NBRS**Architecture.

Additional historic photographs of the property were provided by the current owners of the site.

### **SOURCES**

The main documentary sources consulted in the research for this report are listed below:

- *National Library of Australia – Trove databases*
- *State Library of NSW*
- *NSW Land & Property Information*
- *Sydney Water /WaterNSW Historical Research Facility*
- *Ku ring gai Library - Local Studies Collection*

## 1.1 DOCUMENTARY EVIDENCE

The subject site is located on Lot 4 in DP 31925, being formerly part of Lot 47 of Section 5 of DP 3895 (Boyd's Orchard Estate). This subdivision was originally part of one hundred acres granted to Thomas Boyd on 20 February 1839 (Portion 410 of the Parish of Gordon - Figure 9).

Thomas Boyd was a former soldier in the Royal Veteran Company of NSW and had arrived in the colony in 1826; he was appointed a constable and pound keeper. He resided on the land grant, which he named "Toulouseville" or "Toulisville", and thereon established an orchard. In 1856, the grant was purchased by Boyd's son, James. Thomas Boyd passed away in 1858 at his residence at St Leonards (North Sydney).

In 1878, James Boyd subdivided his father's land grant as the Toulouseville Estate (Figure 10). This subdivision of over 100 acres was subdivided into "eighteen...convenient sized farm allotments...varying from three to eleven acres each". The land was described as "well-timbered"; Lots 3 and 4 contained the twelve acres (4.8ha) that had been cleared and planted as an orchard and occupied by the farm cottage.<sup>1</sup>

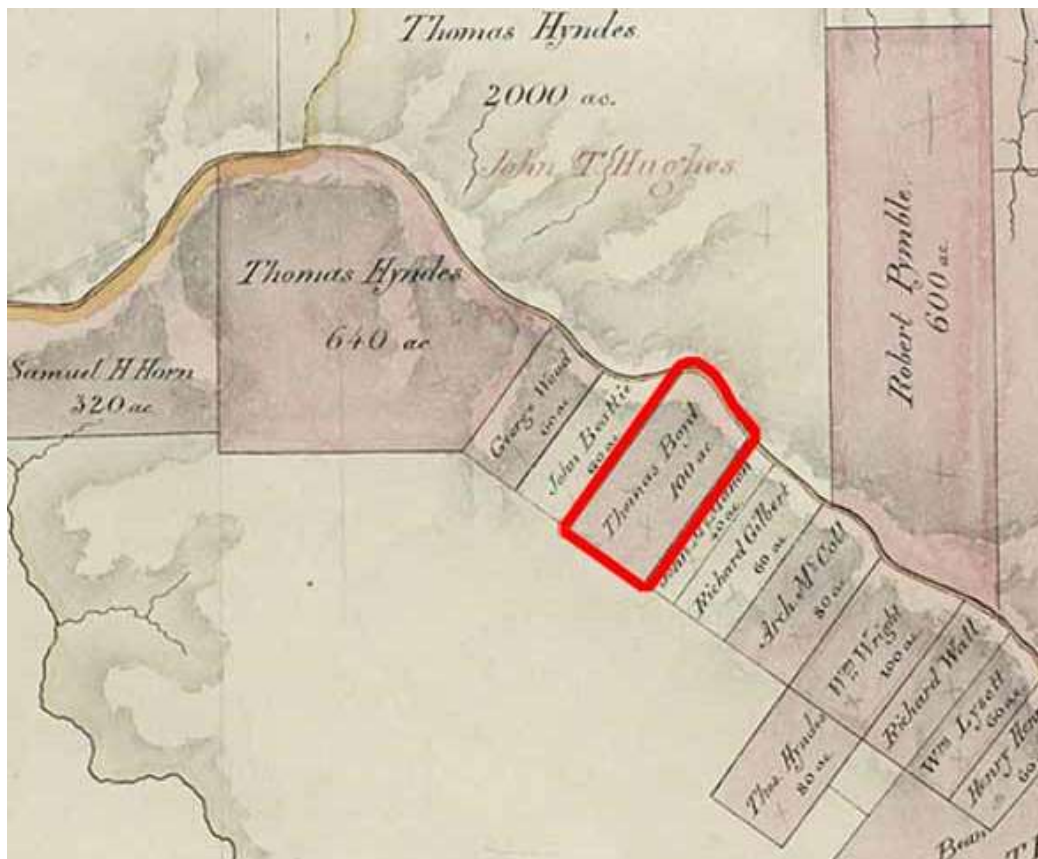


Figure 9 – Detail from Parish of Gordon, 1843 showing grant to Thomas Boyd outlined in red. (Source: State Library of New South Wales. Digital Order No. c014310001)

<sup>1</sup> "Toulouseville Estate North Shore", *Sydney Morning Herald*, 5/1/1878, p13



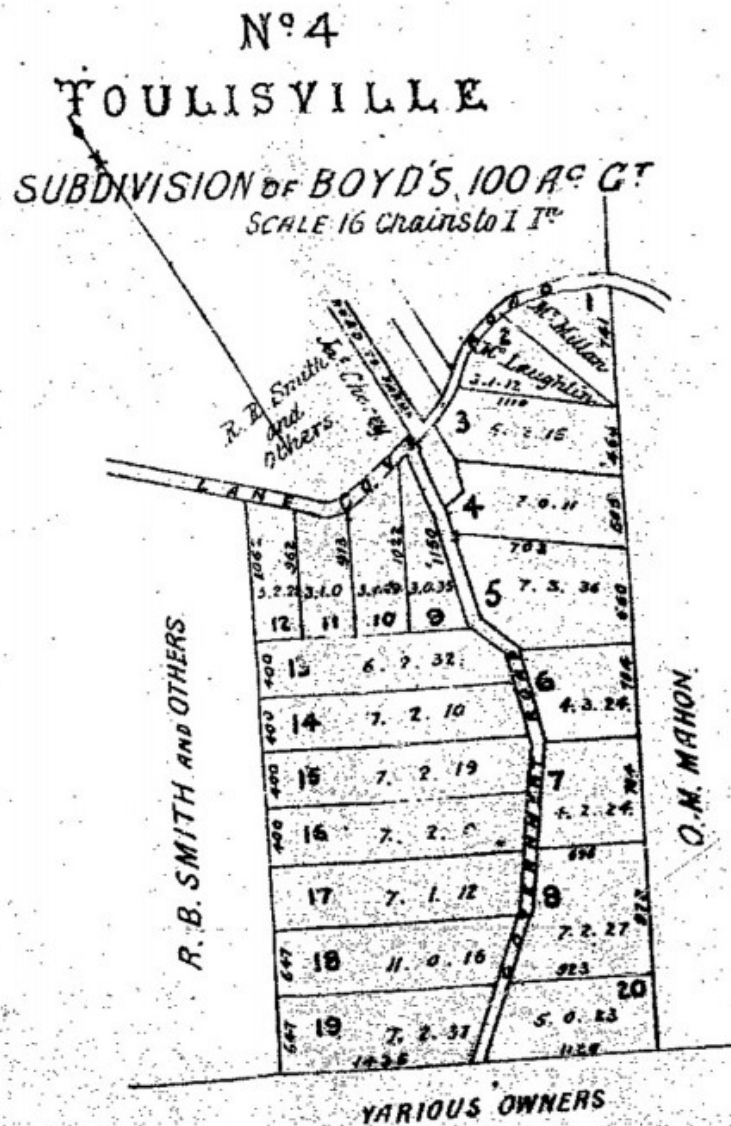


Figure 10 - The original subdivision of Boyd's grant as the Toulisville [sic] Estate, 1878. (Source: State Library of New South Wales, Map ZM3 811.144/1881?/1 Anon., Parish of Gordon, not dated (c.1881))

The grant was re-advertised for auction sale on 16 October 1882 as Boyd's Orchard estate. On this occasion, the 103 acres was subdivided into fifty blocks ranging from one acre to eight acres, "including the fine orchard (13 acres) and residence".<sup>2</sup> From 1885, the vendor of the estate was the Port Jackson Land and Investment Company; this company was registered the same year with a capital of £50,000.

The estate was readvertised for sale in May 1893, some three years after the opening of the railway station at Turramurra, with lots ranging in size from one half acre to seven acres in

<sup>2</sup> "Boyd's Orchard", *Sydney Morning Herald*, 14/9/1882, p11



area.<sup>3</sup> The sale by Messrs Sievers, Vian and Co realised a total of £2051 17s 2d.<sup>4</sup> The subdivision plan is reproduced at Figure 11. At this date, the subject site formed part of Lot 15, which does not appear to have sold at auction.

In 1900, Patrick Halloran and Cardinal Patrick Francis Moran conveyed additional land in Boyd's land grant to the Port Jackson Land and Investment Company. The following year, the Port Jackson Land and Investment Company (Limited) of Sydney lodged an application to convert the residue of land in the subdivision to Torrens title.<sup>5</sup> At this date, the land (including all improvements) was valued at £2500; the applicants declared that the "land is not unoccupied". Over 76 acres of land was consequently registered on Certificate of Title Vol 1386 Fol 82 in January 1902. The accompanying survey shows the land edged in red (Figure 12).

By this date, Lots 12 to 15 in Kissing Point Road were re-subdivided into eight allotments forming Lot 23, Lots 12 to 15 and 46 to 48 inclusive in Section 5. Boyd's Orchard Turramurra was advertised for sale on 12 April 1902 (Figure 13). The sale was a disappointment as only a handful of blocks were sold at the auction. The residue of unsold allotments changed hands progressively over the next several years. For instance, by 1907, most of the allotments on the eastern side of Kissing Point Road were sold, but very few allotments were disposed of on the opposite side of the road. Sales in Boyd's Orchard continued into the 1920s.

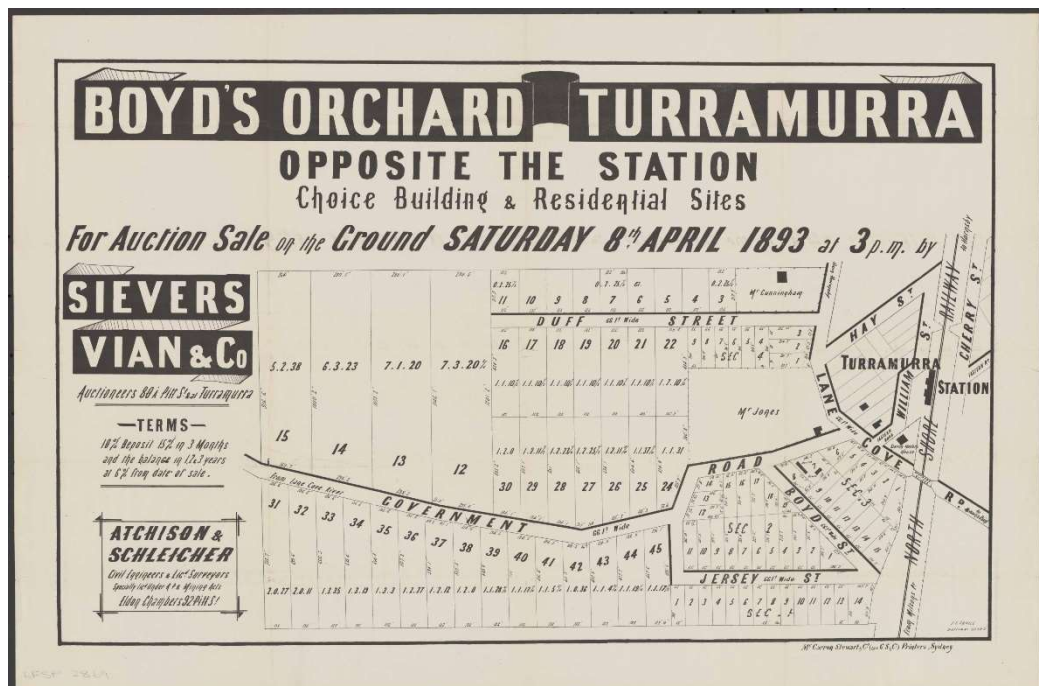


Figure 11 – Subdivision plan for Boyd's Orchard Turramurra opposite the Station...for auction sale on the ground Saturday 8<sup>th</sup> April 1893 at 3pm by Sievers Vian & Co. (Source: NLA, <http://nla.gov.au/nla.obj-230528791>)

<sup>3</sup> "Boyd's Orchard", *Sydney Morning Herald*, 10 May 1893, p3

<sup>4</sup> "Real Estate", *Australian Star*, 15 May 1893, p3

<sup>5</sup> Primary Application 11836, NSW Land & Property Information



Figure 12 – Block plan of land registered on Certificate of Title Vol 1386 Fol 82. (Source: NSW Land & Property Information)

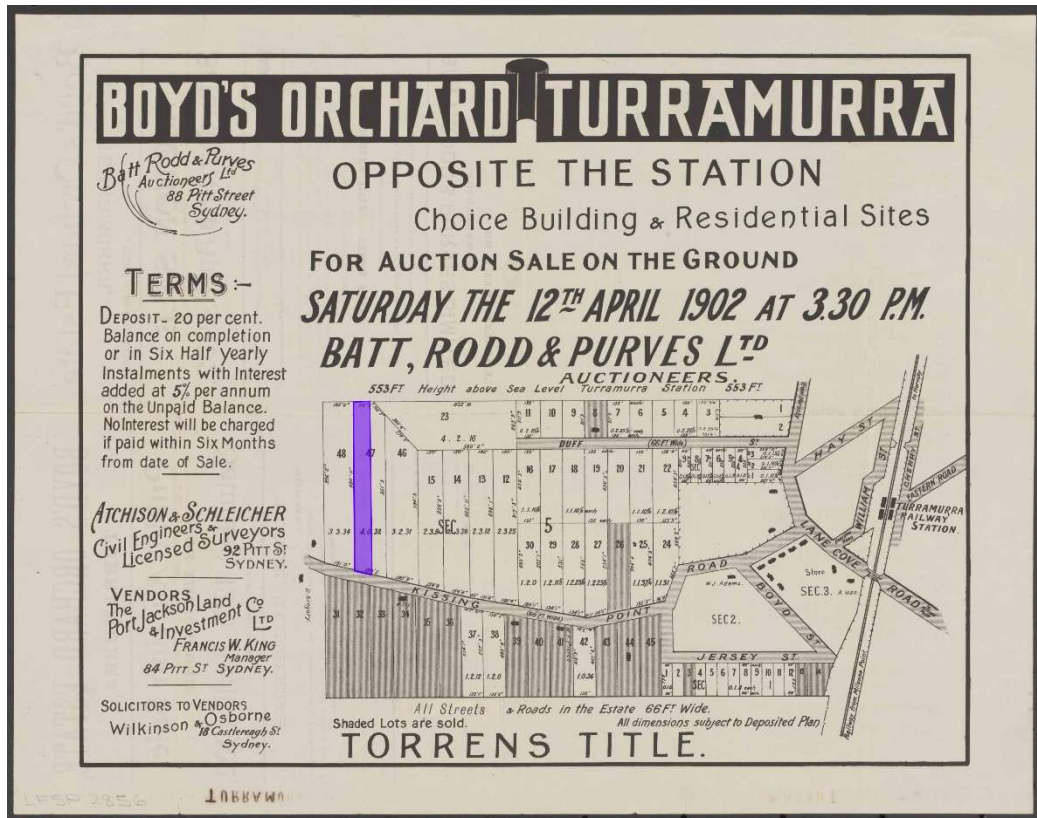


Figure 13 – Subdivision plan for Boyd's Orchard Turrumurra opposite the station...for auction sale on the ground Saturday the 12<sup>th</sup> April 1902 at 3.30pm [by] Batt, Rodd & Purves Ltd. (Source: NLA, <http://nla.gov.au/nla.obj-230528152>)

On 22 October 1915, part of Lot 47 in Section 5 of Boyd's Orchard Estate, comprising 2 acres 16¼ perches of land, was sold to Francis James Lynch of Turrumurra, contractor for the sum of £151 4s.<sup>6</sup> Frank Lynch is first listed in Kissing Point Road in the Sands Directory in 1916. By this date there were nine houses on the northern side of the road. The subject residence was most likely erected by Lynch but there is no evidence of an architect's involvement in the design. Lynch undertook additions to the residence in 1919 as evidenced by a notification in *Construction and Local Government Journal* on 20 January on page 2. The house was called "The Gables" in accordance with the name plaque at the front entrance.

Two early photographs of the house in the possession of the former owners (Figure 14 and Figure 15), are annotated on the reverse that the Lynch house was built in 1913 and finished in 1917; "four rooms and back verandah were built in 1913 and the front verandah and two more rooms completed in 1917". This information is not borne out by the documentary evidence presented in this report. The discrepancy of two years most likely arose out of confusion on the part of the person who wrote the information on the reverse of the pictures at a much later date.

Francis James Augustus "Frank" Lynch was born in ca1880 to John and Mary Locke. About 1898 he moved to Boulder, Western Australia where he lived and worked until late 1909. In the intervening period, he married Annie Josephine Orr and they had four children, two sons and two daughters. The daughters died in 1913 and 1918 respectively; the sons were Francis James Lynch and Gregory Joseph Lynch.

<sup>6</sup> CT Vol 1821 Fol 39, NSW Land & Property Information and Memorandum of Transfer A210505



In December 1909, two local newspapers reported that Frank Lynch had decided to move “east for a time” and was accordingly farewelled by his workmates on the Ivanhoe.<sup>7</sup> No occupation is given in these references. He died at Turramurra in August 1942 aged 73 years, survived by his wife and two sons.



Figure 14 – Front view of 69 Kissing Point Road, undated. (Source: Private collection)



Figure 15 – Front view of 69 Kissing Point Road showing front fence and garden. (Source: Private collection)

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<sup>7</sup> “News and notes”, *The Evening Star*, 10 December 1909, p2 and “Personal”, *Kalgoorlie Miner*, 4 December 1909, p12



Figure 16 – Detail from 1943 aerial survey showing subject site with present boundaries shaded yellow thereon. (Source: NSW Land & Property Information, SIXmaps)

In February 1961, Hughes Hughes & Garvin lodged an application for a redistribution (re-subdivision) of Part of Lot 12 and Lots 13, 14, 15, 46, 47 & 48 in DP 3895 and Lot 21 in DP 7976. The resulting plan, DP 31925 (Figure 17), shows the subject site (Lot 4) on a much-reduced curtilage comprising 1 rood 31¼ perches. The property remained in the ownership and occupation of Annie Josephine Lynch. 69 Kissing Point Road was registered on a new certificate of title, Vol 9092 Fol 62.

According to the 1963 electoral roll, 69 Kissing Point Road was in the occupation of the following adults, Annie Josephine Lynch, Eileen Rose Lynch, Elizabeth Annie Lynch, Francis James Lynch and Patricia Mary Lynch. Following Annie's death in December 1966, the property passed by transmission in 1967 to her son Gregory Joseph Lynch of Warrawee, company director. He conveyed the subject site in 1973 to his brother, Francis (Frank) James Lynch of Turramurra, "retired fire brigade officer". Electoral rolls describe Francis James Lynch as a fitter and turner.

According to a search of the Council's Building Registers, the Lynch family does not appear to have carried out any legal building alterations and additions to the property between 1928 and 1968.

Francis James Lynch (younger) died on 22 October 1988 aged 86 years, survived by his wife Patricia Maria Lynch, and children. Following the death of Patricia Maria Lynch, the executor conveyed the property in 2017 to the present owner.<sup>8</sup>

<sup>8</sup> Contract for sale and purchase of land 2016 edition, supplied by client





Table 1 – Four views of house and gardens, and including driveway and garage/shed at rear, undated. (Source: Private collection)



Table 2 – [Gregory Joseph Lynch?] at rear of house, undated. (Source: Private collection)



Table 3 – Members of the Lynch family at the rear of the house, undated. (Source: Private collection)





1.2 ELECTORAL ROLL LISTINGS

Year	Details
1930	Lynch, Annie Josephine, Kissing Point Road, home duties Lynch, Francis James, Kissing Point Road, carriage builder Lynch, Francis James, Kissing Point Road, fitter & turner
1933	Lynch, Annie Josephine, 69 Kissing Point Road, home duties Lynch, Francis James, 69 Kissing Point Road, carriage builder
1935	Lynch, Annie Josephine, 69 Kissing Point Road, home duties Lynch, Francis James, 69 Kissing Point Road, carriage builder Lynch, Gregory Joseph, 69 Kissing Point Road, chemist
1936	Lynch, Annie Josephine, 69 Kissing Point Road, home duties Lynch, Francis James, 69 Kissing Point Road, carriage builder Lynch, Gregory Joseph, 69 Kissing Point Road, chemist
1937	Lynch, Annie Josephine, 69 Kissing Point Road, home duties Lynch, Francis James, 69 Kissing Point Road, carriage builder Lynch, Gregory Joseph, 69 Kissing Point Road, chemist
1954	Lynch, Annie Josephine, 69 Kissing Point Road, home duties Lynch, Eileen Rose, 69 Kissing Point Road, home duties Lynch, Francis James, 69 Kissing Point Road, fitter & turner
1958	Lynch, Annie Josephine, 69 Kissing Point Road, home duties Lynch, Eileen Rose, 69 Kissing Point Road, home duties Lynch, Elizabeth Anne, 69 Kissing Point Road, clerk Lynch, Francis Brian, 69 Kissing Point Road, carburetor specialist Lynch, Francis James, 69 Kissing Point Road, fitter & turner Lynch, Patricia Maria, 69 Kissing Point Road,
1963	Lynch, Annie Josephine, 69 Kissing Point Road, home duties Lynch, Eileen Rose, 69 Kissing Point Road, home duties Lynch, Elizabeth Anne, 69 Kissing Point Road, clerk Lynch, Francis James, 69 Kissing Point Road, fitter & turner Lynch, Patricia Maria, 69 Kissing Point Road, home duties
1968	Lynch, Eileen Rose, 69 Kissing Point Road, home duties Lynch, Elizabeth Anne, 69 Kissing Point Road, clerk Lynch, Francis James, 69 Kissing Point Road, fitter & turner Lynch, Patricia Maria, 69 Kissing Point Road, home duties
1972	Lynch, Eileen Rose, 69 Kissing Point Road, home duties Lynch, Elizabeth Anne, 69 Kissing Point Road, clerk Lynch, Francis James, 69 Kissing Point Road, fitter Lynch, Patricia Maria, 69 Kissing Point Road, home duties
1977	Lynch, Eileen Rose, 69 Kissing Point Road, home duties Lynch, Elizabeth Anne, 69 Kissing Point Road, clerk Lynch, Francis James, 69 Kissing Point Road, fitter Lynch, Patricia Maria, 69 Kissing Point Road, home duties
1980	Lynch, Eileen Rose, 69 Kissing Point Road, home duties Lynch, Elizabeth Anne, 69 Kissing Point Road, clerk Lynch, Francis James, 69 Kissing Point Road, fitter & turner Lynch, Patricia Maria, 69 Kissing Point Road, home duties

**1.3 SANDS DIRECTORY LISTINGS**

Year	Kissing Point Road - north
1916	Lynch, Frank
1917	Lynch, Frank
1918	Lynch, Frank
1919	Lynch, Frank
1920	Lynch, Frank
1921	Lynch, Frank
1922	Lynch, Frank
1923	Lynch, Frank
1924	Lynch, Frank
1925	Lynch, Frank
1926	Lynch, Frank
1927	Lynch, Frank
1928	Lynch, Frank
1928	Lynch, Frank
1930	Lynch, Frank
1921	Lynch, Frank
1932/33	69 Lynch, Frank