

Former Constitution Hotel

675 Sunbury Road
SUNBURY

June 2014



Report to Council

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1.0 Introduction

This report to the City of Hume was commissioned by the owners of the subject site at 675 Sunbury Road, Sunbury. The purpose of this report is to assess the significance of the buildings on the site at 675 Sunbury Road in order to determine whether they are sufficient significance to warrant the individual heritage control to which they are currently subject.

2.0 Sources

The analysis below draws upon site visits and the relevant documents such as the *City of Hume Heritage Study* by David Moloney and Vicki Johnson (1998), and the relevant sections of the Hume Planning Scheme, including **Clauses 43.01** and **15.03-1**. I have also consulted a number of other primary and secondary sources, all of which are footnoted throughout.

3.0 History

The subject site at is located on the west side of Sunbury Road, opposite the Lancefield turnoff. This corresponds to the location of the Constitution Hotel as shown on a 1892 map of the area on the Bulla Road, directly opposite the junction of the Bulla and Lancefield Roads.¹

The land on which the Constitution Hotel was located was part of the 199 acres of Crown allotment 2 of Section 25 in the Parish of Bulla Bulla. It was sold to W.Craig and J.O'Grady at the original Crown land sales in October 1854.³ A long time resident of the Sunbury district, Isaac Batey, wrote the following account of the hotel's history:

¹ Parish of Bulla Bulla, 1892 Shire Map Co., Map Collection, LT.

Here I may give a few particulars respecting changes of ownership of lands surrounding Red Stone Hill, ancient squattage...Craig and O'Grady re-sold 100 acres to Daniel Cooper, who erected the Constitution Hotel, a building imported from England. On Cooper's decease the place was run by Lofty, then by Crawford, then by Woods, but before Crawford's day the place was kept by Tom Kerley. Thereafter, Bill Pender had it (yet, if not incorrect, F. G. Lewis ran it before old Bill's time), and lastly by Richard Bell, who bought after Mrs Cooper's death.²

It therefore seems that the Constitution Hotel was first constructed in 1855 and – as with other identically named hotels of the time – it seems likely to have been named in honour of the new Victorian Constitution (which passed the British Parliament in July 1855). References to the Constitution Hotel first appear in the Argus from April 1856.³ Isaac Batey later described the early hotel as 'a timber house with outer wall sheathed with zinc' and a zinc roof.⁴

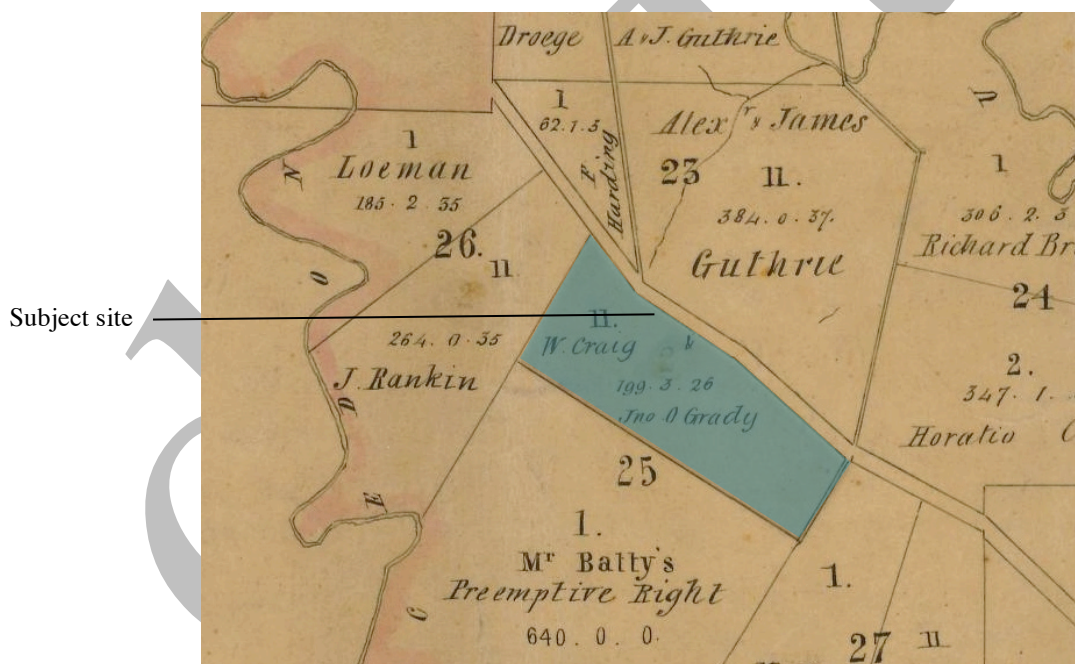


Figure 1 Part of the Parish Plan of Bulla Bulla, c1856, showing extent of Craig and O'Grady's land. Source: State Library of Victoria Online Picture Collection.

² Isaac Batey, 'Historical Records of the Sunbury Region', *Sunbury News*, 17 September 1910, p.2.

³ 'Adevertising', *The Argus*, Monday 7 April 1856, p8.

⁴ Isaac Batey, *Pioneers of the Sunbury District*, a manuscript held by the State Library of Victoria. Although the manuscript describes history of the 1840s-1860s, it appears to have been written some time later in 1907.

Prefabricated structures were relatively common in Victoria. During the nineteenth century, Melbourne imported more prefabricated buildings – then described as 'portable' buildings – than perhaps any other city in the world. Some were manufactured in other colonies, yet others were imported from Great Britain. They ranged in size and architectural pretence from tiny one-room cottages with earth floors to generous villas and public buildings of plate iron, like Tintern, Toorak (by W. & P. McLellan of Glasgow), and the churches and other structures of C.D. Young. One of the best known examples in the Hume district is the original timber portion of Woodlands Homestead at Tullamarine (imported 1842 and assembled the following year), which was manufactured by the major London prefabricator, Peter Thompson.

Although trade had virtually ceased during the depression of the early 1840s, the discovery of gold in the early 1850s revived the importation of prefabricated houses. Stimulated by the Californian gold rush of 1849-50, British manufacturers of iron buildings were quick to exploit the new Australian market. Although demand for prefabricated houses peaked in 1853 – at a time when a small timber cottage might cost £10 – they continued to arrive for the rest of the century.

Prefabricated houses were most commonly of timber and iron, with zinc cladding being the third most common means of construction.⁵ Zinc systems were composed of zinc sheets fastened a timber frame, and tensioned with wrought-iron rods. Numerous examples from London, Edinburgh, Birmingham and Camden Town were advertised in Australia during the 1850s. Although a number of zinc-clad buildings are listed in the rate books of other shires and municipalities, none has survived. The citation for the site suggests that zinc's softness made it vulnerable to destruction, although it is also possible that its good resale value made it attractive to recycle: although expensive to use, it could be sold back to the manufacturers for half the new price.⁶

The original publican of the Constitution Hotel, Daniel Cooper, died at the age of 42 on the 9 April 1857 'at his own residence, the Constitution Hotel, Deep Creek, Bulla Bulla.'⁷ He had been publican for less than three years. After Cooper's death, his widow Sabina Cooper inherited the hotel, but it appears she leased it out in rapid succession to a number of others who managed the place.

The publican, Mr. Crawford, had only recently taken over management of the Constitution Hotel when it was robbed by three men in July 1861. After entering

⁵ There were, however, many different prefabricated materials and systems including 'paper' (or papier-mâché, on a timber frame), portable brick (a tile-hung timber frame), and slate (in large panels)

⁶ Miles Lewis, 'The Portable House', in Robert Irving et al, *The History and Design of the Australian House*, Oxford University Press, Melbourne, 1985, pp.274-289.

⁷ Deaths, *The Argus*, Monday 13 April 1857, p4.

the hotel about 9 o'clock and buying some ale, one of the men pointed a double-barrelled pistol at the landlord and demanded money. They then proceeded to tie everyone in the house up and search the premises. They stole several bank notes and a large quantity of silver, as well as £19 from the servant girl.⁸ Saunders and Johnson were apprehended after they committed other crimes in the district, and hanged.

In late 1863, the publican of the hotel was listed as Edward Woods, while William Pendergrass – otherwise known as Bill Pender – was listed as the tenant in late 1865.⁹ Pender applied for a beer license in January 1867.¹⁰ He then held a clearing sale just prior to his lease ending in April 1872.¹¹ Sabina Cooper died only a matter of months later, in July 1872. A coronial inquest into her death found that she 'died from the poisonous effects of a preparation of opium administered by herself.'¹² Cooper's daughter reported that she was 'lately troubled about the land.'¹³ The hotel and the surrounding 199 acres were then purchased by a man by the name of Richard Bell.¹⁴ Bell continued to run the Constitution Hotel for many years, serving as the publican himself.¹⁵

Born in Ireland, Bell arrived in Melbourne in 1864 and moved to the Bulla district in 1870.¹⁶ A newspaper report dated June 1903 indicate that Bell continued to, if not run the Constitution Hotel, at least reside in it at this time.¹⁷ The article describes 'Mr. Bell's residence, the old hotel... [being] built of sheet zinc lined with pine boards.'¹⁸

In the mid nineteenth century, another hotel – the Junction Hotel – stood diagonally opposite the subject site on Allotment 2 of Section 23. This hotel was, however, destroyed by fire on the 14 February 1876. A later inquest found that the 'fire...was wilfully caused, but...there was no evidence to show by whom.'¹⁹ An auction notice from the following year notes that a portion of the stone hotel – the walls and chimney - were still standing.²⁰ Rate book entries show that

⁸ 'Victoria', *The Maitland Mercury and Hunter River General Advertiser*, Saturday 27 July 1861, p3.

⁹ Shire of Bulla Rate Books

¹⁰ *The Argus*, Wednesday 9 January 1867, p8.

¹¹ *The Argus*, Saturday April 1872, p3. Held in Trove.

¹² 'Inquests', *The Argus*, Tuesday 6 August 1872, p7.

¹³ 'Inquests', *The Argus*, Tuesday 6 August 1872, p7.

¹⁴ 'Funeral Notices', *The Argus*, Tuesday 30 July 1872, p8.

¹⁵ Shire of Bulla Rate Books.

¹⁶ A. Sutherland (Ed.), *Victoria and its Metropolis: Past and Present*, McCarron, Bird and Co., Melbourne, 1888, pp.420-21.

¹⁷ Isaac Batey, 'The Far-Off Has-Been. Chapter VIII, The Seamy Side of Human Nature – up to 1861', *Sunbury News*, Saturday 27 June 1903, p4.

¹⁸ Isaac Batey, 'The Far-Off Has-Been. Chapter VIII, The Seamy Side of Human Nature – up to 1861', *Sunbury News*, Saturday 27 June 1903, p4.

¹⁹ 'Fire at Bulla Bulla. The Inquest.', *The Argus*, Friday 16 June 1876, p6.

²⁰ *The Argus*, 9 August 1877, p.2.

Richard Bell purchased this land in late 1878: a hotel was not re-established on the site.

Following Bell's death in December 1909, 'an old iron and wooden house containing 7 rooms with old stabling and outbuildings' on Allotment 2 of Section 25 was listed amongst his assets.²¹ It seems likely that this iron and wooden house is the prefabricated Constitution Hotel building. However, there does not seem to be a building matching this description currently on the site.

An army map of the Sunbury area dating from 1938 (surveyed in 1936) shows a dwelling located directly opposite the Bulla and Lancefield Road junction, where the former hotel once stood. The key to this map shows that hotels were distinguished from houses by the addition of an 'H'. This map, which is extremely detailed and marks features as minor as chimneys and sheds, reveals that the Constitution Hotel was no longer in operation by this time.

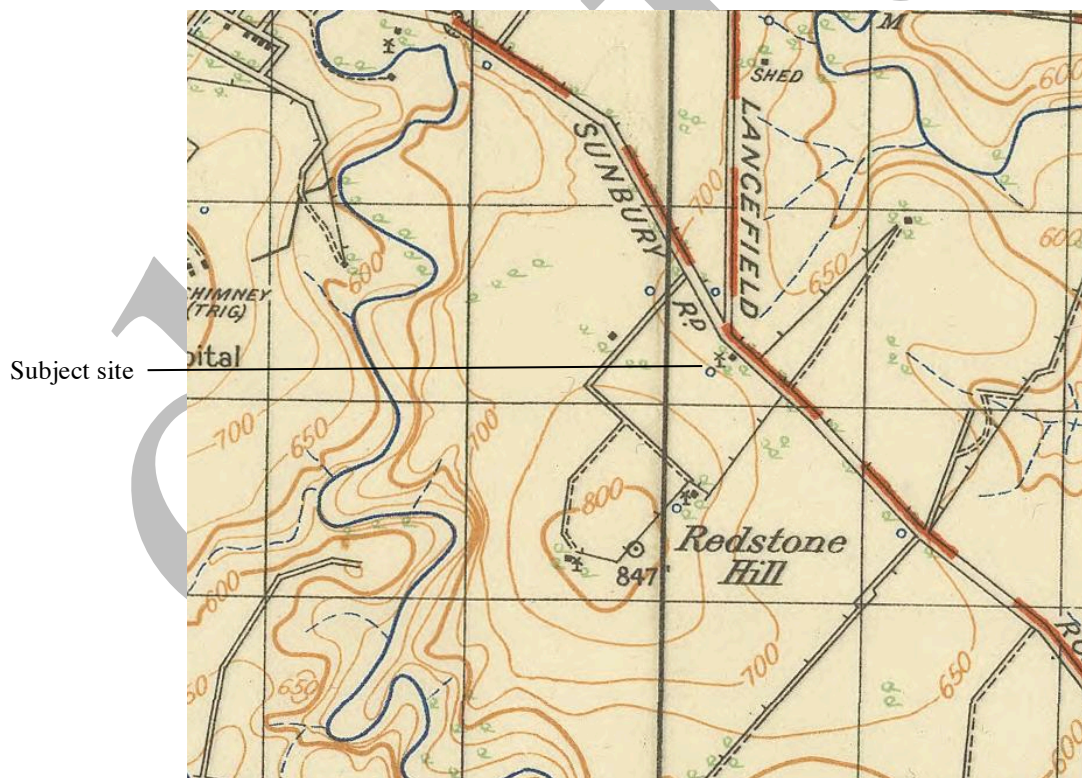


Figure 2 Army map c1938. Victoria, Sunbury [cartographic material] / prepared by Australian Section, Imperial General Staff. Source: State Library of Victoria Online Picture Collection. Link to digitised item: <http://handle.slv.vic.gov.au/10381/149198>

²¹ Probate papers for Richard Bell. Series 114, Record 527, VPRS 28/P3, Unit 102, PRO Laverton.

4.0 Description

The existing main building on the site at 675 Sunbury Road, Sunbury, is a single storey Federation dwelling with walls clad in weatherboard and a high-pitched gambrel roof clad in corrugated galvanised iron. The house is on a simple rectangular plan, with the typical cottage floor plan of a row of rooms on each side of a central corridor. The broad encircling verandah is supported by simple timber posts and returns along three sides of the dwelling. The verandah has a decorative simple timber valance and brackets, while the corrugated iron verandah roof is a direct extension of the main gambrel roof of the house, albeit at a slightly lower pitch. Windows and doors are typically timber framed with double hung sashes, some of which are two over two.

The bluestone structure to the side of the dwelling is constructed of random-coursed rock-faced bluestone blocks of varying sizes. The building is partly ruinous: only the footprint of the walls to the west end are extant. The gable roof is clad in corrugated galvanised iron. There are two small windows, each of different sizes, on the south elevation. The north side of the building is attached to the main house by a later timber extension with a skillion roof.

The house appears to be substantially intact to its Federation form. It remains in reasonable condition, although timbers in certain locations are in various states of decay. For example, some of the floorboards to the timber verandah have rotted away and have been replaced with a wider board.



Figure 3 The weatherboard dwelling at 675 Sunbury Road, Sunbury.



Figure 4 The weatherboard dwelling at 675 Sunbury Road, Sunbury, and part of the bluestone structure.



Figure 5 One of the small windows to the south elevation of the bluestone shed.



Figure 6 The weatherboard dwelling at 675 Sunbury Road, Sunbury.



Figure 7 The bluestone shed.

5.0 Listings and controls

The buildings at 675 Sunbury Road are subject to an individual heritage control identified as HO358 in the Schedule to the heritage overlay of the Hume Planning Scheme. External paint controls apply under HO358, although internal alteration controls and tree controls do not.

The building is not listed on the Victorian Heritage Register, nor has it been classified by the National Trust.



Figure 8 Heritage Overlay Map showing HO358 and location of the subject site.

6.0 Heritage Overlay

As the site is subject to an individual heritage control identified as HO358 in the schedule to the Hume Planning Scheme, it is therefore subject to the provisions of **Clauses 43.01** and **15.03-1** of the Hume Planning Scheme. The purpose of the heritage overlay under **Clause 43.01** is as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure development does not adversely affect the significance of heritage places.*
- *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with conservation of the significance of heritage places.*

Before deciding on an application, in addition to the decision guidelines in **Clause 65**, the responsible authority will need to consider, as appropriate:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
- *Any applicable heritage study and any applicable conservation policy.*
- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
- *Whether the location, bulk, form or appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*
- *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
- *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*
- *Whether the proposed subdivision will adversely affect the significance of the heritage place.*
- *Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.*
- *Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.*

- *Whether the pruning, lopping or development will adversely affect the health, appearance or significance of the tree.*

The proposal must also be assessed against the City of Hume's local heritage policy for heritage places as set out under **Clause 15.03-1. Clause 15.03-1** (Heritage Conservation) read as follows:

Objective

To ensure the conservation of places of heritage significance.

Strategies

Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.

Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.

Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.

Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.

Retain those elements that contribute to the importance of the heritage place.

Encourage the conservation and restoration of contributory elements.

Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Support adaptive reuse of heritage buildings whose use has become redundant.

7.0 Statement of significance

The Statement of Significance for the buildings on the site at 675 Sunbury Road, Sunbury, as set out in the citation for the property reads as follows:

The weatherboard dwelling and bluestone outbuilding are of local historical and architectural significance for their associations with the former Constitution hotel, and as examples of building styles and materials from different eras.

The Constitution hotel, originally a prefabricated zinc or iron clad building, was probably established around the time of the new Victorian Constitution in 1855. Its site is expressive of the establishment of hotels between townships in the horse and buggy era, and of the rise of the productive farming areas of Romsey and Lancefield. The bluestone building on the site may have been constructed with material from a second hotel – the Junction – which was once also established at the intersection of the Sunbury and Lancefield Roads.

The Constitution was typical of nineteenth century rural roadside hotels in that it was operated in conjunction with a small farm. The domestic nature of the buildings also expresses this, and the later use of the property exclusively for farming.

If the weatherboard dwelling is found to incorporate any of the original prefabricated hotel building frame or remnant zinc or iron cladding, this would warrant a reassessment of the significance of the property.

8.0 Analysis of Significance

The citation for the building at 675 Sunbury Road, Sunbury, states that the ‘weatherboard dwelling and bluestone outbuilding are of local historical and architectural significance for their associations with the former Constitution hotel.’ There is also some suggestion that the bluestone building on the site was constructed with stone salvaged from the burnt out remains of the Junction Hotel which once stood opposite the subject site.

Although much of the information contained in the citation for the property is accurate and of interest, there is a major problem in that the original Constitution Hotel building – a prefabricated building of timber and zinc – no longer appears to exist on the site. Council’s citation for the property acknowledges that the existing dwelling appears to date from the Federation period, but it does not assess the impact of these changes on the significance of the place. It also states that the house appears to be substantially intact, but fails to add that it is intact to a much later period.

The *Hume Heritage Study* (1998) states that part of the ‘original ‘Constitution Inn’ is thought to remain....’²² However, it is unclear on what basis this statement was made. The citation for the site states that:

²² David Moloney and Vicki Johnson, *Hume Heritage Study* (1998), p173.

... it is not unlikely that part of this building was the Coopers' and then Richard Bell's residence. Investigation of the interior and structure of the house would reveal whether it was the building imported from England and later reclad with weatherboard to replace the 'zinc', whether it is a later structure incorporating parts of the earlier building under a new roof, or whether it is an entirely new structure, probably built early in the twentieth century.

It adds:

It is recommended that examination of the Federation style house be undertaken to establish whether any of the original building frame or zinc or iron cladding of the original prefabricated hotel building has been incorporated in the present building.

However, regardless of whether some of the timber framing from the 1850s prefabricated building has been reused and recycled in the existing building, there is not sufficient grounds for protecting the existing building on the basis of this possibility alone. Internal controls are not included as part of HO358, and it is difficult to see how the early framing could possibly be appreciated – if, indeed, it exists – without invasive works that would effectively entail removing the existing building's cladding. Furthermore, many buildings contain elements recycled from earlier buildings, but this does not automatically elevate the significance of the later building. As it stands, the existing building provides no insight into prefabricated buildings of the 1850s. It also seems highly likely that the Constitution Hotel no longer operated by the time the existing building was constructed.

In effect, the existing building either completely lacks integrity, or is a different building altogether. Either way, the building is not legible as an early hotel building dating from the 1850s and it is unclear why it would be protected as though it were. Council's citation clearly places a great deal of weight upon the historical associations of the site. However, there is no basis for protecting the existing fabric on the basis of the site's historical association with the Constitution Hotel if the existing building is of a low level of architectural significance. Rather, the subject dwelling is a relatively generic timber Federation dwelling that provides little insight into the Constitution Hotel. Despite the fact that the Constitution Hotel operated for many years from the subject site, this is in no way reflected in any of the built fabric.

In a similarly speculative vein, the citation also suggests that the bluestone building may have been constructed by Daniel Cooper or his wife for use as some sort of outbuilding such as a kitchen. Alternatively, the citation proposes, it may have been built by Bell, possibly using the stone recovered from the former Junction Hotel. However, the building does not appear to date from a particularly

early period and – as the citation itself acknowledges – the bluestone shed does not appear to be the 'old stabling' referred to in Bell's probate papers of 1909. Furthermore, the bluestone building is in poor condition, with part of the building being in a ruinous state.

In undertaking any assessment of cultural significance, it is important that the documentation of each site is critical and analytical in nature – the objective of the documentation process is to investigate and test the significance of each building. It is also important that the significance of each building put forward for inclusion within the planning scheme is clear and recognisable, and there needs to be a demonstrable degree of rigour in assessing the significance of heritage places. However, in this particular case, it seems that the historical associations of the site have been projected onto fabric that post-dates the historical significance of the site. Rather than protecting such fabric, it may be better and more informative to acknowledge these historical associations through interpretative means.

In summary, it seems highly likely that the existing dwelling at 675 Sunbury Road, Sunbury, dates from the Federation era. Although approximately one hundred years old, is not of particular architectural or aesthetic distinction and is not of sufficient significance to warrant an individual heritage control on its own merit. Rather, it stands as a representative simple Federation dwelling, not unusual for its period. Although it is acknowledged that the site is of historical and social significance at a local level as the site of the former Constitution Hotel, there is no grounds for protecting the existing built fabric on the site on the basis of these associations alone. I do not believe that the buildings at 675 Sunbury Road, Sunbury, are of sufficient significance to warrant the individual heritage overlay control, HO358, to which they are currently subject.