



Statement of Heritage Impact


Proposed Over Station
Development, Crows Nest -
Site B

477, 479 and 491-495 Pacific Highway, Crows Nest
NSW 2065

Submitted to Project
On Behalf of Thirdi Group

SEPTEMBER 2024

REPORT REVISION HISTORY

Revision	Date Issued	Revision Description		
01	07/03/24	Draft		
		Prepared by	Reviewed by	Verified by
		Kurt Dixon <i>Heritage Consultant</i>	Carole-Lynne Kerrigan <i>Associate Director - Heritage</i>	 Kerime Danis <i>Director - Heritage</i>
		Alexandra Gangan <i>Assistant Heritage Consultant</i>		
02	28/06/2024 03/09/2024	Final Final - September 2024		
		Prepared by	Reviewed by	Verified by
		Kurt Dixon <i>Heritage Consultant</i>	Carole-Lynne Kerrigan <i>Associate Director - Heritage</i>	 Kerime Danis <i>Director - Heritage</i>

This report has been reviewed and approved for issue in accordance with City Plan's quality assurance policy and procedures.

Acknowledgement of Country

City Plan acknowledges the First Nations Peoples upon whose lands and waters we live and work, we respect their cultural heritage and continuing connection to Country and thank them for protecting the coastline and its ecosystems through time. We acknowledge that sovereignty over these lands and waters has never been ceded and extend our respect to Elders past, present and emerging.

We proudly operate from the lands of the Gadigal, Darkinyung, Danggan Balun and Turrbal Peoples.

Copyright

Historical sources and reference material used in the preparation of this report are acknowledged and referenced at the end of each section and/or in figure captions. Reasonable effort has been made to identify, contact, acknowledge and obtain permission to use material from the relevant copyright owners.

Unless otherwise specified or agreed, copyright in this report vests in City Plan Heritage P/L and in the owners of any pre-existing historic sources or reference material.

Disclaimer and Declaration

This report has been prepared by City Plan Heritage P/L with input from a number of other expert consultants (if relevant). To the best of our knowledge, the information contained herein is neither false nor misleading. The report has been prepared to a high standard and is based upon all relevant information and facts that were correct at the time of writing. City Plan Heritage P/L accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.

The report was prepared by Kurt Dixon, Heritage Consultant (BA (History), LLB), in consultation with Alexandra Gangan, Assistant Heritage Consultant (MSCE, BCE, CertIVBusAdmin). Carole-Lynne Kerrigan, Associate Director (MCultHeritage, BA (Cultural Heritage & Museums/Anthropology), HNDArch, MICOMOS) has undertaken the preliminary review of the report. Kerime Danis, Director - Heritage (BArch, MHeritCons (Hons), Associate RAI, MICOMOS & AdCom) has reviewed and endorsed its content.

Right to use

City Plan grants to the client for this project (and the client's successors in title) a perpetual royalty-free right to reproduce or use the material from this report, except where such use infringes the copyright of City Plan Heritage P/L or third parties.

Copyright © City Plan Heritage P/L
ABN 46 103 185 413

City Plan Heritage P/L

Level 6, 120 Sussex St, Sydney NSW 2000
P +61 2 8270 3500

CITYPLAN.COM.AU

TABLE OF CONTENTS

Executive Summary	5
1. Background	6
1.1. Introduction	6
1.2. The Site	6
1.3. Legal Description	7
1.4. Heritage Listing	8
1.5. Proposal	9
1.6. Methodology	16
1.7. Constraints and Limitations	17
1.8. Author Identification	17
2. Site Context and Description	18
2.1. Site Context	18
2.2. Site Description	21
3. Historical Overview	23
3.1. Aboriginal History	23
3.2. Brief Suburb History	23
3.3. History of the Subject Site	27
4. Assessment of Significance	41
4.1. Understanding Heritage Significance	41
4.2. Assessment of Criteria	41
4.3. Statement of Significance	42
4.4. Heritage Items in Proximity	42
4.4.1. Established Significance of Heritage Items in Proximity	42
4.4.2. Significant Views of Heritage Items in Proximity	45
5. Heritage Impact Assessment	48
5.1. Statutory Controls	48
5.1.1. State Environmental Planning Policy (Planning Systems) 2021	48
5.1.2. North Sydney Local Environment Plan 2013	48
5.1.3. North Sydney Development Control Plan 2013	50
5.2. Assessment of Impact on Heritage Items in the Vicinity	50
5.3. Sydney Metro - Crows Nest Over Station Development Design Quality Guidelines (July 2020)	54
5.4. State of New South Wales & Department of Planning and Environment (DPE) Guidelines	56
6. Conclusion and Recommendations	61
7. Bibliography	62

FIGURES

Figure 1: Cadastral Map showing the Subject Site (indicated in red).	6
Figure 2: Aerial Map indicating the Subject Site (indicated in yellow).....	7
Figure 3: Aerial imagery of the site showing the three allotments that form the subject site	7
Figure 4: Heritage Map showing the location of the subject site (indicated in blue) within its surrounding heritage context.....	9
Figure 5: Aerial Imagery showing the location of Sites A, B and C. This Statement of Heritage Impact has been prepared for Site B only.....	10
Figure 6: Render for the proposed OSD at Site B (subject site) showing view from intersection of Pacific Highway and Hume Street.....	14
Figure 7: Render for the proposed OSD at Site B (subject site) showing view from intersection of Clarke Street and Hume Street.....	15
Figure 8: Render of the subject site (indicated by yellow arrow) in its surrounding context. St Leonards high-rise buildings are visible in bottom right corner.	15
Figure 9: Massing Diagram for the subject site showing building footprint.	16
Figure 10: General view facing south of terraced stores along Pacific Highway (facing away from the subject site).	18
Figure 11: View of the heritage items located towards south-west of the subject site (from left to right) I0161, I0162, I0163 and I0164.	18
Figure 12: View of the heritage items I0159 (left) and I0160 (right) located towards south-west of the subject site.....	19
Figure 13: View of the heritage items (from left to right) I0153, I0154, I0155, I0156, I0157 and I0158 located towards south-west of the subject site.....	19
Figure 14: View facing south from the subject site towards heritage items (from left to right) I0166, I0167, I0168, I0169, I0170 and I0171.	20
Figure 15: View facing west from the subject site towards the multi-storey office and residential development at St Leonards.	20
Figure 16: View facing north-west at the intersection of Pacific Highway and Falcon Street towards the subject site.....	21
Figure 17: View looking north-east towards the subject site, at the intersection of Pacific Highway and Hume Street. The construction of the Crows Nest Metro Station podium is underway.	21
Figure 18: View facing north-east from Hume Street, showing western (Hume Street) and southern (Pacific Highway) elevations of the development at the subject site.....	22
Figure 19: View facing north-west on footpath, with subject site hoarding visible on the right.	22
Figure 20: Photograph of Mr Bernhardt Otto Holtermann with the gold 'Holtermann Nugget'	25
Figure 21: Photograph by Mr Holtermann of the Holtermann Mansion at St Leonards.....	26
Figure 22: Photograph by Mr Holtermann of Sydney Harbour, from Lavendar Bay to Millers Point ...	27
Figure 23: Berry's Estate Subdivision Map of 1893, showing a building erected on the corner of the present 491-495 Pacific Highway.....	28

Figure 24: Close up of 1893 Berry Estate Subdivision, showing subject site (indicated in red) and the existing building at the corner of Lane Cove Road (now Pacific Highway) and Hume Street. 29

Figure 25: Sketch attached to Certificate of Title Volume 1227 Folio 10, showing the portion 24 purchased by Charlotte Henstridge in 1897. 29

Figure 26: Bery's Estate Subdivision map from 1901 showing Portions 19-23 for sale..... 31

Figure 27: Close up of 1901 Berry's Estate North Sydney Subdivision Map 32

Figure 28: Sketch attached to Volume 1544 Folio 23 showing portions 19-23 of Section 3 that were for sale in 1904. 32

Figure 29: Notice in the Government Gazette identifying the dissolving of the baking partnership between Mr Percival and Mr Marquett. 33

Figure 30: Sketch attached to Volume 4089 Folio 200 showing brick party wall transferred to Mr Moreau..... 34

Figure 31: Sketch attached to Volume 4238 Folio 142 showing portions 19-23 after Mr Marquett sold the thin part of portion 19 to Mr Moreau. 34

Figure 32: Article in the Catholic Freeman's Journal (15 August 1935) praising M Butler's Bread at the subject site..... 35

Figure 33: 1930 aerial imagery of the site, showing the subject site occupied by two buildings. 35

Figure 34: Zoomed in 1930 aerial imagery, with two buildings within the subject site circled in red ... 35

Figure 35: 1943 aerial imagery of the site (with contemporary lot boundaries). 36

Figure 36: Photograph of Crows Nest intersection from July 1941..... 36

Figure 37: 1951 aerial imagery, showing site remaining clear. 37

Figure 38: Sketch attached to Volume 6512 Folio 170, showing portions owned by the Commonwealth Government in 1952. 37

Figure 39: Sketch attached to Volume 6580 Folio 25, which was issued in October 1952. This shows the small section of the former portion 19 not within the subject site..... 38

Figure 40: 1961 aerial imagery, showing Lot A, indicated in orange and owned by the Commonwealth Government, used as a carpark, and Lot B, indicated in green and owned by Mr Williams, remaining vacant. 38

Figure 41: Sketch attached to Volume 7478 Folio 165, showing the former portions 23 and 24 incorporated in Lot A DP 442804. 39

Figure 42: Aerial imagery of the site from 1965, showing Lot A DP 442804 (indicated in orange) developed, whilst Lot B (indicated in green) remained vacant..... 39

Figure 43: 1975 aerial imagery of the subject site. 39

Figure 44: 1978 aerial imagery of the site 40

Figure 45: 1986 aerial imagery of the subject site 40

Figure 46: 1991 aerial imagery of the subject site. 40

Figure 47: Significant Views Map 46

Figure 48: North Sydney DCP 2013 - Holtermann Estate B HCA. 47

Figure 49: North Sydney DCP 2013 - Holtermann Estate C HCA. 47

EXECUTIVE SUMMARY

City Plan Heritage (CPH) were engaged by Thirdi Group to prepare a Statement of Heritage Impact (SOHI) to accompany a state significant development application for the proposed over station development (OSD) at 'Site B', located at 477, 479 and 491-495 Pacific Highway, Crows Nest. The proposed OSD involves the construction of a 14 storey tower above the Crows Nest Metro Station that accommodates car-parking at levels 5 and 6, and residential apartments from level 7-19 (levels 19 and 20 containing penthouses).

The subject site is not identified as a heritage item on Part 1 of Schedule 5 of the *North Sydney Local Environmental Plan (LEP) 2013*. A physical inspection of the site and desktop historical research confirmed that the site had no heritage significance (as assessed against the Heritage Council of NSW's heritage significance criteria). However, due to the scale of the proposed tower and the subject site being in the immediate vicinity of a number of local heritage items listed on the *North Sydney LEP 2013*, it has the potential to impact on these items. As such, this SOHI considered the proposal's likely impact on surrounding heritage items within the immediate vicinity.

As the proposal involves a state significant development application, the heritage provisions contained within the *North Sydney Development Control Plan (DCP) 2013* are not applicable (as per the *State Environmental Planning Policy (Planning Systems) 2021*). Instead, the heritage provisions within the *North Sydney LEP 2013* have been applied to the proposal, with an assessment of the proposal's impact against each individual heritage item in the vicinity also provided. The proposal was also assessed against the Sydney Metro - Crows Nest Over Station Development Design Quality Guidelines (July 2020), as well as the general considerations within the State of NSW and Department of Planning and Environment's *Guidelines for Preparing a Statement of Heritage Impact (2023)*.

It is considered that the proposed OSD will have some visual impacts on the settings of heritage items in the vicinity of Site B, particularly those opposite the subject site. However, the 14-storey mixed-use tower will be in keeping with the emerging St Leonards high-rise skyline to the immediate north-west of the subject site. This means that significant views and vistas to the heritage items will not be overwhelmed by the proposed 14-storey tower in the background. Some heritage items along the Pacific Highway will be partially overshadowed by the proposed tower, however this will only occur for a few hours of the day, with all heritage items still to receive adequate daylight hours. The tower has also been specifically designed to be non-bulky and well-articulated above the metro station podium. The tower utilises sympathetic materials that emulate the varied corrugated and terracotta roof forms of the surrounding areas, thereby complementing the character of nearby heritage items.

The proposal demonstrates compliance with the existing heritage conservation provisions and design quality guidelines, thus it is recommended for approval.

1. BACKGROUND

1.1. Introduction

City Plan Heritage (CPH) has been engaged by Thirdi Group to assess the potential impact the proposed Stage 2 Over Station Development (OSD) works at 'Site B', located at 477, 479 and 491-495 Pacific Highway, Crows Nest NSW 2065 ('subject site'), may have on the known heritage values of immediately surrounding heritage items within the suburb of Crows Nest.

This Statement of Heritage Impact (SOHI) has been prepared as part of the required assessments to accompany a state significant development application under the *Environmental Planning and Assessment Act 1979*. All recommendations are made in accordance with statutory requirements and cultural heritage best practice.

1.2. The Site

The subject site is located at 477, 479 & 491-495 Pacific Highway, Crows Nest (Figure 1). The site is situated on the northern side of the Pacific Highway, and is bound by Hume Street to the north-west, Clarke Lane to the north-east, and commercial development to the south-east.

The site is located approximately 4.5 km north of the Sydney Central Business District (CBD). For a more detailed description of the site and its context, see *Section 2.0 Site Description and Context*.

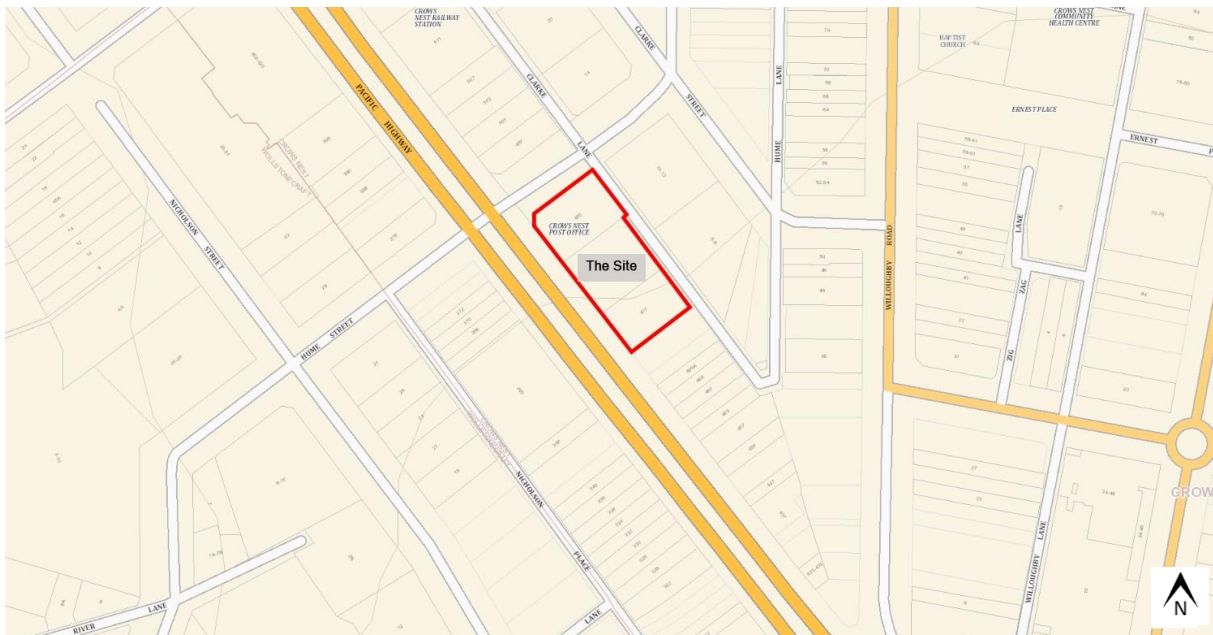


Figure 1: Cadastral Map showing the Subject Site (indicated in red). Source: SIX Maps, 2023.



Figure 2: Aerial Map indicating the Subject Site (indicated in yellow). Source: NearMap, 2023.

1.3. Legal Description

The subject site comprises of Lot 100 DP 747672, Lot 101 DP 747672 and Lot A DP 442804, as per the records held by NSW Land Registry Services (Figure 3).



Figure 3: Aerial imagery of the site showing the three allotments that make the subject site - Lot 100 DP 747672 (477 Pacific Hwy) is indicated in green, Lot 101 DP 747672 (479 Pacific Hwy) in blue, and Lot A DP 442804 (491-495 Pacific Hwy) in orange. Source: City Plan Heritage overlay of SIX Maps Imagery (2022).

1.4. Heritage Listing

The subject site **is not** listed as a heritage item under Part 1 of Schedule of the *North Sydney Local Environmental Plan (LEP) 2013*. The site is also **not** within the boundaries of a designated heritage conservation area (HCA) listed under Part 2 of Schedule 5 of the *North Sydney LEP 2013*.

The site is; however, in proximity to the following heritage items and heritage conservation areas listed on the *North Sydney LEP 2013* (see Figure 4).

Environmental Planning and Assessment Act, 1979
North Sydney Local Environmental Plan (LEP) 2013, Part 1 Heritage items
'Higgins Buildings', 366 Pacific Highway, item no. I0166
'Higgins Buildings', 368 Pacific Highway, item no. I0167
'Higgins Buildings', 370 Pacific Highway, item no. I0168
'Higgins Buildings', 372 Pacific Highway, item no. I0169
'Higgins Buildings', 374 Pacific Highway, item no. I0170
'Higgins Buildings', 376 Pacific Highway, item no. I0171
'Shop', 330 Pacific Highway, item no. I0160
'Shop', 332 Pacific Highway, item no. I0161
'Shop', 334 Pacific Highway, item no. I0162
'Shop', 336 Pacific Highway, item no. I0163
'Shop', 338 Pacific Highway, item no. I0164
'Shop', 312 Pacific Highway, item no. I0153
'Shop', 314 Pacific Highway, item no. I0154
'Shop', 316 Pacific Highway, item no. I0155
'Shop', 318 Pacific Highway, item no. I0156
'Shop', 320 Pacific Highway, item no. I0157
'Shop', 322 Pacific Highway, item no. I0158
'Shop', 326 Pacific Highway, item no. I0159
'Former National Australia Bank', 308 Pacific Highway, item no. I0152
'Bank', 306 Pacific Highway, item no. I0151
'Willoughby House, former OJ Williams store', 429 Pacific Highway, item I0172

Environmental Planning and Assessment Act, 1979

'Crows Nest Hotel', 1-3 Willoughby Road, item no. I0181

'Northside Baptist Church', 63 Willoughby Road, item no. I0182

'St Leonards Centre', 28-34 Clarke Street, item no I0141

North Sydney Local Environmental Plan (LEP) 2013, Part 2 Heritage conservation areas

Holtermann Estate B Heritage Conservation Area, area number CA08

Holtermann Estate C Heritage Conservation Area, area number CA09



Figure 4: Heritage Map showing the location of the subject site (indicated in blue) within its surrounding heritage context. Source: North Sydney LEP 2013, Heritage Map – Sheet HER_001.

1.5. Proposal

Project Background

The Crows Nest Metro Station is one of the seven new metro stations approved as part of the Chatswood to Sydenham metro project under Critical State Significant Infrastructure (CSSI 15-7400). A Concept

State Significant Development Application (SSD-9579) ('Concept Approval') was approved in December 2020, which provided for mixed use development across three sites (known as 'Site A', 'Site B' and 'Site C' on Figure 5) integrated within the Crows Nest Metro Station. This Concept Approval establishes the planning and assessment framework for all subsequent detailed applications to follow.



Figure 5: Aerial Imagery showing the location of Sites A, B and C. This Statement of Heritage Impact has been prepared for Site B only. Source: Overlay by CPH of SIX Maps aerial imagery (2022).

SSD-61400212 SEARS (Secretary's Environmental Assessment Requirements) were issued to Thirdi Property Pty Ltd on 25 August 2023. This project forms part of the Stage 2 detailed development application for 'Site B', situated at 477, 479 and 491-495 Pacific Highway, Crows Nest.

The SEARs set out requirements for Environmental Heritage (Key Issue #20) as:

Where there is potential for direct or indirect impacts on the heritage significance of environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (if potential impacts to archaeological resources are identified), prepared in accordance with the relevant guidelines, which assesses any impacts and outlines measures to ensure they are minimised and mitigated.

Proposed Development

The proposed 14 storey tower development is to be constructed above the Crows Nest Metro Station podium at Site B. The Metro Station is comprised of 3 levels:

- **Ground Level - Hume Street** includes the OSD tower lobby, retail and back of house spaces
- **Level 01** includes a retail mezzanine, back of house, and a loading dock which is used for OSD garbage collection and is a future easement for rail authority access

- **Level 02** contains plant rooms for the metro station

The OSD car parking levels are located on level 5 and 6. These are naturally ventilated with 27 car parking spaces on level 5 and 28 car spaces on level 6. There is a total of 55 spaces

Apartments are located from level 7 to level 19. Levels 19 and 20 contain penthouses. There are 130 total apartments across the tower.

A roof terrace on level 21 includes communal gardens and pools, as well as private penthouse terraces.

This SOHI has assessed the following information provided by Woods Bagot.

Woods Bagot			
Date	Title	Drawing No	Revision
14.08.2024	Cover Sheet	DA-0000	A
14.08.2024	Site Location	DA-1101	A
14.08.2024	Site Analysis	DA-1102	A
14.08.2024	Existing Site Plan	DA-1103	A
14.08.2024	Proposed Site Plan	DA-1104	A
14.08.2024	Demarcation Diagrams	DA-1105	A
14.08.2024	Concept Approval Building Envelope	DA-1111	A
14.08.2024	Concept Approval Building Envelope	DA-1112	A
14.08.2024	Development Envelope Diagram	DA-1113	A
14.08.2024	Compliance Massing Study - North West	DA-1121	A
14.08.2024	Compliance Massing Study - South East	DA-1122	A
14.08.2024	B0 Plant Mezzanine	DA-2208	A
14.08.2024	Ground Level - Hume Street	DA-2209	A
14.08.2024	Level 01	DA-2210	A
14.08.2024	Level 02	DA-2212	A
14.08.2024	Carpark Level 05	DA-2215	A
14.08.2024	Carpark Level 06	DA-2216	A
14.08.2024	Level 07	DA-2217	A
14.08.2024	Level 08	DA-2218	A
14.08.2024	Typical Apartment Levels - L09-15	DA-2219	A
14.08.2024	Typical Apartment Levels - L17 - 18	DA-2228	A

Woods Bagot			
14.08.2024	Lower Penthouse - L19	DA-2229	A
14.08.2024	Upper Penthouse - L20	DA-2230	A
14.08.2024	Roof Terrace	DA-2231	A
14.08.2024	Roof Plan	DA-2232	A
14.08.2024	GFA Diagram	DA-2301	A
14.08.2024	Storage Summary	DA-2302	A
14.08.2024	Solar Access	DA-2303	A
14.08.2024	Cross Ventilation	DA-2304	A
14.08.2024	Detailed Plan - Adaptable Unit Layouts	DA-2311	A
14.08.2024	Detailed Plan - Adaptable Unit Layouts	DA-2312	A
14.08.2024	Pacific Highway Elevation Existing	DA-3101	A
14.08.2024	North and South Elevations Existing	DA-3102	A
14.08.2024	Elevations	DA-3201	A
14.08.2024	Elevations	DA-3202	A
14.08.2024	Long Section	DA-3206	A
14.08.2024	Short Section	DA-3207	A
14.08.2024	Short Section	DA-3208	A
14.08.2024	Detailed Arrangements	DA-4201	A
14.08.2024	Detailed Arrangements	DA-4202	A
14.08.2024	Detailed Arrangements	DA-4203	A
14.08.2024	Detailed Arrangements	DA-4204	A
14.08.2024	Detailed Arrangements	DA-4205	A
14.08.2024	Detailed Arrangements	DA-4206	A
14.08.2024	Detailed Arrangements	DA-4207	A
14.08.2024	Detailed Arrangements	DA-4208	A
14.08.2024	Detailed Arrangements	DA-4209	A

Woods Bagot			
14.08.2024	Detailed Arrangements	DA-4210	A
14.08.2024	Detailed Arrangements	DA-4211	A
14.08.2024	Detailed Arrangements	DA-4212	A
14.08.2024	Shadow Diagrams 1	DA-7701	A
14.08.2024	Shadow Diagrams 2	DA-7702	A
14.08.2024	Shadow Diagrams 3	DA-7703	A
14.08.2024	Shadow Diagrams 4	DA-7704	A
14.08.2024	Shadow Diagrams 5	DA-7705	A
14.08.2024	Sun Eye Diagram	DA-7721	A
14.08.2024	Materiality	DA-8801	A
14.08.2024	Computer Generated Images	DA-8802	A
14.08.2024	Computer Generated Images	DA-8803	A
14.08.2024	Computer Generated Images	DA-8804	A
14.08.2024	Computer Generated Images	DA-8805	A

The following renders were supplied to CPH by Woods Bagot. These contribute to the heritage impact assessment phase of this SOHI (*Section 5*).



Figure 6: Render for the proposed OSD at Site B (subject site) showing view from intersection of Pacific Highway and Hume Street.



Figure 7: Render for the proposed OSD at Site B (subject site) showing view from intersection of Clarke Street and Hume Street.

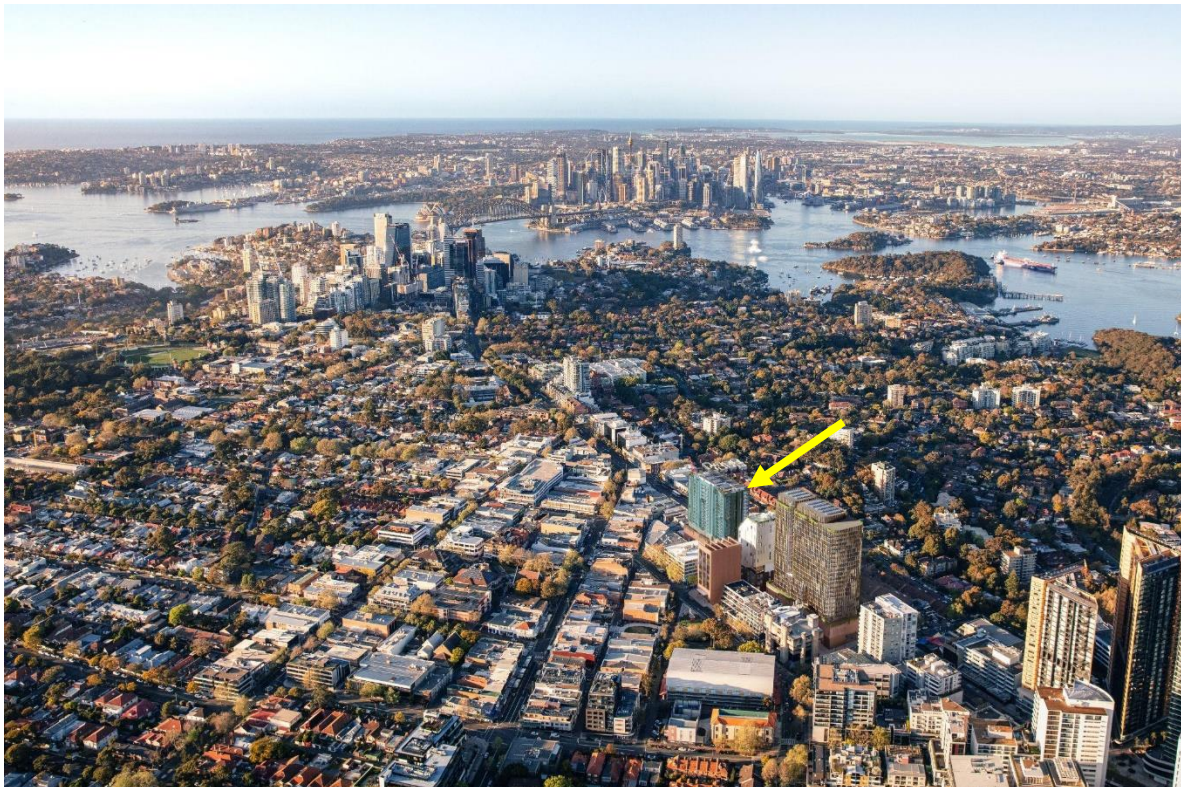


Figure 8: Render of the subject site (indicated by yellow arrow) in its surrounding context. St Leonards high-rise buildings are visible in bottom right corner.



Figure 9: Massing Diagram for the subject site (indicated by yellow arrow) showing building footprint. NOTE: This massing diagram does not indicate the proposed articulation of the OSD. It is only incorporated in this SOHI to identify the high-rise context to the north of the site, at St Leonards. Also note the bulky Site A (indicated by blue arrow) is not part of this assessment.

Relevant Reports

The following previous studies and reports were reviewed during production of this report. Relevant information has been included where necessary:

- *Chatswood to Sydenham Environmental Impact Statement - Technical Paper 4: Non-Aboriginal Heritage Impact Assessment*, prepared by Artefact Heritage, May 2016
- *Chatswood to Sydenham Environmental Impact Statement - Technical Paper 5: Aboriginal Heritage Archaeological Assessment*, prepared by Artefact Heritage, May 2016
- *Sydney Metro City & Southwest - Crows Nest Over Station Development Statement of Heritage Impact*, prepared by Extent Heritage Advisory for Sydney Metro Authority, November 2018
- *Crows Nest Metro Station - Aboriginal Heritage Interpretation Plan - Contribution*, prepared by Wolfpeak, March 2020

1.6. Methodology

This SOHI relates to the proposed OSD at the subject site. It has been prepared in accordance with the State of NSW and Department of Planning and Environment's, *Guidelines for Preparing a Statement of Heritage Impact, 2023* and *Assessing Heritage Significance, 2023*. It is also guided by the philosophy and processes included in *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013* (Burra Charter).

The subject proposal has been assessed in relation to the relevant heritage provisions contained within the *North Sydney LEP 2013* and the *Sydney Metro - Crows Nest Over Station Development Design Quality Guidelines* (July 2020). As the proposal is a State Significant Development [SSD], the heritage controls contained within the *North Sydney Development Control Plan* (DCP) 2013 are not relevant to the assessment of the site. This SOHI forms one of a collection of specialist reports.

Research for this SOHI has adopted a two-stepped approach. Step 1 comprised a desktop assessment and Step 2 was a site survey. This document provides the combined findings and recommendations resulting from this approach.

Step 1

Research into the early development of the site was undertaken to get a better understanding of the place. In addition, the Aboriginal Heritage Information Management System (AHIMS) was searched to establish the location and background information on any Aboriginal objects or Aboriginal Places that are known to have special significance with respect to Aboriginal cultural values. Further, the *North Sydney LEP 2013* and the State Heritage Register (SHR) were examined to determine the known heritage values of the subject site.

Step 2

A survey of the site was carried out by Asmita Bhasin, Heritage Consultant (MURbanism (HeritCons), BArch, MICOMOS) on 28/10/2023 with the purpose of photographing and understanding the place. All results are presented in *Section 2 Site Context and Description*.

1.7. Constraints and Limitations

- Accurate measured drawings do not form part of this assessment.
- This report does not include a heritage landscape assessment.
- This report does not form part of the building consent process.
- The assessment in this report relates to the proposed works and documentation described in 1.5 Proposal and 1.6 Methodology. It does not relate to any additional or revised documentation by any party.
- This report does not include for an archaeological assessment or opinions regarding such matters; neither does it form part of a Section 140 Application for an Excavation Permit or Section 144 Application for an Excavation Variation Permit
- This assessment does not include an assessment of Aboriginal values. An assessment of the Aboriginal cultural significance of an area can only be made by Aboriginal communities.
- CPH were not involved in the design process.
- Only a visual assessment of the subject site was carried out. Intrusive methods were not employed.
- This report does not include for the provision of a title search for the subject site.

1.8. Author Identification

The following report has been prepared by Kurt Dixon, Heritage Consultant (BA (History), LLB), in consultation with Alexandra Gangan, Assistant Heritage Consultant (MSCE, BCE, CertIVBusAdmin). Carole-Lynne Kerrigan, Associate Director (MCultHeritage, BA(Cultural Heritage & Museums/Anthropology), HNDArch, MICOMOS) has undertaken the preliminary review of the report. Kerime Danis, Director - Heritage (BArch, MHeritCons (Hons), Associate RAlA, MICOMOS & AdCom) has reviewed and endorsed its content.

2. SITE CONTEXT AND DESCRIPTION

2.1. Site Context

The subject site is situated on the northern side of the Pacific Highway within the suburb of Crows Nest, which is approximately 4.5km north of the Sydney CBD. The area of the Pacific Highway in the immediate vicinity of the subject site is characterised by two storey terraced commercial development, with many of these identified as local heritage items on Part 1, Schedule 5 of the *North Sydney LEP* 2013. These have primarily facebrick or rendered finishes with decorative parapets and pilasters. Visible to the north-west of the subject site in the background are multi-storey residential and office towers in St Leonards, whilst Clarke Street to the north of the site features multiple multi-storey mixed-use development.

The following images capture the immediate context of the subject site.



Figure 10: General view facing south of terraced stores along Pacific Highway (facing away from the subject site).



Figure 11: View of the heritage items located towards south-west of the subject site (from left to right) I0161, I0162, I0163 and I0164.



Figure 12: View of the heritage items I0159 (left) and I0160 (right) located towards south-west of the subject site. Note the building in the centre (with 'Antique Book Store' sign) is not identified as a heritage item.



Figure 13: View of the heritage items (from left to right) I0153, I0154, I0155, I0156, I0157 and I0158 located towards south-west of the subject site.



Figure 14: View facing south from the subject site towards heritage items (from left to right) I0166, I0167, I0168, I0169, I0170 and I0171.



Figure 15: View facing west from the subject site towards the multi-storey office and residential development at St Leonards.



Figure 16: View facing north-west at the intersection of Pacific Highway and Falcon Street towards the subject site. Heritage item I0181 - Crows Nest Hotel (right) and I0172 - Willoughby House, former OJ Williams storey (centre) are indicated.

2.2. Site Description

The subject site contains the recently constructed Sydney Metro Crows Nest Station. During the site inspection in October 2023 the site was surrounded by hoarding and scaffolding, with the above ground works associated with the SSI Stage 1 works underway. The site itself is rectangular in shape with primary frontage to Pacific Highway and secondary frontages to Hume Street and Clarke Lane.

The following photographs capture the former views of the subject site as of October 2023. Since then, the Crows Nest Metro Station has been constructed.



Figure 17: View looking north-east towards the subject site, at the intersection of Pacific Highway and Hume Street. The construction of the Crows Nest Metro Station podium was underway during the site inspection in October 2023.



Figure 18: View facing north-east from Hume Street, showing western (Hume Street) and southern (Pacific Highway) elevations of the development at the subject site. The construction of the Crows Nest Metro Station podium was underway at the time of the inspection in October 2023.



Figure 19: View facing north-west on footpath, with subject site hoarding visible on the right.

3. HISTORICAL OVERVIEW

3.1. Aboriginal History

The following is a brief recap on the indigenous history of the subject site based on a desktop study.

The traditional custodians of the land in Cammeray area are the Cammeraygal people. The following history of the Cammeraygal people has been extracted from North Sydney Council website.¹

The Cammeraygal Aboriginal people lived on the North Shore of the harbour for many thousands of years before the British arrived, making use of the bushland and coastal environment around them for food, medicine, shelter and tools and spiritual practices...

They were a clan of the Guringai language group. The Cammeraygal lived a sustainable lifestyle in keeping with the Dreaming. This area provided bountiful water resources with easy access to the harbour for bark canoes. Bush resources for food and tools were plentiful. This gave the Aboriginal people plenty of time for Spiritual practice and ceremony.

It is written in history that Cammeraygal were the main clan in the region that held the initiation ceremonies for the men and were feared, but also looked up to. The Cammeraygal were known over a very wide area and early historians wrote and drew of their ritual ceremonies. Early paintings show the Cammeraygal tooth removal ceremony.

For the Cammeraygal people, their way of living with Country and spirit followed the rules of the Dreamtime, and was learned and expressed in the Dreaming. Obligations for family and each other were expressed in Kinship lore and with Totems.

3.2. Brief Suburb History

The following brief history of the suburb of Crows Nest has been extracted from North Sydney Council's North Sydney History Walks Brochure for Crows Nest, prepared by Dr Ian Hoskins.²

Crows Nest is named after the farm and cottage established by Edward Wollstonecraft on his 1821 land grant. The estate passed to Wollstonecraft's partner Alexander Berry after his death. The Lane Cove Road (now the Pacific Highway) roughly marked the eastern boundary of the estate. Berry added to the holding with purchases to the east of the road. Subdivided after his death in 1873, that land forms the heart of present-day Crows Nest.

Edward Wollstonecraft was a merchant and landowner who was granted 2,000 acres of land by Governor Lachlan Macquarie in the early 1820s, with 500 acres of this landowning on the north side of Sydney Harbour (where the subject site is located).³ Alongside Alexander Berry, the pair formed Berry and Wollstonecraft and were very influential in the early development of the colony, particularly in the 1820s. The pair would be granted an additional 10,000 acres of land in the Shoalhaven district where they felled and sawed trees and experimented with crops that were sold for large profits to the growing colony. Mr Wollstonecraft also served as a magistrate and a director of the Bank of NSW and Bank of Australia before he passed away on 7 December 1832.⁴

From *Sydney Metro City & Southwest - Crows Nest Over Station Development Statement of Heritage Impact* (prepared by Extent Heritage in November 2018):⁵

The land [at North Sydney, part of the subject site that was granted to Wollstonecraft] was described as "exclusive of sands and rocks." In this spot, he built a small cottage located at the top of a hill, which was named 'Crow's Nest'. Though not located inside the suburb's boundaries, it would be after this cottage that 'Crow's Nest' was named. In 1827, Elizabeth Wollstonecraft, the

¹ North Sydney Council, 'Coal Loader Sustainability Learning Guide – Chapter 2 – Aboriginal Heritage', available from: <https://www.northsydney.nsw.gov.au/coal-loader-1/coal-loader-sustainability-learning-guide>.

² North Sydney Council, 'North Sydney History Walks - Crows Nest', available from: <https://www.northsydney.nsw.gov.au/downloads/file/508/crows-nest-history-walk>.

³ M D Stephen, 'Edward Wollstonecraft (1783-1832)', *Australian Dictionary of Biography*, Volume 2, 1967, available from: <https://adb.anu.edu.au/biography/wollstonecraft-edward-2812>.

⁴ Ibid.

⁵ Extent Heritage, November 2018, *Sydney Metro City & Southwest - Crows Nest Over Station Development - Statement of Heritage Impact*, prepared for Sydney Metro Authority.

sister of Edward Wollstonecraft, migrated to New South Wales and married Alexander Berry on 21 September 1827.

...

Following Edward Wollstonecraft's death in 1838 [sic], Elizabeth and Alexander took ownership of his Crows Nest holdings. They subsequently accumulated land to the east of the estate, including the parcels on which the current subject site exists. By the mid-18th Century, land holdings in the north shore were, on average, becoming larger and accumulating in the hands of fewer people. Some of these owners, such as Alexander Berry, began subdividing and selling off portions of his estates near Lane Cove Road (now Pacific Highway) after the death of Elizabeth. However, around Crows Nest, sales of these lots were few and, after this experience, Berry was reluctant to engage in further land division.⁶

By the mid-18th Century, estate subdivision was becoming more common in the south and western areas around Sydney, however, the process in North Sydney was still comparatively slower. Roads through the North Shore typically started at the shoreline and followed the lines of least resistance, often along ridge lines, to access locations where good timbers for milling could be found. Though having already existed as one such track for decades, Lane Cove Road was proclaimed in 1845 in connexion with the road from Billy Blue's Point to St Leonards. By 1852, the road, which was 66 feet wide, became the responsibility of the government. Lane Cove Road began at the Milsons Point wharves and tracked up ridge line, through Berry's estate.⁷

...

In spite of the creation of a municipality [in the North Shore in 1859], the population was sparse and still growing slowly. The gold rush of the 1850s had exponentially increase the population of New South Wales, such that, in 1856, the total population was 252,640 but the population of Sydney was 42,240. As a place to live, North Sydney was not conveniently located and lacked the industry necessary to maintain a working population. This was such that, in 1859, the number of families listed as residing in the North Shore was 151. However, in 1861, the North Shore Ferry Company was established and it began operating a regular services from Circular Quay to Milsons Point, which rapidly grew. The impact of the North Shore Ferry Company was such that, by 1867, the number of families in the area had increased to 328. Nonetheless, most of these families were still located in or around the shoreline.⁸

In the 1870s, the inheritor of Alexander Berry's Estate, Sir John Hay, sold parcels of land from North Sydney to Mr Bernhardt Otto Holtermann. Mr Holtermann was a German migrant who struck fortune on 19 October 1872 when a mine shaft he laid claim to (the 'Star of Hope' mine on Hawkins Hill in Hill End) extracted the world's largest gold reef specimen. This nugget, which weighed 630lb (286kg), was valued at the time as approximately £12,000, which would be worth around 5.2 million dollars today. Mr Holtermann was photographed this nugget in c.1875 (Figure 20). A correspondent for the *Sydney Morning Herald* described it at the time as:

*The largest and richest specimen this colony has produced, I suppose, was taken from the claim of Beyers and Holtermann. It is really a wonderful one - A SLAB OF GOLD.*⁹

With his new found wealth, Mr Holtermann would build a palatial house with a tower on the heights of St Leonards in 1874 (Figure 21), and it is from here that he captured various photographs of the surrounding North Shore area (Figure 22). By the 1880s, Holtermann made extensive land purchases, leading to the consolidated subdivision of large areas around Crows Nest.¹⁰ He would pass away in 1885, leaving an estate of £54,000.

⁶ G. J. R. Linge, *Industrial Awakening*, 1979, p. 98.

⁷ Eric Russell, *Lane Cove 1788, 1895, 1970: A North Shore History*. The Council of the Municipality of Lane Cove, p. 12.

⁸ Garry Wotherspoon, *Dictionary of Sydney*, 'Ferries', 2008.

⁹ *The Sydney Morning Herald*, 'Hill End', 25 October 1872, p. 3, available from: <https://trove.nla.gov.au/newspaper/article/13265391>.

¹⁰ Keast Burke, 'Holtermann Bernhart Otto (1839-1885)', *Australian Dictionary of Biography*, Volume 4, 1972, available from: <https://adb.anu.edu.au/biography/holtermann-bernhardt-otto-3787>.



Figure 20: Photograph of Mr Bernhard Otto Holtermann with the gold 'Holtermann Nugget' which he uncovered. Utilising this new wealth, he would purchase land in North Sydney. Source: State Library NSW, 'B.O. Holtermann with the Holtermann Nugget' (c.1874-1876), Record Identifier YJ7Q2MX9, available from: <https://collection.sl.nsw.gov.au/record/YJ7Q2MX9>.



Figure 21: Photograph by Mr Holtermann of the Holtermann Mansion at St Leonards, built in 1874. This was demolished by the 1930s. Source: State Library NSW, 'Holtermann Mansion, North Sydney', Record Identifier Yj7Q2419, available from: <https://collection.sl.nsw.gov.au/record/Yj7Q2419>.



Figure 22: Photograph by Mr Holtermann of Sydney Harbour, from Lavendar Bay to Millers Point, taken from Holtermann's Tower. Source: State Library NSW, 'Glass plate negatives forming part of the panorama of Sydney harbour and its suburbs taken from the tower of Holtermann's residence in St Leonards', 1875, Record Identifier 9gkdwOJ9, available from: <https://collection.sl.nsw.gov.au/record/9gkdwOJ9/0OZWOpAXzDm>.

Following Alexander Berry's death, his landholdings, including the 500 acre area which was part of Edward Wollstonecraft's original grant, was subdivided and sold by executor Sir John Hay, a prominent politician and President of the NSW Legislative Council (1873-1892).¹¹ Sir John Hay inherited these lands as his wife, Lady Hay, was a related cousin of Mr Berry.¹² The subdivided land became known as the Berry Estate subdivision, which was advertised multiple times, including in 1893 (see Figure 23).

3.3. History of the Subject Site

Pre-1950 Development of the Site

According to the *Statement of Heritage Impact* for the site prepared by Extent Heritage in November 2018, the first structure recorded within the subject site was that of a residence built in 1884 by Ernest Henstridge.¹³ This single storey brick house with five bedrooms and an iron roof is likely that which was constructed at the corner of Hume Street and Pacific Highway, visible in the 1893 Berry Estate Subdivision map (Figure 23 and Figure 24).

¹¹ *Parliament of NSW*, 'Sir John Hay, K.C.M.H (1816-1892)', available from: <https://www.parliament.nsw.gov.au/members/Pages/member-details.aspx?pk=443>.

¹² *At Home in North Sydney*, 'Wollstonecraft / Berry estate', available from: <https://www.athomeinnorthsydney.com.au/berry-estate.html>.

¹³ Extent Heritage, November 2018, *Sydney Metro City & Southwest - Crows Nest Over Station Development - Statement of Heritage Impact*, prepared for Sydney Metro Authority.



Figure 23: Berry's Estate Subdivision Map of 1893, showing a building erected on the corner of the present 491-495 Pacific Highway. Source: State Library of NSW, [Crows Nest subdivision plans] [cartographic material], SP/C34/4 - Berry's Estate, Crows Nest No. 3 sub, North Sydney, available from: <https://collection.sl.nsw.gov.au/record/74VvqZgxK02Z/a7wOeE34OX5V7>.



Figure 24: Close up of 1893 Berry Estate Subdivision, showing subject site (indicated in red) and the existing building at the corner of Lane Cove Road (now Pacific Highway) and Hume Street.

495 Pacific Highway

According to the land title documents, Portion 24 of Section 3 (at the corner of Lane Cove Road and Hume Street) was not formally acquired until 10 August 1897 when it was purchased by Charlotte Henstridge, the wife of Ernest Henstridge (Certificate of Title Volume 1227 Folio 10 - Figure 25). This land title document identified Charlotte's husband Ernest Henstridge as a painter from North Sydney.

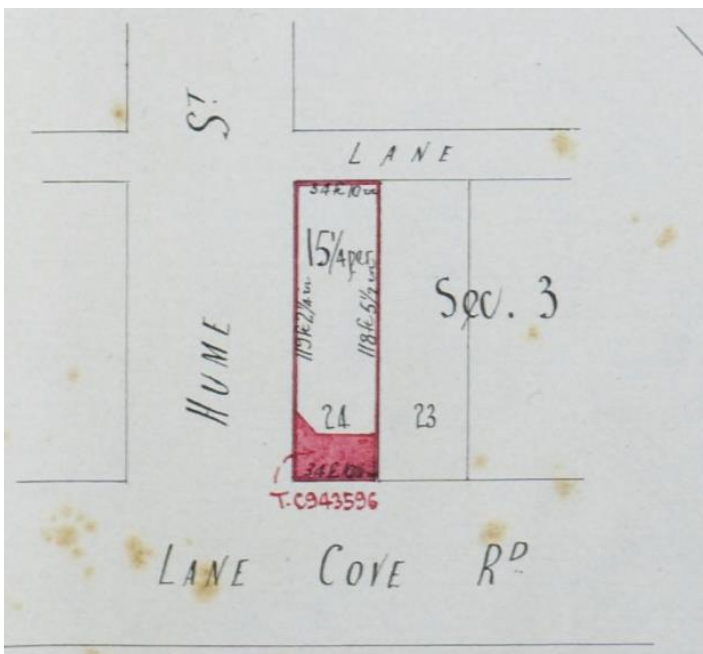


Figure 25: Sketch attached to Certificate of Title Volume 1227 Folio 10, showing the portion 24 purchased by Charlotte Henstridge in 1897. Source: NSW LRS HLRV.

Ernest Henstridge would pass away "at his residence" of 83 Burlington Street, North Sydney at the age of 59 in February 1909.¹⁴ This suggests that the couple did not necessarily reside at that property on Lane Cove Road. Mrs Henstridge would survive her husband for a number of years before passing away herself in December 1939.¹⁵ The family notice in the *Sydney Morning Herald (SMH)* identifies that she resided at 493 Pacific Highway, Crows Nest, suggesting that she must have moved back to the property at some stage during her 55 years of ownership. Following Mrs Henstridge's death, the property would transfer by transmission to Walter Archibald Beattie, a bank official, and Douglas Lyford Beattie, a draftsman. The aforementioned *SMH* article identifies Walter and Douglas as Mrs Henstridge's grandchildren. The two would transfer part of the site at the corner of the allotment to the Commissioners for Mains Roads in September 1940 (area identified in red in Figure 25) for road widening. In the following years, Walter and Douglas would add their brother Stanley Alexander Beattie as an owner of the property, with the three owning the property as tenants in common. Three Certificates of Title were subsequently issued - Volume 5212 Folios 232, 233 & 234.

In November 1947, Stanley Alexander Beattie, who was a tally clerk, passed away (aged 47) after suffering a heart seizure in his home at 132 Alexander Street, Crows Nest.¹⁶ This resulted in his share in the property transferring to Alexander Beattie, a retired police superintendent. Superintendent Beattie was in charge of the Eastern Police District (which included Wollongong).¹⁷ Alexander would transfer this share in the property back to Douglas and Walter by mid-1948, with new Certificates of Title issued (Volume 5887 Folios 222 and 223). By June 1952, Walter and Douglas' landholdings would be acquired by the Commonwealth Government alongside neighbouring allotments to the south, with a new Certificate of Title issued for the combined landholding - Volume 6512 Folio 170.

477 - 493 Pacific Highway

Portions 19 - 23 of Section 3 of Deposited Plan 2872, established as part of the Alexander Berry Estate subdivision, were sold to Horace Walter Buck in March 1906 (Certificate of Title Volume 1682 Folio 95, see Figure 28). These were advertised for sale for a number of years, including in 1901, by which time the adjacent Portion 24 had already been purchased by Charlotte Henstridge (see subdivision map at Figure 26 and Figure 27).

¹⁴ *The Sydney Morning Herald*, 'Family Notices', 13 February 1909, p. 12, available from: <https://trove.nla.gov.au/newspaper/article/15035810>.

¹⁵ *The Sydney Morning Herald*, 'Family Notices', 12 December 1939, p. 10, available from: <https://trove.nla.gov.au/newspaper/article/17636015>.

¹⁶ *Daily Mirror*, 'Lonely Death in Own Home', 26 November 1947, p. 16, available from: <https://trove.nla.gov.au/newspaper/article/273217859>.

¹⁷ *South Coast Times and Wollongong Argus*, 'Police Association', 7 April 1933, p. 12, available from: <https://trove.nla.gov.au/newspaper/article/143030582>.

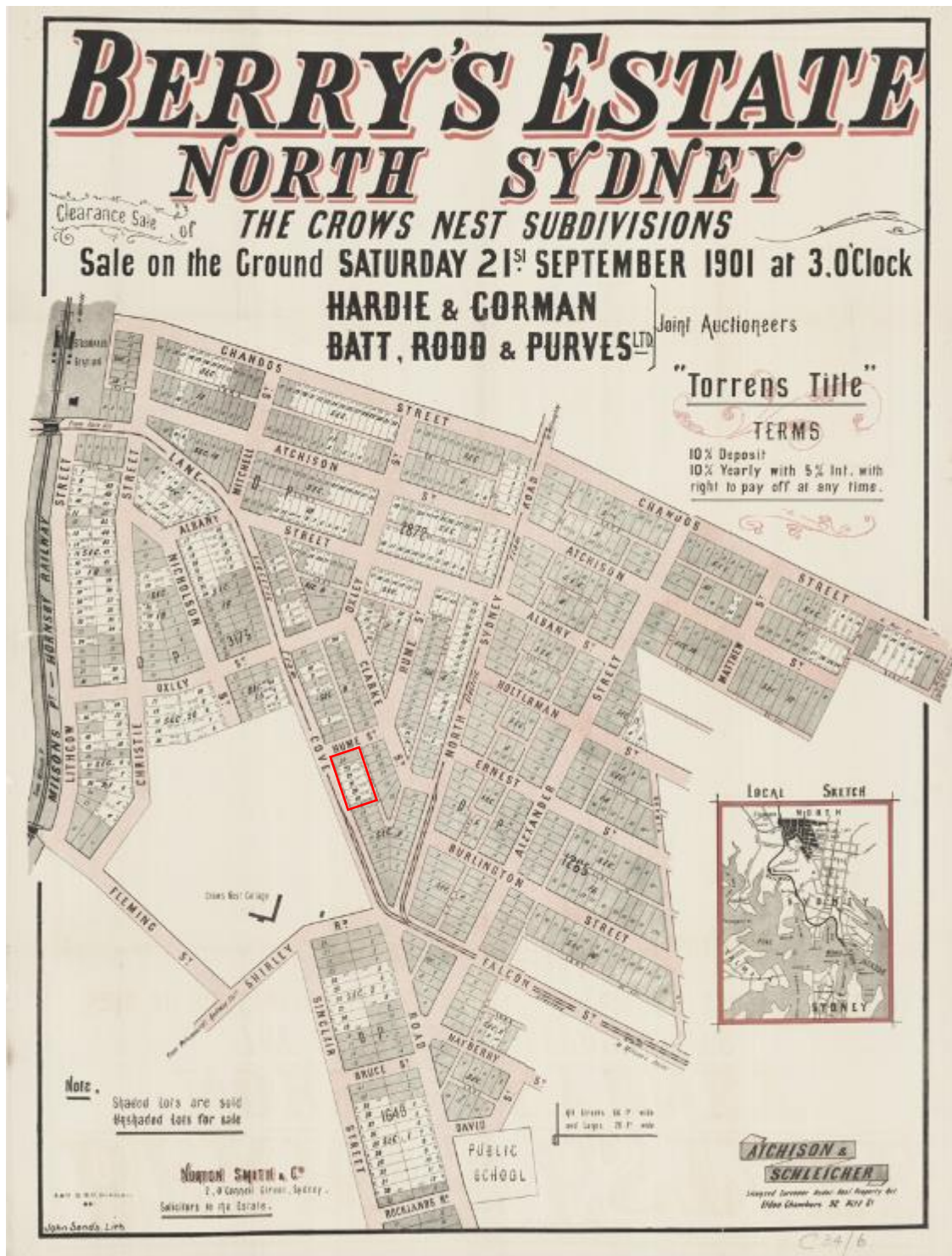


Figure 26: Bery's Estate Subdivision map from 1901 showing Portions 19-23 for sale (identified in red). Source: State Library of NSW, [Crows Nest subdivision plans] [cartographic material], SP/C34/6 - Berry's Estate, North Sydney, the Crows Nest Subdivision, 1901, available from: <https://collection.sl.nsw.gov.au/record/74VvqZgxKO2Z/5eLGAQqPA450g>.

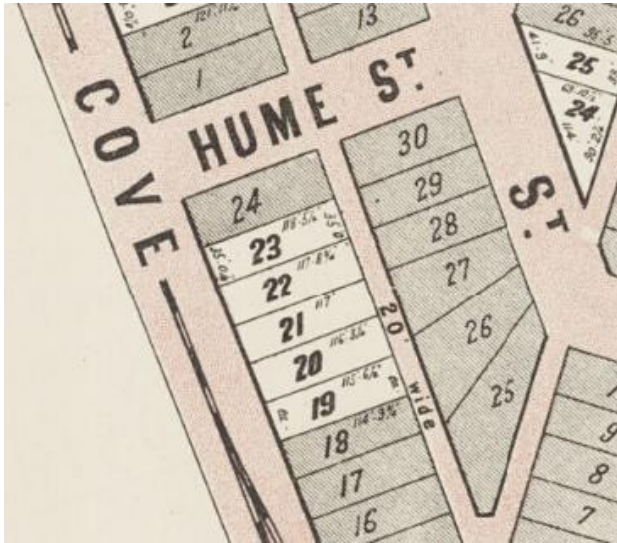


Figure 27: Close up of 1901 Berry's Estate North Sydney Subdivision Map, showing portions 19-23 for sale. These unshaded allotments were advertised for sale on Saturday 21 September 1901.

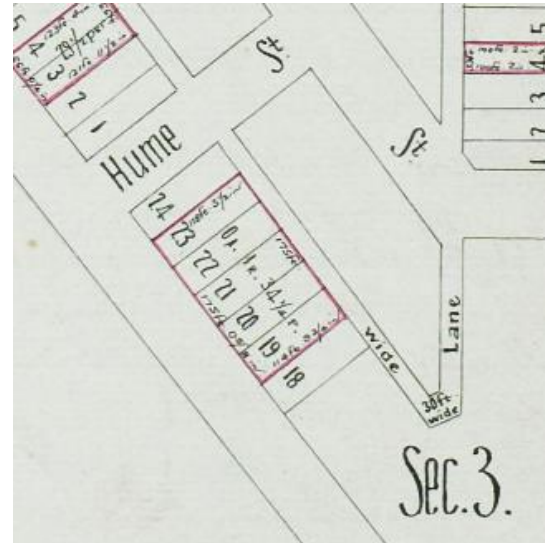


Figure 28: Sketch attached to Volume 1544 Folio 23 showing portions 19-23 of Section 3 that were for sale in 1904. Portion 24 was already acquired by Charloette Henstridge in 1897. Source: NSW LRS HLRV.

Horace Walter Burke was identified on the land title document as an agent from Sydney. It appears he purchased the allotments in March 1906 to resell them, as by September 1906 the landholding was sold to Mr Matthew Butler. Mr Butler was identified on the transfer as a master baker from North Sydney. It appears that he established a bakery on the site, with "Butler M" identified as occupying 327 Lane Cove Road in the 1912 *Sands Postal Directory*.¹⁸ Mr Butler would pass away in early 1920, with his death reported in the *Sydney Morning Herald*.¹⁹ The short article identifies his residence as "St Leonard's Bakery, Lane Cove Road, Crow's Nest." As he had limited relatives in Australia, the landholding was transferred by transmission in September 1921 to Reginald Augustus Rawley Moss, an accountant from North Sydney, and Thomas Le Gay Holthouse, who worked in the flour industry in Bondi.²⁰

The two would sell the property in February 1922 to Samuel Holden Whittaker and Charles Alfred Percival as tenants in common, with new Certificates of Title issued (Volume 3278 Folio 232 & 233). Mr Whittaker was identified on the land title document as a commercial traveller from Burwood, whilst Mr Percival was a master baker from Burwood. From a notice published in the *Government Gazette of NSW*, the two appeared to carry out a bakery business "under the name, style and firm of M. Butler at Lane Cove Road, North Sydney."²¹ This business did not appear to last long however as the partnership between the two was dissolved in March 1922, with John Whittaker disposing of his interest to Mr John Raymond Marquett. Mr Marquett was identified on later land title documents as a baker from Strathfield. Mr Marquett and Mr Percival would continue the bakery business together until October 1922, whereby Mr Percival withdrew from the partnership "at Nos 325 to 333 Lane Cove Road, North Sydney" (see Figure 29).²² Around this time, Mr Whittaker and Mr Percival formally transferred ownership of the property to Mr Marquett. This resulted in the issuing of a new Certificate of Title for the property (Volume 3390 Folio 65).

¹⁸ John Sands, *Sands Postal Directory*, Part 6 - Suburban Directory - Newtown to Petersham, 1912, available from: <https://archives.cityofsydney.nsw.gov.au/nodes/view/1899801>.

¹⁹ *The Sydney Morning Herald*, 'Mr Matthew Butler', 2 February 1920, p. 8, available from: <https://trove.nla.gov.au/newspaper/article/15885071>.

²⁰ *The Sydney Morning Herald*, 'Mr T Le Gay Holthouse', 20 October 1932, p. 16, available from: <https://trove.nla.gov.au/newspaper/article/16923847>.

²¹ *Government Gazette of the State of New South Wales*, 'Notice of Dissolution', 24 March 1922 (Issue 52), p. 1928, available from: <https://trove.nla.gov.au/newspaper/article/225368373>.

²² *Government Gazette of the State of New South Wales*, 'Notice', 20 October 1922 (Issue 149), p. 5715, available from: <https://trove.nla.gov.au/newspaper/article/222061484>.

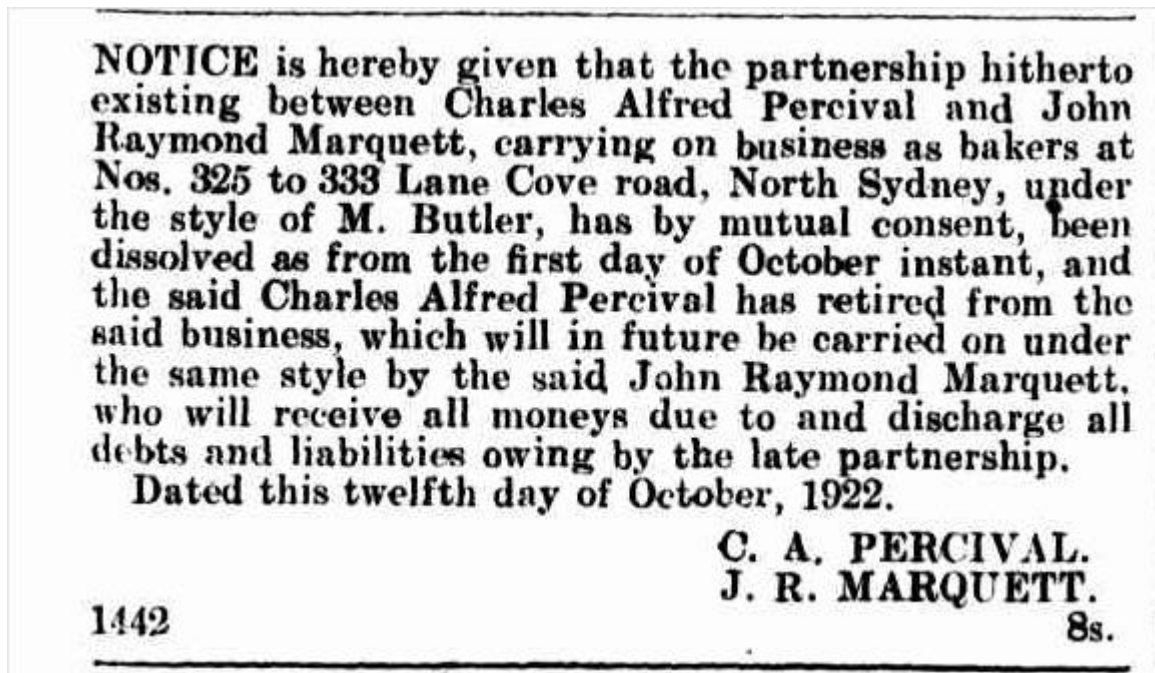


Figure 29: Notice in the Government Gazette identifying the dissolving of the baking partnership between Mr Percival and Mr Marquett. Source: Government Gazette of the State of New South Wales, 'Notice', 20 October 1922 (Issue 149), p. 5715.

Mr Marquett appears to have been a vexatious litigant, appearing in at least five separate legal cases between 1915 - 1939. In one such instance, Mr Marquett was scolded by the magistrate:

"You cannot take up the attitude of using the criminal law to recover a private debt. There are pains and penalties attached to that kind of thing."²³

One such legal case was *Marquett v Walsh* (1929 29 SR (NSW) 298,²⁴ which involved a former employee of Mr Marquett, Mr John J Walsh, who was a bread carter (delivered bread and collected money from customers). Mr Marquett had in his employment contracts provisions which prevented employees within 12 months of the termination of their employment from soliciting customers within a 5-mile radius of Marquett's bakery at Lane Cave Road. After leaving Mr Marquett's employment, Mr Walsh established his own bread serving business within this radius and had solicited approximately 200 of 270 customers from Marquett's bakery. The magistrate in this case found in favour of Mr Marquett, despite determining that the provision about the 5-mile radius was unreasonable.²⁵

Mr Marquett mortgaged the property at Lane Cove Road 7 times before he transferred a section of Portion 19 (an 11.5 inch x 114 ft and 7.75 inch portion, occupied by a brick party wall) to Samuel Joseph Henry Moreau (Volume 4089 Folio 200), with a new Certificate of Title issued for the residue (Volume 4238 Folio 142 - see sketches at Figure 30 and Figure 31).

²³ *Evening News*, 'Criminal Law', 7 July 1924, p. 1, available from: <https://trove.nla.gov.au/newspaper/article/119978037>.

²⁴ *NSW Law Reports*, *Marquett v Walsh* (1929) 29 SR (NSW) 298, available from: <https://nswlr.com.au/view-pdf/29-SR-NSW-298>.

²⁵ *The Sydney Morning Herald*, 'Law Report', 23 April 1929, p. 8, available from: <https://trove.nla.gov.au/newspaper/article/16549137>.

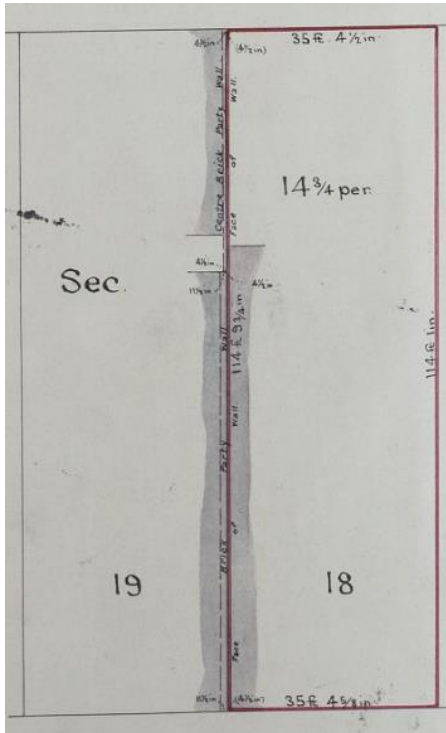


Figure 30: Sketch attached to Volume 4089 Folio 200 showing brick party wall transferred to Mr Moreau. Source: NSW LRS HLRV.

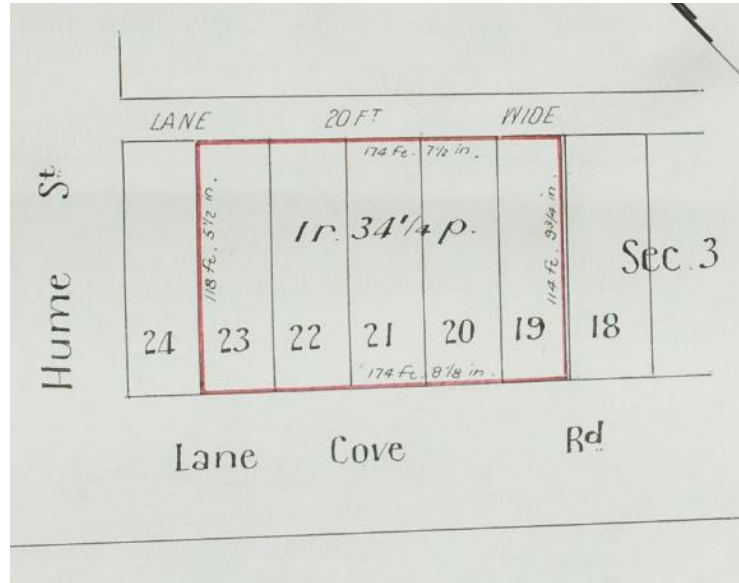


Figure 31: Sketch attached to Volume 4238 Folio 142 showing portions 19-23 after Mr Marquett sold the thin part of portion 19 to Mr Moreau. Source: NSW LRS HLRV.

Mr Marquett mortgaged his landholding one last time in 1928 before selling the property to Mr Stanley McKellar White, a public accountant from Sydney. During the time of his ownership of the property, Mr White would also serve as the President of the Taxpayers' Association of NSW (from 1931).²⁶ Mr White would establish a new company - M. Butler Ltd - in early 1933, with himself and John E Archibold identified as the directors.²⁷ At the time of their registration, they had capital of £50,000. Mr White would transfer ownership of the property to M Butler Limited in October 1933, with the bakery business on Lane Cove Road continuing. Indeed, an article in August 1935 in the *Catholic Freeman's Journal* heaped praised on M Butler's Bread at Crow's Nest (Figure 32).²⁸ Legal cases would continue to follow the bakery however, with a bread carter unsuccessfully seeking workers compensation for tripping on a delivery ramp.²⁹ In late 1939, M Butler Pty Ltd (formerly M Butler Ltd) would transfer ownership of the site to the Commissioner for Main Roads as part of the realignment of the Pacific Highway. It appears that with the transfer of ownership of portions 19-23, M Butler Ltd went into liquidation, with its assets in 1940 identified as No. 92 Burlington Street at the "corner of Sophia St, close to Falcon and Miller Streets trams," which was a 2 storey corner premises, and vacant land at the rear of this property.³⁰

²⁶ *The Age*, 'Death of Mr S McK White', 11 March 1949, p. 3, available from: <https://trove.nla.gov.au/newspaper/article/205354591>.

²⁷ *The Herald*, 'Finance, Commerce, Stocks and Shares', 5 January 1933, p. 26, available from: <https://trove.nla.gov.au/newspaper/article/243182863>.

²⁸ *Catholic Freeman's Journal*, 'M Butler's Bread', 15 August 1935, p. 22, available from: <https://trove.nla.gov.au/newspaper/article/146508372>.

²⁹ *Daily News*, 'Bread Carter's Claim Fails', 24 June 1939, p. 2, available from: <https://trove.nla.gov.au/newspaper/article/236308170>.

³⁰ *The Sydney Morning Herald*, 'Advertising', 17 January 1940, p. 21, available from: <https://trove.nla.gov.au/newspaper/article/17646312>.

M. BUTLER'S BREAD.

North Shore residents can claim to possess a bread factory equal to any in the State. M. Butler Ltd., an old established bakery in Crow's Nest, is using a specially imported health aid, which is used throughout the Continent, together with a malt extract, for the manufacture of their bread, making it palatable and digestible and particularly suitable for children. A set of new motors has been installed, which is the most up-to-date delivery service on the North Shore.

Figure 32: Article in the Catholic Freeman's Journal (15 August 1935) praising M Butler's Bread at the subject site.

A caveat was lodged on the property in 1941 by the Commissioner of Main Roads, where it appears that the former bakery was demolished (see 1943 aerial imagery at Figure 35). In 1946, the property was transferred from the Commissioner to Mr Patrick Michael Williams, with a new Certificate of Title issued for the property (Volume 5595 Folio 114). This land title document identified Mr Williams as a medical practitioner from North Sydney. He did not own the land for long as by 1952 the property was acquired by the Commonwealth Government (Volume 6512 Folio 170).

Aerial Imagery of the Site

The subject site would be captured in 1930 aerial imagery (Figure 33 and Figure 34), with it identifying a store fronting the Pacific Highway (then Lane Cove Road) within the current Lots 100 and 101 DP 747672. This would be that of W Butler's Bread, at this time under the ownership of Mr Stanley McKellar White and before it was transferred into a limited business. This building was likely constructed post-1906 after the land was purchased by Mr Butler, who established the first bakery business on site. Also faintly visible in this imagery is a residence on the corner of Pacific Highway and Hume Street, likely that residence first built by Mr Ernest Henstridge and then owned by his wife Charlotte.



Figure 33: 1930 aerial imagery of the site, showing the subject site (indicated in red) occupied by two buildings. Source: Anzlic Committee on Surveying and Mapping, Historical Aerial Photography - Foundation Spatial Data, 1930.

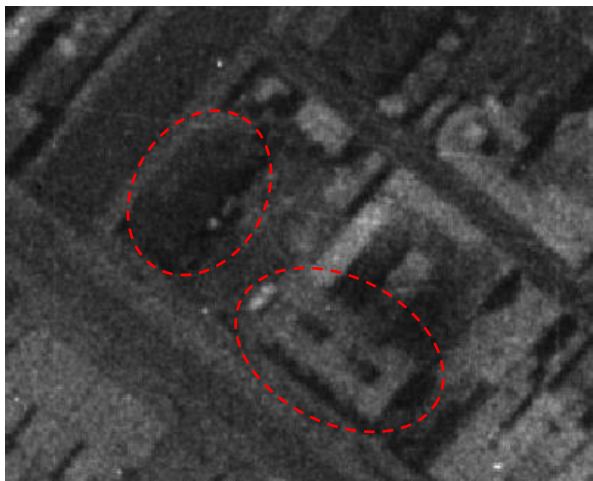


Figure 34: Zoomed in 1930 aerial imagery, with two buildings within the subject site circled in red. Source: Anzlic Committee on Surveying and Mapping, Historical Aerial Photography - Foundation Spatial Data, 1930.

By 1943 however, the site appears to have been cleared of all structures (Figure 35). This follows the death of Mrs Henstridge (1939), who resided at the corner of Lane Cove Road and Hume Street, and the liquidation of M Butler Ltd (1940). These buildings were likely demolished by July 1941 (Figure 36). The vacant land would continue into the 1950s, with the site cleared in 1951 aerial imagery (Figure 37), around the time it would be acquired by the Commonwealth Government.



Figure 35: 1943 aerial imagery of the site (with contemporary lot boundaries). This shows the subject site (indicated in red) was cleared following the death of Charlotte Henstridge and the liquidation of M Butler Ltd. Source: SIX Maps Imagery, 1943.



Figure 36: Photograph of Crows Nest intersection from July 1941, Visible are the Crows Nest Hotel (10181) (right), the OJ Willaims Store (10172) (centre) and commercial development along Pacific Highway. Area of the subject site appears vacant (indicated with red arrow). Source: State Archives NSW, 'Street Lighting - Crows Nest Intersection - Sydney - July 1941', NRS-21243-2-3-1408.



Figure 37: 1951 aerial imagery, showing site remaining clear. This was around the time the site was acquired by the Commonwealth Government (Volume 6512 Folio 170). Source: NSW Government Historical Aerial Imagery Viewer, 1951.

Consolidated Ownership of the site from the 1950s

As identified above, both properties (Portion 24 and Portions 19-23 of DP 2578) would be acquired by the Commonwealth Government in June 1952 (Volume 6512 Folio 170). This deed was immediately cancelled and a new Certificate of Title was issued by October 1952 (Volume 6580 Folio 25). It appears that this happened due to the prior tiny section of Portion 19 that was transferred to Mr Moreau in 1927 not being accounted for in the original transfer, with the sketch attached to Volume 6580 Folio 25 stressing this portion as not being within the property (see Figure 38 and Figure 39).



Figure 38: Sketch attached to Volume 6512 Folio 170, showing portions owned by the Commonwealth Government in 1952. Source: NSW LRS HLRV.

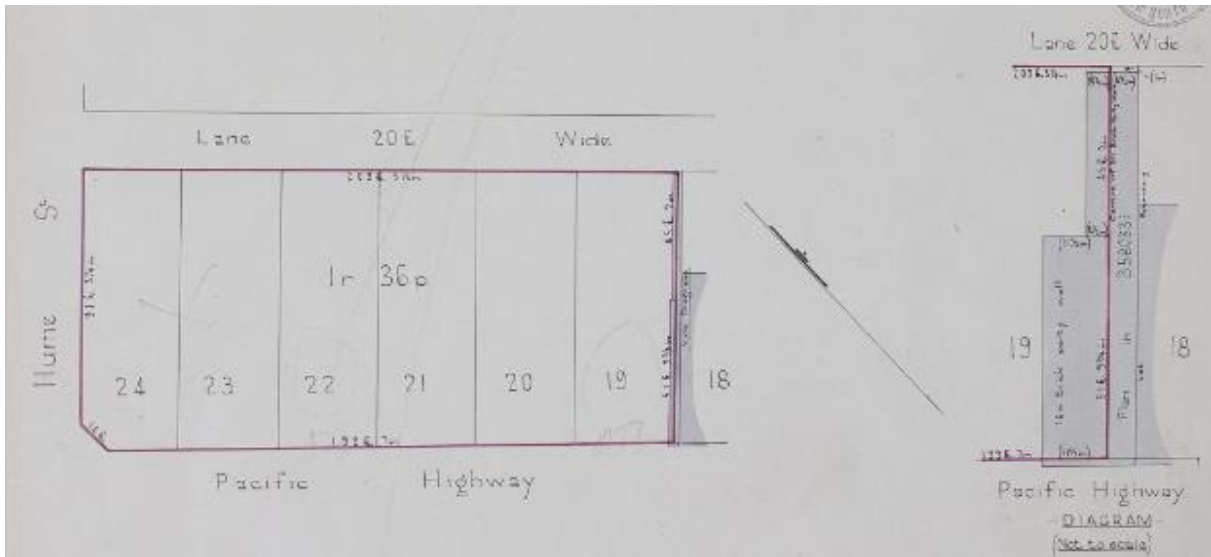


Figure 39: Sketch attached to Volume 6580 Folio 25, which was issued in October 1952. This shows the small section of the former portion 19 not within the subject site. Source: NSW LRS HLRV.

It appears that under the Commonwealth's ownership, the land was consolidated and subsequently subdivided as by October 1957, Lot B DP 442804 was transferred back to Mr Patrick Michael Williams, issuing a new Certificate of Title (Volume 7376 Folio 231). Lot A DP 442804 would be retained by the Commonwealth Government (Volume 7376 Folio 232), with this appearing to be occupied by a car park in the early 1960s (Figure 40) and later by a building by 1965 (Figure 42). It appears that Lot A retained by the Commonwealth included the prior portions 24 and 23 of DP 2578, as indicated by the sketch attached to Volume 7478 Folio 165 (Figure 41). Lot B therefore includes the former Portions 19-22. It remained vacant throughout the 1960s and early 1970s (see Figure 42 and Figure 43).

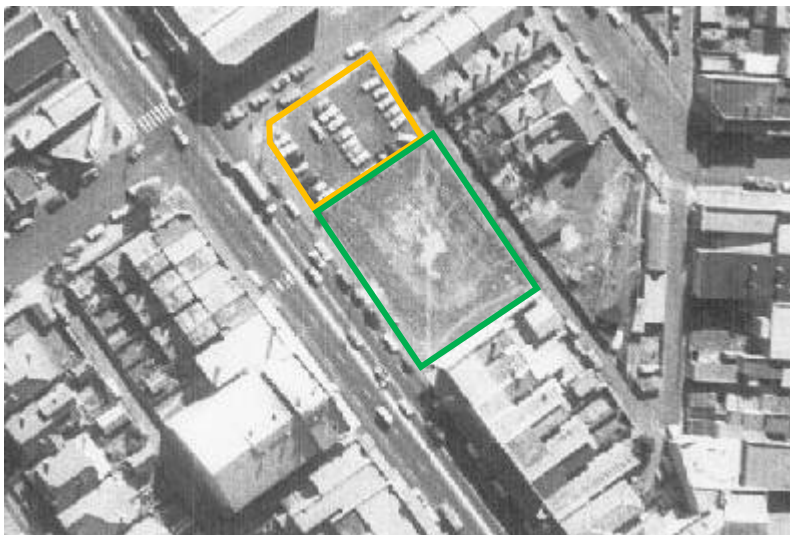


Figure 40: 1961 aerial imagery, showing Lot A, indicated in orange and owned by the Commonwealth Government, used as a carpark, and Lot B, indicated in green and owned by Mr Williams, remaining vacant. Source: NSW Government Historical Aerial Imagery Viewer, 1961.



Figure 41: Sketch attached to Volume 7478 Folio 165, showing the former portions 23 and 24 incorporated in Lot A DP 442804. Source: NSW LRS HLRV.

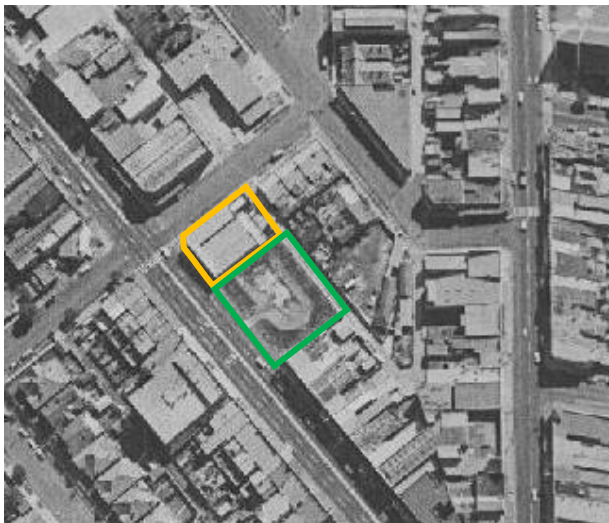


Figure 42: Aerial imagery of the site from 1965, showing Lot A DP 442804 (indicated in orange) developed, whilst Lot B (indicated in green) remained vacant. Source: NSW Government Historical Aerial Imagery Viewer, 1965.



Figure 43: 1975 aerial imagery of the subject site (indicated in red) showing part of site remaining undeveloped. Source: NSW Government Historical Aerial Imagery Viewer, 1975.

In 1974, the Perpetual Trustee Company Ltd became the registered proprietor of Lot B DP 442804. By 1977, the property was sold to C. D. L. Developments (No 4) Pty Ltd, with a new Certificate of Title issued (Volume 13511 Folio 75) and a new Deposited Plan (593234). It appears that under C. D. L. Development's ownership, the property was redeveloped, with a new building constructed on the allotment by 1978 (Figure 44). This building, which was a multi-storey building with a distinctive arched open arcade on the western elevation, was more clearly captured in the 1986 aerial imagery of the site (Figure 45). This arcade structure was built during a time of extensive commercial development along the Pacific Highway at Crows Nest, particularly with the proliferation of restaurants opening in the area.³¹

³¹ Extent Heritage, November 2018, *Sydney Metro City & Southwest - Crows Nest Over Station Development - Statement of Heritage Impact*, prepared for Sydney Metro Authority.

It is not known the exact ownership of the site in the following years, however it appears that a new plan was deposited for the site in 1987 - DP 747672 - which suggests that the site was subdivided into its current allotments in 1987 (Lot 100 and Lot 101). By 1991, the building with the arcade was demolished, and an infill commercial building was constructed (see Figure 46). These appear to be the buildings which were recently demolished to accommodate the proposed Crows Nest OSD.



Figure 44: 1978 aerial imagery of the site, showing the construction of a multi-storey building with arched open arcade in the centre. Source: NSW Government Historical Aerial Imagery, 1978.



Figure 45: 1986 aerial imagery of the subject site (indicated in red). Source: NSW Government Historical Aerial Imagery, 1978.



Figure 46: 1991 aerial imagery of the subject site, showing the site prior to its demolition to accommodate the Crows Nest OSD. Source: NSW Government Historical Aerial Imagery, 1991.

4. ASSESSMENT OF SIGNIFICANCE

4.1. Understanding Heritage Significance

Each place is unique and has its own combination of values. Therefore, before making decisions about the future of a heritage item it is essential to understand its heritage values so that these will be retained when making future decisions about the place. The statement of heritage significance summarises an item's heritage values.

4.2. Assessment of Criteria

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance. There are two levels of heritage significance, State and local.

The following assessment of significance has been prepared in accordance with the *Assessing Heritage Significance*, 2023 guidelines from the State of NSW and Department of Planning and Environment.

(a) a place or object is important in the course, or pattern, of the local area's cultural or natural history

The subject site has no identifiable historical significance as a cleared site. The site was first designated as part of the Berry Estate subdivision in the 1890s, however the site has undergone extensive redevelopment and has been re-subdivided over the years to eradicate this historical subdivision. A popular bakery was established on the site in the early half of the 20th Century, however this was demolished by 1941, with no remnants of this bakery surviving today.

The subject site does not satisfy this criterion.

(b) a place or object has strong or special associations with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area

There is no identifiable historical association significance with the subject site. Any former association with previous owners, like the Henstridge family or Matthew Butler is lost with the prior demolition of buildings.

The subject site does not satisfy this criterion.

(c) a place or object is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area

There is no aesthetic significance associated with the subject site. Prior structures have been demolished to accommodate different developments, and the site is currently cleared to accommodate the construction of the metro station.

The subject site does not satisfy this criterion.

(d) a place or object has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons

There is no special connection or association identified with any local group and the subject site.

The subject site does not satisfy this criterion.

(e) a place or object has potential to yield information that will contribute to an understanding of the local area's cultural or natural history

There is no apparent research potential or technical significance associated with the subject site.

(f) a place or object possesses uncommon, rare or endangered aspects of the local area's cultural or natural history

The subject site is not assessed as rare, being cleared and subject to development.

(g) a place or item is important in demonstrating the principal characteristics of a class of the local area's

- cultural or natural places; or
- cultural or natural environments

The site is not assessed as having any representative value, being a recently constructed building.

4.3. Statement of Significance

The subject site has no identified heritage significance, failing to meet the threshold for local or state heritage listing. The site was formerly occupied by a cottage and bakery after its early subdivision in the 1890s, however these were demolished by the early 1940s. The subject site has since undergone various stages of development, accommodating commercial stores and carparks over the last 70 years, however it now undergoing development to accommodate the Crows Nest Metro Over Station development. As such, the site has no identifiable social, aesthetic or associational significance, and the site has been assessed as having no rarity or representative value.

4.4. Heritage Items in Proximity

4.4.1. Established Significance of Heritage Items in Proximity

The following Statements of Significance have been extracted from the respective listings of the heritage items on the NSW State Heritage Inventory. These have been extracted to understand any potential impacts the proposal would have on these heritage items in proximity.

It should be noted that some of the heritage items share identical statements of significance. These heritage items have been grouped together to aid in readability of this report.

Heritage Item	Statement of Significance
<i>'Higgins Building'</i> - Item I0166 ³²	An example of a two storey brick and rendered masonry commercial building in the Inter War Free Classical style. The group is a good example of an Interwar commercial/retail building housing a group of shops which occupies an important corner location and which complements and reflects the type of development characteristic of this streetscape.
<i>'Higgins Building'</i> - Items I0167, ³³ I0168, ³⁴ I0170, ³⁵ and I0171 ³⁶	A good example of an Interwar Free Classical style brick and masonry commercial/retail building housing a group of shops which occupies an important corner location and which complements and reflects the type of development characteristic of this streetscape.

³² NSW State Heritage Inventory, 'Higgins Building', Item ID 2181002, available from <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181002>.

³³ NSW State Heritage Inventory, 'Higgins Building', Item ID 2181755, available from <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181755>.

³⁴ NSW State Heritage Inventory, 'Higgins Building', Item ID 2181756, available from: <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181756>.

³⁵ NSW State Heritage Inventory, 'Higgins Building', Item ID 2181758, available from: <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181758>.

³⁶ NSW State Heritage Inventory, 'Higgins Building', Item ID 2181759, available from: <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181759>

Heritage Item	Statement of Significance
	A good example of an Interwar commercial/retail building housing a group of shops which occupies an important corner location and which complements and reflects the type of development characteristic of this streetscape.
'Higgins Building' - Item I0169 ³⁷	<p>A good example of an Interwar Free Classical brick and rendered commercial/retail building housing a group of shops which occupies an important corner location and which complements and reflects the type of development characteristic of this streetscape.</p> <p>-</p> <p>A good example of an Interwar commercial/retail building housing a group of shops which occupies an important corner location and which complements and reflects the type of development characteristic of this streetscape.</p>
'Shop' - Item I0164 ³⁸	<p>A rare example of a two storey, brick and rendered masonry commercial building in the Federation Free style with unusual Art Nouveau decoration to the upper facade.</p> <p>See under 'Crows Nest Retail Buildings Group' NSHS0997.</p>
'Shop' - Items I0163, ³⁹ I0162, ⁴⁰ I0161, ⁴¹ and I0160 ⁴²	A good and well detailed example of a two storey, brick and rendered masonry commercial building in the Federation Free style with residences to the first floor that was built as a row of four and that forms a streetscape of high quality. See under 'Crows Nest Retail Buildings Group' NSHS0997.
'Shop' - Item I0159 ⁴³	A good example of a two-storey, rendered masonry commercial building in the Inter-War Functionalist style with interesting and simple Art Deco detailing. Although there are a number of examples of Inter-War Functionalist commercial architecture within the general area, the subject site's unique façade makes it an unusual building within the district. Originally designed as a showroom and auditorium for the Sydney County Council, a prominent public electricity utility company, the building's functionalist, streamlined design reflects the organisation's modernising image. The subject site retains several distinctive elements which relate this history, and contribute to the significance of the place. This includes the building's simple geometric façade, the remaining elements of the first floor auditorium, and the curved geometry of its textured rendered interior walls. A rare survivor of this style and period, it is also

³⁷ NSW State Heritage Inventory, 'Higgins Building', Item ID 2181757, available from: <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181757>

³⁸ NSW State Heritage Inventory, 'Shop', Item ID 2181001, available from: <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181001>.

³⁹ NSW State Heritage Inventory, 'Shop', Item ID 2181754, available from: <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181754>.

⁴⁰ NSW State Heritage Inventory, 'Shop', Item ID 2181753, available from: <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181753>.

⁴¹ NSW State Heritage Inventory, 'Shop', Item ID 2181752, available from: <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181752>.

⁴² NSW State Heritage Inventory, 'Shop', Item ID 2181000, available from: <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181000>.

⁴³ NSW State Heritage Inventory, 'Shop', Item ID 2180999, available from: <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2180999>.

Heritage Item	Statement of Significance
	rare for its history as a Sydney County Council showroom and its status as the most intact example of the four suburban showrooms created by the County Council in the 1938-1940 period. See under 'Crows Nest Retail Buildings Group' NSHS0997.
'Shop' - Items I0158, ⁴⁴ I0157, ⁴⁵ I0156, ⁴⁶ I0155, ⁴⁷ I0154, ⁴⁸ and I0153 ⁴⁹	A good and well detailed example of a two storey, rendered masonry commercial building with residences to the first floor that was built as a row of seven and that forms a streetscape of high quality. See under 'Crows Nest Retail Building Group' NSHS0997.
'Former National Australia Bank' - Item I0152 ⁵⁰	An example of a two storey rendered masonry commercial building on a prominent corner site with plainly detailed elevations. An important streetscape item as a part of a major intersection with a cohesive group of interwar commercial buildings on each corner. Of the five corner buildings, this is the earliest, though it has had it's characteristic detailing modified. Continuous use as a bank since construction.
'Willoughby House, former OJ Williams store' - Item I0172	Dramatic and imposing commercial building on an important corner of a major intersection which is characterised by buildings of similar period and materials. A fine example of the Interwar Functionalist style and an early example of a large regional department store. It is the work of prominent local architect Rupert Villiers Minnett, whose firm had its office nearby.
'Crows Nest Hotel' - Item I0181 ⁵¹	Interesting large urban Inter-War hotel on an important intersection which has buildings similar in materials, form, style and period on each corner. A good example of the Inter-War Mediterranean style from the early twentieth century, it has powerfully detailed elevations with Egyptian revival details set on a prominent corner site. It is an important local hotel.
'Northside Baptist Church' - Item I0182 ⁵²	Important local church which is a fine example of the Federation Gothic style, in important central location in Crows Nest.

⁴⁴ NSW State Heritage Inventory, 'Shop', Item ID 2181751, available from <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181751>.

⁴⁵ NSW State Heritage Inventory, 'Shop', Item ID 2181750, available from <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181750>.

⁴⁶ NSW State Heritage Inventory, 'Shop', Item ID 2181749, available from <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181749>.

⁴⁷ NSW State Heritage Inventory, 'Shop', Item ID 2181748, available from <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181748>.

⁴⁸ NSW State Heritage Inventory, 'Shop', Item ID 2181747, available from <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181747>.

⁴⁹ NSW State Heritage Inventory, 'Shop', Item ID 2180998, available from <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2180998>.

⁵⁰ NSW State Heritage Inventory, 'Former National Australia Bank', Item ID 2181003, available from <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181003>.

⁵¹ NSW State Heritage Inventory, 'Crows Nest Hotel', Item ID 2181004, available from <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181004>.

⁵² NSW State Heritage Inventory, 'Northside Baptist Church', Item ID 2180961, available from <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2180961>.

Heritage Item	Statement of Significance
'St Leonards Centre' - Item I0141 ⁵³	The St Leonards Centre is an unusual example of a six-storey commercial building designed by Geoff Malone of Kerr and Smith, Architects and Planners, and completed in 1972 in the Late Twentieth Century Brutalist style. A dominant building is the local streetscape, its imposing character reflected the modernist optimism and technological ambitions of many companies in the period, as expressed in their buildings.

Also extracted are the respect statements of significance for the heritage conservation areas in proximity to the subject site. These have been extracted from the *North Sydney DCP 2013 Area Character Statements - St Leonards / Crows Nest Planning Area*.

Heritage Conservation Area	Statement of Significance
'Holtermann Estate B' - Item CA08	The Holtermann Estate B Conservation Area is significant: (a) As a late 19th Century subdivision for speculative housing (b) For its regular grid of streets, rear lanes and cross lanes (c) For its consistent late 19th and early 20th Century residential character and the unity of its low scale built form that derives from its regular grid subdivision pattern and its single storey, detached and attached dwelling houses in a mixture of late Victorian and early Federation styles
'Holtermann Estate C' - Item CA09	The Holtermann Estate B Conservation Area is significant: (a) For its late 19th and early 20th Century residential character that is characterised by single, storey, detached and demi detached dwelling houses of modest scale in a mixture of late Victorian and early Federation styles (b) As an area that represents the working class residential development of North Sydney at the turn of the century.

4.4.2. Significant Views of Heritage Items in Proximity

It is important in assessing the heritage significance of a site that significant views and sightlines to and from that heritage item(s), or within a conservation area, are considered. This is particularly so for items identified as having aesthetic significance as their appearance and architectural style contributes to the heritage value of the nearby heritage items and their setting.

The Significant Views Map provided below, and at Appendix A in a larger scale, identifies the significant views and sightlines of the heritage items in proximity to the subject site. This will aid in the Heritage Impact Assessment for the OSD and will be referenced in *Section 5.2 Assessment of Impact on Heritage Items in the Vicinity*.

The *North Sydney DCP 2013* chapter 'Area Character Statements' identifies that significant views for the Holtermann Estate B are along Sophia Street (Figure 48), whilst Holtermann Estate C has limited significant street views (Figure 49).

⁵³ NSW State Heritage Inventory, 'St Leonards Centre', Item ID 2181335, available from <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181335>.



Figure 47: Significant Views Map, showing the subject site in blue, heritage items in yellow, HCAs in green and significant views (delineated by red arrows).

3.5 HOLTERMANN ESTATE B CONSERVATION AREA



Figure 48: North Sydney DCP 2013 - Holtermann Estate B HCA. The red arrows indicate areas of significant views along Sophia Street. These do not face the subject site (located to the south-west) and so are not deemed to be impacted by the proposed OSD.

3.6 HOLTERMANN ESTATE C CONSERVATION AREA



Figure 49: North Sydney DCP 2013 - Holtermann Estate C HCA. The DCP identifies "limited street views" of significance. As it is located to the east of the subject site (east of the Crows Nest Hotel - Item I0182 and Willoughby House - Item I0172), any impact by the OSD will be similar to background views to these heritage items.

5. HERITAGE IMPACT ASSESSMENT

5.1. Statutory Controls

The subject site is not listed as a heritage item nor it is within a Heritage Conservation Area (HCA) listed under Schedule 5 of the *North Sydney LEP 2013*. The subject site is; however, located within close proximity to a number of heritage items and HCAs, and therefore is subject to the heritage provisions in the *North Sydney LEP 2013*. As the proposal is related to the state significant development (SSD-9579), clause 2.20 of the *SEPP (Planning Systems) 2021* override the controls of the *North Sydney DCP 2013*.

5.1.1. State Environmental Planning Policy (Planning Systems) 2021

The following table assesses the proposal in relation to the provisions of the *SEPP (Planning Systems) 2021*.

Chapter 2 State and Regional Development	This proposal relates to these matters as follows:
<p>2.10 Application of development control plans to State significant development</p> <p><i>(1) Development control plans (whether made before or after the commencement of this Chapter) do not apply to-</i></p> <p><i>(a) State significant development, or</i></p> <p><i>(b) development for which a relevant council is the consent authority under section 4.37 of the Act</i></p>	<p>As the OSD is directly related to the state significant development of the Sydney Metro City critical infrastructure project (SSD-9579), the <i>North Sydney Development Control Plan (DCP) 2013</i> is not applicable for the current development. This means that the heritage controls within Part B Section 13 of the <i>DCP</i> are not considered relevant and therefore no assessment is made against them.</p>

5.1.2. North Sydney Local Environment Plan 2013

The proposal is addressed below in relation to the relevant clauses of the *North Sydney LEP 2013*.

Clause 5.10 Heritage Conservation	Discussion
<p>(1) Objectives</p> <p><i>The objectives of this clause are as follows—</i></p> <p><i>(a) to conserve the environmental heritage of North Sydney,</i></p> <p><i>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i></p> <p><i>(c) to conserve archaeological sites,</i></p> <p><i>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</i></p>	<ul style="list-style-type: none"> ▪ The subject site is not listed as a heritage item, nor it is located within a heritage conservation area under Schedule 5 of the <i>North Sydney LEP 2013</i>. The subject site also does not contain any identified heritage significance (as per the significance assessment made in <i>Section 4</i>). ▪ The subject site is in close proximity to a number of heritage items listed under Part 1 of Schedule 5 of the <i>North Sydney LEP 2014</i>, including (only the closest heritage items are noted here. Please refer to Section 1.4 and Figure 4 for the full list): <ul style="list-style-type: none"> ▫ 'Higgins Buildings' (Items I0166 - I0171) ▫ 'Shop' (Items I0153 - I0164) ▫ 'Former National Australia Bank' (Item I0152) ▫ 'Bank' (Item I0151) ▫ 'Willoughby House, former OJ Williams Store' (Item I0172) ▫ Crows Nest Hotel (Item I0181)
<p>(4) Effect of proposed development on heritage significance</p> <p><i>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of</i></p>	

Clause 5.10 Heritage Conservation	Discussion
<p><i>whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i></p>	<ul style="list-style-type: none"> ▫ Northside Baptist Church (Item I0182) ▫ St Leonards Centre (Item I0141) ▪ This SOHI has considered the likely impacts of the proposed development on the heritage significance of the heritage items and heritage conservation areas in proximity. It is concluded that the proposed OSD will have some visual impacts on the heritage items and conservation areas in the vicinity, however, this impact is deemed negligible and not detrimental. See the discussion at Section 5.2 for the assessment of the proposal on each of the heritage items in proximity.
<p>(5) Heritage assessment</p> <p><i>The consent authority may, before granting consent to any development:</i></p> <p><i>(a) on land on which a heritage item is located, or</i></p> <p><i>(b) on land that is within a heritage conservation area, or</i></p> <p><i>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</i></p> <p><i>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</i></p>	<ul style="list-style-type: none"> ▪ This Statement of Heritage Impact has been prepared to satisfy the requirements of this clause, specifically 5.10 (5) (c) - land within the vicinity of a heritage item and a heritage conservation area. ▪ The impact on each of the proximate heritage items and conservation areas (identified at Section 1.4) is discussed at Section 5.2. In general, the OSD has been designed to be respectful of the heritage significance of the nearby heritage items and HCAs, including views to and from the heritage items and their setting, through appropriate articulation and design at the levels above the podium. This sympathetic design will fit within the emerging high-rise skyline to its north-west at St Leonards, which is increasing the density and scale of the surrounding area. Because of this, the OSD does not significantly interfere with significant views of these heritage items when leaving or approaching the Crows Nest Metro Station. ▪ This SOHI has been prepared in accordance with the State of NSW and Department of Planning and Environment's <i>Guidelines for preparing a Statement of Heritage Impact, 2023</i>.
<p>(7) Archaeological sites</p> <p><i>The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—</i></p> <p><i>(a) notify the Heritage Council of its intention to grant consent, and</i></p>	<ul style="list-style-type: none"> ▪ The archaeological significance of subject site was previously assessed as: <i>'...low due to its low archaeological potential resulting from high levels of ground disturbance that would have impacted any surface or subsurface Aboriginal sites.'</i> (Sydney Metro Chatswood to Sydenham, Technical Paper 5, Aboriginal Heritage - Archaeological Assessment prepared by Artefact Heritage, May 2016) ▪ Additionally, as the subject site has recently constructed the Stage 1 podium, the proposed

Clause 5.10 Heritage Conservation	Discussion
<p><i>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</i></p>	<p>works for the current OSD do not include below ground level disturbance, and as such no impact will occur on any archaeology within the site.</p>
<p>(8) Aboriginal places of heritage significance</p> <p><i>The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—</i></p> <p><i>(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</i></p> <p><i>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</i></p>	<ul style="list-style-type: none"> ▪ The following statement has been extracted from Sydney Metro City & Southwest Chatswood to Sydenham Aboriginal Cultural Heritage Assessment prepared by Artefact Heritage in 2016: <p><i>No identified Aboriginal sites would be impacted by the proposed works at the Crows Nest Station site. Due to the landscape context and largely modified nature of the Crows Nest Station site and surrounding area, the likelihood of artefact bearing archaeological deposits is considered to be low. Any Aboriginal objects that might be located within the impact area are likely to be within a disturbed context and would therefore be considered to be of low archaeological significance.</i></p>



5.1.3. North Sydney Development Control Plan 2013

As per clause 2.10 of the *SEPP 2021*, development control plans do not apply to a State Significant Development. As the current Stage 2 OSD is part of the state significant development associated with the Sydney Metro City project (SSD-9579), the controls of the *North Sydney DCP 2013* are not deemed relevant to the proposal.

5.2. Assessment of Impact on Heritage Items in the Vicinity




The following table addresses the impact the current OSD may likely have on each heritage item in the vicinity of the subject site. It generally identifies that there may be some visual impacts and overshadowing caused by the new over station development; however, this is deemed acceptable and not adversely impacting the heritage significance of these heritage items.

Heritage items that share their location with other heritage items (i.e. they are adjacent and relate to the same building) are assessed as having the same impact caused by the development. As such, to aid in readability of this SOHI, some heritage items have been grouped together in their assessment.

Heritage Item	Identified Impact	Assessment of Impact
<p>Higgins Building (Items I0166 - I0171)</p> 	<ul style="list-style-type: none"> ▪ Overshadowing - At certain hours of the day, the OSD will overshadow the heritage items on the Pacific Highway 	<ul style="list-style-type: none"> ▪ According to the shadow diagrams (winter solstice - drawings DA7701 - DA7705), the 'Higgins Building' heritage items will be partially overshadowed in the morning until 11am, whilst the 'Shop' heritage items to the south will be overshadowed between 12pm - 2pm. These items will still get sufficient sunlight in both the morning and afternoon and so it is not considered an adverse impact on these heritage items.
<p>Shop (Items I0153 - I0164)</p> 	<ul style="list-style-type: none"> ▪ Impact immediate setting on 	<ul style="list-style-type: none"> ▪ The impact of the current OSD on the setting of the Pacific Highway is deemed acceptable as it is in keeping with the emerging skyline and high-rise development to the north-west at St Leonards. The closest of these multi-storey towers is at 545-553 Pacific Highway, which is just 200 metres north (one block) of the subject site. The closeness to these multi-storey towers means that the development of the 14 storey tower at the subject site is not significantly out of character for the area. Additionally, the concept approval for Site A (located within one block north of the subject site) of 27 storeys means that site B will provide a scaled transition between the two storey commercial terraces at Crows Nest and the multi-storey towers at St Leonards. ▪ The width of the Pacific Highway also means that the OSD will not be physically or visually encroaching on the 'Higgins Building', or 'Shop' heritage items opposite, as they are sufficiently distanced from the subject site. ▪ The OSD tower's smaller footprint than the Metro Station's podium, and well-articulated massing, also means that the site is less

Heritage Item	Identified Impact	Assessment of Impact
	<ul style="list-style-type: none"> ▪ Views - views and vistas from the heritage item will be impacted 	<p>bulky and that a visual separation exists between the metro station and the OSD tower. This helps to reduce the visual dominance of the site.</p> <ul style="list-style-type: none"> ▪ The acceptability of the proposed built form of the tower was established by way of a SSD process, and subsequently a design competition which found that the development is capable of delivering design excellence. The proposal will deliver a contemporary mixed-use development similar to that of the high-rise developments at St Leonards, which are a backdrop to the subject development site. <ul style="list-style-type: none"> ▪ Views and vistas to and from the heritage items ('Higgins Building' and 'Shops') within the streetscape will be altered by the development. However, the 14-storey tower has been specifically designed to be setback 1.5 metres from the podium on the Pacific Highway elevation and is articulated so that it does not establish a bulky element within the streetscape. This articulation continues the vertical rhythm of the Pacific Highway village by splitting the tower into five vertical columns above the metro station to match the vertical separation of the terrace development along the Pacific Highway. This articulation also adds interest to the structure, resulting in a positive landmark and metro station identifier.

Heritage Item	Identified Impact	Assessment of Impact
<p>Former National Australia Bank (Item I0152)</p> 	<ul style="list-style-type: none"> ▪ Setting - impact on setting of the heritage items (Pacific Highway) 	<ul style="list-style-type: none"> ▪ The impact of the OSD on the setting of the Pacific Highway is deemed acceptable as it is in keeping with the emerging skyline and high-rise development to the north-west at St Leonards, which has already created a high-rise background to these items. The 'Bank' and 'Former National Australia Bank' heritage items at the corner of the Pacific Highway and Shirley Road are sufficiently distanced from the proposed OSD so that it will not overwhelm or dominate over these items. This is confirmed by the fact that these items are outside of the estimated overshadowing of the OSD.
<p>Bank (Item I0151)</p> 	<ul style="list-style-type: none"> ▪ Overshadowing - At certain hours of the day, the OSD will overshadow the heritage items along the Pacific Highway. ▪ Significant Views - Due to the orientation of the heritage items, the OSD will be visible in the background of significant views of the Willoughby House and Crows Nest Hotel. 	<ul style="list-style-type: none"> ▪ Item I0172 will be partially overshadowed by the over station development (OSD) from 2pm-2:30pm (winter solstice - see drawings DA7701 - DA7705). This is for only a minimal time and so it is assessed as a negligible heritage impact. ▪ The OSD tower is in keeping with the existing and emerging high-rise skyline at St Leonards to the north-west, which is already visible in the background of the Crows Nest Hotel and former OJ Williams Store. Though closer than those at St Leonards, the OSD will be in keeping with the high-density skyline of the Pacific Highway, and as such it will not adversely impact the setting of these heritage items. ▪ The OSD tower is also sufficiently distanced from
<p>Willoughby House, former OJ Williams Store (Item I0172)</p> 	<p>Crows Nest Hotel (item I0181)</p>	

Heritage Item	Identified Impact	Assessment of Impact
		<p>both the Willoughby House and Crows Nest Hotel and only its upper levels will be visible in the background. These levels are well articulated creating a visibly interesting and pleasing structure.</p>
<p>Northside Baptist Church (Item I0182)</p> 	<ul style="list-style-type: none"> ▪ Impact on distant setting 	<ul style="list-style-type: none"> ▪ The OSD tower will be visible in the distance to the south-west of the Northside Baptist Church. This visibility is assessed as having a negligible impact on the item's heritage significance as it aligns with the existing high-rise skyline at St Leonards..
<p>St Leonards Centre (Item I0141)</p> 	<ul style="list-style-type: none"> ▪ Significant Views / Setting 	<ul style="list-style-type: none"> ▪ Due to the proposed development at Site A (concept approval for 27 storeys), it is likely that the OSD at Site B would not be visible in the background of significant views of the St Leonards Centre as it will be visually obstructed by the taller development of Site A.

5.3. Sydney Metro - Crows Nest Over Station Development Design Quality Guidelines (July 2020)

Design quality guidelines were developed by Sydney Metro in July 2020 to provide a framework and overarching guidance to the proposed OSD design to ensure it achieves design excellence. The design quality guidelines that are applicable to heritage have been extracted below.

Design Guidelines	General Discussion
Podium and Street Wall	
<p>Podium form and articulation references buildings in the immediate context and clearly delineates podium functions from activities</p>	<ul style="list-style-type: none"> ▪ The podium is associated with the Metro Station development and is not part of this SOHI.

Design Guidelines	General Discussion
<p>above. The street wall should deliver activation, permeability, a sense of human scale and heritage sensitivity.</p> <p>This is to be achieved through:</p> <ol style="list-style-type: none"> 1. Responding to the existing streetscape, with direct reference to local context. 2. Minimising bulk and scale through horizontal and vertical articulation and choice of materials. ... 4. Extensive use of landscaping and green elements at street level and top of podium levels. ... 7. Respecting surrounding historical cues and materiality, including traditional shopfront façades and the St Leonards Centre. ... 11. Sensitive setbacks to distinguish the heritage significance of the St Leonards Centre as well as to improve amenity and traffic flow. 	
Built Form above the Podium	
<p>Provide a built form above the podium that achieves design excellence, visual interest and responds to the evolving height, scale and character of the area. The design will establish a Sydney Metro landmark, respond to the civic nature of Hume Street Park and Willoughby Road while acknowledging its presence on the Pacific Highway.</p> <p>This is to be achieved through:</p> <ol style="list-style-type: none"> 1. An innovative high quality and articulated design that successfully breaks up the mass of the building by exploring varied heights and stepped forms to create transition between the scales of St Leonards and Crows Nest. ... 3. A building design that responds to the surrounding public domain elements and heritage buildings. 	<ul style="list-style-type: none"> ▪ The proposed OSD features a podium with a well-articulated and clearly delineated (visually and physically) 14 storey tower block above, which is the subject of this SOHI. This reduces the overall bulk and scale of the tower. ▪ The 14-storey tower is a well-articulated built form that is clearly delineated from the podium below. Noticeably discernible floor levels are broken up by visually distinctive bays where balconies of different depths create distinct light and shade stepped form variances. These variances contribute to the visual interest of the building whilst reducing its visual bulk and dominance within the streetscape. These bays are also articulated to vertically replicate the immediate streetscape of the Pacific highway, thereby creating a more uniform village scale. ▪ The 14-storey tower utilises high quality materials to break up the scale and bulk of the structure. Green terracotta tiles delineate the bays while corrugated metal activates the balustrade and window systems. The use of these materials visually emulate the varied corrugated and terracotta roof forms of the surrounding area (both commercial buildings along the Pacific Highway and residences in surrounding streets), thereby responding to the surrounding character of the area, including the heritage items, whilst

Design Guidelines	General Discussion
	<p>establishing a Sydney Metro landmark at Crows Nest.</p> <ul style="list-style-type: none"> The OSD at Site B reaches 14 storeys, which is lower than the proposed development at Site A (27 storeys) and the high rise towers at St Leonards to the north-west. This height establishes a stepped transition between Crows Nest and St Leonards.
Public Domain and Place	
<p>Contribute to a well-considered, activated public and connected domain that integrates with adjoining retail and commercial precincts, enhancing adjacent existing public spaces and acknowledging the constraints along the Pacific Highway. Facilitate a diverse mix of uses that will contribute to an active public domain.</p> <p>This is achieved through:</p> <p>...</p> <p>7. Providing integrated public art, lighting, signing and heritage interpretation and reinforce intuitive wayfinding</p> <p>8. Using appropriate materials and finishes that allow for integration of extensive natural landscaping and respond to local heritage, geography and civic character.</p>	<ul style="list-style-type: none"> Heritage Interpretation is not deemed necessary for the Stage 2 OSD tower as there is already heritage interpretation proposed for the Crows Nest metro station itself. This is considered sufficient in communication and dissemination of the overall Sydney Metro site's development history and associated heritage narrative. The proposed Stage 2 OSD tower utilises appropriate materials that enables the integration of natural landscaping at the transition between the podium and the tower block, which includes a landscape zone at the car parking level. The materials also respond to the local character of the Pacific Highway, particularly the terracotta tiles and corrugated metal that acknowledge and reflect many of the surrounding roofscapes in the area (terracotta replicating the brick residences in Crows Nest while the corrugated metal replicates the roof materials of many commercial buildings along the Pacific Highway).

5.4. State of New South Wales and Department of Planning and Environment (DPE) Guidelines

The following questions that are relevant to the proposed Stage 2 OSD tower have been extracted from the State of NSW and Department of Planning and Environment, *Guidelines for Preparing a Statement of Heritage Impact, 2023*. Responses have been provided in relation to the proposed development.

Questions to be answered	This proposal relates to these matters as follows:
Section 1 - The Heritage Item	
Is the location of the proposed works area clearly identified?	<ul style="list-style-type: none"> The subject site is clearly identified as 477, 479 and 491-495 Pacific Highway, Crows Nest. The subject site refers to the 14 storey tower block development above the podium of the Crows Nest Metro Station that was recently constructed.
Section 2 - Significance Assessment	

Questions to be answered	This proposal relates to these matters as follows:
Is the significance of the heritage item well documented and understood?	<ul style="list-style-type: none"> ▪ The subject site is not identified as a heritage item, nor assessed in this SOHI as having heritage significance. Heritage items in the vicinity have been identified, with their significance well understood.
Have all the criteria of the heritage item's significance been considered?	<ul style="list-style-type: none"> ▪ Yes, all criteria for heritage significance were utilised in the assessment of the subject site. See <i>section 4 - Assessment of Significance</i>.
Section 3 - Proposed Works	
Is there enough information available about the proposed works to determine how they may impact the heritage item and its significance?	<ul style="list-style-type: none"> ▪ Yes, the proposed works involve the construction of a tower development on the existing podium development (recently constructed). The proposal incorporates plans for the site, as well as elevations and photomontages/renders that clearly show the sitting of the Stage 2 OSD tower in context with the heritage items in the vicinity.
Will the proposed works be the best conservation solution for the heritage item?	<ul style="list-style-type: none"> ▪ N/A, the subject site is not identified as a heritage item.
Section 4 - Heritage Impact Assessment	
Do the proposed works include removal of unsympathetic alterations and additions? How does this benefit or impact the heritage item and its significance?	<ul style="list-style-type: none"> ▪ N/A, the subject site is not a heritage item.
Do the proposed works affect the setting of the heritage item, including views and vistas to and from the heritage item and/or a cultural landscape in which it is sited? Can the impacts be avoided and/or mitigated?	<ul style="list-style-type: none"> ▪ The Stage 2 OSD tower will be visible in the background of some heritage items, particularly those at the intersection of Willoughby Road and the Pacific Highway. However, this will not greatly impact on these items as there exists many multi-storey towers to the north-west at St Leonards which are already visible in the background and that do not diminish the heritage value of these heritage items. The Stage 2 OSD tower will sit within this emerging skyline and will not add further to their already modified skyline in the background of these heritage items. ▪ It is acknowledged that the setting of the area will be impacted by the Stage 2 OSD tower; however, this will be in keeping with the said emerging high rise development to the north-west along the Pacific Highway. To date, this development has not adversely affected the heritage significance of these heritage items along the Pacific Highway. ▪ The Stage 2 OSD tower has been designed to reduce visual dominance and bulk over the nearby heritage items. The building's articulation adds interest to the bulk of the podium structure (part of the metro station)

Questions to be answered	This proposal relates to these matters as follows:
	<p>and therefore creates a positive view and vista within the streetscape. Likewise, the setback of the tower 1.5 metres from the podium of the Crows Nest Metro Station on the Pacific Highway elevation makes the site less visually dominant and overwhelming. Though the new development will alter the views and vistas from the nearby heritage items, it has been designed to be sympathetic and visually appealing.</p>
<p>Are the proposed works part of a broader scope of works?</p> <p>Does this proposal relate to any previous or future works? If so, what cumulative impact (positive and/or adverse) will these works have on the heritage significance of the item?</p>	<ul style="list-style-type: none"> ▪ The OSD at Crows Nest is part of the State Significant Development for the Chatswood to Sydney Metro project. Crows Nest is one of the new metro stations recently constructed (SSI 15-7400), with this Stage 2 OSD tower accompanying the new station. ▪ Site B (477, 479 and 491-495 Pacific Highway) is one of three areas designated for over station development. Site A to the north on the Pacific Highway has a concept approval for two tower buildings of 27 storeys, and Site C to the east has a concept approval for one tower building of 8 storeys. ▪ Cumulatively, the three sites once developed will greatly increase the density of the Crows Nest area, which will alter the views and temporarily overshadow the nearby heritage items. Site B's OSD tower as part of Stage 2 has been designed to be sympathetic to the surrounding heritage context, with the footprint of the tower setback 1.5 metres from the podium on the Pacific Highway elevation and incorporating a respectful articulation.
<p>Are the proposed works to a heritage item that is also significance for its Aboriginal cultural heritage values? If so, have experts in Aboriginal cultural heritage been consulted?</p>	<ul style="list-style-type: none"> ▪ N/A. Subject site is not a heritage item nor identified as having Aboriginal cultural heritage values.
<p>Has the applicant checked if any other approvals or a separate process to evaluate the potential for impacts is required?</p>	<ul style="list-style-type: none"> ▪ The SSD-61400212 SEARS has stipulated that a Statement of Heritage Impact is required for this development due to its proximity to heritage items in the vicinity. This SOHI responds to that requirement.
<p>Do the proposed works trigger a change of use classification under the <i>National construction code</i> that may result in prescriptive building requirements? If so, have options that avoid impact on the heritage values been investigated?</p>	<ul style="list-style-type: none"> ▪ N/A. Subject site has been zoned as MU1 under the <i>North Sydney LEP 2015</i>.
<p>If the proposed works are to a local heritage item, are the requirements of the development control plans or any local design guidelines that may apply to the site considered?</p>	<ul style="list-style-type: none"> ▪ N/A, subject site is not a heritage item. Additionally, under Section 2.10 of <i>the SEPP (Planning Systems) 2021</i>, local development control plans do not apply to state significant development, which the OSD is a part of.

Questions to be answered	This proposal relates to these matters as follows:
<p>Will the proposed works result in adverse heritage impact? If so, how will this be avoided, minimised or mitigated?</p>	<ul style="list-style-type: none"> ▪ The works will not result in adverse heritage impacts that detrimentally affect the heritage significance of the nearby heritage items. While these items will be temporarily overshadowed during certain hours of the day (during the winter solstice - see drawings DA7701 - DA7705), and the Stage 2 OSD tower will be visible in the background of some of these items, the impacts are mitigated by the design of the tower, which has a smaller building footprint than that of the podium building (Crows Nest Metro Station). This reduces the bulk and scale of the of the development and makes it less overwhelming to the heritage items in proximity. ▪ The 14 storey OSD tower will be in keeping with the emerging high-rise tower skyline to the north-west of the site at St Leonards. This skyline is currently not deemed to be adversely impacting the heritage significance of these proximate heritage items.

The following table addresses the proposal in relation to relevant 'questions to be answered' relating to works adjacent to a heritage item or within the heritage conservation area (listed on an *LEP*).

Questions to be answered	This proposal relates to these matters as follows:
<p>Will the proposed works affect the heritage significance of the adjacent heritage item or the heritage conservation area?</p>	<ul style="list-style-type: none"> ▪ The heritage significance will not be drastically impacted by the development of the subject site to accommodate the Stage 2 14 storey OSD tower. The heritage items on the Pacific Highway will be overshadowed during certain hours of the day, however this will not be permanent overshadowing due to the width of the Pacific Highway and the positioning of the subject site away from the heritage items. The heritage items will still receive sufficient sunlight during the day (according to the winter solstice overshadowing drawings - see drawings DA7701 - DA7705) and thus the fabric integrity of these items will not be compromised, nor their significance diminished. These heritage items will still be able to provide evidence of the early 20th Century development of the Pacific Highway. ▪ The acceptability of the proposed built form of the tower was established by way of a SSD process, and subsequently a design competition which found that the development is capable of delivering design excellence. The proposal will deliver a contemporary mixed-use development similar to that of the high-rise developments

Questions to be answered	This proposal relates to these matters as follows:
	<p>at St Leonards, which are a backdrop to the subject development site.</p>
<p>Will the proposed works affect views to, and from, the heritage item? If yes, how will the impact be mitigated?</p>	<ul style="list-style-type: none"> ▪ Most of the significant views to and from the heritage items in the vicinity of the current Stage 2 OSD tower relate to the public domain scale of the items and not necessarily their skyline setting; notwithstanding, their overall views will not be affected by the OSD tower as the heritage items are located away from the subject site. This includes the 'Higgins Building' and 'Shop' heritage items along the Pacific Highway which are closest to the site but which have significant views that face away from the subject site. Significant views facing north of the heritage items 'Willoughby House' and 'Crows Nest Hotel' at the intersection of the Pacific Highway and Willoughby Road will have the current Stage 2 OSD tower visible in the background. However, this will not be a detrimental impact on these items as a number of high rise buildings at St Leonards are already visible in the background of these heritage items. ▪ Significant views from the heritage items in the vicinity will not be significantly diminished due to the design of the tower. The Stage 2 OSD tower is located on the opposite side of the Pacific Highway to the 'Higgins Building' and 'Shop' heritage items and is therefore visible from these heritage items when looking across the street. The tower has been designed to be visually sympathetic to these heritage by employing terracotta and corrugated metal materials that is in keeping with roof forms and materials of the buildings in the immediate vicinity. Additionally, the design of the building setback 1.5 metres from the metro station podium on the Pacific Highway elevation reduces the visual and physical bulkiness of the tower.
<p>Will the proposed works impact on the integrity or the streetscape of the heritage conservation area?</p>	<ul style="list-style-type: none"> ▪ N/A - The subject site is not situated within or adjacent to a heritage conservation area. The closest HCAs, which are CA09 and CA08, are a few blocks away and its heritage values do not rely on the skyline setting. None of these HCA's identified significant views will be impacted by the OSD.

6. CONCLUSION AND RECOMMENDATIONS

In conclusion, it is considered by City Plan Heritage that the proposed construction of a new 14 storey mixed use Stage 2 'Site B' over station development (OSD) at 477, 479 and 491-495 Pacific Highway will have some visual impacts on the heritage significance of the heritage items in the vicinity; however, this impact is deemed negligible and acceptable. The heritage items in the vicinity of the site will not be physically or visually overwhelmed or dominated by the new development due to the Stage 2 OSD tower's location and design. The positioning on the entry to St Leonards means that the Stage 2 OSD tower will be in keeping with the emerging high-rise skyline of the area. The Stage 2 OSD tower is much lower from the approved Stage 1 tower on 'Site A' of the OSD, and also designed to feature a clearly discernible floor level broken up by visually distinctive bays utilising sympathetic materials and finishes with setbacks from the original metro station podium (1.5 metres on the Pacific Highway elevation), thereby reducing the visual bulk and dominance of the tower. Most significant views of the heritage items in the vicinity do not face the Stage 2 OSD tower, and those that do will not be overwhelmed as the proposed Stage 2 OSD tower will be in keeping with the existing high-rise buildings at St Leonards in the background of these heritage items. According to overshadowing diagrams for the winter solstice, the Stage 2 OSD tower will overshadow heritage items along the Pacific Highway, however this will only be for a few hours each day and will therefore not impact the fabric integrity or aesthetic qualities of these heritage items.

The proposal demonstrates compliance with the existing heritage conservation provisions and design quality guidelines and is therefore recommended for approval.

CITY PLAN HERITAGE

SEPTEMBER 2024

7. BIBLIOGRAPHY

- 17 January 1940. "Advertising." *Sydney Morning Herald* 21.
- ANZLIC Committee on Surveying & Mapping. n.d. *Historical Aerial Photography - Foundation Spatial Data*. <https://imagery.aerialphotography.fsdf.org.au/>.
- Artefact Heritage. May 2016. "Chatswood to Sydenham Environmental Impact Statement - Technical Paper 5: Aboriginal Heritage Archaeological Assessment."
- Artefact Heritage. May 2016. "Chatswood to Sydneyham Environmental Impact Statement - Technical Paper 4: Non-Aboriginal Heritage Impact Assessment."
- 24 June 1939. "Bread Carter's Claim Fails." *Daily News* 2.
- Burke, Keast. 1972. "Holtermann Bernhart Otto (1839-1885)." *Australian Dictionary of Biography*.
- 7 July 1924. "Criminal Law." *Evening News* 1.
- 11 March 1949. "Death of Mr S Mck White." *The Age* 3.
- Extent Heritage. 2018. "Sydney Metro City & Southwest - Crows Nest Over Sration Development - Statement of Heritage Impact."
- 12 December 1939. "Family Notices." *Sydney Morning Herald* 10.
- 13 February 1909. "Family Notices." *Sydney Morning Herald* 12.
- 5 January 1933. "Finance, Commerce, Stocks and Shares." *The Herald* 26.
- 25 October 1872. "Hill End." *Sydney Morning Herald* 3.
- 23 April 1929. "Law Report." *Sydney Morning Herald* 8.
- Linge, G J R. 1979. *Industrial Awakening*.
- 26 November 1947. "Lonely Death in Own Home." *Daily Mirror* 16.
- 15 August 1935. "M Butler's Bread." *Catholic Freeman's Journal* 22.
- Marquett v Walsh*. 1929. 29 SR 298 (NSW Supreme Court).
- 2 February 1920. "Mr Matthew Butler." *Sydney Morning Herald* 8.
- 20 October 1932. "Mr T Le Gay Holthouse." *Sydney Morning Herald* 16.
- North Sydney Council. n.d. *At Home in North Sydney - Wollstonecraft / Berry Estate*. <https://www.athomeinnorthsydney.com.au/berry-estate.html>.
- . n.d. "Coal Loader Sustainability Learning Guide - Chapter 2 - Aboriginal History." <https://www.northsydney.nsw.gov.au/coal-loader-1/coal-loader-sustainability-learning-guide>.
- . n.d. "North Sydney History Walks - Crows Nest." <https://www.northsydney.nsw.gov.au/downloads/file/508/crows-nest-history-walk>.
- 20 October 1922. "Notice." *Government Gazette of the State of New South Wales* 5715.
- 24 March 1922. "Notice of Dissolution." *Government Gazette of the State of New South Wales* 1928.
- NSW Government. n.d. *Historical Aerial Imagery*. <https://portal.spatial.nsw.gov.au/portal/apps/webappviewer/index.html?id=f7c215b873864d44bccdda8075238cb>.
- NSW Land Registry Services. n.d. *Historical Land Records Viewer*. <https://hlrv.nswlrs.com.au/>.
- NSW State Heritage Inventory. n.d. *Crows Nest Hotel*.
- . n.d. *Former National Australia Bank*.
- . n.d. *Higgins Building*.
- . n.d. *Northside Baptist Church*.

- n.d. *Shop.*
- n.d. *St Leonards Centre.*
- n.d. *Willoughby House, former OJ Williams Store.*
- Parliament of NSW. n.d. *Sir John Hay, K.C.M.H (1816-1892).*
<https://www.parliament.nsw.gov.au/members/Pages/member-details.aspx?pk=443>.
- 7 April 1933. "Police Association." *South Coast Times and Wollondong Argus* 12.
- Russell, Eric. 1970. *Lane Cove 1788, 1895, 1970: A North Shore History.* Council of the Municipality of Lane Cove.
- Sands, John. 1912. "Sands Postal Directory - Part 6 - Suburban Directory - Newtown to Petersham."
<https://archives.cityofsydney.nsw.gov.au/nodes/view/1899801>.
- SIX Maps Imagery. n.d. <https://maps.six.nsw.gov.au/>.
- State Archives NSW. 1941. "Street Lighting - Crows Nest Intersection - Sydney." July.
https://search.records.nsw.gov.au/primo-explore/fulldisplay?docid=ADLIB_RNSW112758781&context=L&vid=61SRA.
- State Library NSW. 1874-1876. "B.O Holtermann with the Hotlermann Nugget."
<https://collection.sl.nsw.gov.au/record/Yj7Q2MX9>.
- 1893. *Crows Nest Subdivision Plans - Berry's Estate.*
<https://collection.sl.nsw.gov.au/record/74VvqZgxKO2Z/a7wOeE34OX5V7>.
- 1901. "Crows Nest Subdivision Plans - Berry's Estate."
<https://collection.sl.nsw.gov.au/record/74VvqZgxKO2Z/5eLGAQqPA45Og>.
- 1875. "Glass plate negatives forming part of the panorama of Sydney harbour and its suburbs taken from the Holtermann's residence in St Leonards."
<https://collection.sl.nsw.gov.au/record/9gkdwOJ9/0OZWOpAXxzDm>.
- 1873. "Holtermann Mansion, North Sydney." <https://collection.sl.nsw.gov.au/record/Yj7Q24I9>.
- Stephen, M D. 1967. "Edward Wollstonecraft (1783-1832)." *Australian Dictionary of Biography.*
- 15 December 1932. "Supt. Alexander Beattie." *The Cumberland Argus and Fruitgrower's Advocate* 18.
- Wolfpeak. March 2020. "Crows Nest Metro Station - Aboriginal Heritage Interpretation Plan - Contribution."
- Wotherspoon, Gary. 2008. "Ferries." *The Dictionary of Sydney.*

APPENDIX A:

Significant Views Map

Appendix A: Significant Views Map



