



Proposed development concept (artists impression) of the study area at 3-5 Help Street, Chatswood

HISTORIC HERITAGE IMPACT ASSESSMENT

3-5 HELP STREET DEVELOPMENT PROJECT

WILLOUGHBY CITY COUNCIL LOCAL GOVERNMENT AREA, CHATSWOOD, NSW

DECEMBER 2024

Report prepared by
OzArk Environment & Heritage
for Loftex Chatswood Pty Limited

The OzArk logo features the word "OzArk" in a white, sans-serif font. The letter "O" is stylized with a green leaf inside it. The letter "A" is stylized with a yellow and orange flame-like shape inside it. The logo is set against a dark blue background.

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Acknowledgement

OzArk acknowledge the traditional custodians of the area on which this assessment took place and pay respect to their beliefs, cultural heritage, and continuing connection with the land. We also acknowledge and pay respect to the post-contact experiences of Aboriginal people with attachment to the area and to the Elders, past and present, as the next generation of role models and vessels for memories, traditions, culture and hopes of local Aboriginal people.

ABBREVIATIONS AND GLOSSARY

DCCEEW (Cth)	Commonwealth Department of Climate Change, Energy, the Environment and Water. Department responsible for administering the EPBC Act
DCCEEW (NSW)	NSW Department of Climate Change, Energy, the Environment and Water. DCCEEW contains the Environment and Heritage Group which, in turn, contains Heritage NSW and AHIMS
DPE	Former NSW Department of Planning and Environment. The functions of DPE are undertaken by DCCEEW (NSW) and DPHI.
DPHI	NSW Department of Planning, Housing and Infrastructure. DPHI contains the Planning agency.
EIS	Environmental Impact Statement. A required document for major projects documenting all potential impacts to the environment, including heritage, that may arise due to the development.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> . Act that institutes a system of environmental planning and assessment for the State of New South Wales
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> . Commonwealth legislation that governs matters of national and world heritage significance
Heritage Act	<i>Heritage Act 1977</i> . Provides for the protection and conservation of historical places and objects or cultural heritage significance and the registration of such places and objects.
Heritage Council	The Heritage Council makes decisions about the care and protection of heritage places and items that have been identified as being significant to the people of NSW.
Heritage NSW	Government department tasked with ensuring compliance with the Heritage Act.
SEARs	Secretary's Environmental Assessment Requirements issued by DPHI.
SHR	State Heritage Register. A heritage list of places in NSW that are protected by NSW legislation such as the Heritage Act.

EXECUTIVE SUMMARY

OzArk Environment & Heritage (OzArk) has been engaged by Loftex Chatswood Pty Limited (the client & proponent) to complete an *Historic Heritage Impact Assessment* (HHIA) for 3-5 Help Street, Chatswood, where the proposed development of a 33-storey tower and podium featuring 5 levels of basement (the proposal) is being currently considered.

The proposal is located in the suburb of Chatswood, at the address 3-5 Help Street, approximately 9 kilometres (km) northwest of central Sydney. The proposal is within the Willoughby City Council Local Government Area (LGA).

The study area covers approximately 2,290 meters (m)² and is identified under Strata Plan (SP) 134 & SP 52320. The area is currently zoned as MU1 'mixed-use' and is primarily made up of residential units, semi-subterranean parking and managed vegetation.

This HHIS is being developed in conjunction with an Aboriginal Cultural Heritage Assessment Report (ACHAR) that will form part of an Environmental Impact Assessment to support the proposal.

This assessment has concluded that archaeological deposits are considered unlikely within the study area due to the high levels of previous land use and the current complete development of the site. The residential brick buildings currently occupying the study area have not been listed as holding any heritage significance.

This report also discusses historic heritage of the surrounding area, first describing LEP listed sites in the vicinity of the study area, and then assessing their historical significance / values in relation to the proposal.

As a result of this assessment, no historical sites were identified within the study area. The locally significant North Chatswood Conservation Area located nearby was assessed in terms of the potential impact that the project might have on the visual amenity of the conservation area. The same assessment was undertaken for two other nearby LEP listed items, though it was found that the proposal would have no impact on any historical heritage or archaeological sites within the nearby area.

The assessment has concluded that no impacts from the proposal to historic values are deemed likely. As such, the management recommendations regarding the historic values within and near to the study area are as follows:

1. All ground disturbing works must be confined to the study area. Should works be required outside of the assessed area, then further archaeological assessment may be required.
2. The *Unanticipated Finds Protocol* (**Appendix 1**) should be followed if items suspected to have significant historic heritage values are discovered during the works associated with the proposal.

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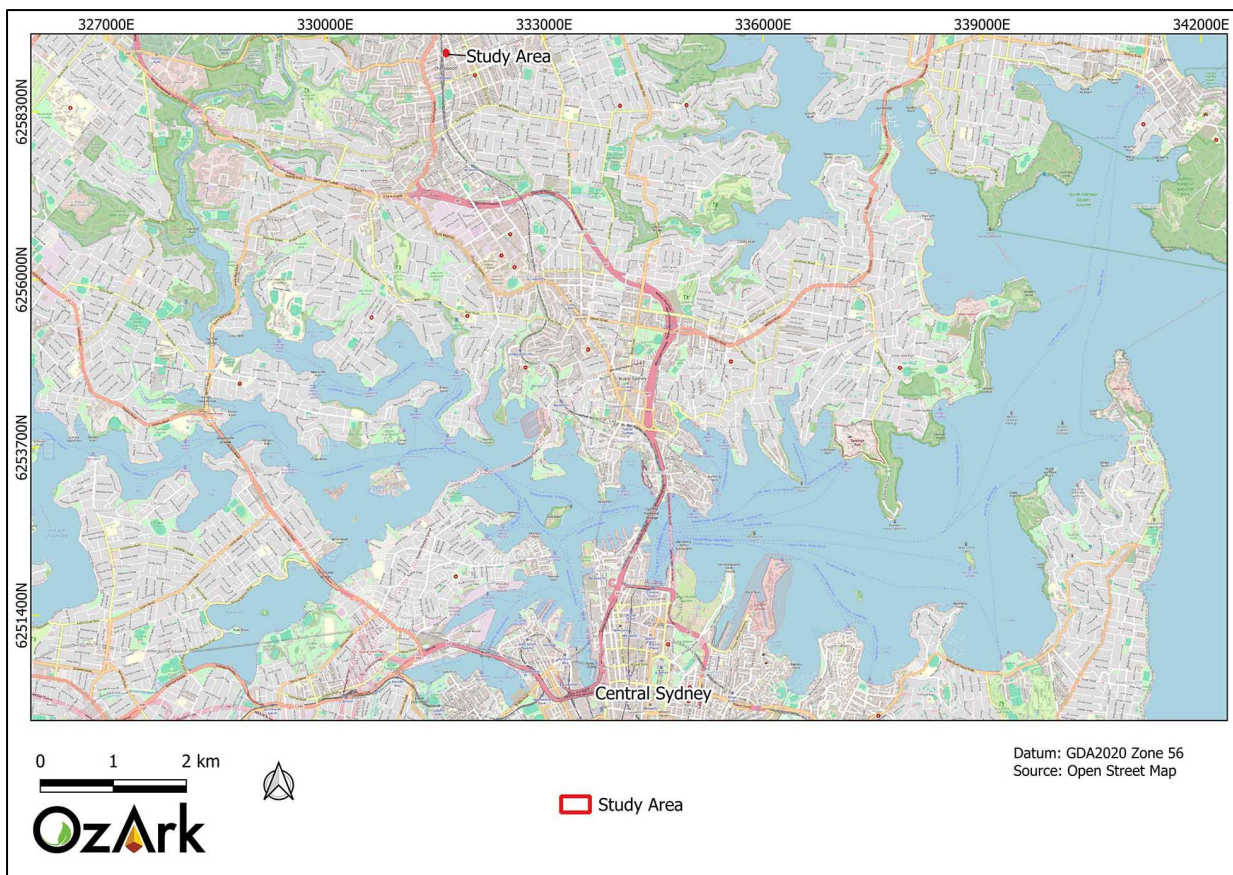
1 INTRODUCTION

1.1 DESCRIPTION OF THE PROPOSAL

OzArk Environment & Heritage (OzArk) has been engaged by Loftex Chatswood Pty Limited (the client & proponent) to complete an *Historic Heritage Impact Assessment* (HHIA) for 3-5 Help Street, Chatswood, where the proposed development of a 33-storey tower and podium featuring 5 levels of basement (the proposal) is being currently considered.

The proposal is located in the suburb of Chatswood, at the address 3-5 Help Street, approximately 9 kilometres (km) northwest of central Sydney (**Figure 1-1**). The proposal is within the Willoughby City Council Local Government Area (LGA).

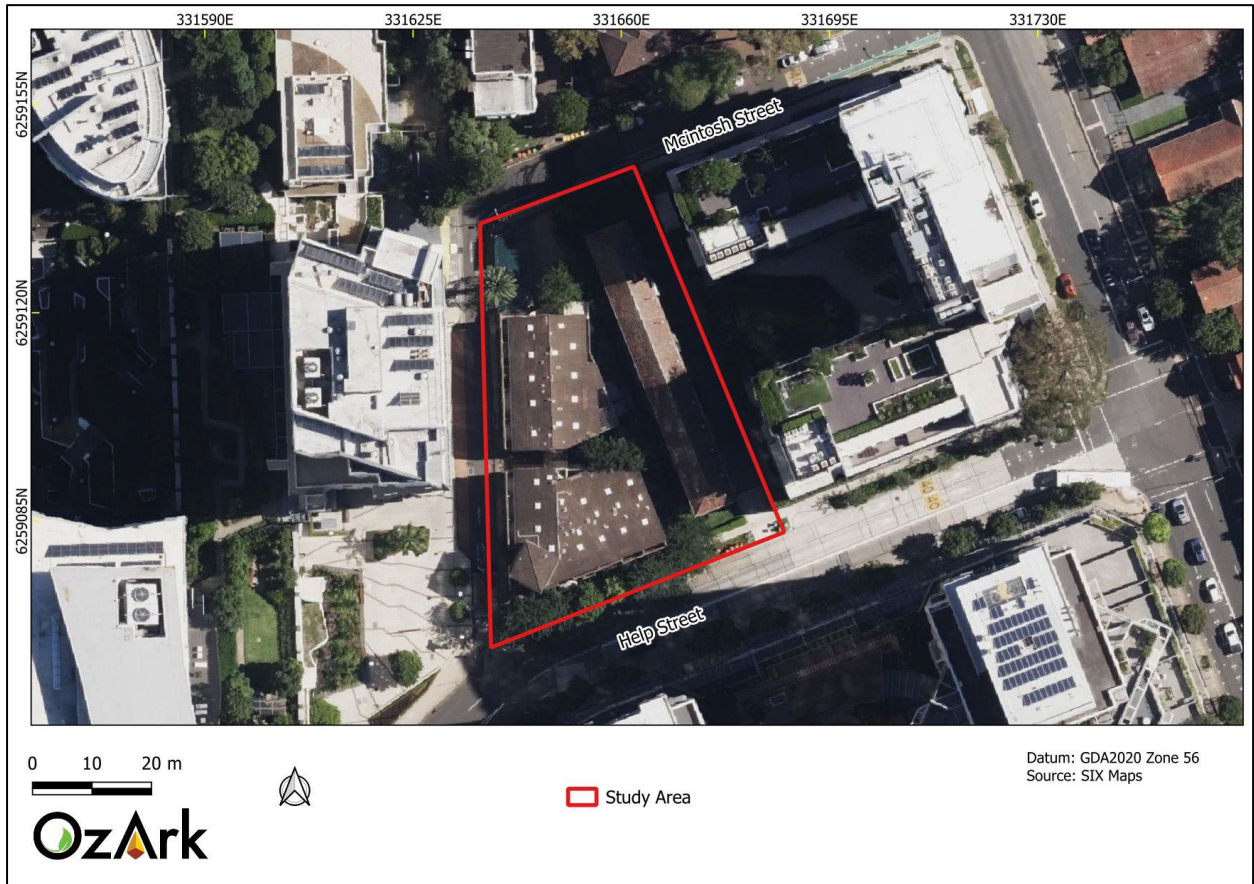
Figure 1-1: Map showing the location of the proposal



1.2 STUDY AREA

The study area describes the area in which all impacts associated with the proposal will be located (**Figure 1-2**). The study area covers approximately 2,690 meters (m)² and is identified under Strata Plan (SP) 134 & SP 52320. The area is currently zoned as MU1 'mixed-use' and is primarily made up of residential units, semi-subterranean parking and managed vegetation.

Figure 1-2: Aerial showing the study area.



2 HERITAGE ASSESSMENT: INTRODUCTION

2.1 RELEVANT LEGISLATION

2.1.1 Commonwealth legislation

2.1.1.1 *Environment Protection and Biodiversity Conservation Act 1999*

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), administered by the Commonwealth Department of Climate Change, Energy, the Environment and Water provides a framework to protect nationally significant flora, fauna, ecological communities, and heritage places. The EPBC Act establishes both a National Heritage List and Commonwealth Heritage List of protected places. These lists may include Aboriginal cultural sites or sites in which Aboriginal people have interest. The assessment and permitting processes of the EPBC Act are triggered when a proposed activity or development could potentially have an impact on one of the matters of national environmental significance listed by the Act. Ministerial approval is required under the EPBC Act for proposals involving significant impacts to National/Commonwealth heritage places.

Applicability to the proposal

It is noted there are no Commonwealth or National heritage listed places within or near the study area, and as such, the heritage provisions of the EPBC Act do not apply.

2.1.2 State legislation

2.1.2.1 *Environmental Planning and Assessment Act 1979*

The *Environmental Planning and Assessment Act 1979* (EP&A Act) established requirements relating to land use and planning. The main parts of the EP&A Act that relate to development assessment and approval are Part 4 (Development assessment and consent) and Part 5 (Infrastructure and environmental impact assessment). The Minister responsible for the Act is the Minister for Planning and Public Spaces.

The EP&A Act provides the primary legislative basis for planning and environmental assessment in NSW. The EP&A Act includes provisions to ensure that the potential environmental impacts of a development or activity are rigorously assessed and considered in the decision-making process. The framework governing environmental and heritage assessment in NSW is contained within the following parts of the EP&A Act:

- Part 4: Local government development assessments, including heritage. May include schedules of heritage items
 - Division 4.7: Approvals process for state significant development.

Applicability to the Project

The Project will be assessed under Part 4 Division 4.7 of the EP&A Act.

As the Project is a State Significant Development (SSD), if approved, Section 4.41 of the EP&A Act would apply and provides a defence for any investigative or other activities that are required to be carried out for the purpose of complying with any environmental assessment requirements (i.e. the SEARs).

Section 4.41 of the EP&A Act also notes that permits in relation to the *Heritage Act 1977* (Heritage Act) under Part 4 Division 4.7 are not required.

It is normally a condition of approval for SSD projects that historic heritage impacts be managed under an *Historic Heritage Management Plan* (HHMP) if management measures are required for recorded items.

2.1.2.2 *Heritage Act 1977*

The *Heritage Act 1977* (Heritage Act) is applicable to the current assessment. This Act established the Heritage Council of NSW. The Heritage Council's role is to advise the government on the protection of heritage assets, make listing recommendations to the Minister in relation to the State Heritage Register (SHR), and assess/approve/decline proposals involving modification to heritage items or places listed on the SHR. Most proposals involving modification are assessed under Section 60 of the Heritage Act.

Automatic protection is afforded to 'relics', defined as 'any deposit or material evidence relating to the settlement of the area that comprised New South Wales, not being Aboriginal settlement, and which holds state or local significance' (note: formerly the Act protected any 'relic' that was more than 50 years old. Now the age determination has been dropped from the Act and relics are protected according to their heritage significance assessment rather than purely on their age). Excavation of land on which it is known or where there is reasonable cause to suspect that 'relics' will be exposed, moved, destroyed, discovered, or damaged is prohibited unless ordered under an excavation permit, or authorised by an SSD development consent.

2.1.2.3 *Secretary's Environmental Assessment Requirements*

SEARs were issued by the NSW Department of Planning, Housing and Infrastructure (DPHI) on 8 October 2024, application number SSD-76555711 (SEARs 2024). The SEARs state two requirements with regard to cultural heritage.

Aboriginal Cultural Heritage

- *Provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts to any Aboriginal cultural heritage sites or values associated with the site.*

Environmental Heritage

- *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.*

the requirement for Environmental Heritage will be addressed in this report. The purpose of this report is to identify direct or indirect impacts (if any) to historic heritage or potential archaeological deposits in the study area and nearby area.

The requirement for Aboriginal Cultural Heritage will be addressed in the accompanying Aboriginal Cultural Heritage Assessment Report (ACHAR).

No additional requirements from Heritage NSW are contained in the SEARs.

2.2 HISTORIC HERITAGE ASSESSMENT OBJECTIVES

The current assessment will apply the Heritage Council's *Investigating Heritage Significance. A guide to identifying and examining heritage items in NSW* (Heritage Council 2021), *Assessing heritage significance Guidelines for assessing places and objects against the Heritage Council of NSW criteria* (DPE 2023), and the *Historical Archaeology Code of Practice* (Heritage Council 2006) in the completion of a historical heritage assessment, including field investigations, to meet the following objectives:

- Objective One:** To identify whether historical heritage items or areas are, or are likely to be, present within or near to the study area
- Objective Two:** To assess the significance of any recorded historical heritage items or areas
- Objective Three:** Determine whether the proposal is likely to cause harm to recorded historical heritage items or areas
- Objective Four:** Provide management recommendations and options for mitigating impacts.

2.3 HISTORIC HERITAGE FIELD ASSESSMENT

The study area is currently occupied by two residential apartment buildings and a semi sub-street level car park. It was considered from desktop review that no archaeological potential remains within the study area, and as such no field assessment was undertaken. The entire site was identified at desktop level to have no historical significance.

2.4 REPORTING

The reporting component of the historic heritage assessment was undertaken by:

- Report author: Kelsey Bennett (OzArk Project Archaeologist, MA Classical Archaeology, BA (Hons) Classical Archaeology, The University of Kent)
- Report reviewer: Dr Jodie Benton (OzArk Principal Archaeological and Director, PhD University of Sydney).

3 HISTORIC HERITAGE ASSESSMENT: BACKGROUND

3.1 BRIEF HISTORY OF CHATSWOOD

When Governor Phillip was granted authority to form the New South Wales colony in 1788, he made 100 grants of land in the Sydney area, though none for the North Shore. It wasn't until 1805 when Isaac Nichols was granted 600 acres by Governor King (dubbed "King's Plains") that the area now known as Chatswood became a target for settlement. The area was roughly bounded by today's Anderson Street, Ashley Street, the Pacific Highway (then Gordon Road) and the Chatswood Oval – from 1810, this land was subdivided and sold (Egan 1988).

The suburb of Chatswood sits in the Willoughby City Council (LGA). By 1834, the traditional lifestyles of the Gumeragal / Cammeraygal people in the area had been all but erased and the area known as Willoughby consisted primarily of farm properties and cottages growing fruit orchards and vegetables. Farming and timber were the primary industries and trades in the area, which were centred around Gordon Road, with the east of this street initially more favourable for development due to its flat plains (HSoc 2013).

The area grew slowly for the next thirty years, with the wider Willoughby area becoming incorporated as a municipality in 1865 with a population of 400 people. Along with farming and timber, new industries including tanneries and brick pits offered employment to settlers. In 1870 the original land grants began to be subdivided, one Richard Harnett bought 145 acres in 1872 and ran a successful estate. 1879, with the building of a new post office, Chatswood became adopted as the official name of the suburb surrounding Victoria Street (now Avenue) (Egan 1988, HSoc 2013). It is believed that the name Chatswood comes from Harnett's second wife Charlotte. Nicknamed Chattie, she was known to wonder, daydream and paint in the woods nearby. A friend of Harnett, Henry Lawson, suggests in his poem of the same name, Chattie's Wood, became Chatswood (HSoc 2024).

In 1881 the light industry that gave the area a jumpstart was confined to the eastern end of Victoria Avenue, as it still is today. The Chatswood reservoirs built in 1888 supplied the whole of the North Shore east of the Land Cove River with water and are still used today (WCL 2024). With the introduction of the North Shore railway line in 1890 and the associated station, shops started to appear and by 1896 there were several along the western side of the station. Electric trams reached Victoria Avenue by 1898, and the area became known as desirable in the early 1900s, especially for its transport routes. The local council chambers were moved onto Victoria Street in 1903, and the tram was extended from there to the Chatswood railway in 1908, opening up public transport from the up-and-coming hub to the wider Sydney area and beyond. With the construction of the Sydney Harbour Bridge in 1932, North Shore development expanded for a time but was slowed by the depression and eventually halted by the Second World War (HSoc 2013, 2024).

Following the end of the war and the Town Planning and Development Act of 1946, new plans for growth started to be developed and investment began anew. In 1948 engineer and would-be town planner Hugh Robb put together a grand vision of the 'Chatswood District Centre': open space with room for shops and housing, landscaped lawns, shrubbery and ornamental trees, flower beds and rest areas for visitors and residents, transport links to and from underdeveloped districts. In 1951 Chatswood was indeed designated a district centre by the County of Cumberland District planning Scheme, but Robb's vision would never truly come to be. Becoming an authorised district centre meant the local council had new responsibilities to develop land to invite businesses and commercial investment. It was decided that the western side of the railway would be divided for commercial developers and businesses, and the east for shopping complexes and housing. The property was bought up, divided and sold. The Grace Bros' bought the majority of the land including the original district centre either side of Victoria Avenue between 1956 and 1960, but in order to build their shopping complexes and the like, the land had to be rezoned. Robb's vision of an open, green city centre never truly came to be, but growth continued in the area, and Chatswood was declared a town centre in 1983 and Willoughby a city in 1989. The rezoning pattern that started in the 50s saw the original residential lots around the station subdivided further, driving the development of the Chatswood centre into the mixed use, high rise area that it is still is today (Hsoc 2024, Philips 1992).

3.2 LOCAL CONTEXT

3.2.1 Historic background of the study area

Local historical records indicate the study area was originally located within the parish of Willoughby, in the county of Cumberland. In 1889 the study area was still a part of Isaac Nichols 'King's Plains' (**Figure 3-1**) and would have either been undeveloped or used as farmland. The area underwent heavy development throughout the 1900s, with the study area itself seemingly divided into several residential buildings in the 1950s (**Figure 3-2**). The land use has remained as primarily residential and continued to undergo development up until the 1990s.

The buildings that are situated within the study area in the present day have not been identified during any LGA wide studies as having heritage significance. 3 Help Street, is shown in **Figure 3-4** and 5 Help Street in **Figure 3-5** and **Figure 3-6**, both buildings are seen to be contemporary in design, with no discernible heritage features.

Figure 3-1: Approximate location of current study area over a Parish map from 1889.

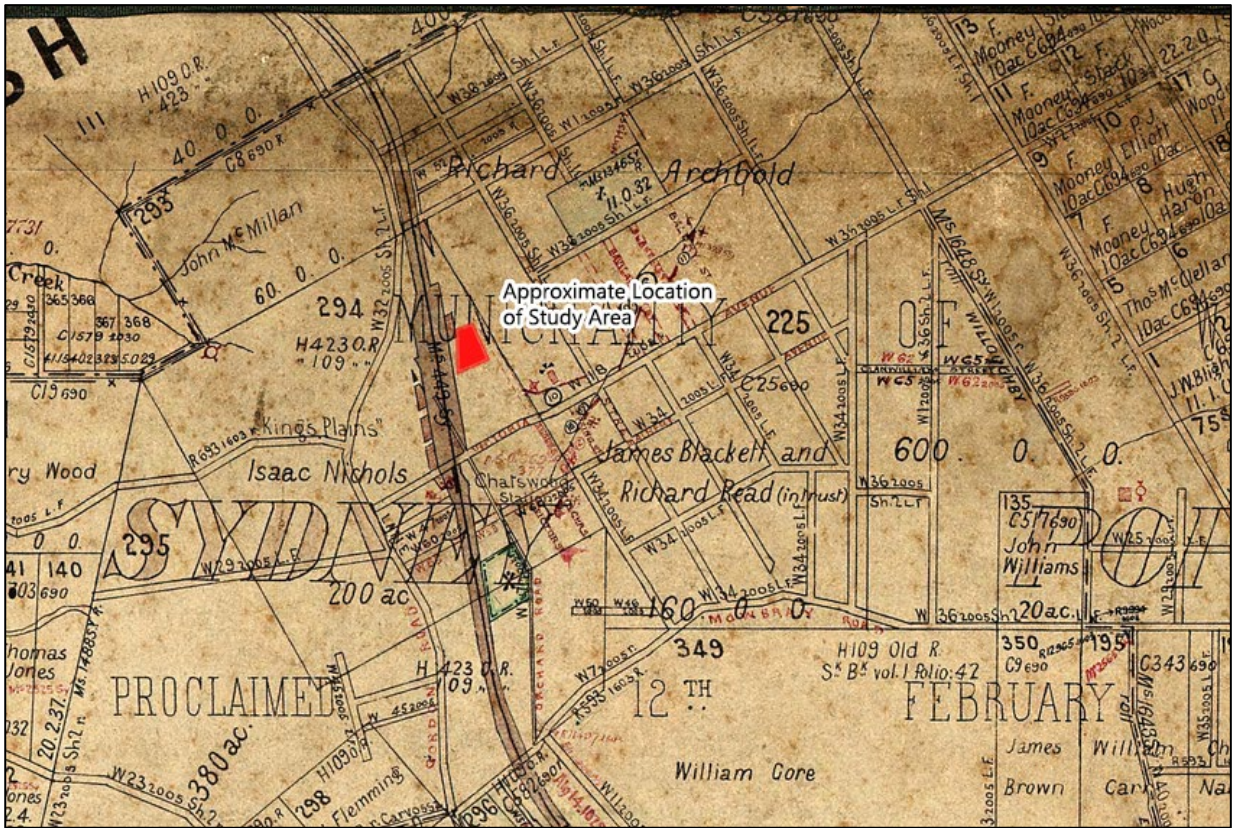


Figure 3-2: 1950 aerial with overlay of study area.



Figure 3-3: 1990 aerial with overlay of study area.



Figure 3-4: View from the front of 3 Help Street, June 2021, Google



Figure 3-5: View from the back of 5 Help Street showing the entrance to the sub-street level car park, July 2024, Google



Figure 3-6: View from the front of 5 Help Street, July 2024, Google



3.2.2 Desktop database searches conducted

A desktop search was conducted on the following databases to identify any potential previously recorded heritage within the study area. The results of this search are summarised in **Table 3-1**.

Table 3-1: Historic heritage: desktop-database search results.

Name of database searched	Date of search	Type of search	Comment
National and Commonwealth Heritage Listings	6/11/24	Willoughby City Council LGA	No places listed on the National or Commonwealth databases are located within or near the study area.
State Heritage Listings	6/11/24	Willoughby City Council LGA	No state listed items are located within or near the study area.
Local Environmental Plan (LEP)	6/11/24	Willoughby LEP 2012	No locally listed items are located within the study area. There are several LEP listed items nearby.

A search of the Heritage Council of NSW administered heritage databases, and the Willoughby LEP 2012 returned no records for historical heritage sites that are within or adjacent to the study area.

The closest LEP listed items nearby are located on the eastern side of the railway. The western side of the railway has been omitted from further assessment due to the large number of high-rises already dominating the viewsheds from west to east. The following sub-sections describe the nearby heritage items, while **Section 4** discusses their heritage significance and the potential impacts of the proposed development.

3.2.2.1 North Chatswood Conservation Area (LEP Listed Item C10)

The North Chatswood conservation Area sits approximately 85 m northeast of the study area at its closest point, a map of its boundaries is shown in (**Figure 4-1**).

The following is summarised from the Willoughby Development Control Plan (DCP 2023, 66-7), The North Chatswood Conservation Area was classified in 1982. In 1880 the Chatswood area saw widespread land division, and in the early 1900s, after the introduction of the railway to the area, lots were bought up and high-class building activity flourished in the area. Houses were spaced in a grid pattern over gentle-moderate slopes and were predominately single-storey, detached, Federation or Interwar bungalows. There are a few two storey mansions and occasional late Victorian houses in the area as well. Buildings in the area tend to have mature, landscaped gardens, are consistently spaced and of similar scale. It is these values and their associated heritage character that the Conservation Area aims to protect.

3.2.2.2 Orchard Tavern (LEP Listed Item I239)

The Orchard Hotel is located approximately 130 m south of the study area, its location is shown in **Figure 4-4**. The hotel was built in 1900 and rebuilt in the 1930s. In the 1980s, the building was

modified and refitted to create a retail arcade on the ground floor (which is now a 7-Eleven) whilst retaining the hotel on the first floor.

A description of the building is summarised in the State Heritage Inventory (SHI):

"The corner is addressed by a tower at 45 degrees to the street which steps down to become wall piers which define recessed terrace. The parapets are concrete and have been more recently painted in cream and green. The end piers and corner tower feature concrete decorative panels which are vertical in detail. The corner tower decoration extends vertically in a curve ended tower. The face of the tower features vertical fins and horizontal banding. The name of the hotel is incorporated above the chevron relief. Volutes and fluting form the decoration below the tower. The balconies feature a sill edge with chevron fluting between edged panels. These occur as projecting panels to the exterior of the recessed balconies. The awning has been modified and painted. Below the awning the tiles have been removed and new glazing installed. The ground floor hotel fit out has been removed when the building was converted to retail. The first floor has been refitted resulting in the retention of little original fabric. The original 5 pane double French doors and highlights and full height windows have been retained and repainted."

It is also noted in the LEP listing that the building holds "little, if any" archaeological significance.

3.2.2.3 **Our Lady of Dolours Church (LEP Listed Item I57)**

Our Lady of Dolours Church sits approximately 210 m east of the study area, its location is shown in **Figure 4-6**. The church was built in 1897 and a tower believed to have been added in the 1940s. The building has undergone some general modernisation and is still focal in the lives of the local Diocesan Catholic community. It is considered a landmark building in the area, used in the past as a school and still today as a place of public worship, it is situated on a corner plot on a busy thoroughfare just outside of the Chatswood CBD.

A description of the building is summarised in the SHI:

"A monumental interwar Romanesque Church building prominently sited on a corner allotment located on a major route at the edge of the CBD. The scale of the church and its bold design give it landmark qualities.

The church has an asymmetrical composition with a massive gabled nave and square tower which addresses the corner. The construction of its face brickwork with contrasting stucco detail including banding, columns, cornices, decorative panels and figures. The square tower is topped with a copper clad dome. The east door features Ionian columns surmounted by statues.

The Presbytery adjacent is a two-storey brick stucco building with gabled slate roof and 2 storey bay frontage. The building appears to have been modernised.”

4 ASSESSMENT OF HERITAGE IMPACT

4.1 HERITAGE SIGNIFICANCE—GENERAL PRINCIPLES

The current assessment documents the heritage significance of the listed sites identified within proximity to the study area. They have previously been assessed in accordance with the NSW Heritage Office's publication *Assessing heritage significance Guidelines for assessing places and objects against the Heritage Council of NSW criteria* (DPE 2023). To be listed, a historic heritage site must satisfy at minimum one of the following criteria to be assessed as having heritage significance:

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

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

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

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

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

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

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

Significance assessments are carried out on the basis that decisions about the future of heritage items must be informed by an understanding of these items' heritage values. The *Australia ICOMOS Burra Charter* (Burra Charter 2013) recognises four categories of heritage value: historic, aesthetic, scientific, and social significance.

Items are categorised as having local or state level, or no significance. The level of significance is assessed in accordance with the geographical extent of the item's value. An item of state significance is one that is important to the people of NSW whilst an item of local significance is one that is principally important to the people of a specific LGA.

4.2 SIGNIFICANCE OF HISTORIC ITEMS

4.2.1 North Chatswood Conservation Area (LEP Listed Item C10)

Distance from the study area: 85 m northeast at its closest point. The North Chatswood Conservation Area has been assessed to have significance at a local level.

The Willoughby Development Control Plan (DCP) 2023 provides a statement of significance:

“North Chatswood Heritage Conservation Area is a good example of early North Shore residential development. The housing stock describes the progressive overlays of development taking place over half a century. The essential scale, form and spacing of the original dwellings is predominant, even where original architectural detailing has been lost, though much of this is still intact in fine residential buildings and as a general townscape impression.”

There are a number of LEP listed buildings within the conservation area that are noted for their design style, original interiors and mature, landscaped gardens (**Figure 4-1**). The only possible impact to this conservation area from the proposed development would be the view from the conservation area itself. Looking towards the study area from the southwestern corner of the conservation area, the existing view includes several high-rise buildings. The addition of the development on 3-5 Help Street would partially block the view of one of these buildings, and would be several stories taller, but the visual impact would be relatively unchanged in relation to the viewshed that already exists in the built environment (**Figure 4-2**).

Figure 4-1: Aerial of the study area in relation to the North Chatswood Conservation Area.



Figure 4-2: An approximate view to the proposed development from the southwestern corner of the conservation area.



4.2.2 Orchard Tavern (LEP Listed Item I239)

Distance from the study area: 130 m south (**Figure 4-4**). The Orchard Tavern has been assessed to have significance at a local level.

The SHI listing for the item provides a statement of significance:

“The Orchard Tavern has historic significance as a surviving example of commercial development following the opening of the railway line at Chatswood in 1890 and the ensuing demographic commercial/retail shift from Gordon Road (Pacific Highway) to the area surrounding Chatswood Railway Station and tram terminus. The existing building is a good example of a suburban Inter-war Art Deco period hotel designed by Sidney Warden and has landmark status due to its prominent location and architecture. The Tavern has both historic and social value in its continued operation as a hotel since 1900.”

The area around the hotel is highly developed, with a tram and train service 20 m from the door. The ground floor is now a 7-eleven convenience store and high-rises surround the building (**Figure 4-3**), including one in the direct view of the proposed development at Help Street. Being 130 metres away and already dominated by high-rise buildings; the current proposal will not present a significant impact to the existing visual amenity.

Figure 4-3: The Orchard Tavern, 2009, copyright Willoughby City Council.



Figure 4-4: The Orchard Tavern (I239) shown in relation to the study area.



4.2.3 Our Lady of Dolours Church (LEP Listed Item I57)

Distance from study area: 210 m east (**Figure 4-6**). Our Lady of Dolours Church is considered to have significance at a local level.

The SHI listing for the item provides a statement of significance:

“Our Lady of Dolours Church is considered to have historic and aesthetic significance in its architectural qualities and representativeness, social significance due to its focal role in the life of the local and Diocesan Catholic community and a rarity value derived from its architectural features and design. It is a major landmark within the City and Chatswood.”

The church is situated over 200 m from the study area and will not be directly impacted. When looking at the church from the street, one looks west, towards the study area. The church stands atop a concrete apron, including two staircases, and sits high enough to be unaffected by any obstructing views from street level (**Figure 4-5**). It will not be impacted by the proposed development.

Figure 4-5: Our Lady of Dolours Church, 2009, copyright Willoughby City Council.



Figure 4-6: Our Lady of Dolours Church (LEP item I57) in relation to the study area.



4.3 DISCUSSION

No heritage values have been identified within the current Help Street study area, and archaeological potential is considered low as a result of the serial redevelopment of the site, which would have removed any interpretable archaeological deposits of historic significance, if once present.

Though the proposed development is within the vicinity of a conservation area and several LEP listed items, it is located in the midst of other high-rise buildings in an already dense urban environment. Whilst the proposed development may be several stories taller than those adjacent to it, it will blend into the high-rise skyline and will not stand out in terms of obstructing or obscuring the view from any nearby LEP listed site.

4.4 LIKELY IMPACTS TO HISTORIC HERITAGE FROM THE PROPOSAL

Based on aerial imagery shown in **Section 3.2.1**, the study area has remained as a residential plot for at least 75 years. The current buildings hold no historical significance, given the fact that they are modern residential dwellings that have been constructed in the last 30-40 years. Since the sale of this land to Isaac Nichols in 1889, and the subsequent subdivision and resale in the early 1900s, buildings have been built, demolished, and rebuilt within the study area. Soil has

been disturbed and removed, subsurface foundations and utilities have been installed and historical archaeological deposits of any interpretability are considered unlikely.

The provisions outlined in the DCP for the North Chatswood Conservation Area make no management recommendations for buildings outside of its boundary. Saying that, the western side of the conservation area already looks at the Chatswood CBD skyline when facing southwest from the western boundary, or west from the southern boundary. The addition of another high-rise building amongst a cluster of already tall buildings will have a minor contributing impact in terms of the view-sheds from the conservation area.

As such, there are no likely impacts to historic heritage from the proposal.

5 MANAGEMENT AND MITIGATION: HISTORIC HERITAGE

5.1 GENERAL PRINCIPLES FOR THE MANAGEMENT OF HISTORIC HERITAGE

Appropriate management of heritage items is primarily determined based on their assessed significance as well as the likely impacts of the proposed development.

In terms of best practice and desired outcomes, avoiding impact to any historical item is a preferred outcome, however, where a historical site has been assessed as having no heritage value, impacts to these items does not require any legislated mitigation.

5.2 MANAGEMENT AND MITIGATION OF HISTORIC HERITAGE

There were no items of historic heritage significance or historic archaeological deposits identified within the project site, and that are no impacts to nearby listed heritage sites. Consequently, no specific management measures in relation to historic heritage are triggered by the current proposal.

An unanticipated finds protocol should be followed throughout the project construction and can be found in **Appendix 1**.

6 RECOMMENDATIONS

The following recommendations are made based on the impacts associated with the proposal and regarding:

- Legal requirements under the terms of the Heritage Act
- Guidelines presented in the *Burra Charter*
- The findings of the current assessment
- The interests of the local community.

Recommendations regarding the historic values within and near to the study area are as follows:

1. All ground disturbing works must be confined to the study area. Should works be required outside of the assessed area, then further archaeological assessment may be required.
2. The *Unanticipated Finds Protocol (Appendix 1)* should be followed if items suspected to have significant historic heritage values are discovered during the works associated with the proposal.

REFERENCES

- Burra Charter 2013 International Council on Monuments and Sites 2013. *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*.
- DCP 2023 Willoughby Development control Plan. 2023.
- DPE 2023 *Assessing heritage significance Guidelines for assessing places and objects against the Heritage Council of NSW criteria*.
- Egan 1988 Vince Egan. 1988. *The Heritage of East Chatswood*. Management Development Publishers PTY LTD Sydney.
- Heritage Council 2006 *Historical Archaeology Code of Practice*. Heritage Council of New South Wales and the NSW Government Department of Planning.
- Heritage Council 2021 *Investigating Heritage Significance. A guide to identifying and examining heritage items in NSW*.
- HSoc 2013 Willoughby District Historical Society. May 2013. *Chatswood CBD Fact Sheet no.4*.
- HSoc 2024 Willoughby District Historical Society. Historical Willoughby Website. <https://abc17603.wordpress.com/> - Accessed 06/11/24
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- SEARs 2024 Planning Secretary's Environmental Assessment Requirements. *Mixed-use with infill affordable housing - Help Street, Chatswood NSW* Government. Application number: SSD-76555711
- SHI State Heritage Inventory. NSW Government. www.hms.heritage.nsw.gov.au
- WCL 2024 Willoughby City Library Website. *Chatswood Reservoirs*. <https://libraries.willoughby.nsw.gov.au/History-at-Willoughby/Places/Heritage-Plaques/Chatswood-Reservoirs> - Accessed 06/11/24

APPENDIX 1: UNANTICIPATED FINDS PROTOCOL

A historic artefact is anything which is the result of past activity not related to the Aboriginal occupation of the area. This includes pottery, wood, glass, and metal objects as well as the built remains of structures, sometimes heavily ruined.

Heritage significance of historic items is assessed by suitably qualified specialists who place the item or site in context and determine its role in aiding the community's understanding of the local

area, or their wider role in being an exemplar of state or even national historic themes.

The following protocol should be followed if previously unrecorded or unanticipated historic objects are encountered:

1. All ground surface disturbance in the area of the finds should cease immediately, then:
 - a) The discoverer of the find(s) will notify machinery operators in the immediate vicinity of the find(s) so that work can be halted
 - b) The site supervisor will be informed of the find(s).
2. If finds are suspected to be human skeletal remains, then NSW Police must be contacted as a matter of priority.
3. If there is substantial doubt regarding the historic significance for the finds, then gain a qualified opinion from an archaeologist as soon as possible. This can circumvent proceeding further along the protocol for items which turn out not to be significant. If a quick opinion cannot be gained, or the identification is that the item is likely to be significant, then proceed to the next step.
4. Notify Heritage NSW as soon as practical on (02) 9873 8500 (heritagemailbox@environment.nsw.gov.au) providing any details of the historic find and its location.
5. If in the view of the heritage specialist or Heritage NSW that the finds appear not to be significant, work may recommence without further investigation. Keep a copy of all correspondence for future reference.
6. If in the view of the heritage specialist or Heritage NSW that the finds appear to be significant, facilitate the recording and assessment of the finds by a suitably qualified heritage specialist. Such a study should include the development of appropriate management strategies.
7. If the find(s) are determined to be significant historic items (i.e. of local or state significance), any re-commencement of ground surface disturbance may only resume following compliance with any legal requirements and gaining written approval from Heritage NSW.