

30 August 2024

Our Ref: H-23110

Anna Limnios
 Assistant Development Manager
 Third.i Group
 343 Pacific Highway
 NORTH SYDNEY NSW 2060
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Dear Anna,

RE: ABORIGINAL HERITAGE CONSOLIDATED CONSENT CONDITIONS FOR CROWS NEST OVER STATION DEVELOPMENT UNDER SSD-61400212 SEARS FOR 447, 479, 491-495, PACIFIC HIGHWAY, NSW, 2065

City Plan Heritage (CPH) understands that the Secretary's environmental assessment requirements (SEARs) in relation to the State Significant Development SSD-61400212 were issued to Third.i Group Pty Ltd on 25 August 2023 for a mixed-use development over the approved Crows Nest Metro Station. CPH further understands the current 'over station' project forms part of the Stage 2 detailed development application for Site B.

In regard to Aboriginal heritage, the key issues and documentation required to assess these issues was provided in SEARs #19:

Issue and Assessment Requirements	Documentation
<p>19. Aboriginal Cultural Heritage</p> <ul style="list-style-type: none"> Provide an Aboriginal Cultural Heritage Assessment Report prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts on any Aboriginal cultural heritage values on the land. 	<ul style="list-style-type: none"> Aboriginal Cultural Heritage Assessment Report

The consolidated consent conditions with regards to Aboriginal heritage for Concept Development Application SSD-9579 SEARs were provided under Schedule 2 Part B Conditions to be Satisfied in Future Development Applications(s) and required:

ARCHAEOLOGICAL AND ABORIGINAL CULTURAL HERITAGE ASSESSMENT

B34. Future development applications shall demonstrate the recommendations and mitigation measures of the following Sydney Metro City and Southwest (CSSI 7400) reports are to be incorporated during the construction of the SSD project:

(a) Artefact 2016, Sydney Metro City and Southwest, Chatswood to Sydenham: Aboriginal Cultural Heritage Assessment.

(b) Artefact 2016, Sydney Metro City and Southwest, Chatswood to Sydenham: Aboriginal Heritage – Archaeological Assessment.

A review of the conclusions and recommendations contained in these reports was undertaken to ascertain whether the current Over Station Development was subject to any of the Aboriginal heritage provisions of the original consent conditions. A review of the (Artefact 2016) *Sydney Metro City and Southwest, Chatswood to Sydenham: Aboriginal Cultural Heritage Assessment* (ACHA) specifically in relation to the Crows Nest Metro Station indicated that:

- The Crows Nest study area was not identified as a location where archaeological test excavations were required (ibid: Table 2 Aboriginal Heritage Mitigation Measures, p.iv).
- There were no registered Aboriginal Heritage Information Management System (AHIMS) sites on the subject lands (ibid: 18).
- The Crows Nest Station was described as comprising 1m of fills overlying residual subsoil clays (known as a B horizon) of the Blacktown soil landscape (ibid: 21).
 - The residual subsoil clays are not potential archaeological deposits (PAD) because the clays typically formed tens of thousands of years ago and predate the earliest 30-35,000 year old Aboriginal settlement of the Sydney region.
 - Only the topsoils (A horizon) of the Blacktown residual soil landscape are considered PAD: there were no topsoils identified on the Crows Nest Station study area.
- The archaeological potential for the Crows Nest Station was classified as low because the construction of commercial buildings, roads and a large rail cutting had historically removed any PAD (ibid: 24).
- The general study area was classified as historically significant to the Gadigal People (ibid: 28-29).
- The Crows Nest Station was classified as having low scientific significance values (ibid: 29).
- The study area was generically classified as significant overall, but not for archaeological potential (ibid: 30).

In summary, the review of the above noted ACHA (Artefact 2016) indicated that no Aboriginal sites were identified within the proposed Crows Nest Station impact footprint, and the conclusion was that previous historical development of the study area was likely to have either removed any previously extant archaeological resources. The likelihood of impacting Aboriginal heritage was therefore considered low.

This 2016 ACHA satisfied the SEARS consent conditions for the Crows Nest Station Development Stage 1 development.

A secondary report by Artefact (2016a) *Sydney Metro City and Southwest, Chatswood to Sydenham: Aboriginal Heritage – Archaeological Assessment* provided the relevant overview of potential impacts and mitigation responses in relation to the entire study area (ibid: p.iii; **bold** text refers specifically to the Crows Nest Over Station study area):

Overview of potential impacts

- *There are no recorded Aboriginal sites within the study area*
- *There are seven proposed work sites within the study area (Blues Point temporary site, Barangaroo Station, Martin Place Station, Pitt Street Station, Central Station, Waterloo Station and the Marrickville dive site [southern]) where further archaeological investigation is recommended in areas of archaeological potential where there is a likelihood of natural soil/s and horizons being present.*
- ***There are four proposed work sites within the study area (Chatswood dive site (northern), Artarmon substation, Crows Nest Station and Victoria Cross Station) where there is low archaeological potential and no further archaeological investigation is recommended.***

CPH understands that the current development application is for ongoing development on an existing development footprint, therefore any Aboriginal heritage constraints would have been dealt with and managed during the first phase of construction.

The ACHA (Artefact 2016a) also provided the relevant mitigation measures in relation to Aboriginal heritage constraints for the Crows Nest Station development (ibid: p.iv):

Summary of mitigation response – Construction

The measures detailed in the table below are proposed to address potential impacts on Aboriginal heritage sites and areas of archaeological potential during construction. They have been developed following consideration of:

- *Statutory requirements under the National Parks and Wildlife Act 1974 as amended.*
- *The results of the background research, site survey and assessment.*
- *Consultation with the Metropolitan Local Aboriginal Land Council (MLALC).*

These points were associated with a management mitigation table (ibid: Table 1).

Table 1: Management Mitigation Table for Sydney Metro Chatswood to Sydenham Aboriginal Heritage - Archaeological Assessment. Source: Artefact 2016a.

Ref	Mitigation measure	Applicable location(s) ¹
AH1	Aboriginal stakeholder consultation would be carried out in accordance with the NSW Office of Environment and Heritage's <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010</i> .	All
AH2	An Aboriginal cultural heritage assessment report would be prepared in accordance with the OEH <i>Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW</i> . The Aboriginal cultural heritage assessment report would include: <ul style="list-style-type: none"> • Details of Aboriginal stakeholder consultation conducted in accordance with AH1 • An assessment of cultural significance for the project area and identification of any specific areas of cultural significance based on consultation with Aboriginal stakeholders • A methodology for archaeological management, including test excavation and salvage (refer to AH3). 	All
AH3	Archaeological test excavation (and salvage when required) would be carried out where intact natural profiles with the potential to contain significant archaeological deposits are encountered at the Blues Point temporary site, Barangaroo Station, Martin Place Station, Pitt Street Station, Central Station, Waterloo Station and Marrickville dive site. Excavations would be conducted in accordance with the methodology outlined in the Aboriginal cultural heritage assessment report.	BP, BN, MP, PS, CS, WS and MDS
AH4	Appropriate Aboriginal heritage interpretation would be incorporated into the design for the project in consultation with Aboriginal stakeholders.	All
AH5	Feasible and reasonable mitigation at the ground improvement locations would be identified in consultation with the Office of Environment and Heritage.	GI
AH6	The Aboriginal cultural heritage assessment report would address areas of archaeological potential associated with the power supply routes.	PSR

¹ STW: Surface track works; CDS: Chatswood dive site; AS: Artarmon substation; CN: Crows Nest Station; VC: Victoria Cross Station; BP: Blues Point temporary site; GI: Ground improvement works; BN: Barangaroo Station; MP: Martin Place Station; PS: Pitt Street Station; CS: Central Station; WS: Waterloo Station; MDS: Marrickville dive site; Tunnel: Tunnel not related to other sites (eg. TBM works); PSR: Power supply routes.

As the overview of potential impacts summarised (ibid: p.iii), the likelihood of impacting Aboriginal heritage was considered low. In light of this review, the response to the SEARS #19 therefore concludes that:

1. Mitigation measures (archaeological test excavations) were not considered necessary for the Crows Nest Station study area.
2. The Crows Nest Station formed part of management area 'MA1.' Specific triggers for test excavation were identified for areas classified as MA1. **As the Crows Nest Station has now been redeveloped there are zero Aboriginal heritage constraints for the study area.**
3. The preliminary management procedure for the Crows Nest Station was the unexpected finds procedure. **As any deposits with archaeological potential were removed during the initial Stage 1 construction phase of the station, this procedure no longer applies.**

Thus, City Plan Heritage concludes that the development consent conditions SEARs #19 in relation to the potential for Aboriginal archaeological heritage for the Crows Nest Over Station development were satisfied during the construction phase for the station itself, and that therefore there are no further Aboriginal archaeological heritage constraints for the study area.

City Plan Heritage notes that there was one mitigation strategy – AH4 - that called for “*Appropriate Aboriginal heritage interpretation would be incorporated into the design for the project in consultation with Aboriginal stakeholders (ibid:p.iv).*” Third.i Pty Ltd engaged an Aboriginal cultural consultancy - WSP Australia Pty Ltd - in July 2023 to manage this mitigation strategy. This process is ongoing and includes:

- Incorporating Aboriginal design principles through the indigenous Consultants WSP, and local Aboriginal elders, who were engaged early in the design process.
- Aboriginal community involvement with two workshops held to date with local elders and Aboriginal consultants, with more workshops planned as the design process progresses.
- Aboriginal community consultation incorporating their design ideas and changes contributed to and inspired by Elders are approved prior to being used on the project. This includes '*Designing with Country*' as a masterplan of Indigenous themes across the whole Hume Place Precinct that explores The Land and Endangered Ecosystems through the design of Site B.
- The incorporation of storytelling, placemaking and wayfinding inspired and guided by the involvement of the Indigenous Consultants. The concept of 'Place' is recognised through the precinct masterplan telling stories of '*The Land, Gamaragal People and stories of Sky Country.*' This is being integrated through the architectural expression, and as the design develops will be represented in the wayfinding design process.
- Incorporating landscaping in response to Indigenous community consultation, and this includes the investigation of a longer term, seed saving and propagation project to provide greenery to the site. To date, the '*Engagement with Bush to Bowl*' has already begun and includes looking at the feasibility of engaging an appropriate company for plant sourcing.
- Applying Country-focussed design concepts, incorporating vantage points and the link to Sky Country, and connection to the whale mother and calf totem in the Site A South. This process is being guided by the '*GANSW Designing with Country Framework*' and the '*International Indigenous Design Charter*' which has been integrated through the sharing of stories and workshopping of ideas. This is the first step in a process that will eventually shape expression on site and encourage inclusion at the time of handover.



Aboriginal Cultural Heritage Consent Conditions

SSD-61400212

447, 479,, 491-495 Pacific Highway, Crows Nest

Project # H-23110

August 2024

City Plan Heritage therefore advises that this mitigation strategy forms part of an ongoing process, and that Third.i Pty Ltd are complying with the DA consent conditions - specifically AH4 - for the project.

We trust the above review of the consolidated consent conditions with regards to Aboriginal heritage associated with the SEARs issued for the Concept Development Application SSD-9579 is satisfactory for compliance purposes.

Should you require any further information or clarification please do not hesitate to contact the Senior Heritage Consultant, Jakub Czastka, the author of this letter of Aboriginal Heritage advice, on 02 8270 3500 or at chazc@cityplan.com.au.

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'Kerime Danis'.

Kerime Danis
Director - Heritage