

20 March 2025

Our Ref: H-24055

Mr Masaki Sato
Design Manager
Probject
501, Level 5, 16 Railway Parade
BURWOOD NSW 2134
MasakiS@probject.com.au

Dear Masaki,

**RE: CROWS NEST METRO OVER STATION DEVELOPMENT (SITE A) – DETAILED SSDA (SSD-75660711)
RESPONSE TO ABORIGINAL AND NON-ABORIGINAL HERITAGE CONSOLIDATED CONSENT CONDITIONS**

1. Summary and Background

City Plan Heritage (CPH) were engaged by Probject on behalf of Thirdi Group to prepare a review of the Aboriginal and Non-Aboriginal archaeological requirements to accompany a Detailed state significant development application (SSDA) that seeks approval for the construction and operation of a residential mixed use (including affordable housing and commercial/retail components) over station development known as "Crows Nest Over Station Development - Site A - Detailed SSDA (SSD-75660711). The subject site, referred to as Crows Nest OSD (Site A), is located at 32 Hume Street, Crows Nest and within the North Sydney Local Government Area (LGA) (Figure 1). The site is located directly above and adjacent to the operational Crows Nest Metro Station.

The site comprises the entirety of the block and is bound by Pacific Highway to the west, Hume Street to the south, Clarke Lane to the east, and Oxley Street to the north. It is 3,879m² in size legally referred to as Lot 2 of DP1296669. It is noted that Lot 1 of DP1296669 relates to the Crows Nest Metro Station intertwines with Lot 2 (Site A) on some levels.

Table 1: Lots and addresses that constitute Site A.

Address	Legal Description of lots that constitute the Scope of Works under the Subject SSDA Site A	Details
505 Pacific Highway, Crows Nest, NSW, 2065	Lot 1 of DP 1296669	Station Lot (Crows Nest Metro Station)

Suite 7.02, 80 Clarence St, Sydney NSW 2000
P +61 2 8270 3500

CITYPLAN.COM.AU

M:\CPHeritage\Cph-2024\24-055 497, 501-543 Pacific Hwy, Crows Nest\3. Report\Aboriginal Heritage Component\SSD-75660711\Crows Nest OSD_Archaeological Heritage Advice_SSD75660711_20MAR25_Updated Final v2.docx

32 Hume Street, Crows Nest, NSW, 2065	Lot 2 of DP 1296669	Development for Lot A - Site A Thirdi (<i>Subject to the SSDAs</i>).
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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 1) integrated within the Crows Nest Metro Station. This Concept Approval establishes the planning and assessment framework for all subsequent detailed applications to follow.



Figure 1: Aerial Imagery showing the location of Sites A, B and C. This response has been prepared for Site A only. Source: Overlay by CPH of SIX Maps aerial imagery (2022).

2. SEARS Requirements and Consolidated Conditions of Consent (SSD-9579)

The Secretary's Environmental Assessment Requirements (SEARs) identified the following requirements for Aboriginal cultural heritage and non-Aboriginal (historic) heritage:

Table 2. SEARs issued for Aboriginal Cultural Heritage and Non-Aboriginal (Historic) Archaeological Assessment.

Issue and Assessment Requirements	Documentation
<p>20. Aboriginal Cultural Heritage</p> <ul style="list-style-type: none"> ▪ Where there is potential for direct or indirect impacts on Aboriginal cultural heritage, provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts to Aboriginal cultural heritage sites or values associated with the site. 	<ul style="list-style-type: none"> ▪ Aboriginal Cultural Heritage Assessment Report¹
<p>21. Environmental Heritage</p> <ul style="list-style-type: none"> ▪ Provide a Statement of Heritage Impact (SOHI) prepared by a suitably qualified consultant in accordance with the Guidelines for preparing Statements of Heritage Impact. The SOHI is to address the impacts of the proposal on the heritage significance of the site and adjacent areas and is to identify the following: <ul style="list-style-type: none"> ▫ all heritage items (state and local) within the vicinity of the site including built heritage, landscapes and archaeology, detailed mapping of these items, and assessment of why the items and sites are of heritage significance. ▫ compliance with the relevant Conservation Management Plan. ▫ the impacts of the proposal on heritage item(s) including visual impacts. ▫ the attempts to avoid and/or mitigate the impact on the heritage significance or cultural heritage values of the site and the surrounding heritage items. ▫ justification for any changes to the heritage fabric or landscape elements including any options analysis. 	<ul style="list-style-type: none"> ▪ Statement of Heritage Impact² ▪ Archaeological Assessment

The Consolidated Conditions of Consent for SSD-9579 (dated 23 December 2020) included the following relevant condition of consent for archaeology matters.

Archaeological And Aboriginal Cultural Heritage Assessment

¹ The Aboriginal cultural heritage SEARs have been withdrawn in a letter from DPHI: letter dated 16 September 2024. Appendix A.

² The Statement of Heritage Impact requirements are covered in a separate report: CPH. 2024. Statement of Heritage Impact Crows Nest Metro Over Station Development (Site A) -Detailed SSDA (SSD-75660711).

B.34. 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.

3. Detailed SSDA

This Detailed SSDA seeks approval for the construction and operation of a residential mixed use (including affordable housing and commercial/retail components) over station development (known as Crows Nest OSD - Site A).

Crows Nest OSD - Site A will be located above and will be integrated with the Crows Nest Metro Station. The proposed development includes 2 build-to-rent towers located above the existing Crows Nest Metro Station. An additional tower, situated at the corner of Hume Street and Pacific Highway, is proposed to be affordable housing, extending down to the ground level.

The ground floor, adjacent to the metro station between grids 11 and Hume Street, will feature a mix of lobbies, retail spaces, and service areas.

In terms of heritage requirements for the amending concept, the Department of Climate Change, Energy, the Environment and Water have indicated that "*Heritage NSW recommends that no Secretary's Environmental Assessment Requirements be included with respect to Aboriginal cultural heritage in relation to the proposed Crows Nest OSD Site A (SSD-75660711).*" (See Appendix for copy of the letter).

Table 3. Details of the proposed changes under the Detailed SSDA.

Component	Proposed change under Detailed SSDA
Site Area	3,879m ²
Maximum building height	Proposed variable building heights: <ul style="list-style-type: none"> ▪ Tower 1: 180m RL ▪ Tower 2: 180m RL ▪ Tower 3 (Affordable housing): 134.75m RL
Proposed OSD GFA (FSR) – Residential & non-residential	Proposed: 44,408.5m ² (11.5:1) comprising: <ul style="list-style-type: none"> ▪ <u>Residential total:</u> 40,312.5m² (10.39:1) comprised of: <ul style="list-style-type: none"> ▫ Residential (Build-to-Rent): 35,047.63 m² (9.03:1) ▫ Residential (Affordable housing): 5,265m² (1.36:1 or 15% of total build-to-rent GFA (34,890m²))

Component		Proposed change under Detailed SSDA		
		<ul style="list-style-type: none"> Proposed Non-Residential: 4,296m² (1.11:1) 		
Uses		<ul style="list-style-type: none"> Residential component: <ul style="list-style-type: none"> Tower 1 and 2 - Build to rent apartments from level 4 to 25 with open outdoor space on rooftop of both towers. Tower 3 - Affordable housing apartments from Level 3 to 10 with affordable housing indoor and outdoor amenity areas on Level 11. Retail tenancies: located on lower ground and ground levels. Gym: located on Level 1 and Level 2. Residential amenity and back of house located on Mezzanine and Level 2 and Level 3. Rooftop bar on Tower 1 		
Access		<ul style="list-style-type: none"> Loading dock (only) access off Clarke Lane - No carpark provided. Retail access off Pacific Highway and Hume Street. Build to rent apartment and sky lobby access off Pacific Highway. Shared access to gym and affordable housing off Pacific Highway. Separate rooftop bar access off Pacific Highway. 		
Apartments and mix		Total 474 apartments broken down into the following configurations:		
Beds	Build to Rent Apartments (% of all BTR apartments)		Affordable Housing (% of all AH apartments)	Total Combined
	Tower 1	Tower 2	Tower 3	
Studio	22 (10%)	Nil	16 (29%)	38 (8%)
1 bed	110 (50%)	88 (44%)	8 (14%)	206 (43%)
2 bed	88 (40%)	88 (40%)	24 (43%)	200 (42%)
3 bed	Nil	22 (12%)	8 (14%)	30 (6%)
Sub-total	220	198	56	474 (100%)
Total	418		56 (= 15% of total build-to-rent GFA)	474 (100%)

4. Assessment of Likely Impacts

This section of the letter defines the Aboriginal and non-Aboriginal (historical) archaeological heritage SEARs requirements for the Crows Nest OSD (Site A) – Detailed SSDA and identifies the various archaeological assessments that have been completed to comply with these requirements. Please note that the Detailed SSDA aligns with the Amending SSDA so that the impacts will be the same for both designs.

Importantly, an earlier construction heritage management plan for the study area summarises the earlier archaeological work. The report is:

- AW Edwards. 2021. *Construction Heritage Management Plan Sydney City & Southwest Metro – Crows Nest Station.*

The report provided the following statements in relation to potential archaeological impacts on the study area:

Aboriginal archaeology:

"The excavation of the cut-and-cover station resulted in the complete removal of archaeological remains within the station box footprint. As such, given that all soil profiles have been previously removed from the site prior to A W Edwards occupation of the site, no archaeological potential is expected to remain (ibid: 17)."

Historic archaeology:

"Given that all soil profiles have been previously removed from the site prior to A W Edwards occupation of the site, no archaeological potential is expected to remain and the requirement or an archaeologist being present during excavation work is made redundant. In the event of an unexpected archaeological find, A W Edwards would proceed in line with the Sydney Metro Unexpected Heritage Finds Procedure and an archaeologist would be engaged to investigate (AW Edwards 2021: 16)."

Aboriginal Cultural Heritage: Previous Studies for Crows Nest OSD - Site A

The original consent conditions with regards to Aboriginal heritage for Concept 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 OSD was subject to any of the Aboriginal heritage provisions of the original consent

conditions SSD-9579 SEARs. A review of the (Artefact 2016) - 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: iv).
- There were no registered Aboriginal Heritage Information Management System (AHIMS) sites within the study area (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 ~40,000 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 Artefact (2016) ACHA indicated that no Aboriginal sites were identified within the proposed OSD footprint, and the conclusion was that previous historical development of the study area is likely to have removed any previously extant archaeological resources. The likelihood of impacting Aboriginal heritage was therefore considered low.

The 2016 ACHA report satisfied the SEARS consent condition B34 for the Stage 1 OSD. 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 OSD 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.***

The ACHA (Artefact, 2016) also provided the relevant mitigation measures in relation to Aboriginal heritage constraints for the OSD (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 4 Table 4 below).

As the overview of potential impacts summarised (ibid: p.iii), the likelihood of impacting Aboriginal heritage was considered low and therefore:

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 OSD 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.**

Table 4: 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.

5. Mitigation Measures: Aboriginal Cultural Heritage

The review of the existing Aboriginal archaeological documentation indicates that any potential Aboriginal archaeology was removed during the initial Stage 1 construction phase of the station and that consequently, mitigation measures were not considered necessary (Artefact 2016: iv).

Thus, CPH concludes that the development consent conditions in relation to the potential for Aboriginal archaeological heritage for the Crows Nest OSD Site A – Detailed SSDA were satisfied during the earlier construction phase for the station itself, and that consequently there are no further Aboriginal archaeological heritage constraints for the study area. This was confirmed by the construction management plan (AW Edwards 2021: 16).

6. Mitigation Measures: Appropriate Aboriginal Heritage Interpretation

CPH 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 - WolfPeak Environment and Heritage - to manage this mitigation strategy. The *Crows Nest Metro Aboriginal Heritage Interpretation Plan - Contribution* was completed by WolfPeak Environment and Heritage in March 2020. This report included (WolfPeak Environment and Heritage 2020: 4):

- *a consolidated summary of historical information related to the Aboriginal occupation and use of the site and surrounding lands*
- *consultation details with identified Aboriginal community stakeholders*
- *identified themes*
- *recommended interpretation media (artwork) and associated information*

The WolfPeak Environment and Heritage report satisfies the SEARs associated with the requirement to prepare the Aboriginal heritage interpretation plan. However, we note that implementation of the recommended interpretive actions/media including artwork is part of the construction phase and preparation of graphics and selection of artist(s) should commence as early as possible during the design development stage, so that the execution of the interpretive media and artwork could be integrated into the design and completed concurrently with the completion of the construction. This will ensure no unnecessary delays in the occupation of the building(s).

Mitigation measure to be implemented in the detail design phase:

- Implement the recommended interpretive actions / media including artwork as identified in WolfPeak Environment and Heritage 2020. Prepare graphics and select artists to ensure interpretive media and artwork can be integrated into design and completed concurrently with the completion of the construction.

7. Non-Aboriginal Archaeology: Previous Studies for Crows Nest OSD - Site A

The non-Aboriginal (historical) archaeological assessment was included in the original EIS submission as Technical Paper 4:

- *Artefact Heritage. 2016b. Sydney Metro City & Southwest – Chatswood to Sydenham. Technical Paper 4. Non-Aboriginal Heritage Impact Assessment. Unpublished Report to Jacobs / Arcadis / RPS.*

This report concluded that the archaeological potential of the OSD was:

"Study area has low potential to contain archaeological remains associated with mid to late 19th century residential and commercial development."

The relevant mitigation measures identified in the non-Aboriginal heritage impact for the OSD included the below (ibid: vii-viii):

"NAH2 An archaeological research designs would be prepared and implemented to identify the need for archaeological testing or monitoring. Archaeological mitigation measures recommended in the archaeological research design would be carried out in accordance with Heritage Council guidelines, and where identified in the archaeological research design, would be supervised by a suitably qualified Excavation Director with experience in managing State significant archaeology.

NAH3 An Exhumation Policy and Guideline would be prepared and implemented. It would be developed in accordance with the Guidelines for Management of Human Skeletal Remains (NSW Heritage Office, 1998b).

NAH8 *Appropriate heritage interpretation would be incorporated into the design for the project in accordance with the NSW Heritage Manual, the NSW Heritage Office's Interpreting Heritage Places and Items: Guidelines (August 2005), and the NSW Heritage Council's Heritage Interpretation Policy."*

8. Mitigation Measures: Non-Aboriginal Archaeology

The review of the existing non-Aboriginal archaeological documentation indicates that the potential for historical archaeology was interpreted as low during in the original EIS submission by Artefact (2016b), and that any potential non-Aboriginal archaeological was removed during the initial Stage 1 construction phase of the station.

In summary, CPH concludes that the development consent conditions in relation to the potential for non-Aboriginal archaeological heritage for the Crows Nest OSD Site A – Detailed SSDA were satisfied during the earlier construction phase for the station itself. Therefore, based on the conclusions of the construction management plan in relation to the non-Aboriginal archaeological resource completed by AW Edwards (2021: 17) and quoted above, there were no heritage constraints identified during the initial phase of construction that predated AW Edwards taking of the study area in 2021. This means that in terms of the current study area, "... *no archaeological potential is expected to remain* (ibid: 17)" for non-Aboriginal (historic) archaeology on the Crows Nest OSD Site A – Detailed SSDA, and that consequently, mitigation measures are not considered necessary.

I, Kerime Danis, confirm this response, which is prepared by the Senior Heritage Consultant, Jakub Czastka, in relation to the consolidated consent conditions addresses both the requirement of SEAR no. 20 (Aboriginal Cultural Heritage) and SEAR no. 21 (Environmental Heritage). The relevant State and local legislation, policies and guidelines, including the Office of Environment & Heritage *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (2011) for preparing an Aboriginal Cultural Heritage Assessment Report, and the NSW Heritage Office *Historical Archaeology Code of Practice* (2006) and the NSW Department of Urban Affairs and Planning *Archaeological Assessments, Archaeological Assessment Guidelines* (1996) have been considered respectively. We further confirm that none of the information contained in this response is false or misleading.

Should you require further information or clarification, please do not hesitate to contact me on 02 8270-3500 or at kerimed@cityplan.com.au.

Yours Sincerely,

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

Kerime Danis
Director- Heritage



APPENDIX

Letter from Department of Climate Change, Energy,
the Environment and Water

Our ref: HMS ID 7171

Paula Bizimis
Senior Planning Officer
Department of Planning, Housing and Infrastructure
paula.bizimis@planning.nsw.gov.au
Letter uploaded to the Major Projects Planning Portal

Input to SEARs – State Significant Development

Proposal: Crows Nest OSD Site A – Detailed SSDA

Major Project reference: SSD-75660711

Received: 10 September 2024

Dear Ms Bizimis,

Thank you for your referral seeking input to the Secretary's Environmental Assessment Requirements for the above State Significant Development proposal.

In preparing this advice Heritage NSW has reviewed the provided scoping report. Nothing that the proposal relates to development within and above the approved Sydney Metro Crows Nest Over Station Development (SSD 9579). This approval addressed impacts to Aboriginal cultural heritage within the assessment footprint.

Heritage NSW recommends that no Secretary's Environmental Assessment Requirements be included with respect to Aboriginal cultural heritage in relation to the proposed Crows Nest OSD Site A (SSD-75660711).

Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. If you have any questions about this correspondence, please contact Alison Lamond, Practice Lead at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely,

Nicole Davis

Heritage NSW
Department of Climate Change, Energy, the Environment and Water
As Delegate under *National Parks and Wildlife Act 1974*
16 September 2024