

12 December 2024

Stephen Barry
Planning Director
Independent Planning Commission

Att: Bradley James

Dear Brad

FIVE WAYS CROWS NEST MIXED USE DEVELOPMENT (SSD-66826207) – QUESTION ON NOTICE AND REQUEST FOR FURTHER INFORMATION

I refer to your letter dated 10 December 2024 regarding a question taken on notice during the stakeholder meeting and a request for further information by the Independent Planning Commission (**Commission**).

On behalf of the applicant, I am pleased to advise as follows.

Question on notice

1. *Section 6.2.5.1 of the EIS states that consideration would be given to onsite battery storage. Please confirm if on site battery storage is proposed to be included in the development.*

Response: The provision of onsite battery storage is being considered by the applicant; however, it should be noted that it is not relied upon by the proposed development. The Commission would have already seen that the proposal exceeds the energy reduction targets prescribed by *State Environmental Planning Policy (Sustainable Buildings) 2022* via a range of measures that are identified in the BASIX certificate number 1738270M_02. Onsite battery storage is not included in the energy reduction calculation and would be supplementary to the commitments already nominated in the BASIX certificate, should it be included in the post approval detailed mechanical and electrical design.

Requests for further information

2. *Please confirm if the Heritage Impact Statement (HIS) was based on a 16 storey or 22 storey building as per the plans relied upon in the HIS (Turner, 7/3/24).*

Response: The authors of the HIS and the supplementary heritage memo (Appendix 28 to the amended application) have confirmed that both assessments were based on the 22-storey building shown in revision I of the architectural plans dated 7.3.24 and revision K dated 21.3.24 being the final plans that were submitted with the application.

3. *The Commission notes that Figure 52 of the HIS shows that the Site contains areas of high archaeological potential. Please provide details on how these areas have been considered and will be managed to mitigate heritage impacts.*

Response: The archaeological potential of these areas is described in Table 5 of the HIS. In summary:

- There is low-nil potential for archaeological resources to occur dating to Phase 1. Evidence of land clearance would have been removed by the construction and redevelopment of buildings during subsequent phases.

- There is low-moderate potential for archaeological resources to occur dating to Phase 2. Structural remains, and deep features may occur in a disturbed or truncated condition, as well as discard items and industrial waste.
- There is moderate potential for archaeological resources to occur dating to Phase 3. Structural remains, general discard items, demolition material and early road surfaces may occur, but are likely to be disturbed, truncated or removed by the construction of the extant buildings.

Accordingly, and for abundant caution, the authors of the HIS recommend the following management measures:

1. Archaeological induction

Prior to the commencement of works at the site, an archaeological induction should be given by a suitably qualified archaeologist to lead contractors, to be disseminated as part of regular induction protocols to all site personnel.

2. Unexpected finds procedure

An unexpected finds procedure should be implemented, as outlined below:

- All works within the vicinity of the find must immediately stop. The find location and minimum 2m buffer should be cordoned off with signage identifying the area as a 'no-go zone' to prevent accidental impact. The find must not be moved 'out of the way' without assessment.
- The site supervisor or another nominated site representative must contact either the project archaeologist (if relevant) or Heritage NSW (Enviroline 131 555) and Place Making NSW to contact a suitably qualified archaeologist.
- The nominated archaeologist must examine the find, provide a preliminary assessment of significance, record the item and decide on appropriate management measures. Heritage NSW/ Place Making NSW should be notified of the find through a Section 146 notification. Such management may require further consultation with the approval authority, preparation of a research design and archaeological investigation/salvage methodology.
- Depending on the significance of the find, reassessment of the archaeological potential of the subject site may be required and further archaeological investigation undertaken.
- Reporting may need to be prepared regarding the find and approved management strategies. Works in the vicinity of the find can only recommence upon receipt of approval from Heritage NSW or Place Making NSW.

4. *Is there potential for the street trees being removed to be transplanted offsite? If so, how would this be managed?*

Response: The proposal requires the removal of 6 street trees including 2 x low value Cocos Palms and 4 x London Plane trees. They are proposed to be replaced with 29 street trees.

The project arborist has advised that it is not viable to relocate the London Plane trees due to their size, age and poorly developed (radial) root systems. As noted above, the Cocos Palms are low value trees and accordingly do not merit relocation.

I trust this information will assist the Commission and would be pleased to assist with any further queries.

Yours sincerely



Stephen Kerr
Executive Director