

The URBIS logo consists of the word "URBIS" in a bold, white, sans-serif font. To the right of the text is a white square frame that is partially open on the right side, with the top and bottom horizontal bars extending slightly beyond the text.

URBIS

ABORIGINAL CULTURAL HERITAGE ASSESSMENT

Infill Affordable Housing
Llewellyn Street, Rhodes
Wangal Land

Prepared for
LEEDS INVESTMENT PTY LTD
30 July 2025

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Balazs Hansel, MA Archaeology, MA History, M. ICOMOS
Associate Director	Ali Byrne, BA Archaeology (Hons)
Consultant	Ginger-Rose Harrington, BAncHist (Archaeology)
Report Version	Draft issued 25/09/2024
	Final issued 29/10/2024
	Update issued 19/03/2025
	Update issued 13/05/2025
	Update issued 30/07/25

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Ltd
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

urbis.com.au

CONTENTS

Glossary	6
Executive Summary.....	9
1. Introduction	11
1.1. The Site (Subject Area).....	11
1.2. Statutory Context	12
1.2.1. Environment Protection and Biodiversity Conservation Act 1999	12
1.2.2. National Parks and Wildlife Act 1974	12
1.2.1. Canada Bay Local Environment Plan 2013	13
1.3. Methodology	14
1.4. Authorship	14
1.5. Limitations	14
2. Aboriginal Consultation.....	17
2.1. Stage 1 – Notification and Registration	17
2.1.1. Native Title.....	17
2.1.2. Identification of Cultural Knowledge Holders	17
2.1.3. Registration of Interest	18
2.2. Stage 2 & 3 – Presenting and Gathering Information.....	18
2.2.1. Presentation of Project Information and Methodology	18
2.2.2. Site Visit and Meeting.....	19
2.2.3. Gathering Feedback	19
2.3. Stage 4 – Review of Draft ACHA Report	20
2.4. Archaeological Context.....	21
2.4.1. Aboriginal Land Use	21
2.4.2. Declared Aboriginal Places	21
2.4.3. Registered Aboriginal Objects.....	21
2.4.4. Previous Archaeological Investigations	25
2.4.4.1. Investigations of the Subject area	25
2.4.4.2. Regional Investigations	25
2.4.5. Existing Predictive Models	26
2.5. Environmental Context.....	26
2.5.1. Natural Landscape	26
2.5.2. Historical Ground Disturbance	31
2.6. Local & Regional Character.....	36
2.7. Technical Investigations.....	36
2.7.1. Geotechnical Investigation	36
2.8. Archaeological Potential	39
2.8.1. Predictive Model.....	39
2.8.2. Assessment of Potential	40
2.9. Summary.....	42
3. Visual Inspection.....	43
4. Significance Assessment.....	47
4.1. Framework for Assessment	47
4.2. Assessment of Heritage Values.....	47
4.2.1. Social or Cultural Value	47
4.2.2. Historic Value	48
4.2.3. Scientific (Archaeological) Value	48
4.2.4. Aesthetic Value.....	48
4.3. Statement of Significance	49
5. Impact Assessment.....	50
5.1. Framework for Assessment	50
5.2. Assessment of Potential Harm	50

5.3.	Inter-Generational Equity	50
5.4.	Avoidance & Minimisation of Harm	51
5.4.1.	Unexpected Archaeological Finds Procedure	51
5.4.2.	Human Remains Procedure	51
6.	Conclusions & Recommendations	53
7.	References	55
	Disclaimer	56
Appendix A	Development Plans	
Appendix B	Basic and Extensive AHIMS Search Results	
Appendix C	Registered Aboriginal Party Consultation Log	
Appendix D	Registered Aboriginal Party Consultation Documentation	

FIGURES

Figure 1 – Regional location of subject area	15
Figure 2 – Subject area	16
Figure 3 – Locations of registered Aboriginal sites in the AHIMS Extensive Search area	24
Figure 4 – Topography	28
Figure 5 – Soil landscapes and hydrology	29
Figure 6 – Historical map of Rhodes from c.1963, showing the locations of reclaimed land relative to the subject area boundary.	30
Figure 7 – Historical map that showcases subdivision of Rhodes (Subject area outlined in red), [1860]	32
Figure 8 – Rhodes and Llewellyn Estates Auction Notice (Subject area outlined in red), [1895]	32
Figure 9 – Rhodes Estate Auction Announcement (subject area outlined in red), [1912]	32
Figure 10 – Aerial image of Rhodes district as major industrialisation works commenced. The subject area lies to the left of this image [1928]	33
Figure 11 – Aerial image of subject area (red outline), [1943]	33
Figure 12 – Aerial image of subject area (red outline), [1986]	34
Figure 13 – Aerial image of subject area (red outline), [2016]	34
Figure 14 – Historical ground disturbance	35
Figure 15 – Borehole Location Plan	39
Figure 16 – Aboriginal archaeological potential	41
Figure 17 – View of the subject area from the intersection of Llewellyn Street and Blaxland Road. Note the presence of buildings, paving, garden beds and turfing.	44
Figure 18 – View of the subject area along Blaxland Road. Note the presence of buildings, paving, garden beds, mature trees and turfing.	44
Figure 19 – View of the subject area along Blaxland Road. Note the terracing of the landscape, evident in the level change between residences.	44
Figure 20 – View of the subject area along Blaxland Road	44
Figure 21 – View of the subject area along Blaxland Road	44
Figure 22 – View of the subject area along Blaxland Road. Note the terracing of the lot to accommodate the multi-storey residential building.	44
Figure 23 – View of the subject area along Blaxland Road	45
Figure 24 – View of the subject area along Llewellyn Street.	45
Figure 25 – View of the electricity substation present on Llewellyn Street.	45
Figure 26 – View of the subject area along Llewellyn Street.	45
Figure 27 – . View of the subject area at the intersection of Llewellyn Street and Concord Road.	45
Figure 28 – View of the subject area along Concord Road	45

Figure 29 – View of the subject area along Concord Road.....	46
Figure 30 – View of the subject area along Concord Road.....	46

TABLES

Table 1 - Legal Description of the Site	9
Table 2 – SEARs requirements.	11
Table 4 – Contacted organisations	17
Table 5 – Registered Aboriginal Parties	18
Table 6 – RAP responses to the Stage 2 & 3 Information Pack.....	19
Table 7 – Summary of registered Aboriginal sites in the AHIMS search area	22
Table 8 – Location of previous Urbis archaeological investigations in Rhodes, NSW	25
Table 9 – Proposed geotechnical model of the subject area.	36
Table 10 – Proposed geotechnical model of the subject area.	37

GLOSSARY

Term	Definition
Aboriginal ceremony and dreaming site	Previously referred to as mythological sites, these are spiritual/story places where no physical evidence of previous use of the place may occur, e.g. natural unmodified landscape features, ceremonial or spiritual areas, men's/women's sites, dreaming (creation) tracks, marriage places etc. These are Aboriginal site features recordable on AHIMS.
Aboriginal cultural heritage	The tangible (objects) and intangible (dreaming stories, legends and places) cultural practices and traditions associated with past and present-day Aboriginal communities.
Aboriginal object	As defined in the NPW Act, any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
Aboriginal place	As defined in the NPW Act, any place declared to be an Aboriginal place (under s.84 of the NPW Act) by the Minister administering the NPW Act, by order published in the NSW Government Gazette, because the Minister is of the opinion that the place is or was of special significance with respect to Aboriginal culture. It may or may not contain Aboriginal objects.
Aboriginal resource and gathering sites	Related to everyday activities such as food gathering, hunting, or collection and manufacture of materials and goods for use or trade. These are Aboriginal site features recordable on AHIMS.
AHIMS	Aboriginal Heritage Information Management System. A register of previously reported Aboriginal objects and Aboriginal places in NSW, managed under Section 90 of the NPW Act.
AHIP	Aboriginal Heritage Impact Permit. A permit issued under Section 90, Division 2 of Part 6 of the NPW Act.
Archaeology	The scientific study of material remains of past human life, including artefacts, relics, ruins, buildings and their environment and context.
Art	Art is found in shelters, overhangs and across rock formations. Techniques include painting, drawing, scratching, carving engraving, pitting, conjoining, abrading and the use of a range of binding agents and the use of natural pigments obtained from clays, charcoal and plants. These are Aboriginal site features recordable on AHIMS.
Artefact	Objects such as stone tools, and associated flaked material, spears, manuports, grindstones, discarded stone flakes, modified glass or shell demonstrating evidence of use of the area by Aboriginal people. These are Aboriginal site features recordable on AHIMS.
Artefact scatter	Multiple artefacts associated with one another in the same context. These are recordable on AHIMS as 'artefacts'.
Burial	A traditional or contemporary (post-contact) burial of an Aboriginal person, which may occur outside designated cemeteries and may not be marked, e.g. in caves, marked by stone cairns, in sand areas, along creek banks etc. These are Aboriginal site features recordable on AHIMS.

Term	Definition
Ceremonial ring	A Raised earth ring associated with ceremony. These are Aboriginal site features recordable on AHIMS.
Cliff	A steep rock face
Code of Practice	<i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> (DECCW 2010b).
Conflict site	Previously referred to as massacre sites where confrontations occurred between Aboriginal and non-Aboriginal people, or between different Aboriginal groups. These are Aboriginal site features recordable on AHIMS.
DECCW	Department of Environment, Climate Change and Water NSW.
Due Diligence Code	<i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> (DECCW 2010a)
Dune	As defined in the Due Diligence Code, a sand ridge or sand hill formed by the wind.
Earth mound	A mounded deposit of round to oval shape containing baked clay lumps, ash, charcoal and, usually, black or dark grey sediment. The deposit may be compacted or loose and ashy. Mounds may contain various economic remains such as mussel shell and bone as well as stone artefacts. Occasionally they contain burials. These are Aboriginal site features recordable on AHIMS.
EPA Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
Fish trap	A modified area on watercourses where fish were trapped for short-term storage and gathering. These are Aboriginal site features recordable on AHIMS.
Grinding grooves	A groove in a rock surface resulting from manufacture of stone tools such as ground edge hatchets and spears, or rounded depressions resulting from grinding of seeds and grains. These are Aboriginal site features recordable on AHIMS.
Harm	As defined in the NPW Act, to destroy, deface, damage or move an Aboriginal object or destroy, deface or damage a declared Aboriginal place. Harm may be direct or indirect (e.g. through increased visitation or erosion). Harm does not include something that is trivial or negligible.
Habitation structure	Structures constructed by Aboriginal people for short- or long-term shelter. Temporary structures are commonly preserved away from the coastline and may include historic camps of contemporary significance. Smaller structures may make use of natural materials such as branches, logs and bark sheets or manufactured materials such as corrugated iron to form shelters. Archaeological remains of a former structure such as chimney/fireplace, raised earth building platform, excavated pits, rubble mounds etc. These are Aboriginal site features recordable on AHIMS.
Headland	A narrow piece of coastal land that projects from a coastline into the sea or ocean
Hearth	Aboriginal site feature recordable on AHIMS. Cultural deposit sometimes marked by hearth stones, usually also contains charcoal and may also contain heat treated stone fragments.
Isolated find	A single artefact found in an isolated context. These are recordable on AHIMS as 'artefacts'.

Term	Definition
Modified Trees	Trees which show the marks of modification as a result of cutting of bark from the trunk for use in the production of shields, canoes, boomerangs, burials shrouds, for medicinal purposes, foot holds etc, or alternately intentional carving of the heartwood of the tree to form a permanent marker to indicate ceremonial use/significance of a nearby area, again these carvings may also act as territorial or burial markers. These are Aboriginal site features recordable on AHIMS.
Non-human bone and organic material	Objects which can be found within cultural deposits as components of an Aboriginal site such as fish or mammal bones, ochres, cached objects which may otherwise have broken down such as resin, twine, dilly bags, nets etc. These are Aboriginal site features recordable on AHIMS.
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NPW Regulation	<i>National Parks and Wildlife Regulation 2019</i>
Ochre quarry	A source of ochre used for ceremonial occasions, burials, trade and artwork. These are Aboriginal site features recordable on AHIMS.
PAD	A 'potential archaeological deposit'. An area where Aboriginal objects may occur below the ground surface. These are Aboriginal site features recordable on AHIMS.
Ridge	A compound landform element comprising a narrow crest that is longer than its width
Ridge top (or ridgeline)	The crest of a ridge that extends along its highest contours
Shell	An accumulation or deposit of shellfish from beach, estuarine, lacustrine or riverine species resulting from Aboriginal gathering and consumption. Usually found in deposits previously referred to as 'shell middens.' These are Aboriginal site features recordable on AHIMS.
SSDA	State Significant Development Application, under Division 4.7 of the EP&A Act
Stone arrangement	Human produced arrangements of stone usually associated with ceremonial activities, or used as markers for territorial limits or to mark/protect burials. These are Aboriginal site features recordable on AHIMS.
Stone quarry	A source of stone which was quarried and used for the production of stone tools by Aboriginal people. These are Aboriginal site features recordable on AHIMS.
Waterhole	A source of fresh water for Aboriginal groups which may have traditional ceremonial or dreaming significance and/or may also be used to the present day as a rich resource gathering area (e.g. waterbirds, eels, clays, reeds etc). These are Aboriginal site features recordable on AHIMS.
Waters	As defined in the Due Diligence Code, the whole or any part of any river, stream, lake, lagoon, swamp, wetlands, natural watercourse and tidal waters (including the sea), where the boundary of tidal waters is defined as the high-water mark.

EXECUTIVE SUMMARY

This Aboriginal Cultural Heritage Assessment ('ACHA') has been prepared by Urbis to accompany a detailed State Significant Development Application (SSDA) for the in-fill affordable housing development at 43 – 57 Blaxland Road, 2A, 2B and 2D Cavell Avenue, 448-458 Concord Road and 2A Lewellyn Street, Rhodes. The site is made up of multiple lots. The legal description is outlined in Table 1.

Table 1 - Legal Description of the Site

Property Address	Title Description
43B – 57 Blaxland Road, Rhodes 2A, 2B and 2D Cavell Avenue, Rhodes 448-458 Concord Road, Rhodes 2A Lewellyn Street, Rhodes	Blaxland Road - Lot A in DP 348494, Lot A in DP 350757, Lot B in DP 350757, Lot C in DP 350757, Lot 29 in DP 5923, Lot 1 in DP 874487, Lot 2 in DP 874487, Lot 2 in DP 218467, Lot 1 in DP 218467, Lot A in DP 339030, Lot 25 in DP 5923 Cavell Ave - Lot 3 in DP 310311, Lot 480 in DP 816840, Lot 481 in DP 816840 Concord Road - Lot 3 in DP 805684, Lot 2 in DP 805684, Lot 12 in DP 792101, Lot 13 in DP 792101, Lot 14 in DP 792101, Lot 15 in DP 792101, Lot 16 in DP 792101, Lot 2 in DP 310311 Lewellyn Street - Lot B in DP 348494
Site Area	14,424sqm

This report has been prepared to address the Secretary's Environmental Assessment Requirements (**SEARs**) issued for the project (SSD-67508739).

This report concludes that the proposed development is suitable and warrants approval subject to the implementation of the following mitigation measures:

- **Recommendation 1 – Submission of Report**

A copy of this report should be submitted with the Environmental Impact Statement (EIS) in support of SSD-67508739.

- **Recommendation 2 – No Further Archaeological Investigation**

As the proposed works are unlikely to cause harm to Aboriginal objects, it is recommended that no further investigation is required for the present development. The proposed development can proceed in line with the Archaeological Unexpected Finds Procedure and Human Remains Procedure outlined below.

- **Recommendation 3 – Unexpected Archaeological Finds Procedure**

Should any archaeological deposits be uncovered during any site works post-SSDA approval, the following steps must be followed:

1. 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.
2. The site supervisor or another nominated site representative must contact either the project archaeologist (if relevant) or Heritage NSW (Enviroline 131 555) to contact a suitably qualified archaeologist.
3. 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.

4. Depending on the significance of the find, reassessment of the archaeological potential of the subject site may be required and further archaeological investigation undertaken.
5. Reporting may need to be prepared regarding the find and approved management strategies.
6. Works in the vicinity of the find can only recommence upon receipt of approval from Heritage NSW or Place Making NSW.

▪ **Recommendation 4 – Human Remains Procedure**

Should clearly identifiable human remains be uncovered anywhere within the subject site, the following procedure should be implemented:

1. 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.
2. The site supervisor or other nominated manager must notify the NSW Police and Heritage NSW.
3. The find must be assessed by the NSW Police, which may include the assistance of a qualified forensic anthropologist.
4. Management recommendations are to be formulated by the NSW Police, Heritage NSW and site representatives.
5. Works are not to recommence until the find has been appropriately managed.

In the event that bones are uncovered which may be human but cannot be confirmed by onsite staff, a suitably qualified archaeologist or heritage specialist should be contacted in the first instance to determine how to proceed.

Following the implementation of the above mitigation measures, the remaining impacts are appropriate.

1. INTRODUCTION

Urbis was engaged by Leeds Investment Pty Ltd ('the Proponent') to conduct an Aboriginal Cultural Heritage Assessment ('ACHA') of Lewellyn Street, Rhodes. Legally, this location is defined by the lots listed in Table 1 (the 'subject area') (Figure 1 and Figure 2).

The application seeks consent for the development of an infill affordable housing development that is a result of an Architectural Design Competition that was undertaken in mid 2024, which resulted in a high-quality urban design outcome that aligns with the desired future character of the Rhodes Precinct. Specifically, the SSDA seeks consent for:

- Site preparation works including demolition and removal of existing structures on the site, tree and vegetation removal.
- Bulk excavation to accommodate the basement structure and site remediation.
- Construction of seven (7) residential buildings comprising two (2) townhouse buildings ranging from four (4) to five (5) storeys (plus roof terrace), and five (5) residential flat buildings ranging from eight (8) to 29 storeys
- Together these buildings comprise:
 - Nine (9) townhouses and 640 apartments comprising 15% affordable housing
 - Basement parking for private vehicles, visitors and service vehicles.
 - Storage areas and services.
 - Communal open spaces.
- Construction of a public road connecting Blaxland Road and Cavell Avenue
- Associated landscaping and public domain improvements

Plans of the proposed development are provided in Appendix A.

The purpose of this project is to facilitate the growth of residential development and affordable housing within the Rhodes precinct that aligns with the Rhodes Precinct Plan.

This report has been prepared in response to the requirements contained within the Secretary's Environmental Assessment Requirements (**SEARs**) dated 14 February 2025 and issued for the SSDA (SSD-67508739). Specifically, this report has been prepared to respond to the SEARs requirement issued below.

Table 2 – SEARs requirements.

Item	Requirement	Documentation
18. Aboriginal Cultural Heritage Assessment Report	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.	Addressed by the Present ACHA report.

1.1. THE SITE (SUBJECT AREA)

The site is located at 43 – 57 Blaxland Road, 2A, 2B and 2D Cavell Avenue, 448-458 Concord Road and 2A Lewellyn Street, Rhodes. which is within the City of Canada Bay Local Government Area (LGA). The site is legally described in Table 1 above and is currently owned by Leeds Investment Pty Ltd.

The site has frontages to Blaxland Road, Cavell Avenue, Llewellyn Street and Concord Road and is also highly accessible by public transport with the Rhodes Train Station and bus services within easy walking distance.

The site currently accommodates multiple one and two storey detached dwellings which will require demolition in order to allow for the construction of the proposed residential flat buildings and terraces.

The surrounding locality is described below:

- **North:** Directly north of the site is the St. Mary & St. Merkorious Coptic Orthodox Church and Rhodes Community Centre, together with more low density / detached residential buildings.
- **East:** To the east of the site is Concord Road. Further the east is residential development consisting of detached dwellings and townhouses.
- **South:** Directly to the south is a recently demolished site with basement construction underway. The site has an active DA with Canada Bay Council for a mixed-use development.
- **West:** To the west of the site is the T9 rail line. Further to the west (across the railway line) is the Rhodes West mixed-use precinct.

The site is located in Rhodes. Rhodes has been identified as an important Strategic Centre in the Eastern City District Plan, with significant opportunities to create additional jobs and homes. Rhodes is approximately 12km north-west of Sydney Central Business District (CBD) and approximately 7.5km east of Parramatta CBD. To the South of Rhodes is the Concord Health district which comprises a Public Teaching Hospital and various other health services.

The site benefits from excellent access to the arterial road network (via Concord Road), which provides connections to key centres in Greater Sydney. Further to this, the site is also in close proximity to Rhodes Train Station which runs on the T9 (Northern) rail line. This line runs from Hornsby through Rhodes to Sydney CBD and north to Gordon.

The site is within the administrative catchment of the Metropolitan Local Aboriginal Land Council (LALC).

1.2. STATUTORY CONTEXT

The protection and management of Aboriginal cultural heritage items, places and archaeological sites within New South Wales is governed by the relevant Commonwealth, State or local government legislation. These are discussed below in relation to the present subject area.

1.2.1. Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) ('the EPBC Act') provides protection for properties and places listed on the World Heritage List ('WHL'), the National Heritage List ('NHL') and the Commonwealth Heritage List ('CHL').

The WHL is a list of properties around the world considered to be of outstanding value to humanity, the NHL is a list of places of outstanding significance to the nation and the CHL is a list heritage places owned or controlled by the Australian Government. The WHL, NHL and CHL may include properties and places of Aboriginal heritage significance, in addition to places of natural and historical significance.

It is an offence under sections 15A, 15C, 27A and 27C of the EPBC Act to take any action that is likely to have a significant impact of the relevant heritage values of a place listed on the WHL, NHL or CHL. Approval from the Minister is required for controlled actions which will have a significant impact on items and places included on the WHL, NHL or CHL.

Properties and places listed on the WHL, NHL or CHL, are included in the Australian Heritage Database ('AHD'). The AHD also includes places under consideration, or that may have been considered, for any one of these lists. A search of the AHD was undertaken on 31st March 2024. The search did not identify any Aboriginal heritage properties or places within the curtilage of the subject area that are protected under the EPBC Act.

1.2.2. National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NSW) ('the NPW Act') protects 'Aboriginal objects' and 'Aboriginal places' in NSW. The NPW Act defines 'Aboriginal objects' and 'Aboriginal places' as follows:

- **Aboriginal object** means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
- **Aboriginal place** means any place, which may or may not contain Aboriginal objects, that is declared to be an Aboriginal place under section 84 of the NPW Act because it is or was of special significance with respect to Aboriginal culture.

Under section 86 of the NPW Act, it is an offence to harm or desecrate an Aboriginal object or Aboriginal place. Section 87 of the NPW Act provides the following defences to prosecution under s. 86 of the NPW Act:

- The harm was to a previously unknown Aboriginal object, other than a modified tree, and was caused by a low impact activity as defined in reg. 58 of the NPW Reg.
- The harm was to a previously unknown Aboriginal object and due diligence was exercised by the Proponent to determine whether the activity would harm an Aboriginal object and reasonably determined that no Aboriginal object would be harmed, per section 87(2) of the NPW Act.
- The harm or desecration was authorised by an Aboriginal Heritage Impact Permit ('AHIP'), per section 87(1) of the NPW Act.
- The harm or desecration was authorised by an approved State Significant Development Application, per section 4.41(1)(d) of the *Environmental Planning and Assessment Act 1979* (NSW).

1.2.1. Canada Bay Local Environment Plan 2013

The *Environmental Planning and Assessment Act 1979* (EP&A Act) requires each LGA to produce a Local Environment Plan (LEP). The LEP identifies items and areas of local heritage significance and outlines development consent requirements.

The subject area falls within the City of Canada Bay Local Government Area (LGA) and is subject to the Canada Bay Local Environmental Plan 2013 (Canada Bay LEP 2013). Under Section 5.10, Clause 2 of the Canada Bay LEP 2013, development consent is required when:

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

Under Section 5.10, Clause 8 it is specified that:

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

(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

(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.

Archaeological sites are listed under Schedule 5 of the Canada Bay LEP 2013. A search of the Canada Bay LEP 2013 was undertaken on 31st March 2024. No items of Aboriginal heritage significance are listed on the LEP within proximity of the subject area.

Under Division 4.7 of the EP&A Act, some legislation “does not apply” to development that is State significant development. This development requires approval from the Minister for Planning or Independent Planning Commission. Approval may be granted for SSDs even if they do not comply with elements of a local planning instrument. As such, LEP clauses regarding heritage protections may be superseded for an SSD. With regards to Aboriginal archaeology, this includes “an Aboriginal heritage impact permit under section 90 of the *National Parks and Wildlife Act 1974*.” However, SSD approvals still require that relevant environmental regulations be considered as part of the assessment process, including those related to Aboriginal archaeology.

1.3. METHODOLOGY

In response to the above SEARs requirements, the ACHA was undertaken in accordance with the requirements of regs. 60 and 61 of the *National Parks and Wildlife Regulation 2019* (NSW) and the following guidelines:

- *Applying for an Aboriginal Heritage Impact Permit guide for applicants* (OEH 2011a)
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011b) ('the Assessment Guidelines').
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) ('the Consultation Guidelines')
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) ('the Code of Practice').

The aim of the ACHA is to investigate whether future development of the subject area is likely to impact any Aboriginal objects or Aboriginal places that may exist within the subject area and to formulate measures for avoiding or minimising any such impacts.

1.4. AUTHORSHIP

The present report has been prepared by Ginger-Rose Harrington (Urbis Consultant Archaeologist), with review and quality control undertaken by Ali Byrne (Associate Director).

Ginger-Rose Harrington holds a Bachelor of Ancient History (Archaeology) from Macquarie University.

Ali Byrne holds a Bachelor of Arts (Archaeology) from the University of Sydney.

1.5. LIMITATIONS

The ACHA is limited to consideration of Aboriginal objects and places. Historical heritage properties and places protected under the EPBC Act and historical heritage items and relics protected under the *Heritage Act 1977* (NSW) are not considered.

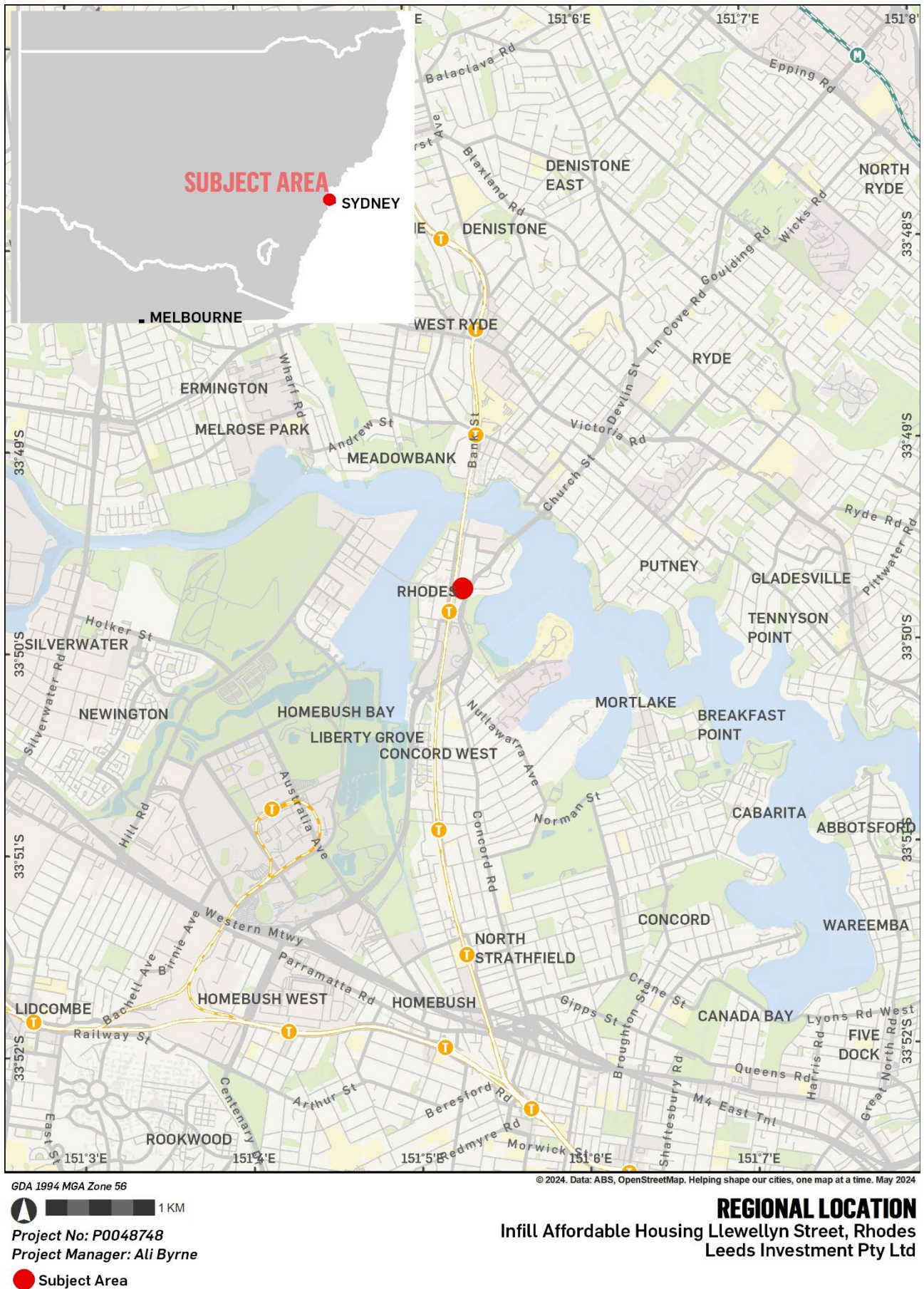


Figure 1 – Regional location of subject area



GDA 1994 MGA Zone 56

© 2024. Data: ABS, OpenStreetMap, Nearmap. Helping shape our cities, one map at a time. Jun 2024



Project No: P0048748

Project Manager: Ali Byrne

 Subject Area — Contours

LOCATION OF THE SUBJECT AREA

Infill Affordable Housing Llewellyn Street, Rhodes
Leeds Investment Pty Ltd

Figure 2 – Subject area

2. ABORIGINAL CONSULTATION

Consultation with the Aboriginal community is required under reg. 60 of the NPW Reg and the Consultation Requirements. The purpose of consultation with Aboriginal people is to understand their views and concerns about the proposed project and to understand the cultural values present in the area that may be harmed. Consultation ensures that Aboriginal people have the opportunity to improve assessment outcomes by providing relevant cultural information, influencing assessment methodology, contributing to the development of cultural heritage management options and reviewing and commenting the draft assessment report.

The Consultation Requirements outline a four-stage consultation process that includes the following:

- Stage 1 – Notification of project proposal and registration of interest.
- Stage 2 – Presentation of information about the proposed project.
- Stage 3 – Gathering information about the cultural significance.
- Stage 4 – Review of draft cultural heritage assessment report.

The following section documents the conduct and results of the Aboriginal consultation undertaken as part of the present assessment.

2.1. STAGE 1 – NOTIFICATION AND REGISTRATION

The aim of Stage 1 of Aboriginal consultation is to identify, notify and register Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the subject area.

2.1.1. Native Title

A search of the National Native Title Tribunal (NNTT) registers and databases was undertaken on 31st May 2024. The search identified no pending Native Title claims or Native Title registrations for the subject area. The NNTT was also contacted by email on 31st May 2024 to request a formal search of the NNTT Register. A reply was received on 31st May 2024 indicating that there are no Native Title matters overlapping with the subject area.

2.1.2. Identification of Cultural Knowledge Holders

To identify Aboriginal people who may be interested in registering as Aboriginal parties for the project, the organisations stipulated in Section 4.1.2 of the Consultation Guidelines were contacted on the 7th June 2024 (Table 3). A copy of the email sent to each of the contacted organisations is included in Appendix D. A total of 55 Aboriginal parties with a potential interest in the subject area were identified during this stage.

Table 3 – Contacted organisations

Organisation	Notification Sent	Response Received
Canada Bay City Council	7 th June 2024	N/A
Metropolitan Local Aboriginal Land Council	7 th June 2024	N/A
Greater Sydney Local Land Services	7 th June 2024	7 th June 2024
Heritage NSW	7 th June 2024	12 th June 2024
National Native Title Tribunal	7 th June 2024	N/A
NTS Corp	7 th June 2024	N/A
Office of the Registrar, Aboriginal Land Rights Act 1983	7 th June 2024	14 th June 2024

Letters were sent to the 55 identified Aboriginal parties by either email or mail on 24th June 2024 to notify them of the proposed project. The letters included a brief introduction to the project and the project location including

a map of the subject area and set a deadline for response of the 8th July 2024, providing 14 days to register an interest. A copy of the letter is included in Appendix D.

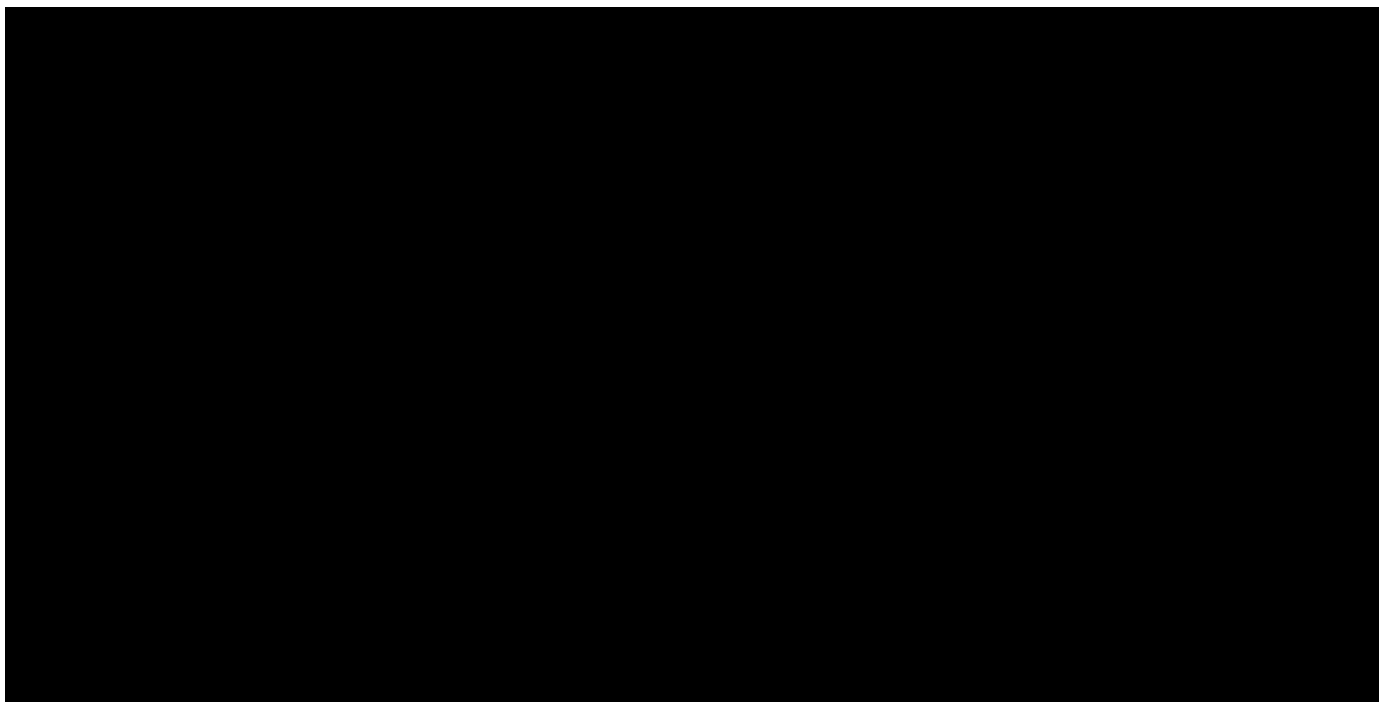
A public notice was also placed in a local newspaper to open registration to the broader Aboriginal community. A search of an online database of local newspapers ('newspapers.com.au') was undertaken to identify local newspapers within the Rhodes area. The search identified one local newspaper: the 'Inner West Weekly' (aka 'Inner West Courier'), an online-only news platform as part of the 'Daily Telegraph' masthead. A public notice was therefore placed in the online classified advertisement section of the Daily Telegraph ('https://www.buysearchsell.com.au'), which is linked to the 'Inner West Weekly'. The advertisement was published online on 24th June 2024 and registration was open until 8th July 2024, providing 14 days to register an interest. A copy of the advertisement is included in Appendix C.

2.1.3. Registration of Interest

A total of nine (9) Aboriginal parties registered interest in the project as a result of this phase (Table 4). One (1) of the Aboriginal parties registered despite responding after the deadline. The Metropolitan Local Aboriginal Land Council was registered despite not responding. Acknowledgement emails were made by Urbis to all respondents to confirm registration had been received.

A list of the Registered Aboriginal Parties (RAPs) was provided to Heritage NSW and Metropolitan Local Aboriginal Land Council on the 9th July (see Appendix C). Due to the late registration of one Aboriginal party, an updated list of RAPs was provided to Heritage NSW and Metropolitan Local Aboriginal Land Council on the 5th August 2024.

Table 4 – Registered Aboriginal Parties



2.2. STAGE 2 & 3 – PRESENTING AND GATHERING INFORMATION

The aim of Stages 2 and 3 of the community consultation process is to provide RAPs with information about the scope of the proposed project and the proposed ACHA methodology, to gather feedback on the proposed project and proposed methodology and to gather any cultural information that the RAPs wish to share.

2.2.1. Presentation of Project Information and Methodology

A Stage 2 & 3 information pack was sent to registered Aboriginal parties via email on the 9th July 2024. The information pack was prepared as a combination of Stage 2 and 3 of the Consultation Guidelines, and included the following information:

- An outline of the proposal and an overview of the subject area.

- The proposed methodology for the ACHA, including the impact assessment process and input points for RAPs into the investigation and assessment.
- Critical timelines and milestones for the completion of assessment activities and delivery of reports.
- Agreed roles, functions and responsibilities.
- A request for comment on methodology, recommendations for site investigation any cultural information the respondent wished to share.

A response to the Stage 2 & 3 information pack was requested by the 6th August 2024, providing 28 days to respond. A copy of the Stage 2 & 3 information pack is included in Appendix C.

2.2.2. Site Visit and Meeting

A separate communication was sent on 23 August 2024 to the MLALC and all RAPs who had expressed an interest and provided a schedule of rates and copies of insurances by the deadline. The communication invited the RAPs to register for a site visit and meeting to be held on 28 August 2024 as part of Stage 2 & 3 of the consultation process.

The purpose of the site inspection and meeting was to conduct a thorough briefing with the RAPs about the proposed development, to conduct a walkover of the subject area with the RAPs, to discuss the information provided in the Stage 2 & 3 information pack and to discuss potential archaeological mitigation strategies.

Two responses were received to the invitation to attend the site visit and meeting, however only [REDACTED]

Ralph Hampton was in agreement that the subject area was too heavily modified to retain any cultural value from an Aboriginal perspective and that archaeological investigation would not yield valuable results.

2.2.3. Gathering Feedback

Responses from two of the RAPs were received in relation to the Stage 2 & 3 information pack. The responses are included in Appendix C. Of the two responses received, both included comments on the proposed methodology and/or provided cultural information. Those responses are addressed in Table 5 below.

Table 5 – RAP responses to the Stage 2 & 3 Information Pack

RAP	Response	Urbis Response
-----	----------	----------------

[REDACTED]		
------------	--	--

2.3. STAGE 4 – REVIEW OF DRAFT ACHA REPORT

The aim of Stage 4 of the community consultation process is to prepare and finalise an ACHA report with input from RAPs.

A draft of the present ACHAR was sent to RAPs via email on 25 September 2024 with comment on the draft ACHAR requested by 25 October 2024, providing 28 days to respond. No responses were received in relation to the Stage 4 draft ACHA report. Desktop Assessment

The aim of the desktop assessment is to determine whether any known Aboriginal objects are located within the subject and whether the subject area is likely to retain any unknown Aboriginal objects. The findings of the desktop assessment inform the archaeological survey of the subject area and contribute to the determining whether an archaeological test excavation is required.

2.4. ARCHAEOLOGICAL CONTEXT

The archaeological context of the subject area encompasses previous archaeological and ethnohistorical studies that are relevant to determining the nature and distribution of Aboriginal archaeological material within the local region and subject area and local region.

2.4.1. Aboriginal Land Use

The ethnographic context within which an area is situated is relevant to determining the nature of Aboriginal land use, the archaeological material that land use may have produced and whether any intangible cultural associations exist. While ethnographic observations of Aboriginal life post-European contact are relatively common, an absence of written records prior to contact means that ethnographic information about Aboriginal life at that time must be inferred from early European observations. Such inference is inherently biased by the cultural norms of the observer and behavioural modifications in response to the awareness of being observed (the so-called 'Hawthorne Effect'). Nevertheless, by comparing and contrasting these observations with archaeological evidence, it is possible to establish a general understanding of the lives of Aboriginal people.

Prior to the arrival of Europeans in 1788, the subject site was within the traditional lands of the Wangal people. These lands were commonly referred to by the Indigenous populace as "Wann" or "Wanne" extending "along the south side of the harbour from Long Cove (Darling Harbour) to Rose Hill" (Governor Phillip, 1790; King, 1793). Parramatta, then called 'Rose Hill' by the local inhabitants marked the westerly boundary of the traditional lands of the Wangal people whilst Paramatta River formed the Northern boundary (The Australian Museum, 2002; City of Canada Bay, 2023). The Wangal and neighbouring Gadigal and Burramatta clans were some of the First Peoples to be dispossessed of their territory as Europeans spread the colony up the Burramattagal (Parramatta River). As a result, information regarding original place names have been lost. Colonists co-opted significant Koori infrastructure including the utilisation of the ancient songline and trading route now known as Parramatta Road/Great Western Highway, which intersects the upper reaches of Long Cove (Uncle Jimmy Smith, 2021).

The landscape was characterised by lush vegetation yielding impressive assortment of fruits, seeds and nuts. This diet was supplemented with an abundance of rich aquatic resources which included fish, eels, binyang (birds), gadyan (cockles), badangi (oysters), yara (crab) and crustaceans. This "innate understanding of tidal workings of the bay" conveyed by Wangal man Uncle Jimmy Smith (City of Canada Bay, 2021) led to a lifestyle structured by coastal resources. It is this inextricable connection with the waterways that led to the recognition of the Wangal population as a 'fishing people' in 1788 by colonists (Marrickville Council, 'Cadigal Wangal; Bush Tucker', 2006).

The subsistence activities outlined above increase the likelihood of archaeological finds with numerous shell middens already identified across Wanne land. These middens are comprised of discarded shells and implements used in the preparation and consumption of aquatic based food resources. Based on the above background, it is possible that similar evidence of Aboriginal occupation will also be present within original and/or intact topsoils within the present subject area.

Based on the above background, it is possible that similar evidence of Aboriginal occupation will also be present within original and/or intact topsoils within the present subject area.

2.4.2. Declared Aboriginal Places

The NSW State Heritage Inventory (SHI) includes all declared Aboriginal places within NSW, in addition to historic heritage items listed on the State Heritage Register (SHR), listed Interim Heritage Orders (IHOs) and items listed on Local Environment Plans (LEPs) and State Environmental Planning Policies (SEPPs).

A search of the SHI was undertaken on 31st May 2024. The search did not identify any heritage items or Aboriginal places within the subject area.

2.4.3. Registered Aboriginal Objects

The Aboriginal Heritage Information Management System (AHIMS) is a database of registered Aboriginal sites in NSW. Each registered Aboriginal site includes one or more site 'features', which may be considered an Aboriginal object under the NPW Act. An Aboriginal site may include one or more site features.

The *Guide to completing the AHIMS Site Recording Form* (OEH 2012) lists 20 different features that may be recorded on AHIMS. The most common site features registered in NSW are artefacts, modified trees, art, grinding grooves and shell deposits (see Glossary for definitions). However, the likelihood of any particular site

feature being found will vary according to region and environment. Less common site features that are encountered are burials, ceremonial rings, earth mounds, fish traps, habitation structures, hearths, non-human bone and organic material, ochre quarries, stone arrangements and stone quarries (see Glossary for definitions).

Other Aboriginal site features that are recorded on AHIMS but are not necessarily 'Aboriginal objects' within the meaning of that term as it is defined in the NPW Act (i.e. are not a 'deposit, object or material evidence... relating to the Aboriginal habitation of the area') are potential archaeological deposits (PADs), Aboriginal ceremony and dreaming sites, Aboriginal resource and gathering sites, conflict sites and waterholes (see Glossary for definitions). These features are only considered to be 'Aboriginal objects' for the purpose of the NPW Act if accompanied by at least one of the other site types defined above.

The AHIMS database also provides information on the context of registered Aboriginal sites. Sites that are recorded as 'closed' context s are those that include a cave or rock overhang, while all other sites are recorded as 'open' context.

It should be noted that the AHIMS register does not represent a comprehensive list of all Aboriginal objects or places as it is limited to sites that have been previously identified and registered. Registration is typically the result of previous archaeological investigation, so the number of registered Aboriginal sites in area is dependent on the amount of such research previously undertaken.

A search of the Aboriginal Heritage Information Management System (AHIMS) was carried out on 31st May 2024 (AHIMS Client Service IDs: 897212 and 897217) for an area of approximately 8 km x 8 km centred on the subject area. The Basic and Extensive AHIMS search results are included in Appendix B.

The search was undertaken to determine if:

- There are any registered Aboriginal sites registered within the curtilage of the subject area.
- There are any registered Aboriginal sites near the subject area that might extend into it.
- There is any association of Aboriginal sites with certain landscape features within the broader region that may be instructive for determining the likelihood of Aboriginal sites within the subject area.

A summary of all previously registered Aboriginal objects and Aboriginal places within the search area is provided in Table 6 below.

A total of 67 Aboriginal sites are registered in the search area. Three (3) of the recorded Aboriginal sites were identified as 'not a site' in the search results, reducing the total number of identified Aboriginal site to 64. The locations of the 64 identified Aboriginal sites are shown in Figure 3.

No Aboriginal sites were identified within the subject area, or within 500m of the subject area (Figure 3).

Among the 64 registered Aboriginal sites in the search area, a total of 104 site features were identified of seven (7) different types: Art, Artefacts, Axe Grinding Grooves, Burial, Potential Archaeological Deposits (PADs), Shell and Shelters. The dominant site feature in the AHIMS Extensive Search area is Artefacts, which likely reflects the urbanised nature of the area with artefacts holding potential to survive as both surface and subsurface deposits. The number and types of sites features in the search area are presented in Table 6.

Closed context sites are those that include a cave or rock overhang, while open context sites are those without a cave or rock overhang. Most registered Aboriginal sites in the search area are in an open context, representing 81 % (n = 52) of all sites (Table 6).

It is clear from Figure 4 that registered Aboriginal sites in the region around the subject area are predominantly associated with major waterways – particularly, the Parramatta River, which evidently formed an important part of the lives of local Aboriginal people. These associations are consistent with the general predictive model for NSW, which consider waterways to be indicative of likely past Aboriginal land use (see Section 3.4.1 below).

Table 6 – Summary of registered Aboriginal sites in the AHIMS search area

Site Features	Context	Number	% of Sites
Artefacts & Shell	Open	17	27
Artefacts	Open	14	22

Site Features	Context	Number	% of Sites
Shell	Open	8	13
Shelter with Artefacts & Shell	Closed	8	13
PAD	Open	6	9
Shelter with Art	Closed	3	5
Art	Open	3	5
Axe Grinding Groove	Open	2	3
Shelter with Art & Shell	Closed	1	2
Burial	Open	1	2

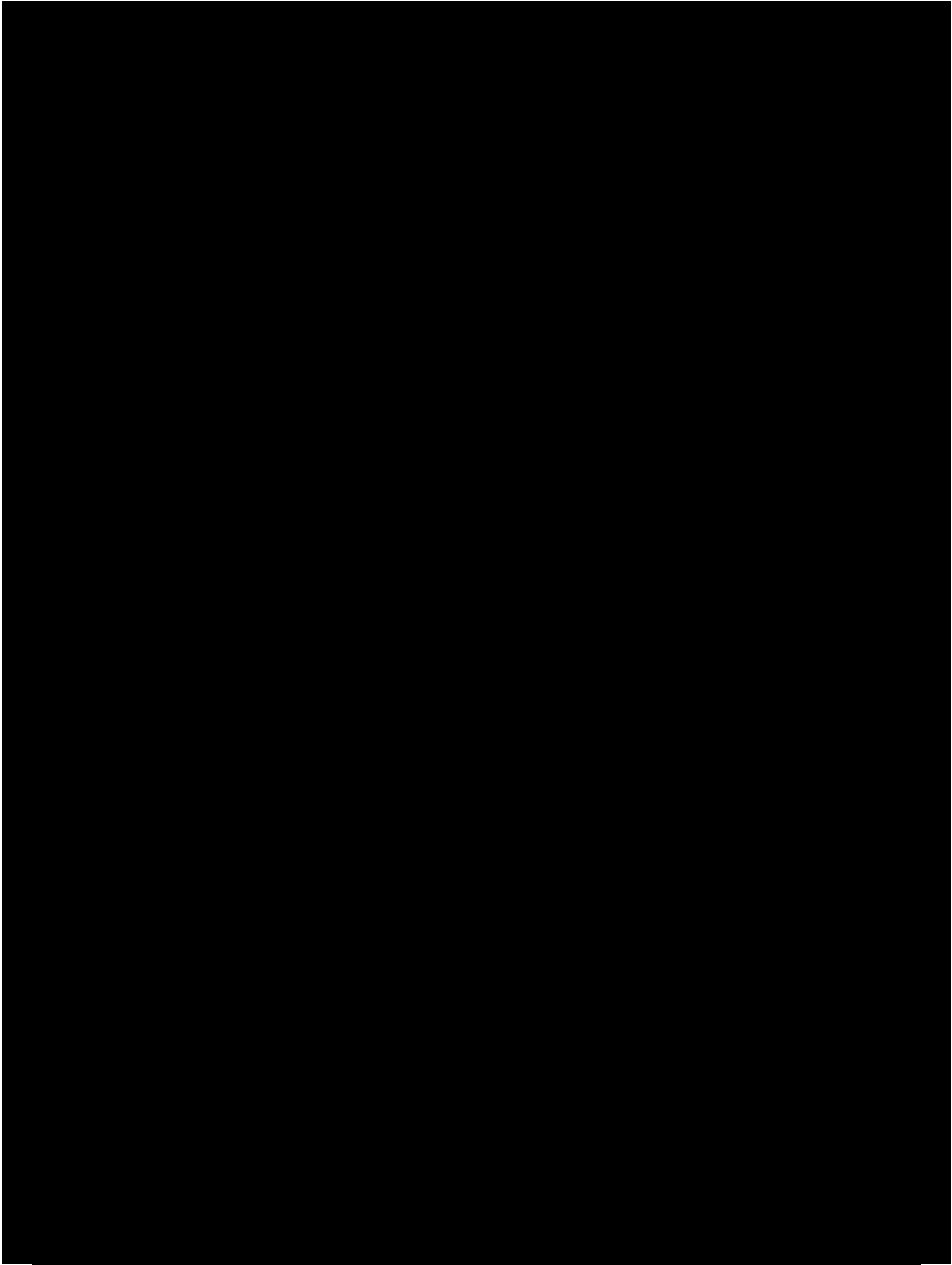


Figure 3 – Locations of registered Aboriginal sites in the AHIMS Extensive Search area.

2.4.4. Previous Archaeological Investigations

Previous Aboriginal archaeological investigations undertaken within or near to the subject area may provide information about known Aboriginal sites that have not previously registered on the AHIMS database. Additionally, Aboriginal archaeological investigations undertaken in the broader region may provide information on the types of archaeological site features that are likely to occur within the subject area.

2.4.4.1. Investigations of the Subject area

No previous archaeological reports relating directly to the subject area have been identified.

2.4.4.2. Regional Investigations

Few investigations have been undertaken in the broader region. The most relevant investigations to the present subject area are discussed below.

Urbis Ltd. (2024a-d) undertook archaeological investigations of four sites located within 500m of the subject area, as outlined in Table 7. The archaeological investigations each consisted of a desktop assessment and site survey. These reports conclude that each site had sustained a moderate-high level of historical ground disturbance from a diverse range of activities. The ground disturbing activities identified as having made a longstanding impact on the natural landscape included land clearance, ploughing, construction and demolition of buildings, construction of earthworks and land reclamation. As a result, the archaeological potential of each site was assessed to be Very Low-Nil, concluding that the intact natural topsoil would unlikely remain anywhere in the site. These reports have been identified as relevant to the subject area due to its proximity and similar subsurface site context.

Table 7 – Location of previous Urbis archaeological investigations in Rhodes, NSW

Site Address	Proximity to Subject Area	Archaeological Potential
23-29 Marquet Street	285m south-west	Very Low
9 Blaxland Road and 424 Concord Road	260m south	Very Low
25-27 Leeds Street	494m north-east	Very Low
1-9 Marquet Street and 4 Mary Street	365m south-west	Nil

Curio Projects [2020] undertook an archaeological investigation of 20 Waterview Street, Putney approximately 1.3km Northeast of the present subject area. The archaeological investigation consisted of a desktop assessment, monitoring and excavation of the study area. The subject area was divided into 6 test areas to determine extent, nature and intactness of the site. The investigation determined that test areas 2, 3, 4 and 6 featured high levels of bedrock exposure, suggesting that the complete removal of natural soil profiles had occurred. Further, the widespread disturbance of deposits across the site and the introduction of modern fill had resulted in the removal of PADs. Of note, test area 3 yielded a single, isolated Aboriginal artefact uncovered in a natural soil profile that was situated in a highly disturbed context. Several, select areas outside of the boundary of the subject area were identified for their possible Aboriginal archaeological significance due to their proximity to the Parramatta River shoreline. This investigation concluded that this study area has low Aboriginal archaeological significance with the most likely site type to be an isolated artefact in a disturbed context, similar to the find in trench 5. This study provides relevant contextual background to the subject area due to its proximity.

Cosmos Archaeology [2015] undertook a maritime archaeological investigation of Parramatta River at 20 Waterview Street in Putney approximately 1.2km Northeast of the present subject area. The archaeological investigation consisted of a desktop assessment, underwater survey and probing within the study area. The study area was of interest for its historical occupation as the site for James Squires Estate. The study area was divided into 5 transects, following the line of the wharf. The investigation determined that that the area had undergone significant historic disturbance over time and had been subject to bedrock exposure at the Parramatta River shoreline, removing natural deposits. Aboriginal archaeological evidence was uncovered approximately 12m from the beginning of the wharf in the form of oyster and cockle shells. The remnant shells

were determined to have been purposefully deposited at this location and likely indicate a midden site. This investigation concluded that this study area has high historical archaeological significance. Further, this investigation established, that due to the high disturbance of natural deposits throughout the site's historic occupation and the anaerobic water conditions, that Aboriginal archaeological potential was low. This investigation provides relevant contextual background to the subject area due to its proximity to a watercourse, that may inform on the past Aboriginal occupation of the site.

2.4.5. Existing Predictive Models

Predictive models are used to determine the likelihood of Aboriginal archaeological material being located within a particular area. A review of existing predictive models relevant to the region around subject area is relevant for formulating a predictive model for the present assessment.

The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010c) ('The Due Diligence Code') provides an overarching predictive model for the entirety of NSW. The Due Diligence Code specifies the following 'relevant landscape features' that are considered indicative of likely past Aboriginal land use:

- Areas within 200 m of waters including freshwater and the high tide mark of shorelines.
- Areas located within a sand dune system.
- Areas located on a ridge top, ridge line or headland.
- Areas located within 200 m below or above a cliff face.
- Areas within 20 m of or in a cave, rock shelter, or a cave mouth.

2.5. ENVIRONMENTAL CONTEXT

The environment context of the subject area encompasses the natural landscape and the impacts of historical human activity. These aspects of the environmental context are relevant to predicting the potential for unknown Aboriginal objects occurring within the subject area.

2.5.1. Natural Landscape

The purpose of reviewing the natural landscape of the subject area is twofold. It assists in the prediction of the intensity and nature of Aboriginal land use and deposition of archaeological material in the subject area by considering the landforms and resources that would have played a part in the everyday lives of Aboriginal people. It also assists in the determining the likelihood that those material remains would have survived any natural geomorphological process or historical ground disturbance (discussed in Section 2.5.2 below).

Topography: The subject area is located on a low sideslope (Figure 4).

Soil Landscape: The NSW Soil and Land Information System (SALIS) indicates that the entire subject area is located within the Blacktown soil landscape (Figure 5). The Blacktown soil landscape is characterised by erosional soils on broad rounded crests and ridges with gently inclined slopes. The soil A-horizon typically comprises friable brownish black loam (A1) overlying hard-setting brown clay loam (A2). A-horizon depths are anticipated to be up to 30 cm of A1 overlying 10-30 cm of A2 on lower slopes. The underlying geology of the Blacktown soil landscape is the Wianamatta group shales. Rock outcrops are not naturally occurring in the Blacktown soil landscape.

Geomorphic Activity: The mode of geomorphic activity in the subject area is erosion. Natural erosional processes, particularly water erosion, have caused displacement of topsoil and other surface material from across the entire subject area, potentially including archaeological material.

Vegetation: Vegetation within the Blacktown Soil Landscape is typified by open-forest and open-woodland (dry sclerophyll forest). The original woodland and open-forest were dominated by *Eucalyptus tereticornis* (forest red gum), *E. crebra* (narrow-leaved ironbark), *E. moluccana* (grey box) and *E. maculata* (spotted gum). Such species could have been subject to cultural modification.

Hydrology: the subject area is located 221m west of the Parramatta River. However, historical mapping indicates that the Rhodes area has been subject to land reclamation, with the eastern shoreline being extended slightly (Figure 6). Historically, the subject area was therefore located within 200m of water.

The relevance of the natural landscape for the present assessment is discussed in the application of the predictive model to determining Aboriginal archaeological potential in Section 2.8.2 below.

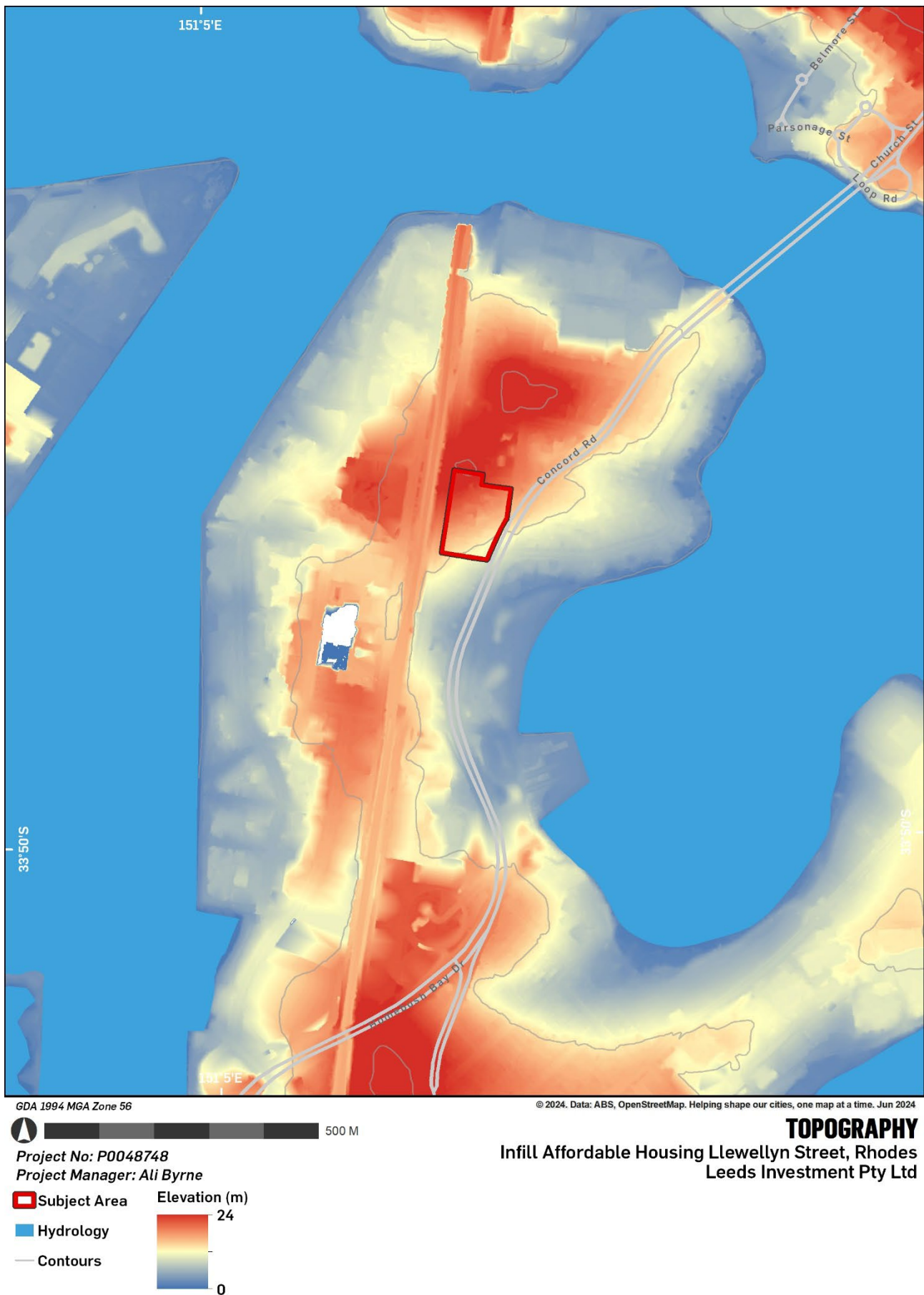
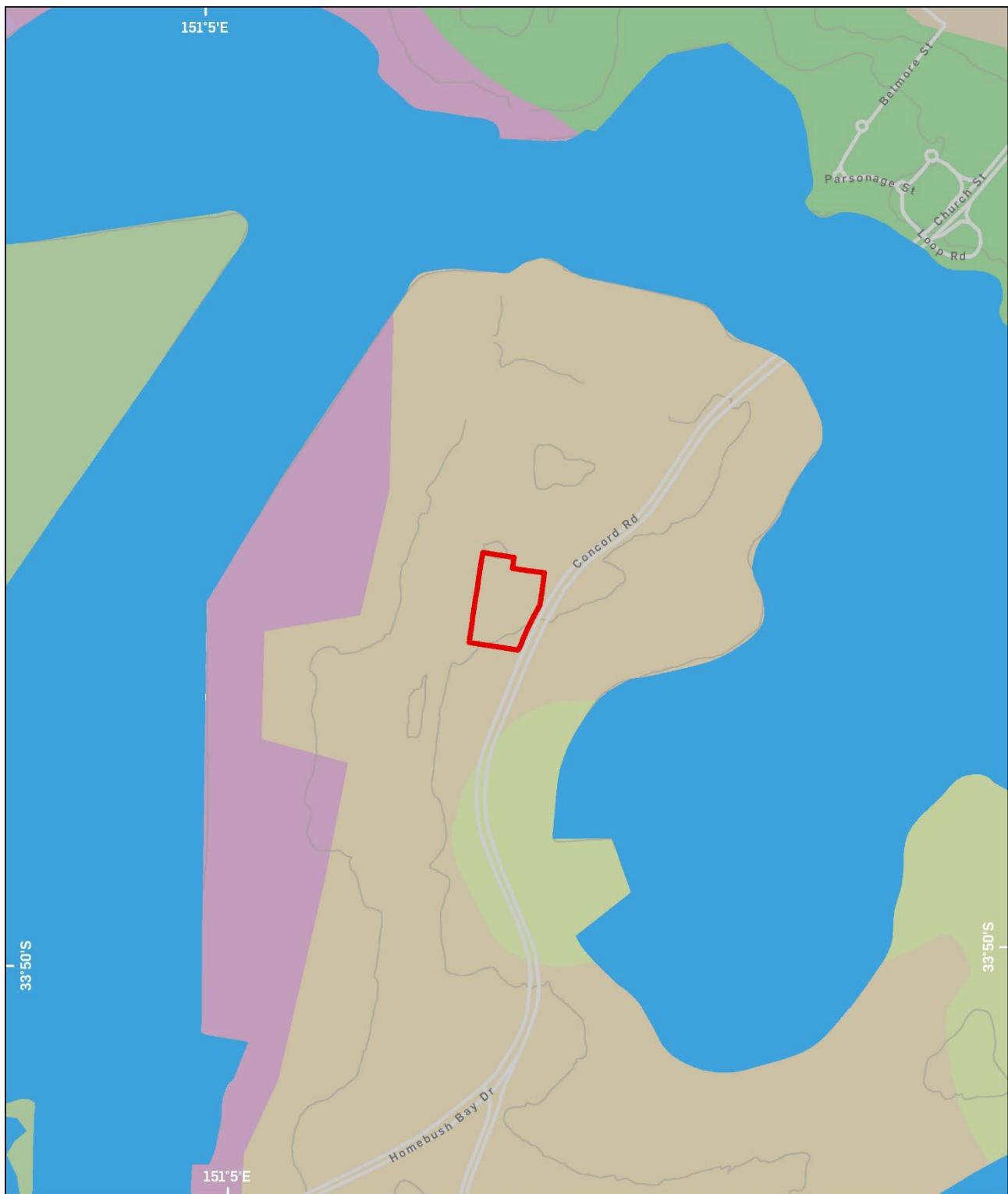


Figure 4 – Topography



GDA 1994 MGA Zone 56

© 2024. Data: ABS, OpenStreetMap. Helping shape our cities, one map at a time. Jun 2024



Project No: P0048747

Project Manager: Ali Byrne

- Subject Area
- Hydrology
- Contours
- BIRRONG (Alluvial)
- BLACKTOWN (Residual)
- DISTURBED TERRAIN (Disturbed Terrain)
- GLENORIE (Erosional)
- GYMEA (Erosional)
- LAMBERT (Erosional)
- LUCAS HEIGHTS (Residual)

SOIL LANDSCAPES AND HYDROLOGY

Infill Affordable Housing Llewellyn Street, Rhodes
Leeds Investment Pty Ltd

Figure 5 – Soil landscapes and hydrology

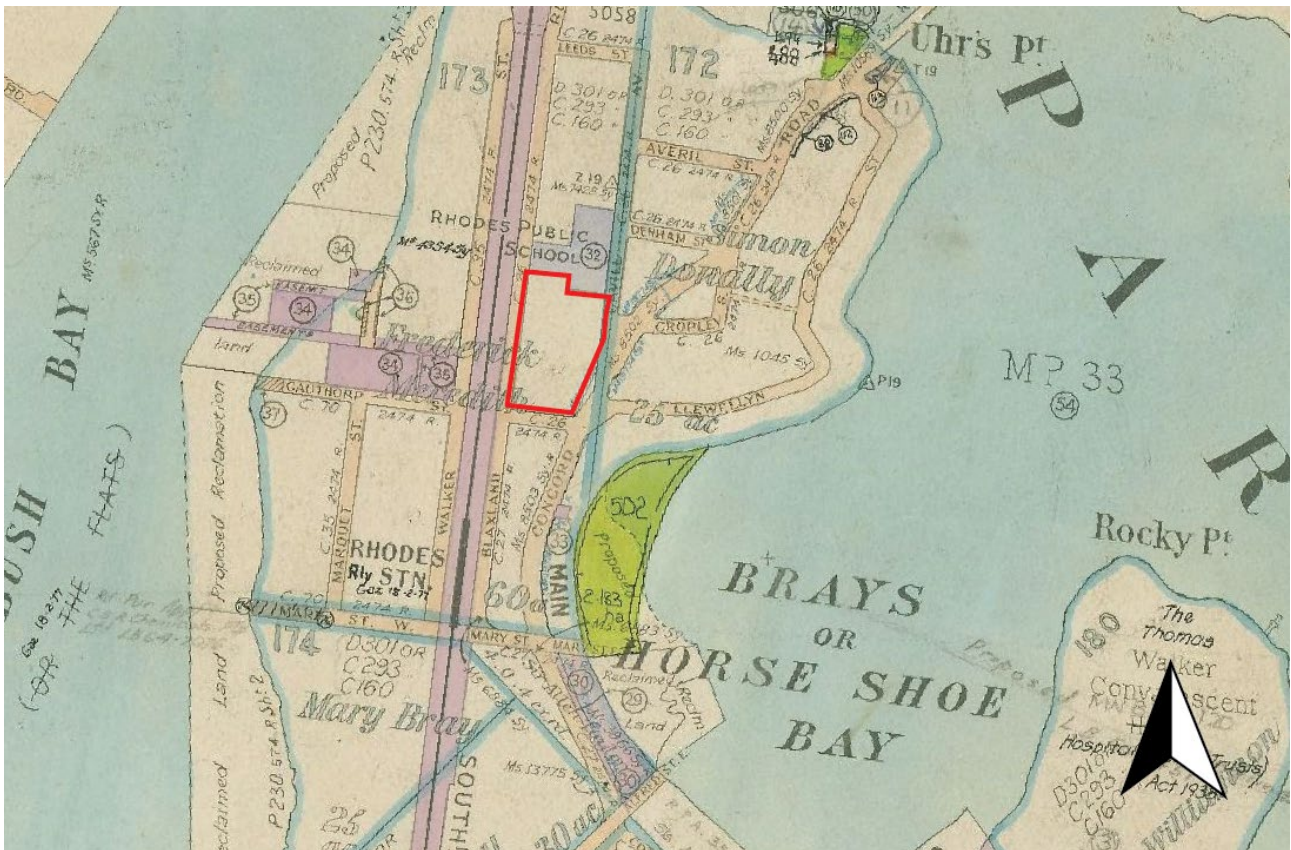


Figure 6 – Historical map of Rhodes from c.1963, showing the locations of reclaimed land relative to the subject area boundary.

Source: HLRV, County of Cumberland, Parish of Concord.

2.5.2. Historical Ground Disturbance

Disturbance to the natural landscape, either through human activity (e.g., clearing of vegetation, ploughing and construction of buildings) or natural processes (e.g., erosion), reduces the likelihood of deposited Aboriginal objects being retained, either through destruction of the Aboriginal objects or their removal. Ground disturbance may affect the natural topsoil (A-horizon), within which subsurface Aboriginal archaeological remains are typically found, and other surface features associated with Aboriginal objects, such as trees, rock platforms and rock overhangs.

For the purpose of the present assessment, historical ground disturbance is rated according to the following scheme:

- **High:** all or most topsoil has been removed, with at most only a small part of the lower portion of topsoil possibly remaining intact
- **Moderate:** the upper part of the topsoil has been substantially disturbed or removed, but a substantial amount remains intact
- **Low:** little or no disturbance or removal of topsoil, with all or most topsoil remaining intact

The degree of disturbance is relative to the depth of the natural topsoil. For example, disturbance of the upper 30 cm of a natural soil profile by ploughing may be high if the topsoil only 30 cm deep, but only moderate if the topsoil is 1 m deep.

The relevance of historical ground disturbance for the present assessment is discussed in the application of the predictive model to determining Aboriginal archaeological potential in Section 2.8.2 below.

The subject area was impacted by the clearance of natural vegetation as early as 1794, when it was granted to Frederick Meredith (Figure 9). The Meredith Estate, as it was known, extended South to Mary Street, East of the present-day Rhodes train station and bound by the neighbouring Simon Donally estate to which the subject area lies directly adjacent¹. This landscape clearance was likely related to its occupation as agricultural and/or pastoral land, with historical documentation from 1875 recording the widespread usage of the surrounding landscape for this purpose (Figure 10). The early 19th Century historical phase of farmland and early land grants sees no construction take place within the subject area.

In 1819, the subject area was purchased by Thomas Walker, remaining within the family until 1913 despite subdivision of the estate. Two distinct phases of subdivision occurred, first in 1895 and then in 1912, however no documented construction works occurred during this period (Figures 11 & 12)². The subject area itself would not incur any additional ground disturbance after the initial land clearance until the erection of a series of residential buildings on the eastern side of the peninsula, evidenced by aerial imagery as early as 1943 (figure 14). The construction of residential dwellings during this historical phase grew largely in response to increasing industrialisation of the western side of the peninsula, and presumably provided suitable housing for the residing work force. To accommodate this rapid expansion Concord Road (as it is known today) was constructed subsuming Broke Street that bounded the south-western portion of the subject area (Figure 12). Whilst the road itself does not fall within the boundaries of the site, this section may have been subject to minor ground disturbance due to earthworks and the use of heavy machinery. In this way, the subject area remained relatively unchanged for much of the 20th century and early 21st century as observed in historical aerial imagery (Figure 14 & 16).

Taken together, the subject area has been impacted by ground disturbing works from as early as 1794, when it was cleared of vegetation and likely subjected to ploughing. Following this, the majority of the site was impacted by the construction of residential dwellings that assumed a permanent position within the Rhodes landscape. In light of the shallow natural topsoil of the Blacktown soil landscape, historical ground disturbance has been assessed as **high**. Given the substantial area under consideration, and the variation between the already established residential dwellings it is likely that each Lot may be subject to varying degrees of ground disturbance but will predominantly align with this final assessment.

The assessed ground disturbance for the present subject area is mapped in Figure 17.

¹ City of Canada Bay City Council 2024, *Rhodes History*, City of Canada Bay City Council, Canada Bay, NSW

² City of Canada Bay City Council 2024, *Rhodes History*, City of Canada Bay City Council, Canada Bay, NSW



Figure 7 – Historical map that showcases subdivision of Rhodes (Subject area outlined in red), [1860]

Source: National Library of Australia



Figure 10 - Parish map of the Rhodes area in NSW showing the location of early land grants in the region of the subject area [1875]

Source: SLNSW, 1875. Obj. No. 9059424

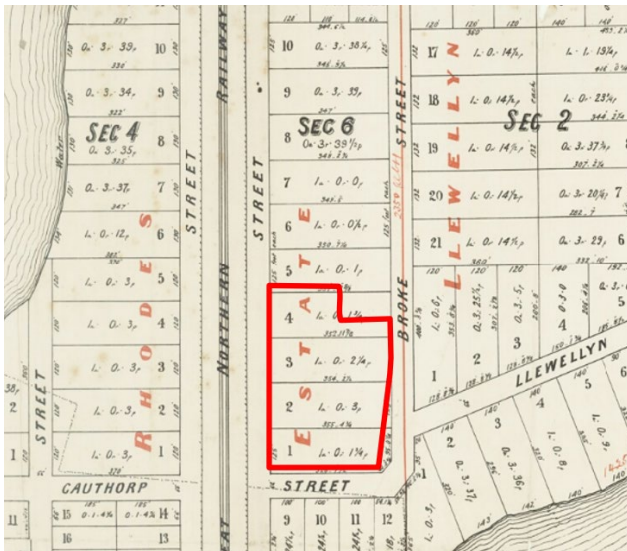


Figure 8 – Rhodes and Llewellyn Estates Auction Notice (Subject area outlined in red), [1895]

Source: National Library of Australia

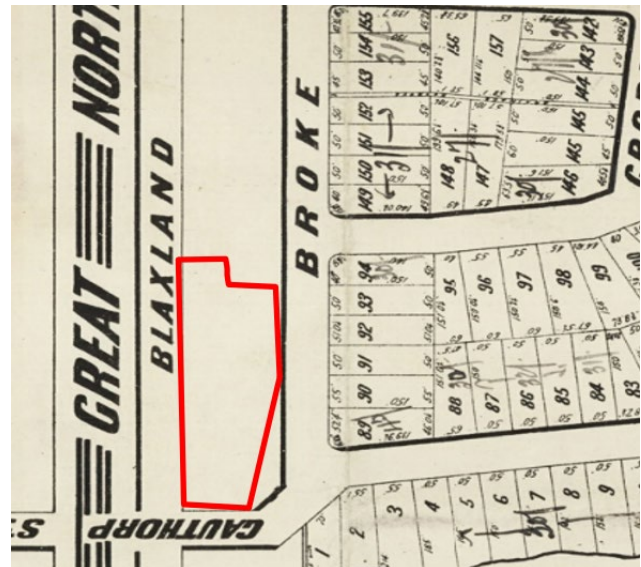


Figure 9 – Rhodes Estate Auction Announcement (subject area outlined in red), [1912]

Source: National Library of Australia



Figure 10 – Aerial image of Rhodes district as major industrialisation works commenced. The subject area lies to the left of this image [1928]

Source: *NSW State Library*



Figure 11 – Aerial image of subject area (red outline), [1943]

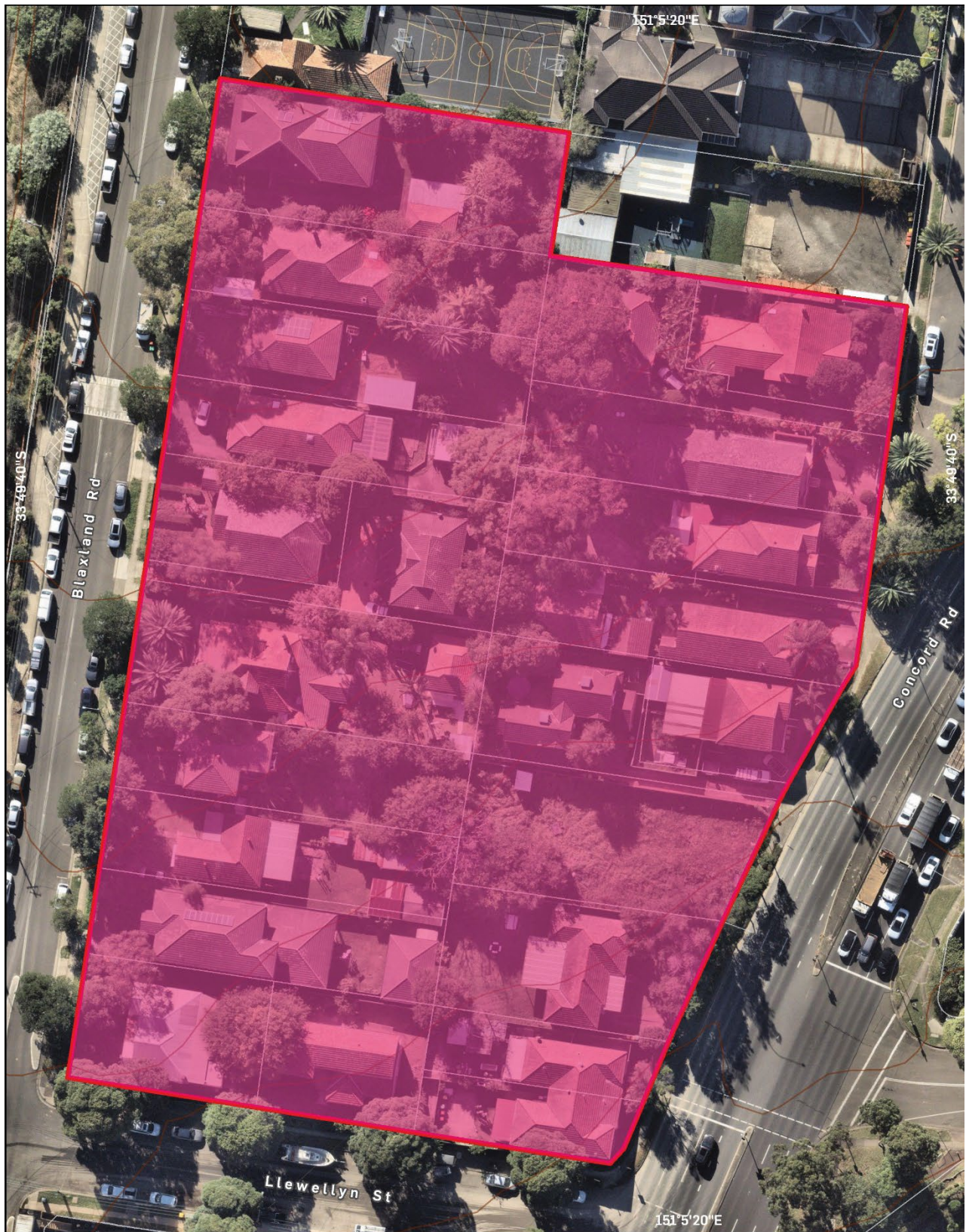
Source: *Land and Property Information*



Figure 12 – Aerial image of subject area (red outline), [1986]
 Source: NSW Government, *Historical Imagery Viewer*



Figure 13 – Aerial image of subject area (red outline), [2016]
 Source: *Near Maps*



GDA 1994 MGA Zone 56



Project No: P0048748

Project Manager: Ali Byrne

Subject Area
 — Contours
 High Disturbance

© 2024. Data: ABS, OpenStreetMap, Nearmap. Helping shape our cities, one map at a time. Jun 2024

HISTORICAL GROUND DISTURBANCE

Infill Affordable Housing Llewellyn Street, Rhodes
Leeds Investment Pty Ltd

Figure 14 – Historical ground disturbance

2.6. LOCAL & REGIONAL CHARACTER

The evidence from Sections 2.4 and 2.5 is synthesised below to highlight the main issues and regional character of Aboriginal land use and the material traces that it has produced, in accordance with Requirement 11 of the Code of Practice.

Archaeological evidence indicates that Aboriginal land use in the local area and region is heavily reliant on waterways, particularly the Parramatta River and Cooks River. Stone tools are likely to have played a significant role in the lives of the local Aboriginal people, with lithic artefacts being strongly represented in the known archaeological record. Lithic artefacts are likely to have been discarded near waterways, with higher densities likely occurring near major waterways where land use was likely more intensive. Other evidence of occupation is also focussed on waterways, such as burials art and grinding grooves, all of which may be associated with the rock overhangs and outcrops of Hawkesbury sandstone that occur along major waterways in the region.

2.7. TECHNICAL INVESTIGATIONS

2.7.1. Geotechnical Investigation

Douglas Partners, May 2024. Report on Geotechnical and Contamination Review Proposed Residential Development Llewellyn Street, Rhodes.

In May 2024, Douglas Partners was engaged by Billbergia to prepare a geotechnical and contamination review of the subject area. The assessment involved a desktop review of the site's geology, hydrology and land use information, providing a list of geotechnical considerations for the proposed development. The subsurface conditions of the subject area, as proposed by the report, are outlined in Table 8 below.

Table 8 – Proposed geotechnical model of the subject area.

Depositional Layer	Description
Fill	Fill associated with previous development works, ash from household incinerators and/or heaters etc. Likely to be relatively shallow based on landform (i.e. less than 1 m).
Residual Soils	Stiff to hard clays weathered from the underlying Ashfield Shale. Likely to be in the order of 2 m to 3 m thick.
Shale Bedrock	Ashfield Shale, initially weathered and of very low strength, grading to low and medium strength with depth. Likely to include siltstone and laminite units. Shale thickness likely in the order of 20 m to 25 m.
Sandstone Bedrock	Mittagong Formation and/or Hawkesbury Sandstone likely underlying the shale. Likely medium to high strength.

Source: Douglas Partners, May 2024, p. 6.

Overall, the findings of the desktop review confirm the assessment of historical ground disturbance presented in Section 2.5.2. The report anticipates the presence of “fill associated with previous development works, ash from household incinerators and/or heaters etc.” to occur across the site. The presence of such fill would demonstrate that the subject area has been significantly impacted by the construction and demolition of buildings. Additionally, the review anticipates the occurrence of residual Blacktown soils directly beneath this fill, indicating the truncation of the natural soil profile by previous developments. Taken together, these subsurface soil conditions indicate the truncation or removal of archaeologically sensitive soils within the subject area.

Therefore, the findings of the report do not confirm the extent or absence of remnant natural soils within subject area. At the very least, they suggest that natural soils may be retained beneath introduced fill, however these would likely be limited to subsoils, given the shallow nature of A horizon soils in the Blacktown soil landscape, and their limited survivability in urban locations.

Douglas Partners, September 2024. Report on Geotechnical Investigation - Proposed Residential Development 2 Llewellyn Street, Rhodes NSW Prepared for Leeds Investment Pty Ltd.

In September 2024, Douglas Partners was engaged by Leeds Investment Pty Ltd to report on geotechnical investigations of the subject area. The assessment involved the drilling of seven cored boreholes (BH1 to BH7) and excavation of Standard penetration tests (SPTs) (cf. Figure 15). The subsurface conditions of the subject area, as recorded in the borehole logs, are outlined in Table 8 below.

Table 9 – Proposed geotechnical model of the subject area.

Borehole No.	Depth (m)	Soil Description
BH01	0.0-0.30	Fill/clayey silt.
	0.30-0.70	Dark brown mottled orange-brown clay with trace gravel and ironstone gravel.
	0.70-1.40	Pale brown clay with trace gravel.
	1.40-1.50	Grey and brown silty clay with ironstone gravel
	1.5-2.90	Grey and brown silty clay with trace ironstone and bands of very low strength siltstone. <i>Core loss at 2.9m.</i>
	3.53-5.45	Grey and brown silty clay with trace ironstone and bands of siltstone.
	5.45-25.11	Siltstone. <i>Borehole discontinued due to target depth.</i>
BH02	0.0-0.40	Fill/silty gravelly clay.
	0.40-1.60	Orange-brown clay with trace rootlets and trace gravel
	11.60-2.40	Pale orange-brown clay with gravel.
	2.40-2.90	Brown and grey siltstone.
	2.9-20.80	Siltstone. <i>Borehole discontinued due to target depth.</i>
BH03	0.0-0.60	Fill/silty clay with gravel.
	0.60-1.70	Orange-brown clay with trace gravel.
	1.70-3.0	Pale grey mottled red-brown clay with gravel. <i>Core loss at 3.0m.</i>
	3.5-4.20	Grey-brown and red-brown silty clay with bands of siltstone.
	4.20-16.52	Siltstone. <i>Borehole discontinued due to target depth.</i>

Borehole No.	Depth (m)	Soil Description
BH04	0.0-0.40	Fill/clay with trace sand and trace gravel.
	0.40-1.70	Orange-brown silty clay with trace gravel.
	1.70-2.60	Pale grey mottled orange-brown silty clay with some ironstone gravel. <i>Core loss at 2.6m.</i>
	2.70-15.18	Siltstone.
BH05	0.0-0.05	Fill/sandy clay.
	0.05-0.25	Pale grey fill/gravelly sand with clay. Notable inclusions are fine-medium angular bricks and building debris gravel.
	0.25-0.9	Dark brown mottled orange-brown clay with banded ironstone.
	0.90-3.20	Pale grey mottled orange-brown clay with banded ironstone.
	3.20-3.70	Pale grey mottled brown silty clay.
	3.70-15.06	Siltstone <i>Borehole discontinued due to target depth.</i>
BH06	0.0-0.80	Fill/clay
	0.80-2.0	Red-brown silty clay with fine ironstone gravel.
	2.0-3.50	Pale grey and mottled red-brown silty clay with fine-coarse ironstone gravel.
	3.50-17.35	Siltstone. <i>Borehole discontinued due to target depth.</i>
BH07	0.0-0.30	Fill/silty clay with fine sand and brick fragments.
	0.30-0.50	Orange-brown and grey fill/clay with trace of gravel and brick fragments.
	0.50-1.70	Brown then pale grey clay.
	1.70-18.10	Siltstone. <i>Borehole discontinued due to target depth.</i>

Source: Douglas Partners, September 2024.

Overall, the findings of the geotechnical investigation confirm the assessment of historical ground disturbance presented in Section 2.5.2. The borehole results confirm the presence of fill material throughout the entire site to depths of 0.8m (varying). Additionally, several boreholes yielded historical materials such as construction material, ironstone gravel and crushed brick. Taken together, it is clear that the construction and demolition of buildings within the subject area has considerably impacted the natural topsoils formerly retained within the site. The extent of this disturbance is demonstrated by the recovery of residual bt2 and

bt3 Blacktown soils beneath this fill, demonstrating the truncation or removal of archaeologically sensitive soils within the subject area.

Therefore, the findings of the report confirm the disturbance and/or removal of natural soils within subject area.



Figure 15 – Borehole Location Plan

Source: Douglas Partners, September 2024. Drawing No. 1.

2.8. ARCHAEOLOGICAL POTENTIAL

The Aboriginal archaeological potential of an area is the likelihood that it retains material evidence of past Aboriginal land use. The purpose of undertaking an assessment of Aboriginal archaeological potential is to inform the sampling strategy for the subsequent archaeological survey, to determine if an archaeological test excavation is required and, if so, inform the sampling strategy for that excavation.

2.8.1. Predictive Model

A predictive model for the present assessment has been formulated based on existing predictive models (Section 2.4.5) and the local and regional character summarised above (Section 2.6).

The following landscape features are considered relevant for indicating likely past Aboriginal land use in the region:

- Areas within 200 m of waters including freshwater and the high tide mark of shorelines.
- Areas located within a sand dune system.
- Areas located on a ridge top, ridge line or headland.
- Areas located within 200 m below or above a cliff face.

- Areas within 20 m of or in a cave, rock shelter, or a cave mouth.

The above predictive model is consistent with the Due Diligence Code.

Aboriginal archaeological potential is further dependent on erosional transport and historical ground disturbance. Archaeological material is more likely to accumulate in aggraded landforms than eroded landforms, while higher ground disturbance reduces the likelihood of archaeological material surviving.

Synthesising the above predictors, Aboriginal archaeological potential is rated according to the following scheme:

- **Very High:** at least one relevant landscape feature, low ground disturbance and an aggraded landform
- **High:** at least one relevant landscape feature and either: (i) low ground disturbance and an eroded landform; or (ii) moderate ground disturbance and an aggraded landform
- **Moderate:** at least one relevant landscape feature, moderate ground disturbance and an eroded landform
- **Low:** no relevant landscape features and low or moderate ground disturbance
- **Very Low:** high ground disturbance

Expected site features are based on the following associations landscape features:

- High density sub-surface artefact sites are likely to occur in the vicinity of major watercourses, while low density sub-surface artefact sites are more likely in areas away from major watercourses.
- Shell midden sites are more likely to be identified in close proximity to marine and estuarine areas.

The predictive model described above is applied in the following section to determine the Aboriginal archaeological potential of the subject area and likely site features.

2.8.2. Assessment of Potential

Based on the predictive model outlined in the preceding section, the archaeological potential of the present subject area is assessed to be **very low**. The assessed archaeological potential of the subject area is mapped in Figure 16.

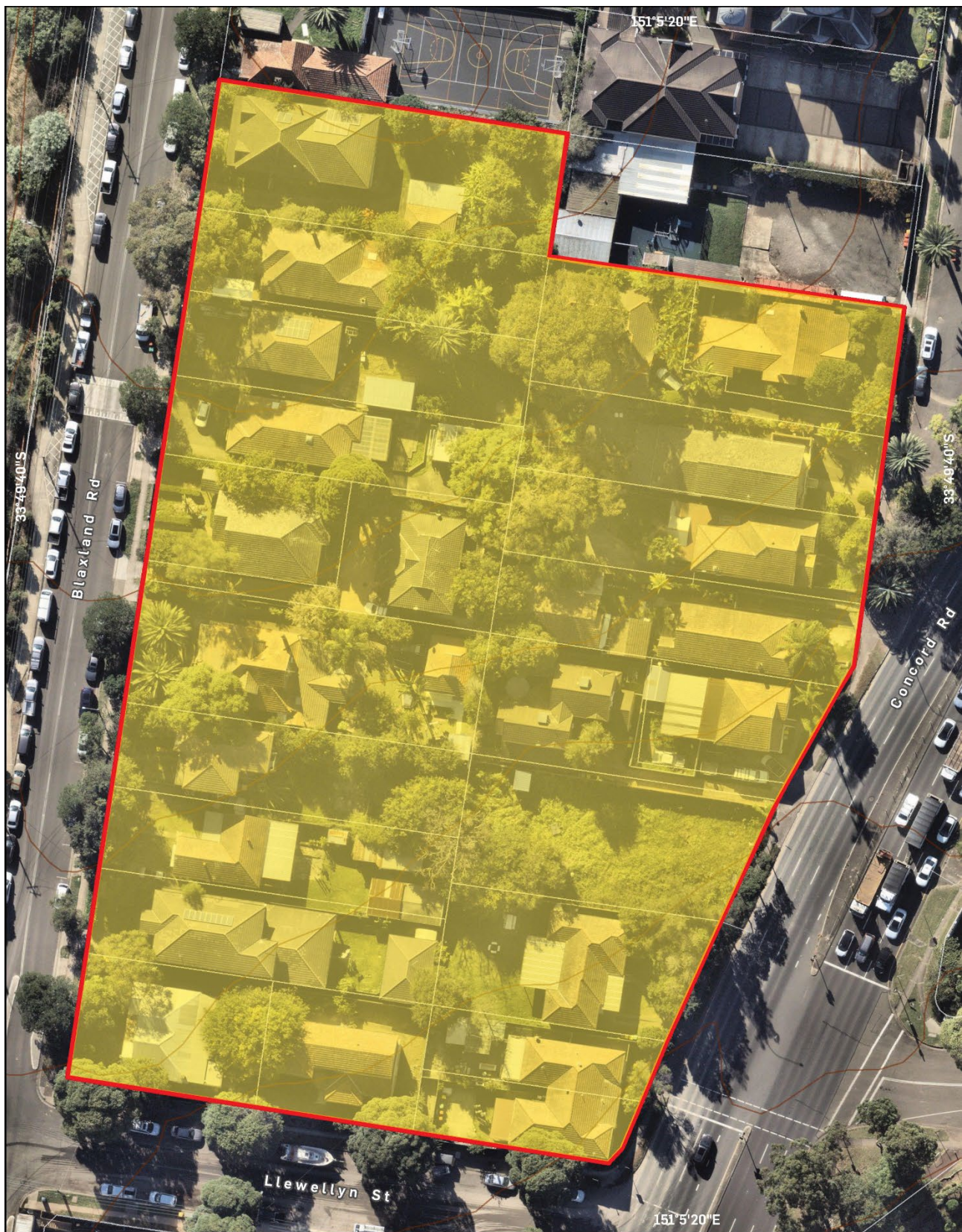
Historically, the subject area was therefore located within 200m of water, which is considered indicative of past Aboriginal land use under the Due Diligence Code.

Historical ground disturbance has been assessed as **high** (Section 2.5.1), meaning intact natural topsoils may be present in parts of the subject area. The subject area was cleared of natural vegetation during the late-18th Century and is, therefore, not anticipated to retain remnant vegetation. Given its intensely developed state, exposed sandstone rock outcrops are also considered unlikely to occur. Finally, the subject area is impacted by erosion, which may have caused the displacement of topsoil and other surface material (including archaeological deposits) from across the entire subject area. This mode of geomorphology may have caused the accumulation of archaeological material within the west of the site.

Synthesising the above factors according to the archaeological rating scheme presented in the preceding section, it is determined that there is:

- **Very low potential** for Aboriginal objects to occur within areas impacted by high levels of historical ground disturbance.

Likely Aboriginal site features which may have been present within the subject area are **artefacts** and **shell**, however, given the nature of the historical disturbance, it is considered unlikely that these would be retained. All other site types are unlikely to occur in the subject area due to the absence of the requisite resource or a general rarity of those site types in the region and NSW.



GDA 1994 MGA Zone 56



Project No: P0048748

Project Manager: Ali Byrne

Subject Area Contours Very Low Potential

© 2024. Data: ABS, OpenStreetMap, Nearmap. Helping shape our cities, one map at a time. Jun 2024

ARCHAEOLOGICAL POTENTIAL

Infill Affordable Housing Llewellyn Street, Rhodes
Leeds Investment Pty Ltd

Figure 16 – Aboriginal archaeological potential

2.9. SUMMARY

The desktop assessment of the subject area is summarised as follows:

- No Aboriginal sites were identified within the subject area, or within 500m of the subject area.
- The subject area was historically situated within 200m of a natural waterway, which is considered indicative of past Aboriginal land use under the Due Diligence Code.
- The subject area has been impacted by **high historical ground disturbance** caused by the clearance of vegetation, ploughing, and the construction and demolition of buildings.
- There is **very low potential** for Aboriginal objects to occur within the subject area, including artefacts and middens.
- The mode of geomorphic activity in the subject area is erosion, which may have caused displacement of topsoil and other archaeological material from across the entire subject area.

3. VISUAL INSPECTION

A site inspection was undertaken on 28 August 2024 by Ginger-Rose Harrington (Urbis Archaeologist) and Ralph Hampton (Kamilaroi Yankuntjatjara Working Group). The visual inspection was undertaken to confirm the assessment of archaeological potential within the subject site and to determine if any Aboriginal objects were present as surface expressions.

The visual inspection was undertaken in sunny conditions. Ground Surface Visibility (GSV) was estimated to be approximately 10% across the subject area, the majority of the subject area being covered by gardens, turfing, hardstand areas and residential buildings (eg. Figure 17).

No Aboriginal objects were identified during the visual inspection of the subject area.

The visual inspection demonstrated that the subject area has been significantly impacted by the construction of buildings, with only one lot currently vacant of residential developments (Figure 29-Figure 30). This vacant lot is located on Concord Road, within the south-east of the subject area, and appears to have been levelled and turfed following the demolition of the former residence (Figure 29-Figure 30). Given the shallow topsoil, it is not anticipated that natural soils would be retained following these demolition works. Ralph Hampton (Kamilaroi Yankuntjatjara Working Group) was in agreement that the former construction and demolition works would have removed archaeologically sensitive soils from the lot.

The remaining lots each contained multi-storey residential developments with associated garden beds, vehicular access ramps and turfing (Figure 17-Figure 24, Figure 26-Figure 28). Given the shallow topsoil, these construction works would have significantly displaced or removed any archaeological deposits formerly retained within the subject area. Additionally, one electricity substation was noted on Llewellyn Street (Figure 25), which indicates additional servicing works undertaken within the subject area, which may have disturbed the natural soil profile. Altogether, these conclusions were supported by Ralph Hampton, who agreed that the archaeologically sensitive soils have likely been removed from all of the developed lots.

Overall, the visual inspection confirmed that the subject area has been modified by the construction and demolition of buildings, and that these changes remain evident in the landscape until the present day. These findings are consistent with the desktop assessment of historical ground disturbance presented in Section 2.5.2, which concluded that there has been a **high** level of historical ground disturbance throughout the entire subject area.

Photos from the visual inspection have been included as Figure 17-Figure 30.



Figure 17 – View of the subject area from the intersection of Llewellyn Street and Blaxland Road. Note the presence of buildings, paving, garden beds and turfing.



Figure 18 – View of the subject area along Blaxland Road. Note the presence of buildings, paving, garden beds, mature trees and turfing.



Figure 19 – View of the subject area along Blaxland Road. Note the terracing of the landscape, evident in the level change between residences.



Figure 20 – View of the subject area along Blaxland Road.



Figure 21 – View of the subject area along Blaxland Road.



Figure 22 – View of the subject area along Blaxland Road. Note the terracing of the lot to accommodate the multi-storey residential building.



Figure 23 – View of the subject area along Blaxland Road.



Figure 24 – View of the subject area along Llewellyn Street.



Figure 25 – View of the electricity substation present on Llewellyn Street.



Figure 26 – View of the subject area along Llewellyn Street.



Figure 27 – . View of the subject area at the intersection of Llewellyn Street and Concord Road.

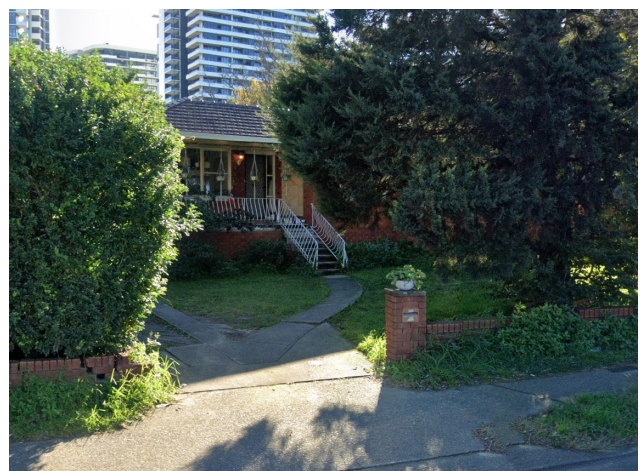


Figure 28 – View of the subject area along Concord Road.



Figure 29 – View of the subject area along Concord Road.



Figure 30 – View of the subject area along Concord Road.

4. SIGNIFICANCE ASSESSMENT

The following is an assessment and discussion of the cultural significance of the subject area, made in consultation with the RAPs. The assessment follows principles and procedures outlined in the Burra Charter the Assessment Guidelines.

4.1. FRAMEWORK FOR ASSESSMENT

The Burra Charter defines cultural significance as being derived from the following values: social or cultural value, historic value, scientific value and aesthetic value. Aesthetic, historic, scientific and social values are commonly interrelated. All assessments of heritage values occur within a social and historic context. Therefore, all potential heritage values will have a social component.

Heritage significance is assessed by considering each cultural or archaeological site against the significance criteria set out in the Assessment Guidelines. The Assessment Guidelines require that the assessment and justification in a statement of significance includes a discussion of whether any value meets the following criteria:

- Does the subject area have a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons? – social value.
- Is the subject area important to the cultural or natural history of the local area and/or region and/or state? – historic value.
- Does the subject area have potential to yield information that will contribute to an understanding of the cultural or natural history of the local area and/or region and/or state? – scientific (archaeological) value.
- Is the subject area important in demonstrating aesthetic characteristics in the local area and/or region and/or state? – aesthetic value.

Assessment of each value should be graded in terms that allow the significance to be described and compared (e.g. high, moderate, or low). In applying these criteria, consideration should be given to:

- Research potential: *does the evidence suggest any potential to contribute to an understanding of the area and/or region and/or state's natural and cultural history?*
- Representativeness: *how much variability (outside and/or inside the subject area) exists, what is already conserved, how much connectivity is there?*
- Rarity: *is the subject area important in demonstrating a distinctive way of life, custom, process, land-use, function or design no longer practised? Is it in danger of being lost or of exceptional interest?*
- Education potential: *does the subject area contain teaching sites or sites that might have teaching potential?*

The Aboriginal heritage significance of the subject area is assessed in the following section within the framework outlined above.

4.2. ASSESSMENT OF HERITAGE VALUES

The following assessment of the social or cultural, historic, scientific and aesthetic values of the subject area has been prepared in accordance with the Assessment Guidelines.

In acknowledgment that the Aboriginal community themselves are in the best position to identify heritage values, the assessment is informed by consultation with the Aboriginal community undertaken as part of the ACHA (Section 2 above).

4.2.1. Social or Cultural Value

Social or cultural value encompasses the qualities for which a place has become a focus of spiritual, political, national or other cultural sentiment for Aboriginal people. Social or cultural value is how people express their connection with a place and the meaning that place has for them. Places of social or cultural value have associations with contemporary community identity. These places can have associations with tragic or warmly remembered experiences, periods, or events. Communities can experience a sense of loss should a place of

social or cultural value be damaged or destroyed. Social or cultural values can therefore only be identified through consultation with Aboriginal people.

In response to the Stage 2 and 3 information pack (Section), one comments were received regarding the social or cultural value of the site from [REDACTED]:

The study area is close by to Parramatta River which is of high importance and would have been occupied by our people for various activities.

Therefore, comments received in response to the Stage 2 and 3 information pack indicate that the subject area holds social or cultural value for its connection to the broader cultural landscape – especially, the Parramatta River. As reported in Section Site Visit and Meeting, a visual inspection was also conducted to assist in the assessment of the site's social or cultural value. All RAPs in attendance agreed that the subject area has sustained considerable historical disturbance which is likely to impact the site's potential to retain Aboriginal objects. However, no comments were received during the site inspection which specified the site's social or cultural value. Finally, no comments regarding the social or cultural value of the site were received from the RAPs in response to the Stage 4 draft ACHAR (see Section Gathering Feedback).

Taken together, the ACHA acknowledges that the subject area holds social or cultural value to Aboriginal people for its connection to the broader landscape. However, the ACHA has identified no specific social or cultural values held by Aboriginal people which are associated with the subject area.

4.2.2. Historic Value

Historic value encompasses the history of aesthetics, science and society. A place may have historic value because it is associated with a historic figure, event, phase or activity in an Aboriginal community. The significance of a place will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment. Places may also have 'shared' historic values with other (non-Aboriginal) communities.

No historical associations between Aboriginal people and the subject area have been identified. The subject area is therefore unlikely to have historic value insofar as it relates to Aboriginal cultural heritage.

4.2.3. Scientific (Archaeological) Value

Scientific value relates to the importance of a landscape, area, place or object because of its rarity, representativeness and the extent to which it may contribute to further understanding and information. Information about scientific value will be gathered through any archaeological investigation undertaken.

The subject area is highly unlikely to retain any Aboriginal objects due to a high level of historical ground disturbance. Furthermore, if any Aboriginal objects are present, they are likely to be located within a highly disturbed context. The scientific (archaeological) value of the subject area is therefore assessed to be low.

Should any Aboriginal objects be identified within the subject area, the scientific (archaeological) value of those objects and the subject area should be reassessed.

4.2.4. Aesthetic Value

Aesthetic value of a place relates to the sensory, scenic, architectural and creative aspects of a place. It may include visual aspects, such as form, scale, colour, texture and material of the fabric, and the smells and sounds associated with the place and its use.

It is evident that the subject area is highly disturbed through clearance of vegetation, ploughing and the construction and demolition of buildings in shallow topsoil. The present visual appearance and other sensory aspects of the subject area are unlikely to resemble those of the landscape of the local area as it existed prior to European contact. The subject area is therefore unlikely to have aesthetic value insofar as it relates to Aboriginal cultural heritage.

Individual Aboriginal objects may have aesthetic value in their own right. There are no known Aboriginal objects within the subject area that could be assessed for aesthetic value. In the event that any Aboriginal objects are identified within the subject area during the proposed works, these should be assessed for aesthetic value.

4.3. STATEMENT OF SIGNIFICANCE

The subject area is assessed as having social and cultural significance to Aboriginal people. Based on comments received from RAPs during the consultation process, the subject area evidently has social and cultural value to the Aboriginal community for its connection to the broader cultural landscape around the subject area and for the long connection Aboriginal people have with the area. However, no Aboriginal sites or evidence of a specific cultural association with the subject area itself have been identified. Furthermore, the high level of ground disturbance in the subject area (caused by land clearance, ploughing, and the construction and demolition of buildings) is likely to have diminished any social and cultural value. Therefore, although the social and cultural value of the subject area is acknowledged, the Aboriginal heritage significance of the subject area itself is graded as low.

The assessment of significance should be updated in the event that any Aboriginal objects are found within the subject area during the proposed works.

5. IMPACT ASSESSMENT

The following is an assessment of the potential impact of the proposed development on any Aboriginal objects and/or Aboriginal places within the subject area and the possible strategies for avoiding or minimising harm to those Aboriginal objects and/or Aboriginal places.

5.1. FRAMEWORK FOR ASSESSMENT

The potential harm to Aboriginal objects and Aboriginal places that is likely to be caused by a proposed activity is the effect of that activity on the Aboriginal heritage values identified above. According to the NPW Act, 'harm' to an object or place includes any act or omission that:

- Destroys, defaces, or damages the object or place.
- Moves the object from the land on which it had been situated.
- Causes or permits the object or place to be harmed.

Harm does not include something that is trivial or negligible, such as picking up and replacing a small stone artefact, breaking a small Aboriginal object below the surface when you are gardening, crushing a small Aboriginal object when you walk on or off a track, picnicking, camping or other similar recreational activities.

The Assessment Guidelines define harm to Aboriginal objects and Aboriginal places as being either 'direct' or 'indirect':

- **Direct harm** may occur as the result of any activity which disturbs the ground including, but not limited to, site preparation activities, installation of services and infrastructure, roadworks, excavation, flood mitigation measures.
- **Indirect harm** may affect sites or features located immediately beyond or within the area of the proposed activity. Examples include, but are not limited to, increased impact on art in a shelter from increased visitation, destruction from increased erosion and changes in access to wild food resources.

The present assessment of potential harm follows the principles of ecologically sustainable development (ESD), in particular the precautionary principle and the principle of inter-generational equity:

- The **precautionary principle** states that full scientific certainty about the threat of harm should never be used as a reason for not taking measures to prevent harm from occurring.
- The **principle of inter-generational equity** holds that the present generation should make every effort to ensure the health, diversity and productivity of the environment, which includes cultural heritage, is available for the benefit of future generations. If a site type that was once common in an area becomes rare, the loss of that site (and site type) will result in an incomplete archaeological record and will negatively affect intergenerational equity.

Consideration of potential harm to Aboriginal objects and Aboriginal places according to ecologically sustainable development (ESD) principles allows for an understanding of the cumulative impact of the proposed activity and an understanding of how harm can be avoided or minimised, if possible.

5.2. ASSESSMENT OF POTENTIAL HARM

The assessment of potential harm considers harm that may occur to both known Aboriginal objects and as yet unknown Aboriginal objects within the subject area.

The desktop assessment and site inspection identified no known Aboriginal objects within the subject area. Furthermore, due to high a level of disturbance across the entire subject area, it is unlikely that any as yet unknown Aboriginal objects are retained anywhere within the subject area. Therefore, any physical works within the subject area, including those presently proposed, are unlikely to cause either direct or indirect harm to Aboriginal objects.

5.3. INTER-GENERATIONAL EQUITY

The cumulative impact of any development on Aboriginal sites relates to the extent of the proposed impact on the site and how this will affect both the proportion of this type of Aboriginal site in the area and the impact this destruction will have on Aboriginal cultural heritage values generally in the area.

As there are no known Aboriginal objects within the subject and there is very low potential for unknown Aboriginal objects to be retained, the proposed works are unlikely to negatively impact inter-generational equity.

5.4. AVOIDANCE & MINIMISATION OF HARM

All practicable measures must be taken to avoid harm (i.e. protect and conserve) any significant Aboriginal objects within the subject area along with their cultural heritage values. The precautionary principle states that full scientific certainty about the threat of harm should never be used as a reason for not taking measures to prevent harm from occurring.

If harm to Aboriginal objects and/or Aboriginal places is unavoidable, management strategies must be considered to minimise the harm. The type of management strategies proposed must be appropriate to the significance of Aboriginal heritage values, Aboriginal objects and/or Aboriginal places. Harm avoidance and minimisation measures must be feasible and within the financial viability of the proposed activity.

As it is unlikely that any Aboriginal archaeological material is retained within the subject area, no further archaeological investigation is recommended for the present subject area. As precautionary measures, it is recommended that unexpected archaeological finds and human remains procedures described below be implemented.

5.4.1. Unexpected Archaeological Finds Procedure

To mitigate harm to any unknown Aboriginal objects within the subject area, it is recommended that the following unexpected archaeological finds procedure should be followed in the unlikely event that any archaeological material, or suspected archaeological material, is uncovered during any works within the subject area:

1. 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.
2. The site supervisor or another nominated site representative must contact either the project archaeologist (if relevant) or Heritage NSW (Enviroline 131 555) to contact a suitably qualified archaeologist.
3. The nominated archaeologist must examine the find, provide a preliminary assessment of significance, record the item and decide on appropriate management measures. Heritage 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.
4. Depending on the significance of the find, reassessment of the archaeological potential of the subject site may be required and further archaeological investigation undertaken.
5. Reporting may need to be prepared regarding the find and approved management strategies.
6. Works in the vicinity of the find can only recommence upon receipt of approval from Heritage NSW.

5.4.2. Human Remains Procedure

Should clearly identifiable human remains be uncovered anywhere within the subject site, the following procedure should be implemented:

1. 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.
2. The site supervisor or other nominated manager must notify the NSW Police and Heritage NSW.
3. The find must be assessed by the NSW Police, which may include the assistance of a qualified forensic anthropologist.
4. Management recommendations are to be formulated by the NSW Police, Heritage NSW and site representatives.
5. Works are not to recommence until the find has been appropriately managed.

In the event that bones are uncovered which may be human but cannot be confirmed by onsite staff, a suitably qualified archaeologist or heritage specialist should be contacted in the first instance to determine how to proceed.

6. CONCLUSIONS & RECOMMENDATIONS

The ACHA concluded that:

- No Aboriginal sites were identified within the subject area, or within 500m of the subject area.
- The subject area was historically situated within 200m of a natural waterway, which is considered indicative of past Aboriginal land use under the Due Diligence Code.
- The subject area has been impacted by **high historical ground disturbance** caused by the clearance of vegetation, ploughing, and the construction and demolition of buildings.
- There is **very low potential** for Aboriginal objects to occur within the subject area, including artefacts and middens.
- The ACHA has identified no specific social or cultural values held by Aboriginal people which are associated with the subject area.
- The subject area is assessed to have no historic, scientific or aesthetic value insofar as it relates to Aboriginal cultural heritage.
- As there are no known Aboriginal objects within the subject area and it is unlikely to retain any as yet unknown Aboriginal objects, the proposed physical works are unlikely to cause either direct or indirect harm to Aboriginal objects or negatively impact inter-generational equity.

Based on the above conclusions, Urbis recommends the following:

- **Recommendation 1 – Submission of Report**

A copy of this report should be submitted with the Environmental Impact Statement (EIS) in support of SSD-67508739.

- **Recommendation 2 – No Further Archaeological Investigation**

As the proposed works are unlikely to cause harm to Aboriginal objects, it is recommended that no further investigation is required for the present development. The proposed development can proceed in line with the Archaeological Unexpected Finds Procedure and Human Remains Procedure outlined below.

- **Recommendation 3 – Unexpected Archaeological Finds Procedure**

Should any archaeological deposits be uncovered during any site works post-SSDA approval, the following steps must be followed:

1. 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.
2. The site supervisor or another nominated site representative must contact either the project archaeologist (if relevant) or Heritage NSW (Enviroline 131 555) to contact a suitably qualified archaeologist.
3. 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.
4. Depending on the significance of the find, reassessment of the archaeological potential of the subject site may be required and further archaeological investigation undertaken.
5. Reporting may need to be prepared regarding the find and approved management strategies.
6. Works in the vicinity of the find can only recommence upon receipt of approval from Heritage NSW or Place Making NSW.

- **Recommendation 4 – Human Remains Procedure**

Should clearly identifiable human remains be uncovered anywhere within the subject site, the following procedure should be implemented:

1. 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.
2. The site supervisor or other nominated manager must notify the NSW Police and Heritage NSW.
3. The find must be assessed by the NSW Police, which may include the assistance of a qualified forensic anthropologist.
4. Management recommendations are to be formulated by the NSW Police, Heritage NSW and site representatives.
5. Works are not to recommence until the find has been appropriately managed.
6. In the event that bones are uncovered which may be human but cannot be confirmed by onsite staff, a suitably qualified archaeologist or heritage specialist should be contacted in the first instance to determine how to proceed.

7. REFERENCES

Attenbrow, V 2010, *Sydney's Aboriginal Past, 2nd Edition*, University of New South Wales Press, Sydney: Australia

Australia ICOMOS Incorporated 2013, *The Burra Charter, The Australia ICOMOS Charter for Places of Cultural Significance*

City of Canada Bay (2024), *Rhodes History*, (viewed on 28th June 2024) <
<https://www.canadabay.nsw.gov.au/community/community-services/the-rhodes-peninsula/rhodes-history> >

Department of Environment Climate Change and Water (DECCW) 2010a, *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*

DECCW 2010b, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*

DECCW 2010c, *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*
Environmental Planning and Assessment Act 1979

Environment Protection and Biodiversity Conservation Act 1999

Heritage Act 1977 (NSW)

National Parks and Wildlife Act 1974

National Parks and Wildlife Regulation 2019

Office of Environment and Heritage (OEH) 2011a, *Applying for an Aboriginal Heritage Impact Permit guide for applicants*

OEH 2011b, *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*

Douglas Partners, May 2024. *Report on Geotechnical and Contamination Review Proposed Residential Development Llewellyn Street, Rhodes.*

Urbis Ltd. (2024a), *Aboriginal Cultural Heritage Assessment: 9 Blaxland Road and 424 Concord Road, Rhodes.*

Urbis Ltd. (2024b), *Aboriginal Cultural Heritage Assessment: 1-9 Marquet Street and 4 Mary Street, Rhodes.*

Urbis Ltd. (2024c), *Aboriginal Cultural Heritage Assessment: 23-29 Marquet Street, Rhodes.*

Urbis Ltd. (2024d), *Aboriginal Cultural Heritage Assessment: 25-27 Leeds Street, Rhodes.*

DISCLAIMER

This report is dated 30 July 2025 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Leeds Investment Pty Ltd (**Instructing Party**) for the purpose of an Aboriginal Cultural Heritage Assessment (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

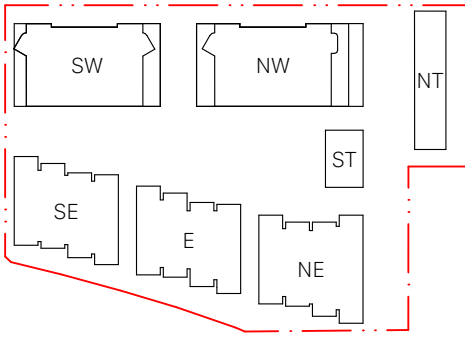
DEVELOPMENT PLANS



General notes

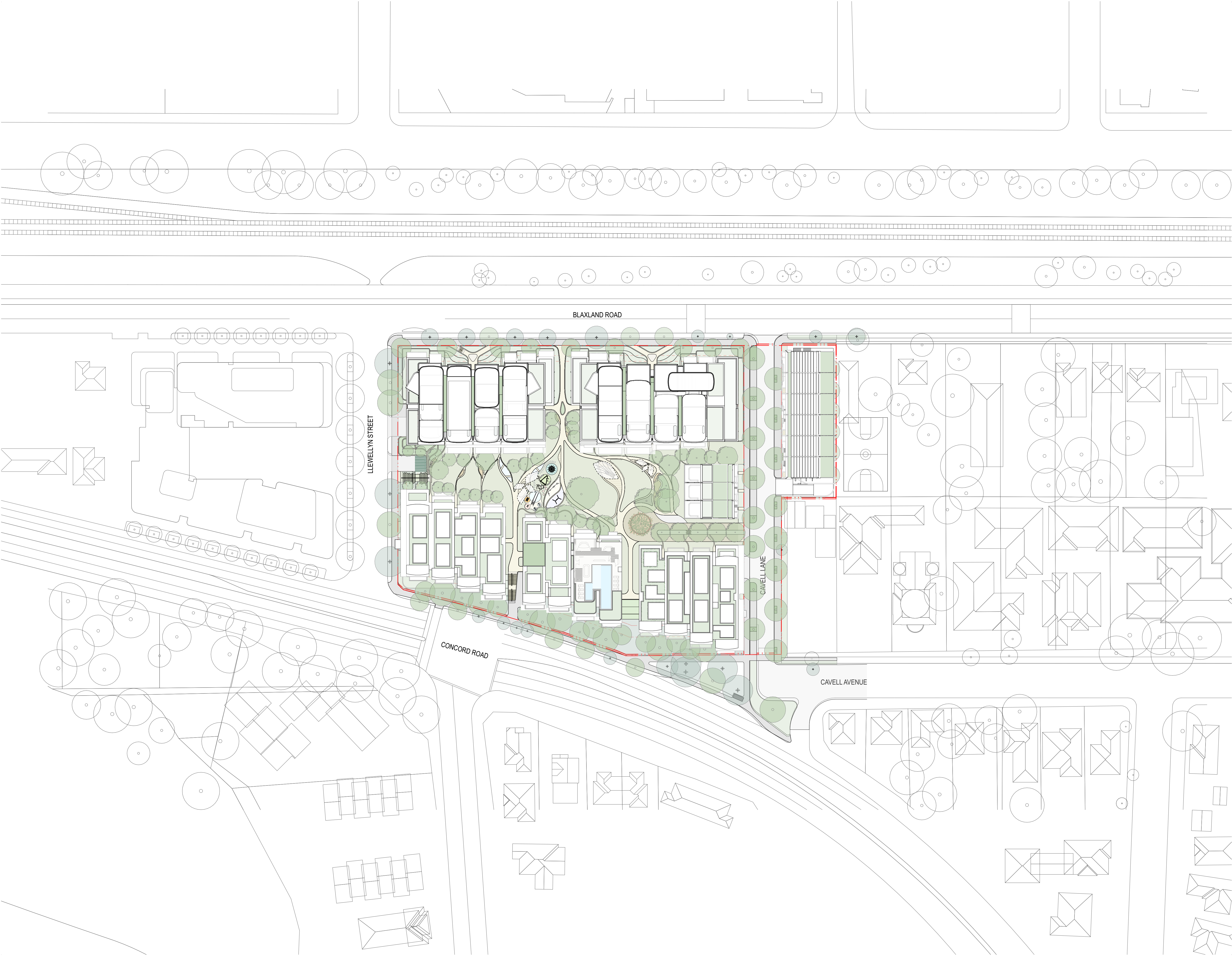
- All dimensions and existing conditions shall be checked and verified by the contractor before proceeding with the work.
- All levels relative to 'Australian Height Datum'.
- Do not scale drawings.
- Use figured dimensions only.

Key Plan



Legend

- Site Boundary
- Podium Setbacks
- Tower Setbacks



01	11/07/2025	Issued For SSDA	KFL
Rev	Date	Description	By Chk

Llewellyn Street, Rhodes
43B–57 Blaxland Rd, 2A, 2B and 2D Cavell Ave,
448–458 Concord Rd, 2A Llewellyn St
Rhodes, NSW 2138

General **Scale**
Site Plan 1:600 @ A1

Project Code **First Issued**
BLS 11/07/2025

Sheet No. **Rev**
DA-0001 01

APPENDIX B

BASIC AND EXTENSIVE AHIMS SEARCH RESULTS

Urbis Pty Ltd - Angel Place L8 123 Pitt Street

Date: 31 May 2024

Level 8 123 Angel Street

Sydney New South Wales 2000

Attention: Ginger-Rose Harrington

Email: gharrington@urbis.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 319101.729 - 327101.729, Northings : 6251208.207 - 6259208.207 with a Buffer of 0 meters, conducted by Ginger-Rose Harrington on 31 May 2024.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

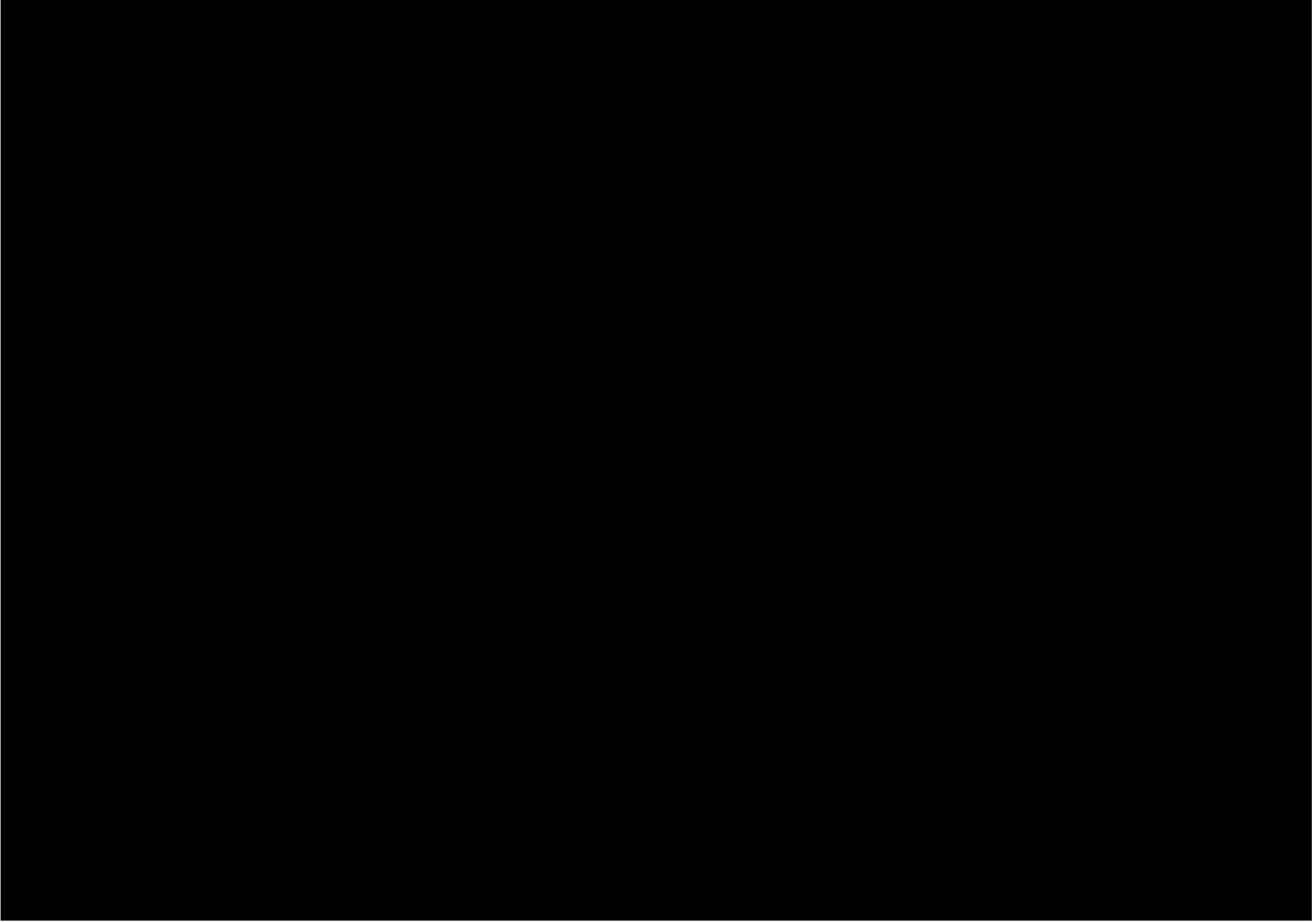
67	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

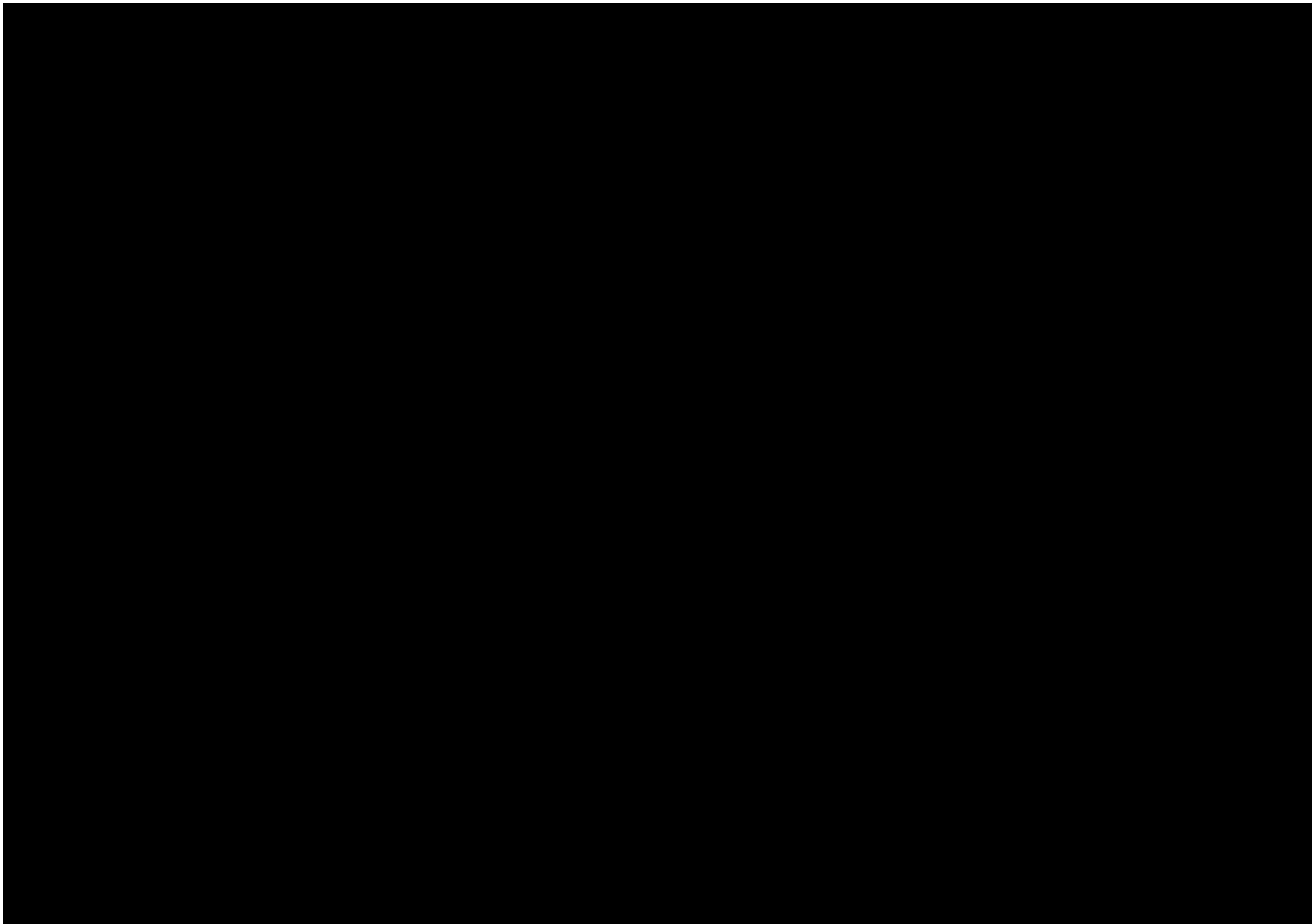
If your search shows Aboriginal sites or places what should you do?

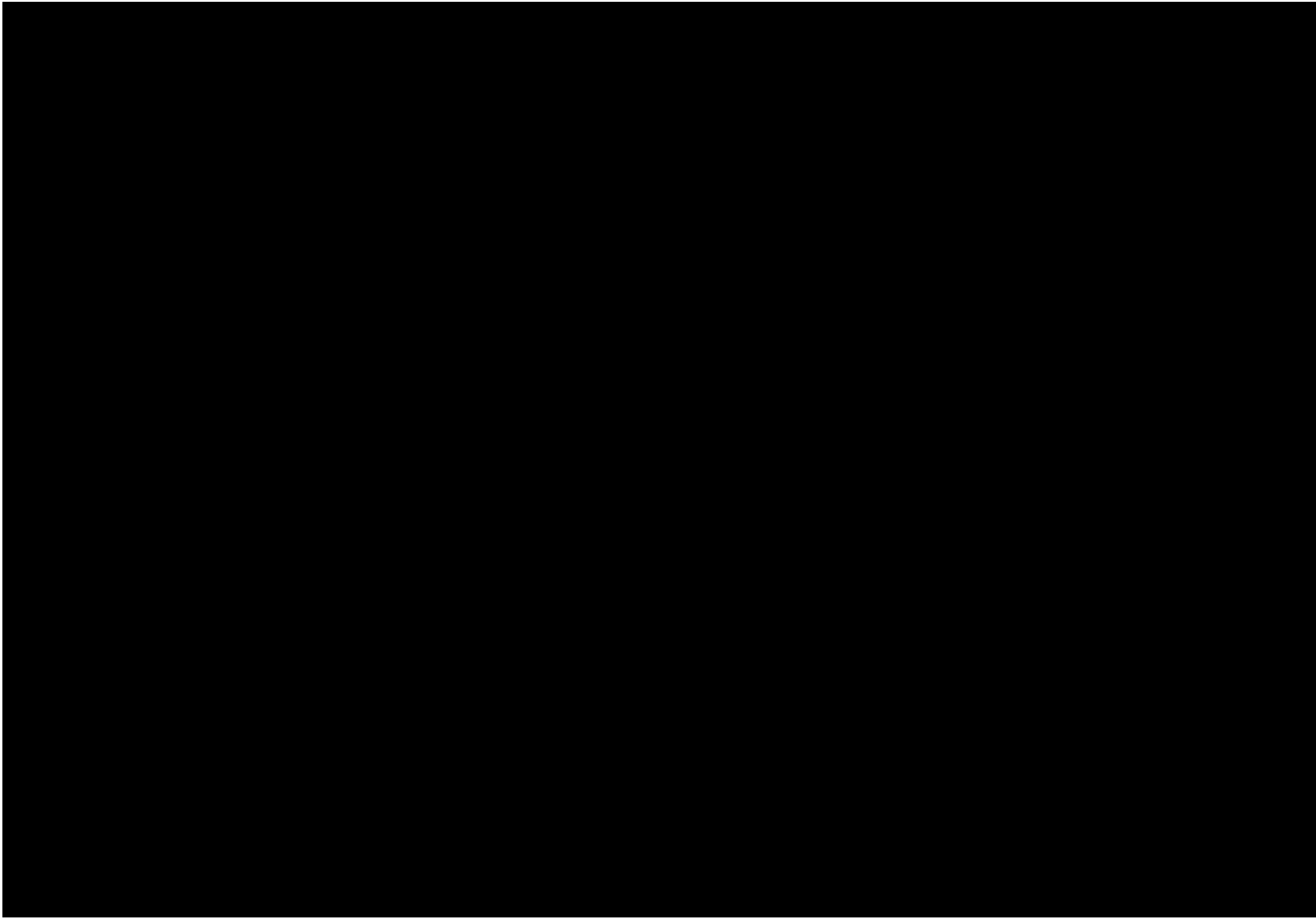
- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

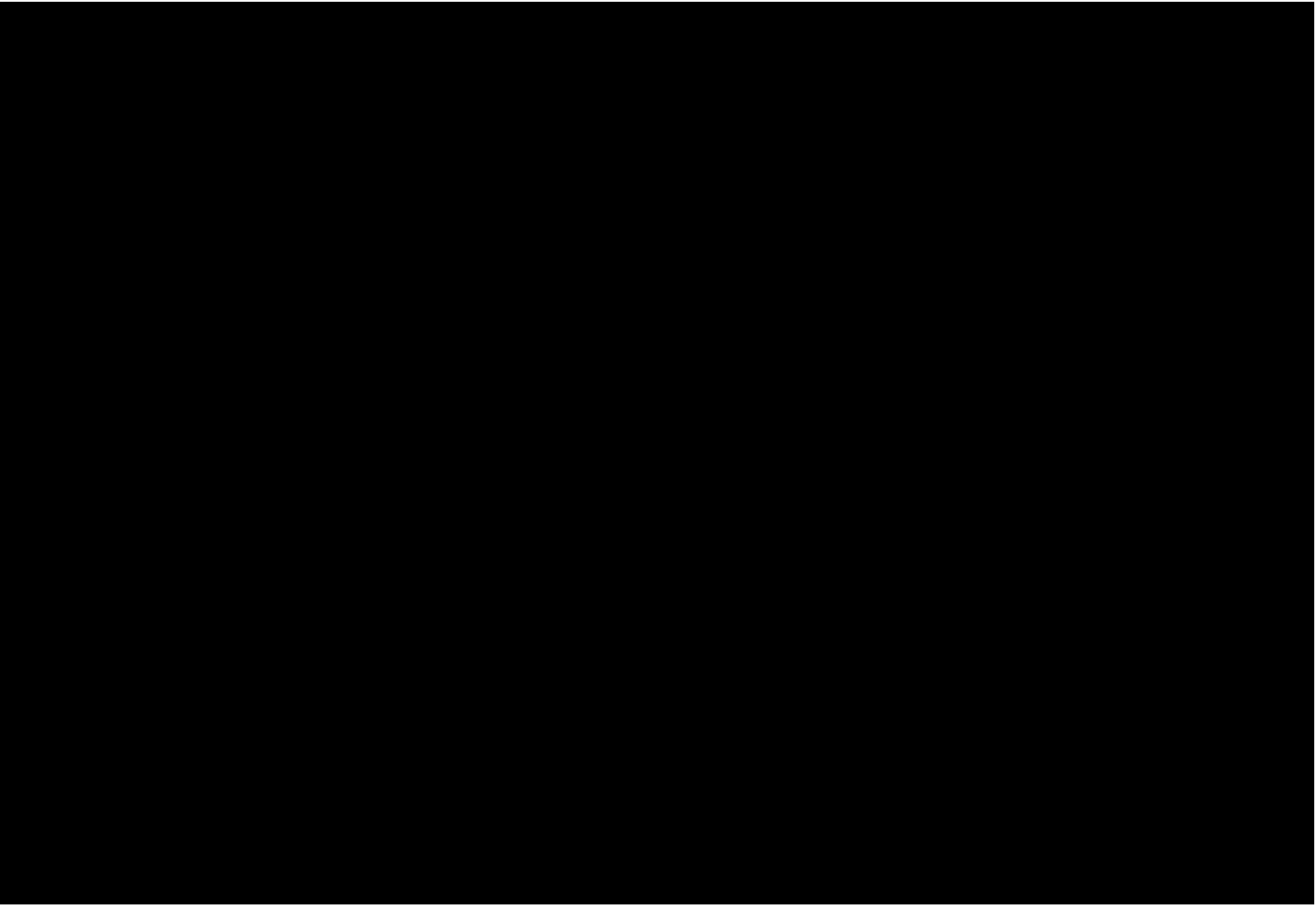
Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.











APPENDIX C

REGISTERED ABORIGINAL PARTY CONSULTATION LOG

