

# REVIEW OF HISTORICAL ARCHAEOLOGY PLANNING SYSTEMS AND PRACTICE IN NEW SOUTH WALES



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## **Executive Summary**

The Archaeology Review looks at the processes and practices, which affect historical archaeological sites in the planning process. This document is an outgrowth of the Government's 1996 Heritage Policy as well as an analysis of issues identified in the course of archaeological discoveries in the development process at the Conservatorium of Music, Orange Court house and other sites in NSW.

The current historical archaeological systems need to be refined and integrated into broader heritage and planning systems to ensure that resources are directed to the most appropriate places and that archaeological sites which deserve protection or detailed investigation are managed appropriately.

This report has been prepared by the NSW Heritage Office over the course of 1999, in consultation with the Heritage Council Archaeology Advisory Panel and peak bodies. It has been circulated for comment to peak bodies in cultural heritage management, heritage consulting and the development industry.

The report is based on the principal that the archaeological resource of NSW is a significant component of the State's heritage and that a presumption should be made in favour of its preservation if possible. Each chapter includes a series of recommendations with respect to the issues addressed. These recommendations are summarised in Chapter 6 of the Review and will be used by the Heritage Office to develop an implementation strategy in conjunction with the Archaeology Advisory Panel.

### **Chapter 1**

Chapter 1 sets out the goals and the context in which the report has been prepared. It also briefly examines the international context in which archaeology is undertaken as a part of planning and cultural heritage management. It also identifies the statutory framework for historical archaeology in NSW and outlines the structure of the body of the report.

### **Chapter 2**

This chapter examines in depth the current planning systems and statutory contexts in which archaeology is undertaken in NSW. This includes planning instruments such as Local and Regional Environmental Plans, section 170 Heritage Registers, archaeological management plans and Heritage Studies. It discusses the problems associated with some of the current ways of thinking and implementation. Key issues include a concentration on built heritage, lack of understanding of the relationship between built heritage and archaeological resources and problems with identification and listing of archaeological sites.

A new method of undertaking heritage planning on a large scale is developed in some detail. This method concentrates on regional identification of historic

themes and research issues, to identify the types of sites that are most relevant to a given area. It also stresses the need for integration between archaeology and other heritage values (built, indigenous, natural) and provides a model for this. Such a model will give a more holistic, integrated approach to heritage management and aims to identify and protect groups of sites which are related and contribute as a *group* to the heritage significance of an area.

### **Chapter 3**

This Chapter looks at methods of assessing and managing significance. The significance assessment regime typically used by archaeologists, and enshrined in Heritage Council guidelines, of historical, social, research and aesthetic significance is examined in some detail for the problems this approach has with respect to archaeological sites. The new State Heritage Register assessment criteria are dealt with in passing and ways of addressing the problems with significance assessment and archaeology are discussed.

This chapter also examines the existing heritage assessment documents such as conservation management plans, heritage impact statements and environmental impact assessments. Each has specific inadequacies in the way in which they treat historical archaeological sites and these are discussed along with recommendations for improvements to the assessment process.

### **Chapter 4**

Chapter 4 deals with the interlocking planning approvals that affect historical archaeology. These range from local council approvals for development applications through to approvals issued by other state agencies which may have archaeological implications as well as Heritage Council section 60 and section 140 approvals under the *NSW Heritage Act, 1977*. Many of the issues associated with the approvals process relate to the need for greater education and knowledge by council planning staff and other agencies, as well as communication between agencies and within the Heritage Office.

This chapter goes on to examine issues of in situ conservation of archaeological remains (when is it desirable, how much is appropriate) as well as the costs associated with archaeology and possible methods of managing those costs.

### **Chapter 5**

For historical archaeology to be worth doing, it must have an outcome, which is useful to the people of NSW, not just the profession of archaeology. These issues are dealt with in detail, including the relationship between archaeology and the development industry, education and promotion with respect to archaeology and ways to maximise the public benefit of the archaeological process.

## **Chapter 6**

This chapter is a summary of recommendations for the previous chapters. These recommendations, once endorsed, will form the basis of a strategic action plan and implementation strategy for the Heritage Office, to improve archaeological outcomes in NSW.

## **Chapter 1: Introduction**

### **1.1 Introduction**

The NSW Government Heritage Policy developed in 1996 emphasised community based heritage management, the introduction of a State Heritage Register to identify, appreciate and manage the State's heritage proactively and advocated a more inclusive view of what that heritage comprises. These initiatives are now embodied in the Heritage Council's strategic plan for 2000-2005. As part of these new directions the Heritage Council has reviewed the current processes for identification and management of historical archaeological sites.

The need for this review was underlined during Heritage Council discussions in 1998 regarding the Conservatorium of Music redevelopment and other key sites with significant archaeological remains that were subject to large-scale development. During these discussions the Heritage Council concluded that given the number of issues raised by the project a review of current mechanisms for the identification and protection of the historical archaeological resource was urgent to reflect on recent initiatives and changes relating to these systems.

This Review examines the current practices within NSW, including the policies and practices with the Heritage Office and Heritage Council, treatment of archaeology in statutory planning instruments, guidelines, public perceptions and potential benefits of historical archaeology.

### **1.2 International context - conventions and policies**

The value of archaeology and the responsibility to protect archaeological heritage has been recognised internationally and domestically for many years. The basic principles have been outlined over a number of documents, including: the *ICOMOS Charter for the Protection and Management of the Archaeological Heritage 1990*; the 1956 *UNESCO Recommendation on International Principles Applicable to Archaeological Excavations*; the 1970 *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*; the 1972 *Convention for the Protection of the World Cultural and Natural Heritage*; and the 1995 *Unidroit Convention on Stolen or Illegally Exported Cultural Objects*. All serve to set out international best practice for heritage conservation, including archaeology.

These documents were influential on the development of best heritage practice in Australia, and Australia is a signatory to the UNESCO, World Heritage and Unidroit Conventions.

Each of these heritage charters and Conventions recognises the value of archaeological heritage to the domestic and international communities and specifically acknowledges archaeological sites as a non-renewable resource.

Each identifies legislation as an essential mechanism for heritage preservation and implementation of such legislation is obligatory under the international conventions.

### **1.3 Archaeology - principles and context**

Archaeological remains in NSW are protected through the relics provisions of the *NSW Heritage Act 1977*. Relics can be protected through listing on the State Heritage Register, either in their own right or as items within the curtilage of another state significant item. They are also protected under s139 of the *Heritage Act* that applies to all other land in NSW.

The provisions of the *Heritage Act* that protect archaeological relics are extremely stringent. Amendments to these provisions in April 1999 provided flexibility in these provisions but did not reduce their scope or their strength.

These provisions recognise that the archaeological resource is fragile and non-renewable. It can provide valuable information that is not available from other historic sources and by its nature can make a unique contribution to understanding our history. The *Heritage Act* aims to ensure that archaeological sites are managed within an appropriate decision making framework that favours conservation of significant sites. Where sites are to be disturbed the Act ensures that they are investigated and recorded so that the information they contain can be used to further knowledge about the history of NSW. Unfortunately many sites are still disturbed with little regard for or knowledge of these provisions.

Other processes that contribute to the protection and appropriate of historical archaeological sites include provisions in local planning instruments, state agency management policies and general awareness of archaeological issues in the community.

It is important to recognise that the archaeological remains above and below ground are a contributing factor to the overall significance of a particular place. The surface of the land is an arbitrary divider. It should not be used to artificially dissect historic sites during heritage identification and assessment even though administrative lines exist on this basis for convenience. Significance assessments also need to consider archaeological sites in their context rather than thinking only within the boundary of the individual site. Archaeological sites did not exist in isolation when they were in use in the past and should continue to be considered as part of cultural landscapes and networks of sites. A change in perspective, which sees the heritage resource as an interconnected set of places and values, will assist in the effective management of non-visible heritage items.

It is also important to recognise that in dealing with significant remains decision making should favour conservation of these sites. Excavation of archaeological sites is not a given of the development process, but a result of careful decision

making and should only occur where excavation will achieve conservation of the significance of the site.

The nature of the Australian environment has kept the vast majority of the Australian population concentrated in the same highly urbanised areas since the arrival of Europeans. In practical terms this means that the areas of earliest settlement (and therefore potentially highest archaeological sensitivity) are constantly being redeveloped, as population pressures increase and the needs of a modern society change and grow. It is therefore important to ensure that systems for management of archaeological sites assist in the conservation of significant archaeological sites into the 21<sup>st</sup> century while NSW continues to grow and develop.

The community has a great interest in archaeology and the contribution it makes to the study of the past. This has become increasingly obvious in recent years with sites such as the Conservatorium, Hyde Park Barracks, First Government House, Orange Court House, The Cumberland Street site, and Dawes Point Battery. These sites have varied in their ability to successfully involve the public in the process of archaeological investigation and the interpretation of the results. Cumberland Street, the Hyde Park Barracks and Dawes Point have been notable success stories. These sites have been of particular interest to the community because they have contributed a great deal of new information about the history of NSW. Recent publications about archaeology in the Rocks produced by the Sydney Cove Authority have also been received well by the public.

By reviewing the processes and practices of the Heritage Council, State and local government in light of worldwide best archaeological practice, it is hoped to identify which components of the NSW system are achieving responsible, effective and efficient archaeological management and where further improvements are necessary.

The Recommendations in Chapter 6 are based on the following principles:

- the historical archaeological resource of NSW is a significant part of the State's heritage;
- the historical archaeological resource of NSW exists both above and below ground and as part of networks and landscapes of sites;
- the responsibility for the identification, conservation and celebration of this resource lies with all sectors of the community, local government and state government;
- where State significant remains and their settings are affected by proposed development there should be a presumption in favour of their conservation;
- while removal of this resource is sometimes appropriate it is important to recognise that some sites are of such significance they should be conserved;
- it is important to retain a representative sample of the resource that could benefit from future archaeological investigation techniques not currently available;

- if archaeological sites are to be physically removed, this should be done in a way that ensures public benefit and realises archaeological research potential.

#### **1.4 Structure of the Report**

Throughout the document, references are made to 'archaeology'. For the purposes of this review, this should be taken to refer specifically to land-based historical archaeology within NSW unless stated otherwise. This Review does not address issues related to maritime archaeology or pre 1788 Aboriginal archaeology. It does briefly address the issue of Contact and post-Contact period sites and sites with multiple non-Aboriginal and Aboriginal values.

The Review seeks to identify issues of concern, weaknesses in current systems and approaches and suggests possible ways of remedying the situation. The Review is structured to examine the whole archaeological process, from identification and assessment of archaeological sites, through their management and the ultimate outcomes of the archaeological process. The final chapter contains a summary of recommendations from the report.

These recommendations have been structured using the Key Result Areas from the Heritage Council/Heritage Office Strategic Plan 2000 – 2005.

#### **1.5 Authorship and Acknowledgements**

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