

Chapter 2: Identifying the resource

2.1 Introduction

Effective archaeological management requires identifying the archaeological resource early, rather than once it is under threat. This includes the full range of sites, from significant sites requiring preservation to sites that require little or no investigation or recording. This chapter examines the current mechanisms for identifying historical archaeological sites in NSW. It deals primarily with broad-based heritage studies rather than site specific archaeological assessments that will be dealt with in the next chapter.

The current system of identifying historical archaeological sites in NSW presents five main challenges:

1. the absence of comprehensive thematic and regional research frameworks in which to make reliable decisions regarding significance and appropriate management strategies;
2. the limited number of archaeological management plans at local council level which identify known and potential sites and provide practical management frameworks;
3. the current practice of considering archaeological sites in geographic isolation thereby limiting understanding of their context and their wider value within archaeological and cultural landscapes. This practice often extends to the consideration of archaeological values within particular sites in isolation from other heritage values embodied in buildings, vegetation, landforms etc;
4. the lack of integration between studies which identify different heritage values, for example: “archaeological”, “natural”, “built”, “Aboriginal” and “community”;
5. the reliance on the excavation permit application stage as the time at which archaeological issues are seriously identified and considered during development projects.

All these factors have led to a reactive system of isolated archaeological site identification and assessment. In this context, decisions regarding the placement of resources and the management of sites can lead to an over-concentration of resources on less significant sites at the neglect of more significant sites worthy of greater attention. The archaeological provisions in the *NSW Heritage Act* are all-encompassing, and make no distinctions concerning the heritage significance of “relics”. This can, in some cases, lead to resources being expended on sites to satisfy the technical legal letter of the law, rather than the spirit of conserving heritage values. It is therefore important to identify sites or types of sites that do not require archaeological investigation in addition to historically significant sites which, can make a contribution to our knowledge and appreciation of the State’s history. The Heritage Council and the archaeological community can facilitate this by encouraging projects (even in the context of developments) which test

theories about archaeological sensitivity and the research potential of certain site types.¹

These issues also affect the other stages of historical archaeological assessment, investigation and interpretation and will be recurrent themes throughout Chapters 3, 4 and 5.

In broader heritage terms these issues have been partly addressed in recent years by an overall policy shift from protection of heritage items at a point where they are threatened, to proactive protection of items based on their significance. This is evidenced in: recent Heritage Office guidelines; the introduction of the State Heritage Register to replace the previous system of Permanent Conservation Orders; the preparation of Archaeological Management Plans for key local council areas; and the recent *Heritage Act* amendments relating to LEP and S170 requirements.

Local Council, State Government and major developers are increasingly aware of historical archaeology and the need to address it seriously. This is evidenced by the increasing inclusion of the Heritage Office in pre-Development Application discussions and the sharply increasing numbers of excavation permits (these figures are presented in more detail in Chapter 4).

Archaeological sites however, remain under-represented in broad-based heritage studies, lists and registers. For example, there are currently only 13 sites listed on the State Heritage Register specifically as archaeological sites.² Similarly,

¹ The Heritage Council approved an excavation permit application in October 1999 for work associated with the construction of a new economics faculty building on Sydney University's Darlington Campus. This project, on the site of over 21 turn of the century terraces and semi-detached houses demolished during the Darlington resumption of the 1960s, will be used to test current theories about the archaeological research value of domestic sites of this period which is considered by many archaeologists to be negligible. Used in conjunction with the results of archaeological investigations on other sites it will be of great value to the archaeological community and in particular the Heritage Council in deciding whether excavation permits should be required for these types of sites in the future.

² Adelong Falls Gold Workings (SHR 72)
Burrinjuck Dam Site, Yass (SHR 959)
Busby's Bore, Surry Hills (SHR 568)
Cadia Engine House and surrounds, Cadia (SHR 779)
Convict Hospital Archaeological Remains, Parramatta (SHR 819)
Convict Lumber Yard, Newcastle (SHR 570)
Cowra Prisoner of War Camp, Cowra (SHR 619)
Gara River Hydro-Electric Scheme site, Armidale (SHR 986)
Lake Innes House Ruins and Environs, Port Macquarie (SHR 997)
Lithgow Blast Furnace, Lithgow (SHR 584)
Ottery Mine, Emmaville (SHR 392)
Quartz Roasting Pits Complex, Hill End (SHR 1006)
Tank Stream, Sydney City (SHR 636)

Note: Many other archaeological sites that are clearly of state significance such as First Government House, Dawes Point, Parramatta Hospital, Parramatta Female Factory (now Cumberland Hospital) and Cox's River Convict Stockade are yet to be listed. Many other sites on the SHR that have extremely high

there are very few wide-ranging archaeological studies, and archaeological sites are rarely listed in local planning instruments.

The identification of the historical archaeological resource of NSW is largely development driven and usually occurs at a late stage in the process. Identification of sites and research programs carried out in the context of development are subject to extreme economic and time pressures. 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.

The current methods for identifying archaeological sites are discussed in more detail in Section 2.2. This is followed in Sections 2.3 and 2.4 by a proposed framework to address some of the issues outlined above.

2.2 Current Systems and Statutory Contexts

2.2.1 LEPs and REPs

The main statutory mechanisms that require the identification of non-indigenous archaeological sites are embodied in the *NSW Environmental Planning and Assessment Act 1979*, the *Local Government Act 1993* and the *Heritage Act 1977*. The *EP&A Act* provides for the identification of heritage places in the context of development applications and the environmental assessment process (section 79c “matters for consideration”), as well as in the preparation of environmental planning instruments.

The *NSW Heritage Manual* provides a methodology and framework for that identification process. The relevant volumes are *Heritage Studies*, *NSW Government and Heritage*, and *Archaeological Assessments*.

While the *Heritage Act* protects the physical fabric of archaeological sites (providing this fabric is underground or listed on the State Heritage Register) it does not ensure the adequate management of the context of archaeological sites, in terms of the landscape in which they sit or the links between sites in terms of urban design. LEPs and REPs are very important in the provision of an adequate planning context for archaeological sites and in raising awareness of archaeological management issues early in the process of project planning and design. The problems inherent in a system that relies on a site-specific approach to archaeological planning need to be addressed at the local statutory planning level.

archaeological significance such as King Street Court House, and the Sydney School of Arts do not have these values included in their listings.

The Model Heritage Provisions prepared by the NSW Heritage Office in 1999 recognise the importance of including archaeological management requirements in these statutory planning documents (Appendix A). Under Section 84 of the *Heritage Act* councils making an LEP that covers land on which a relic is situated must include relevant provisions for the protection of the relic in the planning instrument. The inclusion of these provisions in new LEPs and REPs is already showing benefits in terms of local council staff awareness and the increase in inquiries to the Heritage Office from the community regarding archaeological assessment and management requirements. Ku-ring-gai Municipal Council and Sydney City Council have engaged full time heritage officers with specialist skills in historical archaeology, although they are not employed principally as archaeologists, but as general heritage experts.

This has greatly assisted in the early identification of archaeological issues in council management of both DA processes and the management of Council projects and archaeological assets (particularly in Sydney City where a large percentage of NSW's significant archaeological remains are located). The Heritage Council should continue encouraging this wherever possible, particularly through the Heritage Council funded local heritage adviser program. While the majority of adviser positions are advertised for heritage architects, some areas of NSW which have concentrations of significant archaeological sites could benefit from having specialist historical archaeologists or people with demonstrated historical archaeological site management skills in these positions. The Heritage Office should discuss the needs of particular local council areas and consider if specialist archaeological skills will be useful in that area, as part of the heritage adviser program. A similar proposal has been discussed by the Heritage Council History Advisory Panel for the establishment of a network of regional historians.

The introduction of new LEP and REP provisions is also evident in the increasing number of Local Council staff requesting archaeological assessments for consideration or seeking Heritage Office advice prior to making recommendations about Development Applications. This in turn has seen an improvement, particularly in large Councils such as Sydney City Council and South Sydney City Council, in the conditions of consent relating to archaeology which provide specific protection and guidance rather than requiring assessments or simply pointing out the requirements of the *NSW Heritage Act*.

This is an important change, as requesting archaeological assessments in Development Application conditions of consent is usually too late in the process. Not only is it difficult at this stage to plan any archaeological constraints into designs (occasionally meaning the loss of significant archaeological fabric), it is often extremely difficult for project managers to build archaeological investigations into project work schedules and budgets at such a late stage. These issues will be considered further in Chapters 3 and 4.

The improvement in archaeological LEP and REP provisions has not been accompanied in the majority of cases by the inclusion of known and potential archaeological sites in LEP and REP schedules.³ This is largely due to the current nature of heritage studies and the focus of funding for these studies. These issues are discussed below in Section 2.2.3.

This issue could be affected through strategic work being undertaken to identify archaeological sites, at various levels. Archaeology should become an integral part of future broad-based heritage studies, including s170 heritage registers. Where sites have been identified, these should be placed in LEPs, REPs and the State Heritage Register, as appropriate. Where archaeological sites have not been identified, the appropriate authorities should be encouraged to develop policies to cope with archaeological sites as they are discovered. This may include standard provisions within LEPs, asset management guidelines for property-owning agencies (e.g. Attorney General's Dept., Dept. of School Education) or environmental impact assessment guidelines for utility and works bodies (eg Sydney Water and DPWS).

It is important for the Heritage Council to continue to encourage local councils and State agencies to include proactive site identification inventories and associated management frameworks into local planning documents.

Suggested Actions:

- **encourage archaeological investigations that test theories about archaeological sensitivity and the research potential of certain site types;**
- **prepare a list of State significant archaeological sites and recommend to the Minister that they be listed on the State Heritage Register;**
- **discuss the needs of particular local council areas and consider if specialist archaeological skills will be useful in that area, as part of the heritage adviser program;**
- **investigate the establishment of a network of regional archaeological advisers;**
- **adoption of archaeological provisions in all Local Environmental Plans and Regional Environmental Plans.**

2.2.2 State Agency Section 170 registers and Archaeological Management Policies

Most of the comments above could also apply to the identification and management of historical archaeological sites at a State level and in State agency asset management plans.

State Agencies that own heritage assets are required to prepare registers and management policies for these assets under Section 170 of the *Heritage Act*.

³ Hastings and Hawkesbury Councils have attempted to create Archaeological Sites LEPs in the last two years but have faced problems with outdated Archaeological Zoning Plans.

These policies act in a similar way to LEPs and REPs but in many cases are more detailed in regard to operational level policies for agency staff.

Specific issues to do with assessment and management processes for historical archaeological sites through State Agency Section 170 registers are too complex and agency specific to be included in this context. The principles of best practice archaeological management should be embraced by agencies, with specific protocols written for managing archaeological issues in light of agency specific operational requirements and the types of archaeological sites in agency ownership.

The difficulty with the process can become apparent where an agency is not aware that it owns an archaeological site, or does not consider it an “asset” as such. Some State agencies such as NPWS and the SHFA actively use, manage and promote archaeological sites as part of their core business. Others will coincidentally own archaeological sites some of which may be associated with that agency’s core business (e.g. the Attorney-General’s Dept) while other agencies may own archaeological sites within large landholdings (e.g. Dept of Land and Water Conservation or the Sydney Catchment Authority).

With agencies in the latter categories, they do not tend to regard archaeological remains as assets and in many cases may not even stop to consider the possibility that they may own such sites. This lack of awareness of ownership can have significant implications, particularly when an agency wishes to dispose of a site or where major works are proposed without consideration of archaeological impacts.

Identification of archaeological issues is also a responsibility for State agencies that are not landowning agencies but whose operations impact on archaeological sites. Examples of these kinds of agencies include environmental regulatory authorities such as the Department of Mineral Resources and the Environmental Protection Authority. Both these agencies issue approvals for or stipulate works programs, such as polluted site remediation, that can detrimentally affect archaeological sites. Some of the existing agency guidelines for mining operations for example are in direct conflict with Heritage Council best practice guidelines and legal requirements under the *NSW Heritage Act, 1977*.⁴

Like local councils, State Agencies need to ensure proactive identification of archaeological sites and issues, and early consideration of these issues in project planning stages.

Suggested Actions

⁴ A good example of this is the requirement under the *Mines Act* for mine owners to fully remediate and restore a site upon cessation of mining activities. Often this can mean the wholesale demolition of all aboveground buildings and structures and the regrading of the site, which is detrimental to both built and archaeological heritage.

The Heritage Office could assist State agencies to prepare policies and staff guidelines regarding:

- **the consideration of archaeological management requirements when issuing consents;**
- **guideline documents for the industries they regulate;**
- **identification of archaeological sites as a s170 register requirement;**
- **the proactive management of archaeological sites in their ownership.**

2.2.3 Heritage Studies

Schedules of sites in the statutory instruments discussed above are usually based on heritage studies. In addition to providing information used by State agencies and local councils to manage archaeological sites, heritage studies should also provide a basis of information for the community to understand, appreciate, manage and promote its archaeological heritage.

A heritage study implies a document that considers heritage sites in a particular area regardless of which heritage values they embody. The common practice to date, largely due to economic factors and time constraints, has been to focus the study on a particular aspect of heritage value. As the most easily recognised aspect of heritage, buildings have tended to attract the primary round of funding with other studies for archaeology, landscapes, Aboriginal heritage etc prepared when funding becomes available. The *Heritage Studies* volume of the *NSW Heritage Manual* encourages this split, stating that:

Local government heritage studies mostly focus on what is known as cultural (historical) heritage items... Historical archaeological relics, significant interiors, moveable items and collections...may be beyond the scope of a basic study; they may need to be considered separately, in specific studies.⁵

While it recognised that an all encompassing heritage study is often not practical, it is not desirable to separate heritage values without a clear means of integrating them later. Where it is not possible to undertake a comprehensive heritage study, dedicating the first allocation of resources to look at the built environment may not be appropriate in every area. For some local government areas, for example Hastings Shire, built items do not comprise the primary heritage asset. It may be more appropriate for example, to focus on natural heritage areas or archaeological sites in the first instance and then consider buildings as a later separate study.

Separating out heritage values into different studies also presents problems when the same site is identified in a number of studies for different reasons, as few sites embody only one heritage value or contain only one type of historic fabric. Sites such as farms and government complexes may have significant

⁵ Heritage Office and Department of Urban Affairs and Planning, *Heritage Studies*, November 1996

buildings, plantings, archaeological features and moveable heritage, all of which are contributory to significance. Separate studies undertaken for these values are rarely integrated or cross referenced on completion. Even on smaller sites that may comprise a single building, archaeology will often comprise a significant part of the heritage values of the site, as at Hyde Park Barracks or King Street Courthouse. If the values are articulated in a number of studies it is difficult for someone interested in the site to easily ascertain the issues which will need to be addressed, and in many cases may be unaware that multiple studies exist at all.

This lack of integration is problematic in the context of efficient planning and management of heritage sites, particularly through the process of development. LEPs and State agency section 170 registers are often based a single value heritage study or assembled from different studies that have not been integrated. This often means that significant sites whose primary values may be other than built values often do not receive adequate protection through the local and State planning systems.

Some areas have Archaeological Zoning or Management Plans the broadly identify archaeological issues within a local government area. The Heritage Office has now developed a new, more inclusive brief for these studies and a pilot project for Parramatta is currently being undertaken. The brief for this study is attached in Appendix B.

It is difficult to fully assess the significance of a place without understanding the range of values and site types it represents, how it relates to other sites in its landscape context and other sites with similar values across the state. The historical research required to undertake such an analysis is invariably outside the scope of heritage studies and site-specific assessments and resources are often wasted duplicating basic histories. For archaeological sites, the problem is further compounded by the fact that archaeological collections resulting from excavations are rarely analysed and even less frequently considered in the context of other archaeological sites. The result is that much valuable information which could be extending community and professional understanding and contributing to the refinement of research frameworks remains unused.

The introduction of Statewide thematic and regional research and planning frameworks would be an important step in providing a solid basis for significance assessments and management decisions on a site by site basis and for networks of sites.

Suggested Actions:

- **promote the Parramatta Archaeological Landscape Management Study as a model for local archaeological heritage management;**
- **rewrite heritage study guidelines and ensure that studies are undertaken in the context of the proposed heritage research and management framework (section 2.3 below) and that all heritage studies**

include appropriate policies/strategies for historical archaeological heritage;

- **ensure that all AZPs are regularly updated to ensure accurate information is available in any given area.**

2.3 New Ways of Thinking

The basic elements of a comprehensive, integrated system for identifying heritage are already present in NSW but need to be integrated more effectively.

A proposal for a broad identification framework is detailed below. While this framework was conceived initially as a framework for the identification and management of archaeological sites and values only it could be used for all heritage values.

The proposed structure is intended to:

- ensure that heritage values are considered as an integrated whole, not as separate entities;
- provide a contextual framework for better identification of sites, more accurate assessments of significance and clearer and better decisions about what we keep and what we destroy;
- provide a consistent approach to the assessment of sites and the integration of those sites into local planning and management frameworks across the State;
- focus resources towards significant sites and prevent the need to waste resources on the duplication of basic background research in assessments for individual sites;
- share responsibilities for the preparation of components of the framework across all levels of government and the community in an integrated way;
- provide a basis of information for the community to understand, appreciate, manage and promote its archaeological heritage;
- provide a framework for integrating a number of existing documents and planning frameworks including archaeological zoning/management plans, regional histories, heritage studies, s170 registers.

This model is shown in Figure 2.1 and is explained below:

2.4 Proposed Heritage Research and Management Framework Structure State Level

The Heritage Council prepares thematic and regional research frameworks for the State. This would need to be done in collaboration with stakeholders (ie: Local Councils, professional groups, interest groups etc).

- *Regional Frameworks:* Prepared for areas covering more than one LGA, possibly based on the existing regional histories document or redone according to different geographic boundaries. These would provide a detailed history of the area and identify key activities, processes or events of

importance to that place. They would identify what physical remains (types of sites) in that area should be kept to represent what the community wants to say about the history of their place and how much can be removed and recorded. etc. They would provide key research questions that we want to answer by studying heritage sites in that place (eg: individual site assessments archaeological investigations etc). They would be an important tool to decide how significant a place is in its geographical and community setting.

- *Thematic frameworks*: Prepared for different themes eg. mining, transport or communication. They would identify what types of places may be associated with that theme and how they can contribute to the overall story of that process in the State. Also what research questions we need answered to enhance our knowledge. They would be an important tool to decide how significant a place is in relation to other sites of that type across the State. The History Advisory Panel is investigating the preparation of thematic histories for each State historic theme, and this could be done in partnership with the Archaeology Advisory Panel to address archaeological aspects of the proposal.

These frameworks could then be used in conjunction with each other as a basis for more accurate site identification and assessment. Individual assessments should not be done in isolation, as is often the case. General histories in individual site assessment would not need to be re-done by individual consultants for each assessment. For example: a mine near Grafton is closing down. By using the research frameworks the site can be assessed in its geographic and thematic context to decide how significant it is and what contribution the site may be able to make to our knowledge of the area and the industry. We can understand and make sensible decisions about: the role it played in the development of the industry in the State; the role the mine played in the local and regional communities; whether it is worth keeping; and which elements of it should be kept or recorded to continue these associated relationships and how it should be done? The AHC has undertaken this exercise with certain types of Aboriginal sites, e.g. quarry sites. The success of this approach should be evaluated and fed into this exercise at a State level.⁶

Funding could be sought from State agencies, Local Council and corporate sponsors. This would not only raise the necessary funds to undertake the work without placing the sole burden on one party but would ensure joint ownership of the resulting frameworks. The Heritage Office would need to be the overall long term project manager as the lead heritage agency for the State with perhaps an advisory panel of Heritage Council, Heritage Office, National Parks, relevant State agencies and local councils, guiding work by project consultants and heritage specialists as needed.

⁶ e.g. Hiscock & Mitchell, *Stone Artefact Quarries and Reduction Sites in Australia: Towards a Type Profile* (1993)

Local Level/ State Agency Site Management Level

As discussed Section 2.2.3 (Heritage Studies), a more integrated approach is needed to draw together the disparate studies that currently exist in local areas and to ensure that other site types and values not currently the subject of proactive assessment are identified and managed.

The ideal framework would be based on a single heritage study which encompasses all heritage sites and values studies for different values in Local Government Areas, or any other nominated geographic area or set of sites. This all-encompassing study could be prepared in one phase or built in stages if the money and time available necessitated the preparation of separate value studies (such as an archaeological management plan, an Aboriginal heritage study, a natural heritage study, a landscape study, a built heritage study which were integrated as they were prepared). As additional information is gained through additional studies, this will help to refine assessments of significance.

Each study would then provide a planning and management framework as well as an inventory and/or zonings of known or potential sites with specific management recommendations for managing heritage values holistically, and provide specific recommendations for managing individual sites.

The planning and management framework would set out the statutory and general management context for heritage in the local area and significant sites. The recommendations of this localised management framework could then be incorporated into:

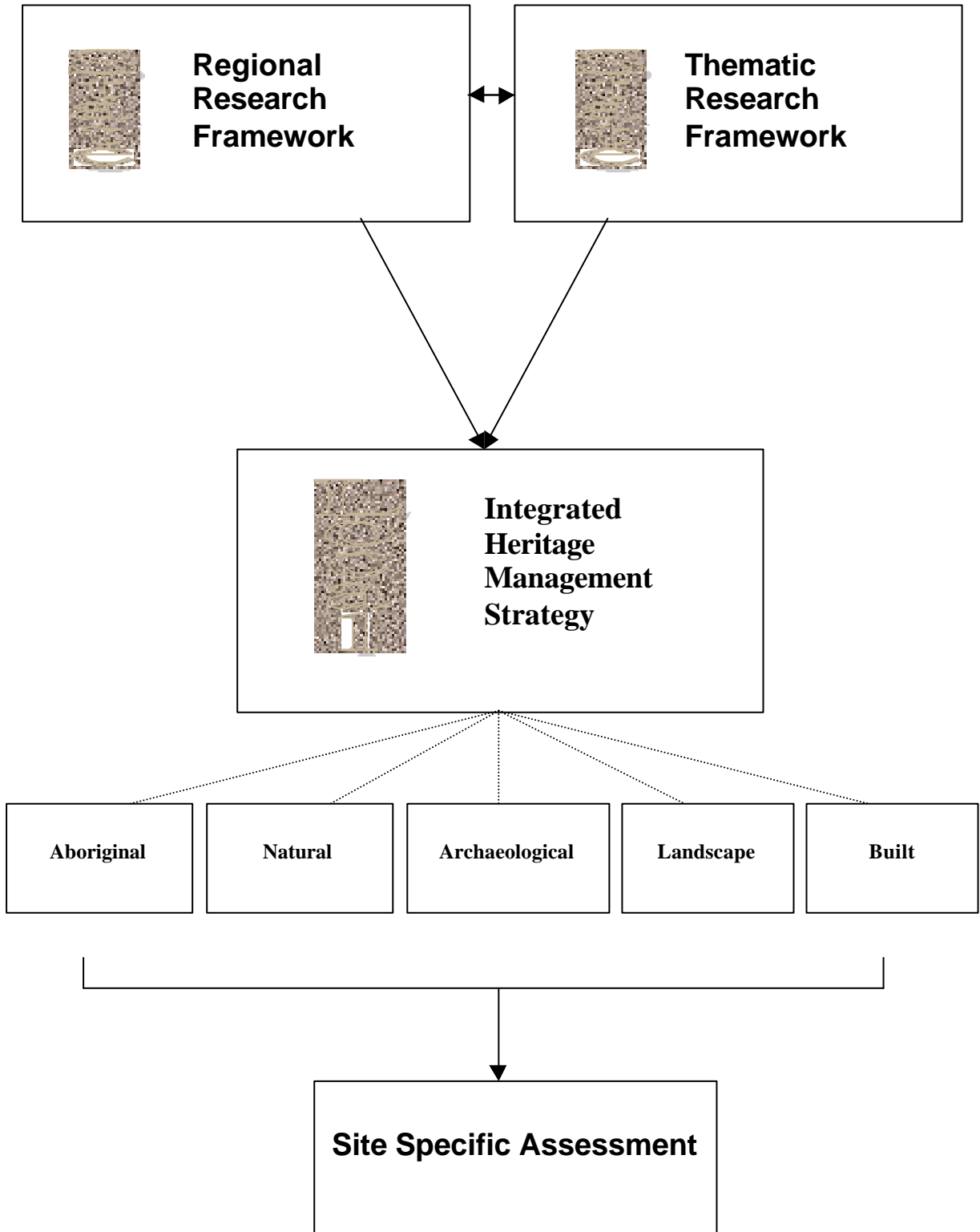
- LEPs and DCPs;
- standard heritage consent conditions for DAs;
- guidelines for Local Council staff on when to ask for assessments;
- guidelines for developers on heritage requirements and timing of the heritage process in relation to development.

Much of this information could be prepared as a model document by the Heritage Council to be adopted by Local Councils as they are preparing their studies. This will ensure a consistent approach to local planning and heritage issues, as was done with the Model Heritage LEP, which can be incorporated into the overall-planning framework.

The inventory and/or zonings of known or potential sites would draw on the regional and thematic frameworks to create a context for making management decisions about individual sites that is tailored to the local area. It would identify the heritage values of sites within the area and indicate their potential significance. It would indicate the sites that should be left in situ/intact, sites that may need to be tested/investigated further and others which require no

professional intervention or have no heritage value. This would allow Local Councils, State Agencies and the community to be aware of all requirements, potential constraints and implications for a particular site or set of sites during planning stages for reuse and redevelopment or when public interpretation programs are being prepared. It could also lead to exemptions under Section 139 (4) of the *Heritage Act* for those sites identified as having low significance.

Figure 2.1: Proposed Heritage Research and Management Framework Structure



If studies of particular values need to be considered separately, then they should be prepared in a way that ensures they will be integrated as they are completed to build up a comprehensive management document for all heritage values in a particular area. This would be best achieved by producing a data standard for value-specific heritage studies and ensuring that they are cross-referenced to each other. Any map layers of identified sites or precincts should be coded and entered into local council Geographic Information Systems or similar land management systems with associated management recommendations. This would facilitate the construction of heritage management layer for a particular area. It could either be viewed in its components (for example the map layer showing the archaeological sites and precincts or the map layer showing significant buildings) or as a single comprehensive map showing that certain precincts or sites have heritage value.

This is similar to a system used for Borough surveys in Scotland and assists heritage managers and the community to think about heritage holistically even if the component studies have been prepared separately.

Suggested Actions:

- **prepare a targeted program for the preparation of thematic and regional research frameworks;**
- **prepare a model brief for broad scale archaeological landscape management studies in the context of broader heritage management frameworks and the integration of these studies with studies of other heritage values (see the draft brief for Parramatta Archaeological Landscape Study as an example – Appendix B);**
- **prepare model archaeological management framework for adoption by all local councils;**
- **target funding on heritage studies which conform to the new guidelines;**
- **explore commercial, community and government sponsorship options for thematic and regional research frameworks.**