

# **Appendix A**

## **Model LEP Provisions**

## **Appendix B**

### **Brief for the Parramatta Archaeological Landscape Management Study**

# PARRAMATTA GOVERNMENT PROPERTY STRATEGY

## **Brief for the Preparation of an Historical Archaeological Landscape Management Study of the Sydney Regional Environmental Plan No. 28 – Parramatta (SREP28) Area**

### **Purpose**

The preparation of a city-wide research framework to facilitate decision making about the conservation of Parramatta's significant archaeological resource as Parramatta continues to grow and develop into the 21<sup>st</sup> century.

The major benefit of the study will be a procedural shift from a reactive approach to a proactive approach. The outcome should be a far greater understanding of the nature and extent of the sub surface archaeological resource of Parramatta and a clear indicative understanding of requirements for owners, developers etc.

Once such a framework is in place, it should be possible to focus the resources devoted to archaeology in Parramatta towards sites, methodologies and questions that maximise public benefit to the community, our knowledge of history and to the discipline of archaeology.

### **Output**

The completed project will produce the following:

**A holistic regional research framework** providing a context within which decisions can be made about individual projects or sites and a basis for research design where archaeological investigations can take place.

**A set of management recommendations** to assist government agencies, Parramatta Council and the community to make decisions about the management of the archaeological landscape of Parramatta, in the context of the objectives of the Sydney Regional Environmental Plan No. 28 – Parramatta (SREP28).

These recommendations should be based on significance and should be city wide as well as site and/or precinct specific. There may be graded management recommendations within categories of significance. These recommendations will be supported by the following documentation:

#### **A Report of publication quality detailing:**

- overview of the historic context of Parramatta;
- a contextual study which provides a synthesis of existing data;
- complete reworking of State Heritage Inventory sheets for all archaeological sites/structures/precincts/landscape features using the current format and criteria;
- general recommendations for the management of Parramatta's historical archaeological landscape;
- detailed management recommendations for individual sites;
- requirements for archaeological investigation if disturbance of archaeological fabric is proposed;
- areas where archaeological controls are not necessary;
- interpretive opportunities for the Parramatta wide archaeological resource;
- research questions to guide future historical archaeological work in Parramatta.

## **A mapping volume containing:**

- Maps of the historical development of the study area

Maps identifying:

- Listed heritage items
- Known historical archaeological sites
- Archaeological sterile areas \*(either historically or through excavation/redevelopment)
- Areas archaeologically excavated
- Areas of archaeological potential
- Significant landscapes and precincts (and levels of significance)
- Significant features/elements within landscapes/precincts (and levels of significance)
- Graded area of archaeological significance.

All maps shall be produced in the GIS format in use by Parramatta City Council and all information shall be directly connected to Council's Land Information System. A printed map volume shall also be produced.

This information shall be input into the State Heritage Inventory database and shall be provided in printed and electronic format.

Parramatta Council's GIS/LIS software and the State Heritage Inventory Software will be made available

## **Background**

Parramatta has a long period of Aboriginal association and is the second oldest city in Australia, settled from 1788. It has a rich, multilayered and multifaceted history represented through its historic buildings, monuments, archaeological sites and landscape features. As a city initially settled under the governance of the colonial military establishment, the relationships between historic sites in Parramatta are distinctive of its history and development.

While subject to heavy development pressures in the 20<sup>th</sup> century, much of Parramatta's historic fabric remains, especially within 5 large parcels of land with State government institutions that will be developed in the future. Its network of historical archaeological sites are among some of the most significant in the State and form an important layer within our understanding of the cultural and historic landscape of Parramatta. These sites date from earliest European settlement to the present day.

As a part of the rationalisation process of significant government sites, and to ensure the historic character and fabric of Parramatta is conserved, the NSW Government will prepare an Historical Archaeological Landscape Management Study for Parramatta with particular reference to sites in government ownership. The study will also provide a level of detail suitable for use in development control for non-government sites.

A new Sydney Regional Environmental Plan No. 28 – Parramatta (SREP28) was gazetted for Parramatta on 30 August 1999, which incorporates built, archaeological and natural heritage as components of the REP schedules. Parramatta has also been the subject of numerous archaeological investigations and historic studies and has an Archaeological Zoning Plan (1989), Heritage Study (1993) and Views Study (1997). It is anticipated that the Historical Archaeological Landscape Management Study will complement these existing documents through the review and extension of the current Archaeological Zoning Plan for Parramatta (Higginbotham, Dept of Planning, Sydney, 1991). This new study will assist government agencies, Parramatta Council and

the community to make informed decisions about the management of historical archaeological sites in Parramatta minimising delays and costs.

The Historical Archaeological Landscape Study will be prepared in a format that can be built upon in the future using other heritage studies and schedules to produce a single map showing all heritage sites, landscapes, precincts and views, and their relationship within Parramatta with clear guidelines for their management. This will assist in the conservation of Parramatta's important heritage into the 21<sup>st</sup> century while Parramatta continues to grow and develop. Other future stages will include the preparation of educational materials to provide community access to this material and the preparation of a Parramatta Archaeological Interpretation Strategy.

The Historical Archaeological Landscape Study will be prepared in a format that will allow it to be integrated with the Parramatta Aboriginal Heritage Study currently being undertaken by Parramatta Council.

## **Study Process**

Research questions shall be finalised, prior to the study commencing, in a half day forum involving the NSW Heritage Council Archaeology and History Advisory Panels, the Parramatta Government Property Strategy Project Control Group, Parramatta City Council and key experts, knowledgeable in the history of Parramatta.

The research framework will provide a guide to the major historical themes, issues and questions that can be addressed in Parramatta through archaeology:

1. the Contact and immediate post contact period of Parramatta's history
2. the agricultural settlement, 1788 to 1790
3. the foundation of the town as a convict settlement, or "gaol town", 1790 to 1795
4. public buildings, 1788 onwards
5. from convict occupation to free enterprise, 1796 to 1823
6. the development of the town by free persons, 1823 onwards
7. 20<sup>th</sup> century Parramatta

The purpose of this forum is to ensure that the research questions for the study are broadly conceived and informed by the expertise of a wide range of stakeholders so that its outcomes and consequent educational and interpretive value is agreed by the "owner" agencies, the wider community and the heritage field.

## **Study area**

The Study area will include all lands (in government and non-government ownership) included in the Sydney Regional Environmental Plan No. 28 – Parramatta (SREP28), as well as those government sites outside this area as indicated on the attached map.

The study will deal cohesively with the entire historical archaeological resource and include all known historical archaeological sites, landscapes and precincts to the present day. The study should be cross-referenced to existing heritage studies. On completion the study should be integrated with the Parramatta Aboriginal Heritage Study.

## **Previous studies**

The successful tenderer(s) will chiefly draw upon the Parramatta Archaeological Zoning Plan (1989) and other site-specific archaeological assessment and reports. Other heritage reports, which will provide contextual information, include:

Parramatta Regional Environmental Plan (1999)  
Parramatta Heritage Study Review (1998)  
Parramatta Heritage Study (1993)

## **Project team**

The successful project team will incorporate members with best practice skills in the following areas:

Major project management and co-ordination  
Historical archaeology  
Historical research and writing  
Heritage assessment  
Landscape conservation  
Geographical Information Systems/Surveying and Mapping  
Interpretation

A steering group for the project will be formed and will include representatives of the Parramatta Government Property Strategy Project Control Group, Parramatta Council, the NSW Heritage Office and the NSW Heritage Council. This group will liaise with the steering committee for the Parramatta Aboriginal Heritage Study to ensure the two studies are compatible on completion.

## **Scope of Works**

The successful tender team will be responsible for the following:

### **1. Contextual survey of archaeological work to date**

Examine reports from historical archaeological works undertaken in Parramatta to date, to provide a contextual survey of the results of the excavations. Synthesise this information to both refine the predictive models for archaeological remains in the study area as well as to help evaluate or re-evaluate the heritage significance of sites in the study area.

### **2. Examine and assess existing documents**

Examine and revamp, using the latest electronic formats the listings in the Archaeological Zoning Plan (1989) in light of the above contextual review and in the other studies listed. Record items, which no longer exist, correct items incorrectly listed or assessed. The list of items distilled from this process shall serve as the nucleus of the remaining, larger, portion of the project, to identify previously unidentified historical archaeological sites, landscapes, precincts and views.

### **3. Define and assess the historic landscape and set research questions**

Using evidence from points 1 and 2 above, physical evidence, documentary and historical evidence defines and assesses for significance historical archaeological landscapes and precincts within the study area. This shall include consideration of the full range of historic values when assessing significance.

### **4. Produce a regional research framework**

The framework shall provide a context within which decisions can be made about individual projects or sites and a basis for research design where archaeological investigation is to take place

### **5. Recommendations**

Consultants shall provide recommendations within the research framework in regard to the most appropriate heritage conservation measures required to conserve the significant heritage values of historical archaeological sites/landscapes/places. This may be in the form of recommended

development controls, in situ conservation, etc and should also identify areas where archaeological controls are not necessary. Recommendations should be consistent with the Sydney Regional Environmental Plan No. 28 – Parramatta (SREP28), Parramatta Comprehensive LEP 1999, Parramatta Heritage LEP 1997, NSW Heritage Act 1977 and other planning legislation and controls. This section of the report shall be developed in close consultation with the NSW Heritage Office, which will supply information regarding best practice planning frameworks.

## **6. Inventory**

Inventory sheets for items within the existing Archaeological Zoning Plan shall be revamped, amended or deleted, as appropriate, depending on the item's status since 1989. New inventory sheets shall be created for new items and precincts within the expanded study area and study time period. The addition and deletion of sites through this process may alter the level(s) of assessed significance for certain items or classes of item. The consultant shall enter data into the State Heritage Inventory format (database software to be provided by the Heritage Office) and provided in both electronic and printed versions upon completion of the project. These sheets will be cross-referenced to existing studies including the Sydney Regional Environmental Plan No. 28 – Parramatta (SREP28) and the Parramatta Heritage Study.

## **7. Mapping**

All information shall be mapped and shall be provided in an electronic format compatible with Parramatta City Council's Geographic Information System/Land Information System. Hard copy colour-coded versions of all maps shall also be provided. Maps shall be created for the following:

- Historical development of the study area
- Listed and/or known archaeological sites
- Archaeologically sterile areas \*(either historically or through excavation/redevelopment)
- Areas archaeologically excavated
- Areas of archaeological potential
- Significant archaeological landscapes and precincts
- Zones of overall heritage significance

Where appropriate, hardcopy maps shall include overlays.

## **Consultation**

The successful tender team will attend an initial half-day workshop, organised by the Heritage Office, with representatives of the Parramatta Government Property Strategy Project Control Group, the NSW Heritage Office, Parramatta City Council and government agencies to discuss the scope and direction of the project. Thereafter the project team shall attend monthly meetings with the Heritage Office to discuss progress and issues arising out of the project.

Background investigations for the project will include consultation with relevant stakeholders not represented on the Steering Committee e.g. National Parks and Wildlife Service, National Trust, Institute of Engineers, local historical societies, chamber of commerce, etc.

## **Timeframe**

The timeframe for the completion of this project is six (6) months, from the date of contract.

Tender selection will occur one week after close of submissions. It is anticipated the contract will be let in early February. A detailed timeline for the project will be agreed at this time.

Consultants shall attend an initial half-day meeting within 1 week of contract with the Project Steering Group. A further half-day workshop may be arranged with the participants in the Forum referred to above.

Consultants shall attend monthly progress meetings at the Heritage Office with representatives from the Parramatta Government Property Strategy Project Control Group, the NSW Heritage Office, Heritage Council, Parramatta City Council, the Parramatta Aboriginal Heritage Study Steering Committee and other relevant government agencies.

Consultants shall be prepared to brief the Parramatta Aboriginal Heritage Study Steering Committee if necessary during the course of the project.

A draft report shall be presented after 4 months for comment.

A second draft report including the draft inventory sheets and maps shall be presented after 5 months for comment.

The final report shall be endorsed by the Heritage Council prior to final sign-off and payment.

Due to the impact of the Archaeological Landscape Management Study in the asset program for several government agencies, preliminary recommendations for the Parramatta Hospital Site will be needed by 1 May, 2000 to facilitate critical deadlines for the EOI divestment process.

## **Appendix C**

**Sydney City Council Staff Guidelines**  
Sydney City Council “Archaeology in the City” brochure

## **GUIDELINES FOR THE MANAGEMENT AND PROTECTION OF THE CITY'S ARCHAEOLOGICAL RESOURCES**

*Numerous sites in the city have the potential to reveal archaeological relics. Archaeological relics are generally discovered below ground during the excavation of sites, or above-ground during major renovations to historical building fabric (Extensive intervention into building fabric can lead to the exposure of other areas of the structure likely to contain archaeological deposits, such as underfloor areas, wall cavities, and roof spaces.).*

### **1. IDENTIFYING THE ARCHAEOLOGICAL POTENTIAL OF A SITE**

The city's archaeological resource should be considered in the context of any development proposal that will result in:

- **Ground Disturbance**
- **Extensive Alterations To The Above Ground Building Fabric**

*There are three relevant archaeological management plans that should be used to help identify the archaeological potential of a site. They include:*

- **The Archaeological Zoning Plan For Central Sydney –1992**
- **The Rocks And Millers Point Archaeological Management Plan – 1991**
- **Urban Development Plan For Ultimo-Pyrmont Precinct – 1995 Update**

*Further checks for determining a site's potential include:*

- **The City of Sydney Cultural Heritage Database (Archaeological Resource)**, which contains information relating to archaeological sites within the city and in some circumstances may provide a more "up-to-date" assessment of a site's archaeological potential than the relevant zoning plans.
- **Previous Building Applications**, which can be used to determine if the site has been subject to extensive disturbance or excavation since its identification (in an Archaeological Zoning Plan) as having archaeological potential.

### **2. SITES IDENTIFIED AS HAVING ARCHAEOLOGICAL POTENTIAL**

If a site is identified in the relevant archaeological documents as having "**archaeological potential**" then an archaeological assessment may need to be undertaken.

An archaeological assessment should be undertaken when the extent of proposed excavation works are likely to cause a substantial disturbance to potential archaeological relics. Any decision not to request an archaeological assessment for a site identified as an "**Area of Archaeological Potential**" in the archaeological management plans should be determined in consultation with Council's Heritage Staff.

Applicants should be advised at Pre-DA stage that they are required to submit an archaeological assessment. This allows the applicant plenty of time to engage an archaeologist to prepare the assessment, and to undertake consultation with Council,

if required. An archaeological assessment should assess the potential for a site to reveal indigenous and non-indigenous sites and/or relics.

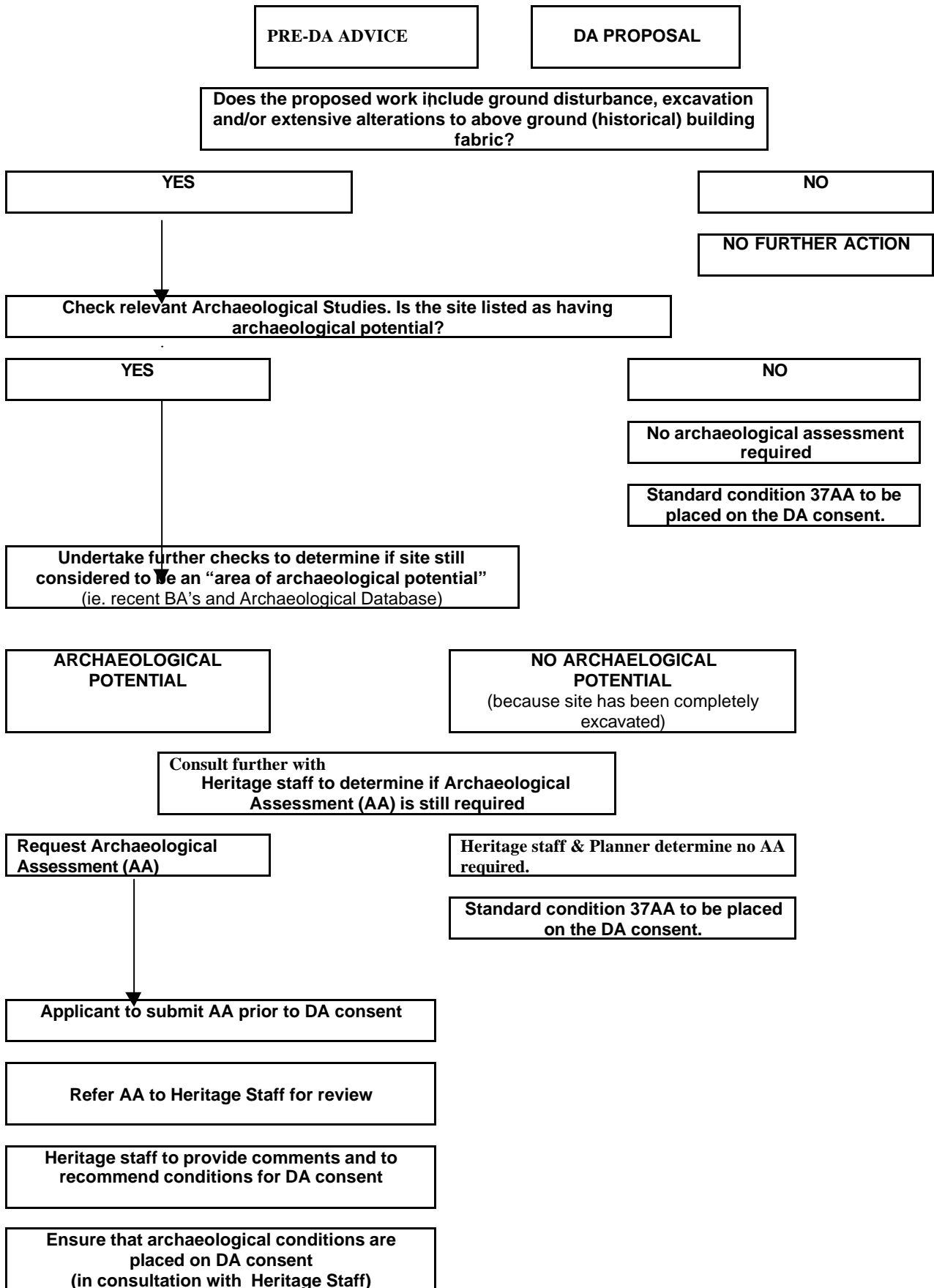
All archaeological assessments should be submitted to Council's Heritage Staff for review prior to the determination of the DA to ensure that appropriate recommendations are incorporated into the DA consent. For example, if an assessment recommends that an excavation permit must be obtained and Council's Heritage Staff are satisfied, then the excavation permit must be obtained before the commencement of work on site.

### **3. SITES IDENTIFIED AS HAVING NO ARCHAEOLOGICAL POTENTIAL**

If a site is identified on the archaeological zoning plan as having “**No Potential**” or is identified as having “**archaeological potential**” on a zoning plan but has since been excavated (to sterile ground), then an archaeological assessment is not required to be undertaken.

However, as archaeological relics may be unexpectedly discovered in all areas subject to excavation or major fabric intervention (removal of floorboards etc,) then standard archaeological condition 37AA should still be placed on the development applications.

**24 March 1999**



## **Appendix D**

**Section 60 Application Form – downloadable version is available through the Heritage Office homepage [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au) at Publications/Permits and Applications.**

## **Appendix E**

Exemptions Under Section 139(4) of the *NSW Heritage Act*

## HERITAGE ACT 1977

### NOTICE OF ORDER UNDER SECTION 139(4)

I, Chair of the Heritage Council of New South Wales, in pursuance of Section 139(4) of the Heritage Act, 1977, do by this my order, create exceptions from the date of this Order to subsection (1) and (2) of section 139 of the said Act, in respect of the engaging in or carrying out by the owner hereafter of any of activities described below:

- (i) **DEMOLITION AND MAINTENANCE OF BRIDGES** An exception is created for an excavation or disturbance for the purpose of the demolition or maintenance of a bridge, not being a bridge listed on the State Heritage Register, where demolition or maintenance will impact solely upon the bridge, its pilings, footings and abutments and upon no other relics.
- (ii) **UNDERGROUND UTILITY SERVICES** An exception is created for an excavation or disturbance for the purpose of exposing underground utility services infrastructure greater than 50 years in age where:
  - a) The excavation or disturbance occurs within an existing service trench.
  - b) The excavation or disturbance is not in an area listed on the State Heritage Register.
  - c) The excavation or disturbance will not affect a known or identified relic other than the service infrastructure itself.
- (iii) **EMERGENCY MAINTENANCE WORKS TO UNDERGROUND UTILITY SERVICES** An exception is created for an excavation or disturbance for the purpose of carrying out emergency maintenance work on underground utility services where no environmental impact assessment or development application is required and due care is taken to avoid impacts upon relics other than the utility infrastructure to be repaired.
- (iv) **ACTIVE UNDERGROUND DOMESTIC SERVICES** An exception is created for an excavation or disturbance for the purpose of works affecting active underground services (eg water, sewerage, drainage, gas, telecommunications) connected to a domestic residence where other relics need not be disturbed to carry out those works.
- (v) **FOUNDATIONS OF STANDING BUILDINGS** An exception is created for an excavation or disturbance for the purpose of carrying out work affecting the foundations of a standing building where other relics need not be disturbed to carry out those works.
- (vi) **MONUMENTS AND GRAVE MARKERS** An exception is created for an excavation or disturbance for the purpose of carrying out conservation or repair of monuments and grave markers in a cemetery or burial ground and where there will be no disturbance to human remains or relics in the form of grave goods.

- (vii) **SURVEY MARKS** An exception is created for an excavation or disturbance for the purpose of exposing survey marks for their use in the course of conducting a survey operation.

HAZEL HAWKE  
Chair, Heritage Council of New South Wales

February 2000

## **Appendix F**

**The following can be downloaded from the Heritage Office homepage at About Us/Historical Archaeology**

S140 Excavation Permit Application Form  
Checklist for Archaeological Excavation Permit Applications  
Stock Conditions of Consent for Excavation Permits

## CONDITIONS OF APPROVAL

**Note:** For the purpose of these conditions, 'relic' is defined in Section 4 of the Heritage Act, as Amended, as: 'any deposit, object or material evidence relating to the settlement of the area that comprises NSW, not being Aboriginal settlement and is 50 or more years old'. This definition also includes the archaeological terms 'artefact', 'feature' and 'structure' and includes relics in land covered by water.

1. This permit is valid for three years from the date of approval. Requests for extensions after this time will only be considered in writing.
2. This permit is valid only while the approved excavation is being carried out under the direction of the nominated Excavation Director.
3. The Excavation Director must carry out the excavation in accordance with the approved research design. Any deviations from the approved research design (including extent and techniques of excavations) must be approved by the Director, Heritage Office.
4. The Excavation Director must take adequate steps to record all relics, structures and features discovered on the site during the excavation in accordance with current best practice guidelines.
5. The Excavation Director must endeavour to ensure that the unexcavated artefacts and structures are not subject to deterioration, damage or destruction.
6. The Applicant shall be responsible for the safe-keeping of all artefacts recovered from the site and shall consult with the Heritage Office regarding the final location for storage of artefacts recovered.
7. The Excavation Director shall be responsible for ensuring that the artefacts are cleaned, stabilised, identified, labelled, catalogued and stored in a way that allows them to be retrieved according to both type and provenance.
8. Where relics remain on site the excavation shall be backfilled to the satisfaction of the Heritage Council and, if necessary, landscaped on the completion of the project, unless the Heritage Council has approved exposure of the relics for the purpose of interpretation.
9. The Heritage Council and the Heritage Office reserve the right to inspect the site and records at all times.
10. The final report should incorporate any comments made by the Heritage Office on content/style/format following the submission of the draft report. It must detail all work undertaken under the approved permit including aim, procedures, analysis, conclusions, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale drawings, photographs, repository) and response to research questions. The final report is to be prepared, to publication standard, within one (1) year of the conclusion of the project unless an extension of time is approved by the Heritage Council. Two copies of this report must be submitted.
12. If after two years following receipt of the final report the Excavation Director has not published the material, the Heritage Council reserves the right to publish the findings of the excavation.
13. When written material is published by the Excavation Director, regarding the excavation, the subject of this permit, he/she shall provide the Heritage Council with a copy of the publications.
14. Should any Aboriginal relics be uncovered, excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

### NPWS CONTACT NUMBERS:

**Head Office - Hurstville - (02) 9585 6453; Parramatta - (02) 9895 7419;  
Grafton - (02) 6642 0593; Queanbeyan - (061) 297 6144; Broken Hill - (02) 8087 1466**

## **Appendix G**

Procedures for the Evaluation of Excavation Permit Applications  
Under the *Heritage Act 1977*

## **Appendix H**

Conditions on Delegation of Certain Heritage Council Archaeological Approvals  
Functions to State Agencies

# HERITAGE ACT 1977

## DELEGATION OF FUNCTIONS

IN pursuance of Section 169(3) of the Heritage Act 1977, I, the Minister for Urban Affairs and Planning, do hereby consent to the Heritage Council delegating the following of its functions to the NSW National Parks and Wildlife Service:

- (i) the power, under Section 63 of the Heritage Act 1977, to determine applications made under Section 57(1) of the Heritage Act 1977 for certain works affecting relics, subject to the conditions set out below; and
- (ii) the power, under Section 141 of the Heritage Act 1977, to determine applications made under Section 139 of the Heritage Act 1977 for certain works affecting relics, subject to the conditions set out below:

## Conditions of Delegation

- a) ***This delegation is made to the position of Manager, Cultural Heritage Services, NSW National Parks and Wildlife Service (currently Sue McIntyre), hereafter 'the Delegate'. The officer in the position of NPWS Historical Archaeologist (currently Denis Gojak) will review and endorse applications. Final approval shall be issued by the Delegate.***
- b) ***This delegation applies to the NSW National Parks and Wildlife Service estate, land where NSW NPWS has a statutory approval role or where NSW NPWS has made a clear decision to acquire the land in question.***
- c) ***Approval is delegated for the following specific classes of minor works affecting archaeological relics (under s63 and s141 of the NSW Heritage Act 1977):***
  - i) ***monitoring (where there is an expectation of only minor archaeological remains and supervision is required primarily to record archaeological information);***
  - ii) ***surface collection (where artefacts are removed or collected without excavation from a context with no stratigraphic integrity);***
  - iii) ***test excavation (where small scale excavation is undertaken on a site to determine the extent and preservation of a larger archaeological resource);***
  - iv) ***where the works are covered by the standard exemptions or by specific exemptions for that site;***
- d) ***Major archaeological projects (including large scale salvage or research excavations) must be referred to the Heritage Office for joint approval following the submission of a report by NPWS.***

- e) *Where the delegate is uncertain whether proposed work is major or minor, or where the work may be controversial the matter must be referred to the Director of the Heritage Office.*
- f) *The Delegate must ensure applications and permits comply with Heritage Council requirements, guidelines, regulations and conditions at all times. The Delegate may set additional conditions which do not conflict with Heritage Council conditions. Heritage Council conditions may not be waived without the written consent of the Heritage Council.*
- g) *The delegation can be used to approve works by NPWS historical archaeologists, external historical archaeological consultants and qualified academics. In cases where the Excavation Director is the nominated agency historical archaeologist (currently Denis Gojak), the application must be referred to the Heritage Office for approval.*
- h) *The Delegate will promptly report any breach of permit conditions or other breaches of the Heritage Act to the Heritage Council.*
- i) *The Delegate shall supply a summary report of all permits issued under delegation, on a quarterly basis, in accordance with a schedule supplied by the Heritage Office.*
- j) *One copy of any archaeological assessment supplied with an application and one copy of any final report shall be supplied to the Heritage Office for review purposes and for lodgement in the DUAP library to provide a single collection of reporting on all archaeological work undertaken in NSW.*
- k) *Application fees for permits issued by the Delegate are waived by the Heritage Office. The Delegate, at its discretion, may collect fees from applicants. Fees shall not exceed the amount specified in the Regulations to the NSW Heritage Act.*
- l) *This delegation will be subject to review on a two yearly basis.*

ANDREW REFSHAUGE, M.P.,  
Minister for Urban Affairs and Planning

## **Appendix I**

Conditions on trial Delegation of Certain Heritage Council Archaeological Approvals  
Functions to Local Councils



## HERITAGE COUNCIL DELEGATIONS TO GENERAL MANAGERS OF CERTAIN LOCAL COUNCILS **CRITERIA TO BE MET BY COUNCILS**

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In order to receive Heritage Council delegation a local council must demonstrate that it has appropriate skills and resources and an ongoing commitment to conserving heritage items in its area. Requirements for delegation are:

- A heritage LEP or REP, endorsed by the Heritage Council within the last 5 years. For conservation areas, heritage streetscapes or landscape conservation areas, a DCP or other design guidelines may also be required.
- The preparation of heritage approval guidelines along the lines of the DUAP/HC *Heritage Approvals* in the NSW Heritage Manual. These guidelines may include an explanation of the delegation from the Heritage Council; encouragement of pre-DA/IDA/s60 consultation; and an explanation of when archaeological approvals will be required. The guidelines would be issued to all applicants requesting DA/IDA/s60 application forms which involve ICOs or PCOs under the Heritage Act (after March 1999, these will be known as items listed on the State Heritage Register).
- For delegation of minor s60, DA and IDA referral matters (i.e. regarded as having minimal or no impact on heritage significance of an item or area) the Council should have at least a part-time heritage advisor or other officer, usually attending council at least one day per fortnight and available by appointment for pre - application advice.
- For full delegation of s60 and, DA and IDA referrals the Council must have a heritage officer employed at least three days per week, depending on the number of heritage assets located in that municipality and the pressures for redevelopment. A record of the Council giving adequate consideration to heritage management issues would also be required.
- For delegation of some or all archaeological issues the Council must have a full or part-time archaeologist employed in addition to the above criteria. For areas of high archaeological potential an archaeological zoning plan may also be required.

- Quarterly reports will be sent to the Heritage Council summarizing all matters dealt with by the Council under the Delegation
- The Delegation shall be reviewed by the Council and a report prepared and submitted to the Heritage Council at the end of 12 months. Delegations may be withdrawn on request or if a council's performance is unsatisfactory.

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Criteria for delegations to local councils, Jan 99

### PROPOSED DELEGATION OF HERITAGE COUNCIL FUNCTIONS TO LOCAL COUNCILS

Subject to the general conditions in Schedule B and C, a local council may exercise the following functions of the Heritage Council:

Column I	Column II	Column III
Title of officer	Functions delegated	Conditions and limitations
<p><b>The General Manager of the Council, the Local Council, or such other officer as nominated by these councils and agreed to by the Director Heritage Office.</b></p>	<p>A. To request additional information under clause 53 of the EP&amp;A Act Regulation 1994;</p>	<p>Where the delegate is of the opinion that the integrated development application will not materially affect the significance of the item and the application does not involve the disturbance of relics and excavation (see Schedule C general condition 5 and flowchart).</p>
	<p>B. To make decisions concerning integrated development applications under Division 5 of Part 4 of the EP&amp;A Act 1979 and Division 3 of Part 6 of the EP&amp;A Act Regulation 1994, concerning the general terms of any approval proposed to be granted;</p> <p>To comment on development applications as required by local</p>	<p>Where the delegate is of the opinion that the development application will not materially affect the significance of the item and the application does not involve the disturbance of relics and excavation of land (see Schedule C general condition 5 and flowchart); and for development applications where the heritage items identified by an LEP are of local significance.</p>

	council's Local Environment Plan on behalf of the Heritage Council;	
	C. To determine whether public notice should be given under s.61, Heritage Act and to cause that notice to be given.	Under s61 of the Heritage Act, Council will be required to refer the application to the Heritage Council for approval, where the application if approved would materially affect the significance of the item as an item of environmental heritage. Applications that require advertising under S61 would therefore be referred to the Heritage Council for determination.
	D. To approve under s63 of the Heritage Act applications made under s60 and to vary any conditions of such approval (see note 2);	Where the Council has determined that public notice should not be given under s61 and the application under s60 does not involve the disturbance of relics (see general condition 5 and flowchart); and the application conforms with an integrated development approval. (Therefore council shall only have authority to determine the application where the application, if approved, would <b>not</b> materially affect the significance of the item as an item of environmental heritage.
	E. To comment on conservation management plans on behalf of the Heritage Council;	Where the item concerned is identified on the LEP to be of local significance.
	F. To make submissions to the Minister pursuant to s83 of the Act in respect of the draft environmental instruments prepared under the Environmental Planning & Assessment Act, 1979;	Where the comprehensive heritage LEP lists all items recommended in the Heritage study; Where the EPI does not affect any item listed on the State Heritage Register, or subject to an IHO made by the Minister; And where the EPI conforms to an instrument which substantially confirms the standards endorsed by the Heritage Council in a model heritage environmental planning instrument; and where the EPI has the

		support of the council's heritage officer or heritage adviser.
<b>The General Manager of Sydney City Council and the General Manager of Ku-ring-gai Municipal Council or such other Officer as nominated by these councils and agreed to by the Director of the Heritage Office</b>	<p>To make decisions concerning integrated development applications under Division 5 of Part 4 of the EP&amp;A Act 1979 and Division 3 of Part 6 of the EP&amp;A Act Regulation 1994, concerning the general terms of any approval proposed to be granted which involves the following specific classes of minor works affecting relics:</p> <ul style="list-style-type: none"> <li>• Monitoring</li> <li>• Test excavation</li> <li>• Removal of relics of low significance.</li> </ul> <p>To comment on development applications as required by Council's LEP on behalf of the Heritage Council which involves the following specific classes of minor works affecting archaeological relics:</p> <ul style="list-style-type: none"> <li>• Monitoring</li> <li>• Test excavation</li> <li>• Disturbance of relics of low significance</li> </ul>	According to the conditions in Schedule C.
	<p>To approve under s63 of the Heritage Act applications made under s60 for the following specific classes of minor works affecting archaeological relics:</p> <ul style="list-style-type: none"> <li>• Monitoring</li> <li>• test excavation</li> <li>• disturbance of relics of low significance.</li> </ul>	According to the conditions in Schedule C
	<p>To issue under s141 of the Heritage Act excavation permits and to vary any conditions of such approval for the following specific classes of minor works affecting archaeological relics:</p> <ul style="list-style-type: none"> <li>• Monitoring</li> <li>• test excavation</li> <li>• disturbance of relics of low significance.</li> </ul>	According to the conditions in Schedule C

## **SCHEDULE C**

### **PROPOSED DELEGATION OF HERITAGE COUNCIL FUNCTIONS TO LOCAL COUNCILS GENERAL CONDITIONS**

The following additional conditions must be met for a local council to exercise the functions set out in Schedule A:

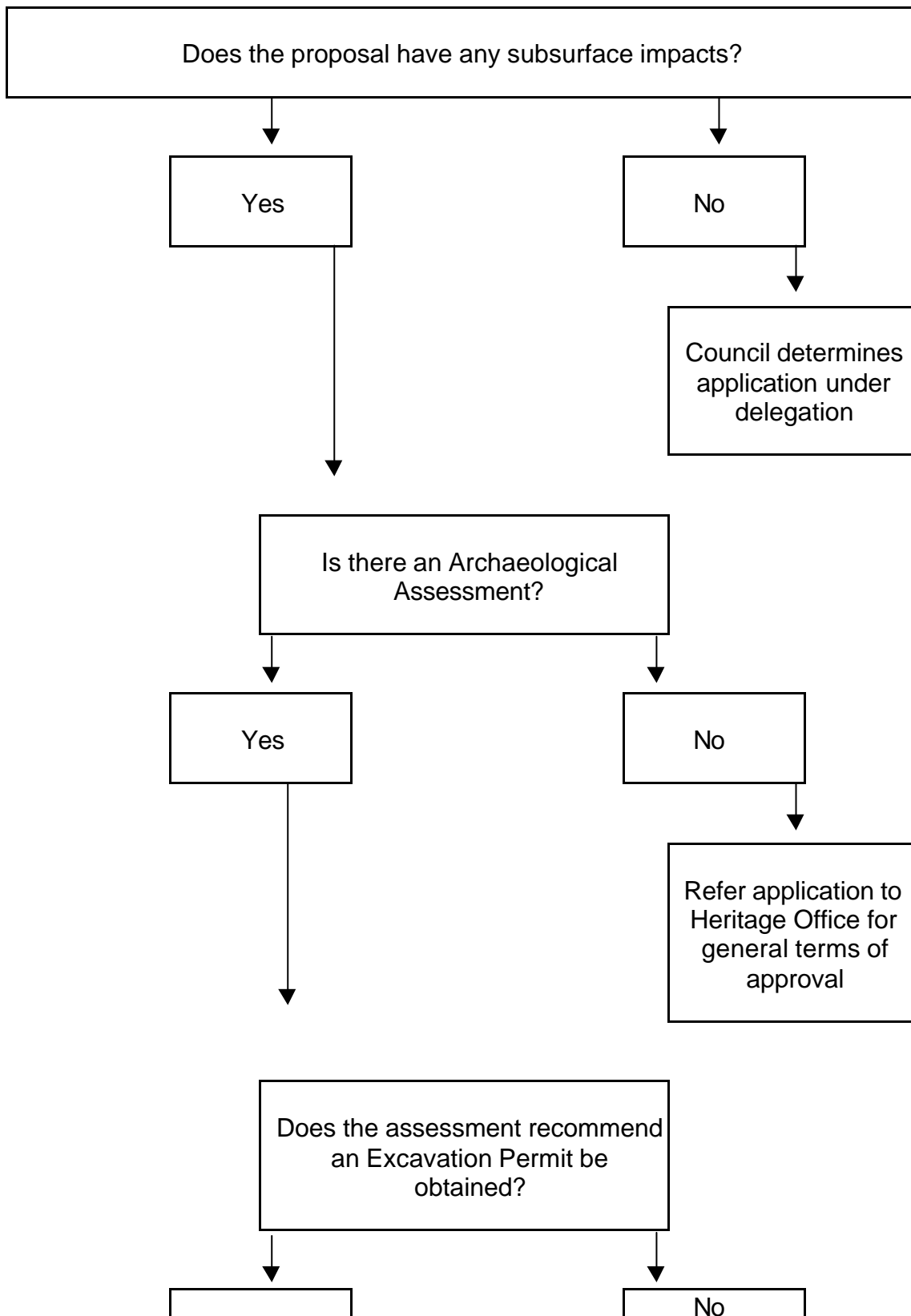
- 1) a local council must have a gazetted environmental planning instrument containing a schedule of heritage items derived from a heritage study and provisions for the management of those items;
- 2) the local council must not own the item;
- 3) the local council is satisfied that the application is not rendered unnecessary by an exemption under s57 of the Heritage Act;
- 4) it has received and taken into account and acted on the advice on the proposal provided by the Heritage Officer, Heritage Adviser or a recognised conservation practitioner with appropriate heritage skills and experience related to the nature of the item about its heritage significance and the impact of the proposal on that significance;
- 5) IDA/s60 applications must be referred to the Heritage Office for general terms of approval for potential archaeology, (see attached flow chart);
- 6) the cumulative effect of the proposal together with that of other proposals on the heritage resource of the area should not materially affect the heritage significance of the item;
- 7) the application and permit conditions comply with Heritage Council requirements, guidelines, regulations and conditions at all times as issued by the Heritage Council and/or Heritage Office. The council may set additional conditions that do not conflict with Heritage Council conditions;
- 8) the local council will promptly report any breach of the Heritage Act to the Heritage Council;
- 9) the local council publishes annually in its Annual Report or State of the Environment Report a summary of decisions dealt with during the year, the nature of each matter, and the council's decision, and provides that summary annually to the Heritage Council.

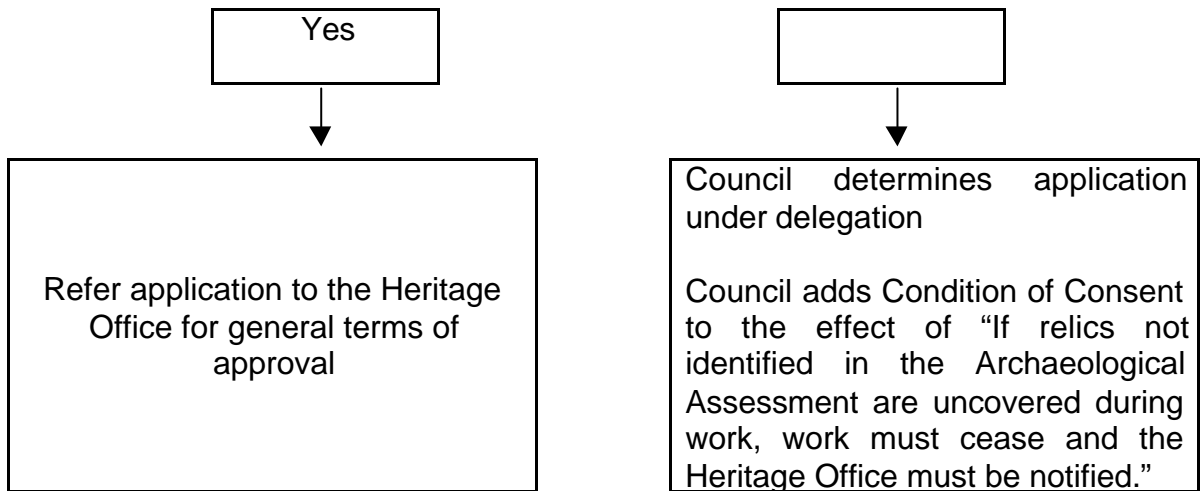
The following additional conditions apply to the delegation of archaeological functions to Sydney City and Ku-ring-gai Councils:

- 10) the local council has received and taken into account and acted on the advice on the proposal provided a full time member of local council's staff, who is a qualified historical archaeologist, about its heritage significance and the impact of the proposal on that significance;
- 11) the local council may not waive standard Heritage Council archaeological conditions without the consent of the Heritage Council;
- 12) the delegation only covers the following classes of minor works affecting archaeological relics (under s63 and s141 of the NSW Heritage Act 1977):
  - a) monitoring (where there is an expectation of only minor archaeological remains and supervision is required primarily to record archaeological information);
  - b) test excavation (where small scale excavation is undertaken on a site to determine the extent and preservation of a larger archaeological resource);
  - c) disturbance of relics of low significance where an archaeological assessment has indicated that no archaeological investigation or recording is required;

- 13) major archaeological projects (including large scale salvage or research excavations) must be referred to the Heritage Council for approval;
- 14) where the delegate is uncertain whether proposed work is major or minor the matter must be referred to the Director of the Heritage Office. If unexpected relics are uncovered during work, work must cease immediately and the Heritage Office must be notified;
- 15) one copy of any archaeological assessment supplied with an application and one copy of any final report shall be supplied to the Heritage Office for lodgement in the DUAP library to provide a single collection of reporting on all archaeological work undertaken in NSW;
- 16) the local council shall supply a copy of every approval to the Heritage Office for the first three months of the delegation and thereafter a summary report of all permits issued under delegation, on a quarterly basis.

Flowchart illustrating when Local Councils with delegation should refer s60 or IDA applications with archaeological impacts to the Heritage Office





## Appendix J

Revealing the Past: An Introduction to Historical Archaeology