HISTORICAL ARCHAEOLOGICAL SITES

INVESTIGATION AND
CONSERVATION GUIDELINES

NSW DEPARTMENT OF PLANNING
HERITAGE COUNCIL OF NSW
FOREWORD

Our archaeological record is an invaluable and irreplaceable resource for interpreting Australian history and culture.

With the assistance of a grant from the Commonwealth National Estates Grant program, the NSW Department of Planning and the Heritage Council of NSW have prepared guidelines for the investigation and conservation of historical archaeological sites nationwide. The preparation of the guidelines involved extensive consultation with State and Territory government bodies responsible for heritage legislation. A companion document, *Historical Archaeological Investigations: A Code of Practice*, is being prepared. It aims to facilitate relations between site owners, archaeologists, the development industry and government bodies.

These serve as a valuable aid to the identification, assessment and conservation procedures to be used in the management of historical archaeological sites. Included are sources of advice and summaries of legislation applicable to sites throughout Australia.

The publication of *Historical Archaeological Sites: Investigation and Conservation Guidelines* is a positive step towards the integration of heritage conservation and development.

[Signature]

Robert Webster
Minister for Planning and Housing
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1. HISTORICAL ARCHAEOLOGY AND OUR HERITAGE

Historical archaeology was identified in Australia's 1974 Commission of Inquiry into the National Estate as one of the key disciplines involved in the recognition and conservation of the historic environment. In some States and Territories, historical archaeological sites are incorporated into the urban planning process through legislation and local government directives. Historical archaeology interests many members of the community and is increasingly relevant to property developers in Australia's major urban centres.

What is historical archaeology? Why is it important? Who does it and how? What are its basic procedures and requirements? These questions are important to all Australians concerned with the heritage of their rural and urban environments.

What Is Historical Archaeology?

Archaeology is an international discipline most commonly associated with the excavation of ancient sites of human habitation. Its focus is material culture — the objects used by people in the past.

In Australia, 'historical archaeology' is the archaeology of historic sites. Historical archaeology investigates the sites and relics left by early Asian fishing fleets and Dutch explorers, as well as the settlements of European, Chinese and other cultural groups. It does not investigate prehistoric Aboriginal sites. Industrial sites (factories, mines and mills), submerged sites (shipwrecks and their relics) and sites of Aboriginal contact with the invading cultures are specialist fields within the discipline. It combines the study of physical evidence — sites, structures, relics and residues — with the study of other types of historical evidence such as maps, photographs, pictures, documents and oral history.

What Are Historical Archaeological Sites?

'Historical archaeological sites' are places of known or likely cultural significance which have the potential to increase our knowledge of earlier human occupation, activities and events through archaeological research.

Some sites are wholly below-ground surface, others partially or wholly above-ground. They may be derelict, ruinous or still functioning.

Experts can read the history of these sites including details such as site layout, structural fabric, fixtures and equipment, combined with information taken from surviving documents.

Those familiar with the wealth of 19th century written sources are sometimes surprised that historical archaeology can contribute significantly to our knowledge of Australian history. However, there are a number of areas in which it provides otherwise inaccessible information. For example, archaeological investigation may:

- complement and illustrate written sources;
- add factual details that are missing in the documentary record;
- provide information about the realities of 19th-

![Image: First Government House, Sydney. First Government House stood on this site from 1788 until its demolition in 1847. It was intended not only as the home of the Governor but also served as the administrative centre of the colony. Archaeological investigations of this important colonial site were undertaken in 1983, 1984 and 1991. These investigations have established the limit of the remains, over which a commemorative plaza has been designed. Courtesy NSW Dept of Planning. Photo by Lindy Kerr.](image-url)
Fig. 2. A bone nit comb recovered from the Lilyvale excavations, Sydney. A wide range of artefacts were excavated from historical archaeological sites in the Rocks, leading to a more comprehensive knowledge of changing living standards in this early-settled part of Sydney. Courtesy Wendy Thorp.

century domestic life not recorded in documentary sources;

• provide technical information about how things were constructed and how they worked;

• highlight biases and inaccuracies in written sources; and

• identify new issues of historical interest.

Who Are Historical Archaeologists?

Historical archaeologists are people who have completed tertiary training in archaeology, prehistory or a related field, and who have special training and experience in historical archaeology.

There are also many dedicated amateurs who are interested in historical archaeology. They have developed their expertise from researching and recording historic sites and from working on excavations under professional supervision.

Specialisations exist within historical archaeology. Developers or administrators who are required to employ a historical archaeologist should select someone who specialises in the kind of site concerned; for example, an industrial site specialist or a maritime archaeology specialist.

Fig. 3. This is a plan of a late 19th century hot wool-scour at Tibooburra, drawn up on the basis of a detailed study of surface remains and documents. This obsolete technology was not clearly understood before the archaeological study. Courtesy Dr Michael Pearson.

Prehistoric archaeological sites require archaeologists who specialise in prehistory and Aboriginal culture. These guidelines do not deal with prehistoric or Aboriginal archaeological site management. Lists of archaeologists who specialise in prehistory are available from the State and Commonwealth bodies administering Aboriginal sites.

Techniques and Methods of Historical Archaeology

Historical archaeologists use a number of techniques and methods that have been developed to investigate the physical evidence of the past in association with written historical sources.
Sites, whether above or below ground, have a history of changing use and associated alterations. Clues and records survive in the extant fabric and artefacts. Historical archaeological techniques are designed to identify, record and interpret this detailed record.

The methods used to investigate sites are based on trained observation, skilled interpretation and accurate recording of the physical remains, combined with the archaeologist's own experience of what is likely to be found.

A range of historical research techniques is also involved including the use of early town and rural directories, land title searches, analysis of early maps, photographs and aerial photographs, technological encyclopaedias, immigrant's guides, trade and popular journals, mail order catalogues, bankruptcy records, government records and other specialised sources.

Archaeology and the Community

The immediacy of historic discovery during an archaeological investigation is an experience which the community loves to share. Archaeological finds often provide a direct link with the households and family life of early Australian working people. For many people, they are often more evocative than the written record. Calls for volunteers to assist on urban historical archaeological excavations always receive an enthusiastic response. Volunteer work and guided tours are important ways for the community to have access to their archaeological heritage.

References and Further Reading


Stanbury, Peter 1979, Ten Thousand Years of Sydney Life: A Guide to Archaeological Discovery, University of Sydney.

2. REGISTERS, LISTS & HISTORICAL ARCHAEOLOGICAL SITES

Over the last forty years, places of historic interest (including archaeological sites) have been formally listed on National Trust and State registers. Since 1975, the Register of the National Estate has been kept by the Australian Heritage Commission. Registers and lists are important because they record the public and sometimes official recognition of the significance of such sites. In some States and Territories inclusion on a register also gives protection from demolition or alteration.

In New South Wales, Western Australia, South Australia, Victoria and Queensland, legislation requires that official registers of heritage items be compiled and maintained by government bodies. The terms ‘heritage item’ and ‘heritage value’ can be applied to land, buildings, some portable items, structures and archaeological sites. Many historical archaeological sites will contain heritage value of some kind, although it may not be of the kind which warrants conservation of the site. However, it is important that the potential heritage value of historical archaeological sites be investigated. Frequently, local government bodies are encouraged to investigate and document the sites in their area by means of heritage studies. These studies include a schedule of all the heritage items in the area.

The Australian Heritage Commission, State heritage bodies and the National Trust all notify local government of new listings that they have made in their area. Copies of these registers should be available in the local council office or library. If not, people seeking them should contact one of the State heritage bodies listed in the back of this book and/or the National Trust.

Adding a Site to a Register

New sites can be added when necessary to registers. Public perception of what kinds of sites are of heritage value changes continually. Also, the value of an individual site may increase if other similar sites are demolished and it becomes a rare example of a particular kind of site. The accumulation of knowledge over time of an area’s history and development will also lead to more heritage items coming to light. Although many surveys of heritage places have been undertaken in Australia, many have not been thoroughly surveyed.

For these reasons, sites not listed in a register should not automatically be assumed to be of no heritage value.

How to Find Out What Sites Are in Your Area

There are many circumstances in which people will wish to know what places of heritage value exist in an area of interest to them.

State bodies planning a new location for gas pipelines, water resource services or freeways; individuals or developers searching for possible development sites; students carrying out research, and interested citizens wishing to assess the environmental impact of a proposed development will all need this information.

Fig. 6. Tower windmill, Wickham Terrace, Brisbane — the oldest surviving building in Queensland, built in 1828 to mill flour for the penal settlement. In 1861 the machinery was removed and the tower converted into a signal station. A study involving archaeological investigations in 1988 revealed how the mill was built and used as well as the skills and knowledge needed at the time. For example, it is now believed that the unusual form of the top of the masonry tower (seen in this photo below the later observation platform) resulted from changes made during construction so larger sails could be used. Courtesy Queensland Department of Environment and Heritage.
The initial procedure for finding the information is as follows:

1. Mark the area concerned on a map, photocopy it and identify it by postcode or by local government authority, whichever is more clear. A street directory or tourist map will do.

2. Take it to the local government authority and ask to see any registers or schedules listing sites of heritage value in that area. If there are none, look at other local planning studies and local histories. These may be available in either council or local libraries.

3. It will be necessary to ask whether any sites are awaiting listing as well as whether a thorough survey of heritage sites has been undertaken for the area. Many organisations keep lists of sites under consideration while submissions are invited; for example, the Australian Heritage Commission Interim Register of the National Estate.

Most organisations can provide the information needed, such as copies of the listing for individual sites, for a small fee.

If there is no schedule of heritage items available for your particular area, you may wish to seek expert advice from a professional practitioner who is qualified to investigate what significant heritage sites exist.

How to Assess If a Register Is Adequate

Not all schedules and registers include all categories of heritage sites, and many older lists in particular will not include below-ground archaeological sites.

Some may also have only sketchy coverage of industrial and historic structures that happen to be derelict or ruinied. Checking what categories of sites have been included or excluded can be done by contacting the authors of the list, if possible, or the State heritage body.

If archaeological sites have not been included, it may be necessary to follow the steps outlined in chapter 6 and look for them yourself.

Why Sites Should Be Nominated for Registers

However well a site is known locally, it may not be adequately protected until entered on a formal register.

Even in States where there is no legislation to protect registered sites, the fact of registration may be an alerting mechanism and a negotiation tool. Also, when such legislation is introduced it normally makes use of existing lists as a starting point.

How to Nominate a Site for a Register

The Australian Heritage Commission, most State heritage bodies and the National Trust provide manuals or guidelines for nominating heritage sites. Such manuals include advice about what information to collect and how to present it. The presentation should include:

- a precise identification of the site and the boundary where necessary;
- a precise location of the place both in words and on a map and plan;
- a statement of what its heritage value is thought to be;
- name, address and signature of the nominator;
- photographs of the site with annotations describing the location and what is shown; and
- a sketch plan clearly marking items of particular value.

Background research in support of the nomination should include references to written sources and identify informants by name, address and connection with the place.

At this stage, this information (together with a brief history of the site and a short description of its heritage values) is sufficient for its registration as a heritage item. The information in a register is intended as an alerting mechanism, calling attention to the existence of a heritage item. It is not a basis for decisions about the future of the site.

At a later stage when decisions about its future have to be made, more detailed investigation will be necessary, possibly in the form of a conservation plan. This is further discussed in chapter 5.

What Sites Are Likely to Be Worth Entry in a Register?

Sites nominated and selected for entry onto a register or schedule, or included in a heritage study, are those of confirmed or potential heritage value which fall within various broad categories of eligibility.

Such nominations may be made individually for known, important sites. More often, especially where a schedule of heritage items is being prepared for a local planning
scheme, it is best developed by first assembling a much longer list of local sites of suspected heritage interest and then refining it on the basis of additional research.

During the initial stage, therefore, all known sites of historical interest should be assembled on a preliminary list regardless of their eligibility or their apparent heritage value.

In the stages of research and assessment that follow, the more significant items are identified on the basis of evidence collected from oral, documentary and on-site sources. A nomination form is then prepared.

Each site nominated requires a brief summary of the site history (citing selected sources only), together with an explicit statement of the criteria under which it is eligible and an assessed level of value.

Criteria for Eligibility

The standard rule when assembling a preliminary listing of heritage sites is that in the first instance every site of even possible heritage interest should be included as well as those whose value has been confirmed. Criteria for eligibility and thresholds of value are applied later.

Criteria for eligibility commonly include sites which:

- display evidence of creative or technical achievement;
- are known to have been associated with a historical person or event;
- retain an ability to demonstrate a past way of life, process or function;
- have the potential to reveal physical evidence of earlier human occupation or activities; and
- are intact or retain considerable evidence of their use and operation.

States with heritage legislation have their own sets of criteria for inclusion of items on heritage lists and schedules. These are included in State or National Trust guidelines. The Register of the National Estate, which includes Aboriginal sites and places of natural environmental value, also includes places which:

- are exceptional in the Australian natural or cultural environments;
- are characteristic of the Australian natural or cultural environments and reflect the full range of these environments;
- are of symbolic value or are places with which the Australian people (or particular regional, ethnic or other communities) can identify;
- characterise the periods and processes in the evolution of Australia’s natural and cultural environments;
- reflect all aspects and periods of Australian natural and cultural history; and
- generally conform to (but are not limited by) the division of the National Estate into natural, Aboriginal and historic categories.

Within these definitions, eight main criteria are applied when assessing places for inclusion in the Register of the National Estate. These are:

A: its importance in the course, or pattern of, Australia’s natural or cultural history;
B: its possession of uncommon, rare or endangered aspects of Australia’s natural or cultural history;
C: its potential to yield information that will contribute to an understanding of Australia’s natural or cultural history;
D: its importance in demonstrating the principal characteristics of:
   (i) a class of Australia’s natural or cultural places; and
   (ii) a class of Australia’s natural or cultural environments;
E: its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
F: its importance in demonstrating a high degree of creative or technical achievement at a particular period;
G: its strong or special associations with a particular community or cultural group for social, cultural or spiritual reasons;
H: its special association with the life or works of a person, or group of persons, important to Australia’s natural or cultural history.
Thresholds of Significance

The Register of the National Estate, and most National Trust Registers, do not contain internal ranking of relative heritage value.

The proposed New South Wales State Heritage Inventory is an example of a register which will identify appropriate management levels for sites. Listing in a register enables a site to be managed appropriately; undertaking a heritage study ensures that information is collated for important sites. Sites are of local, regional or State significance, for historic, aesthetic, social, scientific or other reasons. There are also criteria dealing with the degree of significance. A site may be rare (uncommon or exceptional), representative (typical or characteristic) or associative (with links and connections to sites, events and so on). These criteria have management implications.

The care of those places which are rated as significant for the locality or region will be managed through local measures within the context of local environmental planning. Those places rated as of State significance will be managed and protected through State guidelines, either under planning or heritage legislation.

Undertaking a Heritage Study

A ‘heritage study’ identifies the heritage sites in an area usually based on local government or regional boundaries.

If a heritage study has not been undertaken for the area in which you are interested you could encourage the local authority of the State heritage authority to undertake or support a study. Such a study ideally should include all types of heritage sites. The National Estate Grants Program has provided funds for such studies for many years, often on a dollar-for-dollar basis. These funds are administered by the State heritage authority. The studies are usually carried out by a team of heritage practitioners, including architects, historians, historical archaeologists and planners.

Practitioners carrying out a heritage study are required to:

- compile information about sites likely to be of heritage value from local historical societies, National Trust personnel and other local archival and published sources and photographs;

Fig. 7. Glen Davis shale oil mining site, New South Wales. These atmospheric ruins have survived because of lack of pressure from alternative uses for the site. Listing of sites such as this will ensure that adequate protection is given. Courtesy NSW Dept of Planning.
• research the thematic history of the locality or region so as to identify categories of sites to look for, and have a historical framework in which to set them;

• prepare an inventory of items of heritage value for the study area by searching for what is visible on the ground, as well as indicators as to what might be below it; and

• for each item, the practitioners should provide photographs (black and white, as well as colour), a brief physical description, a statement about its heritage value, its location by land title or map reference, and a sketch of each site showing individual elements of heritage value.

Guidelines for heritage studies are available from State heritage authorities. Authorities may also require recommendations for planning controls and other measures to protect and encourage the conservation of sites. State and local heritage authorities are placing increasing emphasis on the involvement of local communities and other interested people in the preparation of heritage studies as well as the identification of sites.

Many historical archaeological sites, particularly large industrial complexes, are likely to be well-known to local communities. Some people will have worked at the site and may be able to provide first-hand knowledge of its operation.

Such a gazetteer can be prepared by amateur enthusiasts and should draw upon existing lists from any source as well as local historical knowledge.

Below-ground historical archaeological sites present some difficulties at this level of preliminary listing. The standard procedure is initially to list all sites where surface remains such as posts, rubble or old plantings suggest the decay of earlier structures, as well as highlighting places where, on graphic or pictorial evidence, remains of past structures or activities could be expected.

References and Further Reading


Sullivan S. & Bowdler, S. (eds) 1984, Site Survey and Significance Assessment in Australian Archaeology, Department of Prehistory, Research School of Paciﬁc History, Australian National University, Canberra.


Looking for Historical Archaeological Sites

Historical archaeological sites can be identified through the following:

• information from existing lists;

• research of historical records, oral sources, photographs and maps;

• site survey;

• identification of surface indicators such as earth works, embankments, patches of brambles, bricks, glass or ceramic fragments scattered in an area, old plantings of trees and shrubs, old fence lines or driveways; and

• clues in the names or former names of estates, streets, creeks and localities.

This information is assembled in the form of a gazetteer, or preliminary listing of sites of heritage interest, which forms a general heritage information database for the locality. Sites from the gazetteer are then assessed for their heritage value separately and placed on a register if they qualify.
3. PROTECTION FOR HISTORICAL ARCHAEOLOGICAL SITES

Planning Controls

Land use planning controls are used by State and local governments to achieve a socially desirable balance between the many competing uses for land.

Decisions concerning land use are a State, not a Federal, matter. Consequently, primary protection for sites of heritage value is a matter for the State. At the time of publication, New South Wales, Victoria, South Australia, Western Australia, Queensland, the Northern Territory and the ACT have legislation designed to protect heritage buildings and sites. Tasmania is currently considering introducing heritage legislation. The scope and arrangement of legislation differs in each State and is described in chapter 9.

In most States and Territories, heritage legislation includes the compilation of a register of heritage places. Consent is required from the State heritage authority prior to making major changes to a registered site, including demolition.

In addition to heritage legislation, some protection can be provided in statutory planning schemes.

Generally, local government is responsible for preparing statutory planning schemes sometimes known as local environmental plans. These planning schemes comprise:

- a map showing zones such as residential, industrial, or commercial and reservations such as land for open space or other public purposes; and
- a document explaining what can be done in each zone (the planning controls).

In most States, these schemes can include a schedule of places of heritage value, sometimes also shown on a map, together with clauses in the written document which require the council’s consent prior to making changes to the place that will affect its heritage value. These also vary from State to State.

This schedule may include below-ground historical archaeological sites but more often is confined to sites with substantial above-ground features. The Hunter Region Heritage Study carried out under the auspices of the New South Wales Department of Planning is a good example of a schedule containing both site types.

How Planning Controls Can Protect Historical Archaeological Sites

Planning controls can be used to protect archaeological sites, as they protect other heritage items, by:

- avoiding pressure for redevelopment which might conflict with the retention of sites of heritage value by not rezoning an area that contains heritage places for a use that can only be achieved by demolition of the heritage places;
- introducing controls on demolition or development in zones where sites are known or suspected to exist but the precise locations of which are uncertain; and
- protecting sites identified in a planning scheme schedule by requiring consent prior to demolition or other changes.

The details of these controls differ from State to State.

Fig. 8. The exterior of Queen’s Theatre, Adelaide, built in 1842. Courtesy SA Department of Environment and Planning (Peter Bell).

Fig. 9. Interior of Queen’s Theatre, Adelaide, during the 1989 excavations by Justin McCarthy. Archaeological investigation required by the SA Dept of Env. Planning revealed evidence of original internal fittings as well as many artefacts dating from the nineteenth-century use of this building. Courtesy SA Department of Environment and Planning (Peter Bell).
In New South Wales, local government authorities are required to identify ‘heritage items’ in local planning schemes (local environmental plans). The plans provide that council consent is required prior to undertaking major changes to an ‘item’ including demolition, alterations and additions. In assessing applications, the local government authority is required to take into consideration the likely impact of the proposed development on the heritage significance of the item. Conditions may be imposed on any consent given.

Therefore, in many parts of Australia a site’s heritage value may be taken into account when plans for its future — such as building or development applications — are under consideration by local government.

How Planning Controls Can Protect Above-Ground Sites

Sites that can be easily seen and identified can be protected in the same way as other heritage sites by ensuring they are placed on a schedule or register, protected via planning controls or under State heritage legislation.

In the preparation of a local planning scheme, draft schedules of heritage items are prepared by town planners based on studies undertaken by a consultant team from existing information and registers — including the Register of the National Estate, National Trust listings, academic studies and sites known locally. Additional items — or comments on those included — can be nominated when the draft plan goes on display.

Once a site has been scheduled in a planning scheme, consent must be obtained in advance for any land use change that involves demolition of or damage to that site. In effect, this means that a scheduled site is further investigated at the time land use change is proposed and a more informed decision made on the conservation options available.

This requirement means that when a development application is made, the following steps must be taken by the various bodies involved:

- The local government authority must consider the heritage value of the site and the impact of the proposal on that value.
- In order to assess its value, a detailed investigation of its heritage significance is required and this can be undertaken by the authority, the applicant or a third party.

- The authority and the State Government or National Trust, who might be providing advice, must have an opportunity to ensure that the owner/applicant takes the heritage value of the property into account and considers more than one option for the future of the site.

How Planning Controls Can Protect Below-Ground Sites

Much archaeological evidence has been lost because below-ground archaeological sites have not been identified and protected before development. While work has sometimes stopped voluntarily — as in the 1974 Sydney Square development when historic graves were uncovered by mechanical excavation — this cannot always be expected.

In principle, below-ground archaeological sites are protected in the same way as other heritage sites — by identification and placement on a schedule or register following the procedure outlined above.

Below-ground sites raise the obvious problem of listing a site which cannot be seen, described or precisely located. While it is possible to predict a general area in which sites are likely to occur — for example, the earliest point of settlement — identifying more precise locations where no surface indicators survive requires a lot of work researching historical maps and title deeds.

If such sites are not identified before development, relics may be found during new building construction phase. This can mean archaeological evidence will inevitably be lost before heritage legislation can halt further work.

If protection is sought by means of a local environmental planning schedule, there is a need for topographical precision. For some sites this can only be obtained through costly research or by test excavation which may damage the archaeological resource.

There are two solutions to this problem. The first is to identify individual sites as far as possible on a schedule of heritage items, as is done within a heritage study. The other solution, is to define the area where important archaeological resources are thought to exist and impose conditions upon it which will require the investigation of their presence and value before granting any development application in that area. This solution is gaining increasing recognition from local authorities. Management of such areas can be facilitated by the preparation of an archaeological management plan.
The Value of Archaeological Management Plans

An area known to be of high archaeological potential may require the preparation of an archaeological management plan. This is a document which, in three stages:

i) identifies potential archaeological resources;

ii) assesses the significance of those resources; and

iii) sets out management guidelines for the range of potential archaeological resources present in the area.

Stage one involves researching past land use in the area and relating it to the current state of land use, especially sites subject to intensive development where foundation work will have destroyed below-ground deposits.

Stage two requires an assessment of significance of archaeological resources based on their possible cultural significance, the condition in which they are likely to have survived and their potential contribution to research.

Stage three involves formulating a set of procedures for the information of the land managers involved in the area.

These procedures should alert management authorities when important archaeological resources are threatened and outline the appropriate ways to deal with any proposed disturbance. The procedures will vary depending upon the significance of the site and the nature of the disturbance proposed.

The information the plan contains should not be seen as the final word in historical research for identified sites but rather as a starting point for further research to better define the archaeological significance.

In New South Wales, archaeological management plans have been prepared for the Rocks and Millers Point, and Parramatta. An archaeological management plan has also been prepared for central Melbourne.

The value of these plans is that they remove some of the uncertainty from managing below-ground archaeological resources. In urban areas in particular, they allow for the recognition of archaeological importance as early as possible in the development process. As they also assess the potential significance of remains, archaeological management plans allow the most important sites to be targeted and extra resources allocated for their investigation.

How Heritage Legislation Protects Historical Archaeological Sites

Today heritage legislation operates in many of the Australian States. Some State and local governments have the power to halt development if archaeological resources of importance are discovered unexpectedly.

However, relying upon heritage legislation may disadvantage the developer by delaying the construction phase of the project. Wherever possible, therefore, archaeologists, local government, developers and the community need to join forces to undertake appropriate studies so that the risks of finding unexpected archaeological resources is minimised.

![Fig. 10. Headframe, Teatley, near Ravenswood, Queensland. The lessees of the site, in conjunction with the Ravenswood restoration Association, Dalrymple Shire Council and the Queensland Dept of Environment and Heritage, are exploring options for the conservation of Ravenswood’s heritage including its many archaeological resources. Courtesy Meredith Walker.](image-url)
Archaeological sites are divided into one of four groups, depending on the appropriate procedures for their investigation or conservation.

Fig. 11. Archaeological management plan — Parramatta. Archaeological management plans such as this one, which shows part of Parramatta, are based on a combination of documentary research and site inspection. An archaeologist was commissioned to conduct further investigation of this site prior to its sale. As a result an excavation was undertaken to investigate details of the site’s history and occupation. Open days of the site proved popular with participation from the local Lions Club and Historical Societies. Courtesy Edward Higginbotham.
Protective Acquisition of Historical Archaeological Sites

In New South Wales, the earliest form of planning scheme (the County of Cumberland Scheme) recognized properties such as Elizabeth Farm, Parramatta and Elizabeth Bay House, Vaucluse, which were subsequently acquired by the State Government. The National Parks and Wildlife Service has also acquired properties of historic and archaeological importance. More recently, the Historic Houses Trust has expanded its role as manager and owner of historic buildings to include the archaeological site of the first Government House in Sydney. In Victoria, too, acquisition has long been the favoured method of ensuring protection for historic properties.

Some sites are protected because they are within larger areas already owned by the Crown. Archaeological sites on Commonwealth Crown land fall under the provisions of the Australian Heritage Commission Act 1975. Many sites such as Kingston on Norfolk Island, historic gaols such as Fanny Bay and Parramatta, army properties such as Angelsea Barracks, Hobart, and Victoria Barracks in both Sydney and Melbourne, naval facilities, lighthouses and post offices have had conservation plans prepared and work implemented by the Federal Government.

State government instrumentalities in New South Wales are also required, under the Heritage Act 1977, to make a register of heritage items in their care. These registers include such items as railway engineering items, historic roads and bridges, and historic dams, canals and water supply and sewerage resources.

Another option for protecting archaeological sites is acquisition and later resale with appropriate restrictions on their use and development.

References and Further Reading


4. PRINCIPLES & AIMS OF CONSERVATION

Conservation means looking after a site or structure in a way that retains and protects its heritage value while providing for its security, maintenance and future.

The Australian National Committee of the International Council on Monuments and Sites (Australia ICOMOS) has prepared a charter for the conservation of places of cultural significance (*The Burra Charter*).

*The Burra Charter* has been adopted by heritage organizations and by practitioners as the standard for heritage conservation practice in Australia.

The principles and aims of conservation, set out below, are those embodied in the *Burra Charter*.

**The Principles of Conservation**

The principles of conservation embodied in the *Burra Charter* are:

1. The significance of a site (beyond its obvious economic and utilitarian value) is embodied in its fabric, its setting and its contents, in the associated documents and its meaning to people.

2. The significance of a site — and the other issues affecting its future — is best understood by a methodical process of collecting and analysing information (including the preparation of a statement of significance and a conservation policy) prior to making decisions.

3. The keeping of accurate records about decisions and changes to the site assist the care, management and interpretation of the site.

**Aims of Conservation**

When considering the future of a site of heritage value, the aims (as enunciated in the *Burra Charter*) are:

**Aim 1 To care for the significant fabric and other significant features**

To retain the cultural significance of the site

a) Changes to the fabric of the site should be reversible and little effect as possible. Disturbance of below-ground archaeological deposits should be minimised.

b) The contribution of all periods to the cultural significance of a site must be respected. Fabric from later periods — while it might not be of the same significance as the earlier fabric — is nevertheless part of the history of the site and may itself be of significance; for example, in demonstrating changes in technology and in the use of the structure.

c) Changes to the fabric which distort the significance of the site or falsify the evidence of its history should be avoided. For example, a structure may have evidence of the position or form of machinery no longer present. Such evidence is part of the history of the site and is of interest, and there is no need to remove such evidence.

d) Fabric and other features, such as machinery, that are unavoidably removed; for example, in order to adapt the site to a new use, should be kept safely to enable their future reinstatement.

**Aim 2 To care for the setting**

a) To maintain an appropriate setting

Changes which affect the appreciation or enjoyment of a place should be avoided, for example, the erection of a new structure which obscures views of the significant structure, or the erection of a structure whose materials, scale or form detract from or upstage the significant structure.

b) To retain the structures in their present location

The location and setting of a structure are an integral part of its history, and often explain why the structure was built the way it was. Some structures were designed to be readily removable, or already have a history of previous moves, as with prefabricated buildings and poppet heads. Provided such a structure does not have a strong association with its present site, its removal may be considered. If a structure is moved, it should be moved to an appropriate setting and given an appropriate use. Such action should not be to the detriment of any site of heritage value. For example, the structure should not be placed in a location which confuses the history of its new site.

**Aim 3 To provide an appropriate use**

If the existing use contributes to the significance of the place it should be maintained if possible or a similar use found. An appropriate use is one which enables the significant fabric and other features of the site to be kept with the minimum of change.

In order to retain some structures, new uses — very different from the past uses — may be necessary. In such instances, options for the future of the site should be investigated. Changes to the existing fabric and the introduction of new fabric should be limited to those essential for the new use.
Aim 4  To provide security
Provision should be made for the security of the site, for its maintenance and its future. The site should not be left in a vulnerable state.

Aim 5  To make use of the available expertise
All the expertise that might contribute to the investigation of the place and its conservation should be taken into consideration.

For historical archaeological investigations it may be necessary to engage a historian, or to consult with other practitioners who have experience with similar structures and problems.

Aim 6  To understand the site and its significance before making decisions about its future and/or changes in its fabric

a) Documentary, physical and other evidence about the site should be investigated, the site compared with other similar sites and a statement of heritage significance of the site prepared in the form of a report.

b) All the factors affecting the future of a place should be investigated and a conservation policy which retains and respects the significance of the site prepared, while at the same time taking other factors affecting the future use of the site into account.

Aim 7  To make records of decisions and actions
The making and analysis of records is at the heart of archaeological practice.

a) Photographic, written and other graphic records of the site should be made prior to making changes to it.

b) Evidence of the history of the site discovered during works to the site should be recorded.

c) Records of the decisions about the site should be made (so that its fabric and history will be understood).

References and Further Reading

Cemeteries: Guidelines for their Care and Conservation, Department of Planning, Sydney, 1992.


Guidelines to the Burra Charter: Cultural Significance, 1988, ICOMOS Australia, Sydney.

Guidelines to the Burra Charter: Conservation Policy, 1988, ICOMOS Australia, Sydney.


5. PREPARING CONSERVATION PLANS FOR HISTORICAL ARCHAEOLOGICAL SITES

Decisions on how significant historical archaeological sites are to be managed are best set out formally in a document known as a conservation plan. These documents are then available for reference by authorities and by the community.

Conservation plans gather evidence to establish the significance of sites and formulate strategies to maintain this significance. The accepted procedure for developing conservation plans is set out in JS Kerr’s *The Conservation Plan* published by the National Trust of Australia (NSW).

This chapter looks at when conservation plans are needed for historical archaeological sites, what they should contain and the procedures involved in preparing them.

What Is a Conservation Plan?

The two major stages involved in formulating a conservation plan for a site are:

1. establishment of heritage significance by the collection, analysis and assessment of a wide range of historical and physical evidence and summary of the results in a brief statement of significance; and

2. establishment of site constraints and options, determination of compatible and feasible uses and formulation of results in the conservation policy.

Establishing a site’s significance involves the collection of all relevant information about the site from three sources. These are:

- documentary, pictorial and oral sources;
- the physical evidence of the site itself; and
- comparative sources.

This information is then analysed and a succinct statement of significance formulated.

Once the value of the site has been assessed, a policy is required, setting out how its conservation can best be achieved in the short and the long term.

The aim of the policy is to identify how to ensure that the features which make the site significant suffer the least possible deterioration. The conservation policy for any historic archaeological site should consider the following issues:

- **Fabric and Setting:** how to best care for the physical remains, together with their setting — including methods of conserving the fabric, imposing development constraints on adjacent areas or discouraging vandalism.

- **Use:** options and constraints on possible use of the site. The existing use of the site, other compatible uses or adaptation of the site for another use may all be considered, as long as they feasibly retain the site’s significance.

- **Interpretation:** how the significance of the site may be presented and understood by visitors, residents and others, in a way that does not itself compromise that significance.

- **Management:** a management structure should be devised which will implement the conservation policy, and identify factors such as who makes decisions about the site, how decisions are recorded and how to secure and maintain the site.

- **Physical Intervention:** arrangements are required to control physical disturbance of the site, including archaeological investigation and excavation.

Special Conservation Needs of Historical Archaeological Sites

Historical archaeological sites are often sites in which:

- the greater proportion of the remains is derelict or ruined;
- the significant features are contained in below-ground deposits; or
- the significance lies in the evidence of changing uses over past years, rather than in the excellence or architectural interest of the structures or works themselves.

The nature of these sites poses the following special conservation problems and therefore requires creative conservation solutions.

- They comprise a body of significant historical cultural material — structures, features, the debris of human occupation — of which part or all is below the ground and therefore invisible. This fact alone makes decisions about its conservation more difficult than the conservation of sites which are mainly visible.

- For the above reason, it may be necessary to identify areas of archaeological sensitivity for protection from disturbance. These areas may be within significant sites or in urban or rural areas with no visible cultural significance.
• Structures that are derelict or ruined, especially pioneering industrial sites, are likely to have major fabric conservation and maintenance problems, and are often considered to lack conventional community interest.

• In the case of certain sites such as mines, pastoral properties, water supply or transport systems, the evidence of past use or functions (whether below-ground or on the surface), is often spread over a wide area. These sites require special consideration of how such features can be retained and protected without detracting from their rural or urban environments or causing a safety risk.

• Where a site is significant because it is a rare operating example of an obsolete technology, there are problems involved in finding appropriate conservation options for the buildings and equipment.

• A conflict of interest may arise between the desire to immediately excavate or investigate below-ground archaeological sites (thus wholly or partially destroying them) and the need to conserve the sites for future generations.

The conservation plan for a historical archaeological site should cover all the issues set out for any other significant site — namely, provisions for protecting and maintaining the fabric and the setting of the site, its ongoing use, its interpretation to visitors, its management both in the short and the long term, protection from physical disturbance and provision for the response of the conservation policy to changing needs.

The specific needs of archaeological deposits and structures require particular emphasis within these issues.

For historical archaeological sites, protection of the fabric means protection of both above-ground structures and below-ground deposits. For below-ground remains, protection may include spreading a sterile layer of light gravel over exposed areas, fencing key areas to exclude livestock, the possibility of capping weathered remains with an impermanent lime mortar mix, or of protecting weathering ruins with a sacrificial lime render — in all cases, after recording the site prior to any minimal changes.

Protecting the evidence of past use usually requires specific attention. Items such as graffiti, worn steps, worn linoleum, evidence of repairs and patching, as well as fixtures and impressions in walls, floors and ceilings, need particular vigilance if they are to survive over enthusiastic 'conservation'. Perceptive recording of these features on a separate chart is a critical first step.

Protection of other aspects of the fabric of the site may require removal of machinery or equipment under threat to an appropriate museum or collection on either a temporary or permanent basis. Alternatively, such items may require secure housing on-site.

In addition, the conservation policy for an archaeological site should set out some special provisions including:

• arrangements to monitor and authorise permission for archaeological excavation if appropriate;

• conditions to ensure that if archaeological excavations occur, there is some opportunity for ongoing research and analyses;

• requiring notice of standard maintenance procedures likely to disturb archaeological deposits;

• ensuring that structural and other information is always recorded before any changes are made to the fabric in the course of physical conservation, in case of loss or damage; and

• generally ensuring against disturbance without notice.

Finally, conservation policies need to set guidelines for future developments, bearing in mind changing community needs. They should also contain provision for adoption and review.

Procedures for the Preparation of a Conservation Plan

A conservation plan requires more detailed information than for preliminary listing or for nomination to a heritage register or schedule, especially in the case of below-ground sites. It should encompass each component part of the site as well as the site as a whole.

For both below- and above-ground historical archaeological sites, the following points should be addressed:

• the developmental sequences of the site and its relationship to the surviving fabric;

• the existence and nature of parts of the site no longer visible;

• the rarity and/or technical interest of all or any part of the site;

• the functions of the individual parts of the site as well as the whole;

• the relationship of the site to its setting;
the cultural influences that have influenced the form and fabric of the site;
• the significance of the site to people who use or have used it, or to their descendants;
• the historical content of the site with particular reference to the ways in which its fabric has been influenced by historical events or has itself influenced such events;
• the scientific or research potential of the site;
• the relationship of the site to other sites, for example in respect of design, technology, use, locality or origin; and
• any other factor relevant to an understanding of the site.

The processes involved in establishing significance are outlined in detail in the Guidelines on Cultural Significance attached to the Burra Charter, and are fully explained in James S. Kerr’s *The Conservation Plan*, published by the National Trust of Australia (NSW).

(i) **Assessing Significance**

**Documentary, Pictorial and Oral Research**

Historical information about archaeological sites may be found through a wide range of government correspondence and reports, contemporary newspapers, journals and other publications, or in family papers. These are to be found in State or Commonwealth archives and libraries, in the archives of individual government agencies or, in the case of private property, in local or State libraries or collections or with family members.

Information should also be sought from local directories, catalogues, local histories and registers, all of which should be used critically and checked against other sources. For below-ground sites, a detailed land title history is needed which requires research in the Registrar-General’s department, and possibly to original Surveyors’ Notebooks in the Lands Department for the earliest periods.

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*Fig. 12. Historical photographs, often found in public archives, like this spectacular view of the Lithgow Zig Zag Railway are one of the key sources used by historical archaeologists in the investigation of sites including those of early transport systems. They also aid in the presentation of the site to visitors. Courtesy NSW State Rail Authority.*
A series of early maps showing changing land use and development is important, together with historic plans of in-ground services such as street alignments and gas and electricity utilities. These provide clues to neighbourhood development and also to likely periods of later disturbance.

Sketches, watercolours and especially photographs (available from the 1850s onwards) are invaluable as clues to the site’s original appearance and its possible physical remains. Library indexes and directories of pictorial sources and historic photographs should be consulted.

Early aerial photographs, which are usually available from Departments of Lands, can be informative, especially for large complexes or rural sites. Historic features discernible in a series of aerial mapping photographs can be plotted onto a blank master plan and used for detailed analysis of past land use.

Oral information through local historical societies or ex-employees or residents may be the most easily accessible form of information. Remembered details about site use may be imprecise but can provide useful background material once corroborated by information from other sources.

**On-Site Investigations**

Investigation of the physical fabric of structures, their layout and any surviving details of previous uses provides the major body of evidence for the historical archaeologist.

These require careful observation and recording, and both pictorial and graphic presentation sufficient to substantiate any conclusions based on them as evidence. This usually means preparation of accurate site plans linked to photographic records.

This survey of the significant fabric should also include information on its physical state with a view to its physical conservation.

**Comparative Research**

Initially it may be useful to look at completed reports on similar or comparative sites for information and research methods. However, locating such comparative sources may be problematic since they usually have been written to meet a site-specific contract and are usually distributed only among a few involved groups and government bodies.

Practitioners preparing conservation plans need to be aware of the difficulty of locating other documents relating to their area of interest. Speedy publication of reports by practitioners, making their existence known to HERA (the Australian Heritage Commission’s database), as well as communicating the nature of the report among other practitioners are useful methods of overcoming this problem.

**Coordination and Assessment of Information**

After all available information has been collected it should be assessed in the following stages:

- coordinating and analysing the collected information about the history and operation of the site;
- assessing the significance of the site;
- examining the physical condition of the site, with particular reference to how far later disturbance is likely to have impaired its value as an archaeological resource; and
- evaluating the site in these terms, both as a whole and in terms of its individual components, in comparison with other similar sites at local, regional, State, national and international levels.

Assessment of a complex site is a cumulative process beginning with the evaluation of each individual element and building up to the evaluation of the site as whole.

The assessment of individual elements within a complex site is often presented graphically.

The skill and experience of the practitioner in identifying the history and uses of the site within the fabric of the site, and comparing it to others, will determine the validity of the assessment. This is especially true of the assessment of industrial sites, which requires some technical knowledge.

Assessing below-ground sites requires skill in the examination of land title records and maps for clues about earlier development, together with competence in researching later municipal utilities and building developments to establish the degree of probable disturbance.

The assessment of the site is summed up in a brief statement of significance which, together with the information about the site, becomes the basis for all future decisions about the site.

**Formulation of the Statement of Significance**

The statement of significance sets out clearly and succinctly the nature and degree of the significance of the site.

It makes clear the values of individual components of the site as well as of the site as a whole. It should include the criteria on which assessment was made and avoid repeating descriptive and factual material.

Where the significance of a site with standing structures lies in its past use, and in the evidence of that use surviving in the fabric, care should be taken to state this clearly so that an appropriate conservation policy is developed.
Where below-ground remains are thought to exist and to be significant, the nature as well as the degree of potential significance is especially important in working out the right conservation policy options. This will initially determine, among other issues, whether excavation or preservation in situ is the more appropriate recommendation.

With below-ground remains, it is important that the statement of significance includes all remains likely to be encountered if an excavation should be carried out. It should be reassessed on exposure of the remains.

(ii) The Conservation Policy

Formulating the conservation policy requires an investigation of the constraints and opportunities which are characteristic of the site in the light of its statement of significance.

Once again, this should follow the standard procedures developed in the Illustrated Burra Charter and JS Kerr's The Conservation Plan.

*Fig. 13. Recording in situ the remains of the Dutch East India Company ship Batavia which sank in 1629. It was rebuilt and is now housed in the WA Maritime Museum. Maritime sites are now protected and are recorded as meticulously as terrestrial ones. Courtesy WA Maritime Museum.*

Establishing Site Constraints

The constraints affecting a site arise from:

- the nature and degree of significance or potential significance;
- the requirements of the client, owner and user — including their interests, current proposals and available finances;
- any government acts or controls affecting the site;
- the community's needs and expectations; and
- the site's general social and geographical context.

Use Options

In the light of the conservation analysis, the conservation policy should canvass options for appropriate use of the significant site (use options). Identifying a use which is compatible with the significance, setting, form and fabric of a site can ensure its conservation in the long term. In many cases, the new use can provide revenue to conserve the fragile elements of the site requiring stabilisation or restoration.
Use Options for Sites with Standing Structures

Buildings in this category include those which are still in use, recently abandoned, derelict, vandalised or totally ruined. They range from the utilitarian outhouses of historic properties to factories (still-operating or abandoned), mines and industrial complexes. They share a significance deriving from the typical, rare or unique technologies they embody, now under threat or already extinct.

Since it is the traditional use of such places that comprises their cultural significance, conservation policies for them are concerned with retaining existing use wherever possible. Continuing use can be and is supported by reduced land rates, tax incentives, apprenticeship schemes or specialist advertising as a heritage industry. One outstanding example of a historic archaeological structure restored by the owner is the Thorpe Watermill, at Bothwell, Tasmania. The mill was built in 1823 and restored in 1977. It is still capable of producing flour.

Sometimes it is possible to combine continued operation with public visitation as in a working industrial museum. For example, historic railway engineering structures and lines are very suitable for this purpose. The Zig Zag railway over the Blue Mountains in New South Wales, in use from 1869 to 1910, was replaced as a route to Lithgow by a series of tunnels, but trains still operate on the line as a tourist attraction. The working Appleby Beam Engine, protected under the NSW Heritage Act 1977 and now part of the Goulburn Steam Museum in New South Wales is another example.

If market conditions rule out this option, updating the old use is preferable to imposing a totally new use, especially if physical evidence of past technology can be left undisturbed. Liaison and discussion with new owners can point out the publicity and commercial value of a heritage component to industrial corporate images. Wineries, breweries, brickworks as well as transport, water resource and main roads authorities have all initiated heritage conservation projects.

If traditional operation has either long since ceased or cannot be continued, there are still many conservation options available, with a few key constraints. The first is that as full a record as possible of the traditional industrial use should be made, involving all physical evidence as well as oral history, documentary material and a video record if relevant. This may include flow charts, usage-

features charts and photographs of equipment, discussions of how people used them and what conditions were like.

If the equipment cannot be retained in its location, removal as a single collection to a regional museum should be negotiated. Again it must be stressed that accurate documentation of its original location, use and arrangement is essential if the collection is to be of more than mere antiquarian interest.

Finally, adaptation of the building to a new use may also prove viable. Uses which combine most sympathetically with the significant fabric to be retained should be canvassed.

Use Options for Sites with Below-Ground Remains

The best form of conservation for a below-ground archaeological site is usually to leave it undisturbed. When this is the case, special provisions should be written into the conservation policy concerning routine maintenance and repairs of any existing utilities and services, as well as conservation work on any other part of the site. Advance notice of all such work will be required, so that work can be diverted from sensitive areas.

If the conservation policy determines that some archaeological work is necessary or desirable, special provisions will be needed to control archaeological excavation on the site and conditions for permits to carry them out.

In these situations, an archaeological excavation policy could be developed. It should consider the nature, extent and condition of the potential archaeological resource it is required to manage and effect a balance between the short-term and long-term benefits to the site, owners' requirements and to the community.

The policy should be based on the concept that archaeological sites do not have to be excavated immediately just because they are there. Most current

Fig. 14. Du Cane Hut, Cradle Mountain, Lake St Clair National Park, Tasmania, c. 1910. Important as the remote, vernacular dwelling of Paddy Hartnet, a trapper and mineral prospector, it has survived to become an emergency shelter. Its non-intensive usage does not adversely affect the natural values of the site. Courtesy Tasmanian Department of Parks and Wildlife (D. Bannear).
conservation thinking maintains that no site should be excavated unless there is a compelling reason to do so.

An archaeological excavation policy should therefore ensure that all excavation is adequately resourced and funded. It should also provide for post-excavation analyses to be developed and tied in to relevant research projects.

In rural areas, significant below-ground deposits can usually be identified and therefore avoided by future development or other disturbances. In areas of low- or medium-density development, options for preserving archaeological options for preserving archaeological remains in their original location include:

- siting new structures to avoid remains;
- including remains within the open space or car parking areas required by the development; and
- erecting structures which do not require excavation such as those based on floating cement slabs.

In urban areas of high-density development, these options for conservation are rarely feasible. Although there are some cases where sites have been conserved, full excavation of archaeological sites is usually the requirement. Even where full excavation occurs, it may be possible to retain some of the historic features revealed by the excavation within the proposed redevelopment. This is to be encouraged, as it not only provides a character and context for the new development, but also gives a tangible expression to the community of the depth of history and changes that have occurred within Australia’s major cities.

Where complete excavation and consequent destruction of archaeological resources is allowed, it is essential that detailed recording, specialist analyses and publication of results is a condition of allowing such work to be undertaken.

**Interpreting Conserved Sites**

Decisions about the future management of a site need to include consideration of how they should be presented to the public or interpreted. This applies whether the site was subject to a rescue excavation prior to redevelopment or is to be open to the public as a museum. There are public relations gains for the developer/owner of a site in interpreting the site’s significance to the public. A prominent example of a historical archaeological site incorporated into a commercial redevelopment is the site of First Government House in Sydney’s Central Business District. Remains of the site, an interpretive centre and exhibition will share the site with an office tower constructed by the State Superannuation Board.
There have been many innovations in methods of interpreting historical archaeological sites both in Australia and overseas. It is important to note, however, that the best methods are tailored to meet the individual needs of each site. As sites vary in their nature and needs, it is not possible to discuss interpretation in detail, but some recommended literature is listed below.

References and Further Reading


National Trust of Australia (NSW), Industrial Archaeology: A National Trust Policy Paper, National Trust of Australia (NSW), Sydney.

Sullivan, S. & Bowdler, S. (eds) 1984, Site Survey and Significance Assessment in Australian Archaeology, Department of Prehistory, Research School of Pacific Studies, Australian National University, Canberra.

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**Elements and Sequence of a Conservation Policy for an Historical Archaeological Site**

1. *Assess Heritage Significance*
   a) Collect information
      - Documentary sources
      - Pictorial sources
      - Oral sources
      - Physical fabric
      - Comparative research
   b) Coordinate and Assess Information
   c) Statement of Significance

2. *Formulate a Conservation Policy*
   a) Establish site constraints
   b) Consider use options
   c) Consider retention of features

3. *Implementation and Review*
   a) Constraints
   b) Interpretation requirements
   c) Significance of site

(After the authors and James S. Kerr 1990, The Conservation Plan, 3rd edition, National Trust of Australia [NSW])

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**Fig. 16. Domestic well at Ashfield, New South Wales. Made obsolete by the introduction of piped water from the 1870s, wells were often filled with domestic rubbish and can be an important source of historical artefacts. Courtesy Tracy Ireland.**
Recording sites before they were demolished or altered is not a phenomenon restricted to recent times. Public institutions made photographic surveys of towns, major construction works and public buildings in the 19th century and up to and beyond World War II. Many of these can be seen in government department archives and State libraries.

Where redevelopment will affect a significant archaeological site, the prior recovery and recording of archaeological information is a way of retaining a small part of its significance as a research resource. This practice is being introduced progressively around Australia and developers are becoming increasingly supportive.

For sites in which most or all of the significant remains are below the ground, the recovery of information will involve excavation, a professional activity for which a permit is required in some States. The subject of excavation is considered in the next chapter. There may be a role for amateurs to assist in site recordings. Local historical societies, for instance, have assembled many important records of decaying or threatened sites around Australia.

Making a record of an archaeological site is a demanding task. To be genuinely informative about how the site was used, such a record ideally requires an investigative and question-based approach. A site record is valuable for several reasons.

For instance, it fully documents the nature of a site so that its significance can be assessed. This would form part of a conservation plan as described in chapter 5. If detailed management recommendations are part of the conservation plan, a detailed site record is needed as a basis.

It can also record a site before it is destroyed, undergoes a change of use or is significantly altered. This sort of record aims to recover as much information as possible about the nature and workings of a site as a research resource for present and future generations.

Any of these scenarios may or may not involve archaeological excavation.

Of course, circumstances sometimes demand short cuts — recording archaeological sites under pressure requires a more crisis-oriented approach. In the last resort, any record is better than none. Obviously a systematic and comprehensive record is more useful. The archaeological practitioner needs the skills appropriate to both modes of operation.

Recording Sites with Substantial Above-Ground Remains

Archaeological recording should contain two kinds of information:

1. basic facts such as the name and brief description of the site, its location (address, map reference), municipality and ownership, its boundaries (to be refined later if necessary), date of the recording operation, time and personnel involved in it, and any other details such as names and addresses of informants; and

2. a systematic record of the site, both as a whole and feature by feature, with emphasis on how the site was used. This will involve noting whether the site changed in the course of its lifetime, how each part of it was used, where various processes were carried out and what the people who used it contributed to it.

Plans and details of the buildings are relevant insofar as they relate to the processes involved and also in that alterations to structures during the life of the site can document progressive changes in-site activities.

It is essential that a research design be formulated before embarking on a site recording program. This should

Fig. 17. Interviewing local inhabitants or previous employees of a site can indicate avenues for research and provide missing facts. Courtesy NSW Dept. of Planning. Photo Leanne Gould.
level and are suitable for any site. The more preparatory historical research that is carried out before recording, the more rewarding the research questions and more streamlined the fieldwork will become. For example, names of occupants and the names and nature of industrial processes carried out will be known in advance and similar sites can be checked for comparison. From these lines of research, specific questions will develop.

When completed, the record of the site should comprise:

1. a descriptive component — a systematic, feature-by-feature description by means of photographs, plans and notes keyed into numbered structures and rooms;

2. an interpretive component, since whoever records the details of the site is in the best position to interpret them. Interpretation of site development over time is usually presented as a series of phase plans while the functioning of the site as a whole and its component parts may be shown as a flow chart. Even where interpretation is tentative, alternatives should be set out explicitly; and

3. a section on relevant historical research and comparative sites elsewhere. This section should comment on its place, however provisionally, in the official historical framework developed for the region or State. However, if comparative information is not available at the time a site is under threat, it can be added at a later date.

When compiling a brief to instruct an historical archaeologist to undertake site recording, specify what areas have already been covered by other practitioners. It may be necessary to seek specialist sub-consultant advice; for example, if a detailed catalogue of machinery is required it might be necessary to seek assistance from a mechanical engineer.

Planning the Site Record

The process of recording a site can be divided into five stages:

1. setting priorities;
2. preparatory research;
3. site investigation;
4. making the record; and
5. completing and lodging the report.
Setting Priorities

Setting out an explicit statement of recording policy priorities together with the limitations on the task is an essential guide while the work is in progress and also later for those using the record.

This is because while the nature of the task remains the same in all circumstances, the level of documentation will vary according to:

- the time, personnel, equipment, graphic and other resources available for the task, including whether pre-existing graphic and photographic sources were used;
- the background knowledge and recording skills of the recorders;
- the purposes for which the record is being made, and
- the priorities formulated for the task.

When time for recording is limited, a decision has to be made whether some aspects should be targeted at the expense of others. Obvious selections — the oldest, the best surviving — are not necessarily the best choices. In principle, items most vulnerable to decay or vandalism take priority (if this can be predicted).

If time is short, an annotated sketch plan or photograph of the site layout rather than a measured ground plan allows a quicker record to be made, whether of structural details or machinery. Ex-employees can often (not always) be a short cut into site processes.

Preparatory Research

As much background research as possible should be carried out before venturing onto the site, especially about the technology of an industrial site. This is often available from oral sources — informants who know the site, what was on it and how it operated. However, documentary research into the technology is always desirable, especially where more time is available for the task.

Site Investigation

Careful preparatory research, considered observation and an informant who knows the site will enable a wider analysis of the site. On all industrial sites look for the following features:

- access routes into the site for workers and raw materials;
- storage areas for raw materials;
- internal transport arrangements for raw materials and products;
- processing and production areas including residues;

Checklist of Features to Record

The standard components of an archaeological site record include:

1. Location: name, Australian Metric Grid reference(s), address, owner, municipality, date and length of visit(s), recording personnel and informants.

2. Ground Plan: evidence of approach routes and transport, and identifying all structures and other works or features by original or later function where known.

3. Structures and Features: brief description of each structure and feature on-site to accompany the ground plan, giving general details of building materials and construction mode.

4. Contents: detailed list and description for each structure of its contents and significant fixtures, fittings and other details relevant to its former use or uses.

5. Machinery: detailed list of all machinery on-site, with its location, any marks and description.

6. Photographs: photographs of all items and details listed and described; prints to be captioned and identified.

7. Processes: flow chart or charts to illustrate processes carried out on-site. Recording ongoing processes on videotape is a useful option; also interviews with informants may be taped.

8. Usage Features: usage feature charts, prepared after a plan of the site has been made, recording any features which indicate on the plan how the place was used, for example, use marks on walls, doors, floors; window and door furniture removed or repaired; worn steps; and door knobs polished thin.

9. Phases: set of diagrams showing successive phases of the site's use, if appropriate.

10. Sources of Information: list of sources and references to other studies of the site, and comparable sites or technology elsewhere.
- administrative offices;
- workers' housing, amenities, domestic rubbish;
- power sources and transmission: storage and servicing of power-associated components; and
- outgoing transport system.

Making the Record

Methods to be employed may vary according to resources and expertise, and most are acceptable provided the objectives of the task are kept firmly in mind and the procedures are careful and accurate.

Choices to be made at the outset include:
- the media to be used for recording this information — paper, film, video and/or other electronic medium. Acid-free paper or tracing film should be used for all notes and drawings;
- the nature of film record (primary record in black and white film, with some colour) to be processed and stored archivally;
- the scale of plans if the record is to include measured plans;
- selection of data points to be keyed into national mapping grid;
- conventions for distinguishing building materials.

Photographic surveys are the quickest way of making a basic record, if time is short. A minimum plan for a photographic survey is:
- one shot of the site from north, south, east, west;
- one shot of every standard feature; and
- one shot of every special feature.

To these should be added as many context shots as are necessary to ensure individual features can be keyed into their locations. Selected features can be indicated on prints by arrows.

Where more time is available, additional shots of all features should be added, including angled shots of structures as well as orthogonal views. Panoramas may be valuable as a record of the total layout.

A photographic scale, or some item to indicate scale, should be included in all shots taken, especially shots of individual features. A separate record of each exposure should be kept; also a ground plan on which viewpoints of photographs are marked and numbered.

Fig. 19. Hammer press at Mount Morgan goldmine, near Rockhampton, Queensland. Machinery should always be recorded when investigating a site, as well as a flow chart to indicate the processes carried out on-site, if possible. Courtesy Queensland Department of Environment and Heritage.

Completion and Lodgment

Photographs should be processed archivally — in other words, negatives should be double-washed and stored in Mylar (transparent, acid-free) envelopes.

The primary record should be lodged as a manuscript item in the State Library or archive, with a copy in the local government or municipal library.

References and Further Reading

Cumming, DA 1980, 'Recording of engineering and industrial sites', Australian Society for Historical Archaeology Newsletter, 10(3).

Flood, J. 1981, 'Identification and recording of historic sites', in Industrial and Historical Archaeology, eds J. Birmingham and P. James, National Trust of Australia (NSW), Sydney.
Jeans, DN 1981, 'A regional approach to the recording of historic sites', in Industrial and Historical Archaeology, eds J. Birmingham and P. James, National Trust of Australia (NSW), Sydney.


Fig. 20-22. Geraghty's Store, Maryborough Queensland. This building functioned as a general store for just over 100 years until it was closed in 1972. The building was acquired by the National Trust of Queensland on account of its fairly intact interior and exterior, reflecting the building's commercial history. Stabilisation of the structure involved archaeological investigations below the floor which revealed not only evidence of the shop's use but also details of the building construction phases. Archaeological investigation will often provide construction details from other sources. Courtesy National Trust of Queensland (Tint Miles).

Fig. 20. View of the exterior. Note the early advertising in the windows.

Fig. 21. View of the interior. Some of the stock and fittings were dated to well before the middle of the 20th century.

Fig. 22. On lifting the floorboards, the archaeologists encountered a varied array of artefacts relating to the building's function not only as a store but also as part of the Geraghty family's residence.
Ten Steps in the Research and Investigation of an Historical Archaeological Site

1. The site is identified as a potential archaeological resource
   For example, in an archaeological management plan, heritage register, planning scheme or in a conservation plan for a place of cultural significance.

2. There is a proposal to undertake development or works which may impact upon the archaeological resource
   Proposals include developments such as a new office block, works to buildings or sites like repairs to stabilise footings or undertake new drainage. At this stage, the decision making authority may require a report on the archaeological potential of the site before determining a development application.

3. Research is required (detailed assessment of archaeological potential)
   An archaeologist is engaged to prepare a report. Tasks generally include: researching documentary sources; a careful site inspection; comparing other sites and excavations; assessing the potential of the site for answering research questions; preparing a statement of significance; and making recommendations about the need (or otherwise) for excavation. An ‘archaeological proposal’ is prepared which includes questions to be addressed in an excavation (research design) as well as a strategy for the dig and project management.

4. An archaeological proposal and decision about excavation is made
   The owners/developers of the site consider the archaeological proposals and may consult with State authorities and/or others knowledgeable about the proposed excavation. They make decisions about excavating or other archaeological investigations; for example, to excavate prior to development, to have archaeological monitoring of sensitive areas during works, to retain the archaeological resource without disturbance, or no archaeological involvement.

5. Preparation for excavation
   The archaeologist, developer/owner and relevant authorities organise permits, staffing, volunteers, facilities, equipment, co-ordination of other activities on site, contingency arrangement (such as bad weather or finding highly significant remains in tact), contracts, arrangements for storage after digs, further analysis and so on.

6. Excavation
   The site is prepared, followed by excavation — stratigraphic recording (plans, sections photographs), recovery of artefact, public access, progress reports, further historical research in response to information revealed and so on. There will be some analysis and treatment of finds. When excavation finishes, there may be infill of the site or work to protect any in situ remains or unexcavated areas.

7. Post-excavation analysis and report writing commence
   This stage overlaps with excavation. Information from the excavation is collated, finds are sorted, conserved and stored. Preliminary responses to questions in the research design are addressed. Recommendations about further archaeological analysis or excavations are made. (Note: This stage does not include all the analysis of information from the dig or the cataloguing of finds.)

8. Further analysis is undertaken
   Detailed analysis of all the information from the excavation, comparison with material and findings from other excavations and information from documentary research and answering research design questions.

9. The site can be interpreted
   Findings from the excavation can be interpreted on site, by displays, publications or by interpretative works such as marking the location of a previous building or by the retention of in situ remains.

10. The results of the excavation are published
7. EXCAVATING HISTORICAL ARCHAEOLOGICAL SITES

To Dig or Not to Dig?

Archaeological sites are a non-renewable resource. They can only be dug once. Like other environmental resources, they are not to be squandered by a single generation but managed for the future. Archaeological techniques of the 21st century will cut distance those of the 20th, just as our own analytical methods are more effective than those of the 19th century in the recovery of data.

The option not to excavate should be a primary consideration for any site that is subject to development. Alternative methods of construction which would leave significant remains undisturbed are preferable since, once excavated, the archaeological resource is destroyed. An example is the construction of a McDonalds restaurant at Blaxland, in NSW, over the site of the Pilgrim Inn, believed to be the first inn in the Blue Mountains and dated to the 1820s. The archaeological remains were sited in the area allocated for the carpark, which was raised to ensure maximum protection for the remains.

However, with any site of high archaeological potential, excavation is inevitably one of the conservation policy options. Other factors are relevant to considerations of when, or if, excavation should be carried out. These include:

- whether the information likely to be obtained may be obtained by other non-interventionist means;
- whether the site has such significance that excavation may be an inappropriate option, at least for present generations. Where the cultural significance is symbolic, aesthetic or associated with sensitive environmental qualities, excavation is likely to be both uninformative and damaging. For such archaeological sites, a conservation policy directing preservation with minimum disturbance may be needed, with excavation explicitly excluded;
- whether other comparable sites have been excavated already, so that there is good reason to retain the site in question for the future;
- conversely, a site may possess archaeological remains assessed as being of such significance that it is better retained for investigation when more resources and expertise are available.

There are three acceptable reasons, in accordance with the Burra Charter (Article 24) for considering immediate excavation as a conservation policy option:

- information of value will otherwise be irrevocably lost through unavoidable action, whether for conservation or other reasons. Excavations in these circumstances may be termed rescue excavations;
- excavation is required to provide information essential for the conservation of the site — perhaps by locating features of the site that cannot be ascertained by other means, or by confirming that significant remains have survived. Decisions concerning the information sought should be made in consultation with appropriately qualified practitioners; or
- a strong case in academic and scientific terms is made out for immediate excavation of a selected site. This requires justification by a sound research design.

The conservation policy of a historical archaeological site should set out the conditions on which research excavation is permitted. These should include evidence:

- that the excavation project is soundly-based and thoroughly researched. Where insufficient archaeological or historical research exists on comparable sites an application for excavation of a site containing rare archaeological resources should be rejected;
- that the practitioners have the necessary qualifications and experience; and
- that sufficient financial and human resources (including the necessary facilities and storage space) exist to enable the completion of the project, to the final stages of archiving and publication of the results.

A proposed excavation project should always meet the requirements of the site’s archaeological excavation policy. Archaeological excavation is an intrusive and destructive method of investigation which is not necessarily appropriate to all sites.

In situations where an excavation is a requirement before development proceeds on a site, where that development will have adverse effects on the site’s significance, it should never be assumed that the significance can merely be equated with the scientific and historical information which may be extracted from its remains.

An equally important point is the primary attention which needs to be paid to the preliminary research carried out before a decision to excavate. No matter how significant the site or how numerous the artefacts discovered, an excavation without a research design to support and direct investigation is valueless. The aims present in the research design will be referred to when the time comes to analyse the finds and assess the true significance of the project.
When Are Excavations Appropriate?

Archaeological remains are non-renewable and fragile. Excavation destroys them as effectively as bulldozers. For this reason, excavation is only appropriate when:

- excavation is necessary to secure evidence about to be lost through unavoidable action;
- it is necessary to provide information required for the conservation of the site; or
- preliminary research has indicated that the site is likely to add substantially to knowledge through excavation, and excavation is in line with the conservation policy of a site.

All excavations must be directed by qualified archaeologists.

Where a site is not under threat, archaeological deposits are safer in the ground. This is a basic assumption of archaeological ethics.

In States where heritage legislation operates, excavation is required in circumstances where archaeological deposits would otherwise be lost, through redevelopment for example. It is limited to qualified practitioners by the need to apply for a permit. All practitioners involved in the excavation of historical archaeological sites should remind themselves and their clients of legal requirements concerning the protection of Aboriginal sites and relics. Should these be uncovered during excavation, official advice will be needed.

Excavation Prior to Redevelopment

Rescue excavations are so-called because the site and the resources it contains are in imminent danger of destruction, most often as the result of approval to develop the site for building, road or industrial purposes. Rescue excavations are scientifically conducted and often funded by the developer as a condition of development approval from the planning authority. Funding must cover not only the excavation, but also the essential post-excavation analyses upon which the final report is based.

The objective is to secure archaeological information from the site before it is lost. Rescue excavations may also be an appropriate conservation strategy for sites whose heritage value is solely contained in the archaeological resources it holds. They are not appropriate for sites whose significance lies in contextual, symbolic, spiritual or other related attributes.

Rescue excavations often attract good publicity and public support. There is often a sense of urgency, because construction work is usually halted for a limited time, and whatever is not excavated will be lost forever. In some cases, however, the excavation has been scheduled well ahead of time because of prior knowledge about the potential significance of the site. One frequent problem with rescue excavations in the past has been that the site has been chosen before, not after, careful research and for reasons concerned with development pressures, not historical enquiry. As a result, it is likely that full interpretation of the information recovered will require comparison with other sites to reach its full potential.

The best rescue excavations are well-planned, well-resourced investigations that add to our knowledge about the early settlement and urbanisation of Australia. Sometimes, however, they are a last resort, an indication that all other processes of conservation have been exhausted.

Rescue excavations are often a compromise: the community is able to share in the archaeology of city sites that would otherwise never have been excavated, but often under too much pressure to recover maximum information.

Rescue excavations are expensive: they are only justified on an economic basis if the archaeological potential is considered to be of sufficient value and the excavation strategy and methods sound.

Fig. 23: A rescue excavation in the centre of the city: First Government House Site, Sydney, in 1983. Courtesy NSW Dept of Planning. Photo by Lindy Kerr.
Excavations to Provide Information for Conservation

Some excavations are undertaken in connection with the conservation of the site as part of its conservation plan. Excavation may be necessary at an early stage to make essential decisions on the best way to conserve what is significant on a site. This is of use where a development requires minimal ground disturbance. An example is the limited excavation at ‘The Homestead’, Georges Hall, NSW, in 1990, where the limits of outbuildings were identified by archaeologists, as well as the location of earlier service trenches, to facilitate the laying of new services so that they would not interfere with the archaeological resources.

At a later stage, excavation may be the only way to find out construction details, finishes or the total ground plan of a historic building or site. In either event, the excavation is part of an explicit professional overall plan for the site prepared well in advance.

Research Excavations in Line with Conservation Policy

Traditional archaeological excavations, organised by universities or similar institutions as research excavations, take place when a team selects a specific site for excavation because careful preparatory studies have shown that it will produce answers to some explicit historical and archaeological questions.
In States with protective legislation, research excavations must satisfy the requirements of professionalism, adequate preparation, overall aim and proper care of the site and its remains both during and after the excavation. This is done by incorporating these requirements into the conservation policy for the site or, if there is no such policy, creating one for this specific purpose.

The first historical archaeological excavations in Australia were research excavations. In recent years, they have become less frequent because more urgent rescue excavations have taken priority. However, in New South Wales the Centre for Historical Archaeology of the University of Sydney has conducted a research and rescue excavation since 1985 at the ruins of 'Regentville', the 1823 mansion of prominent colonial gentleman, Sir John Jamison. In addition to providing evidence about colonial farming, society and the domestic life of the wealthy colonial elite, the excavation is an important training ground for historical archaeology students and volunteers.

Who Decides Whether Excavations Happen?

Decisions about rescue excavations are made in principle by the authority administering the legislation concerned, normally on the recommendation of the historical archaeologist applying for permission. In New South Wales, such excavations result from provisions of the Heritage Act 1977 which protect relics in the ground. Where a development is likely to disturb significant relics, an excavation permit is required. The developer is required to consult an archaeologist to assess the likelihood and significance of relics on the evidence available and, in practice, this is when the decision as to whether excavation will be recommended is made.

Decisions about excavations on sites scheduled for conservation are made by the authority managing the site in reference to the site's conservation plan. Where there is no conservation plan, excavation should not be undertaken until one has been prepared.

Members of the community with an interest in a site which is about to be, or might be, excavated can express their views either individually or through their local council to the authority supervising the relics legislation, the permit authority and to the developer and archaeologist concerned.

Where communities want a significant site to be excavated, especially where development is involved, contact should be made with one of the archaeological associations in their State or Territory. A case for an excavation should also be made in submissions at the time of the exhibition of development plans or environmental impact statements. Strong community interest in a site may be a significant factor in decisions about its future.

Permits to Excavate

The issue of permits for archaeological excavation is a means of ensuring that digging is restricted to projects meeting minimum requirements and conducted by practitioners with appropriate qualifications and experience. It is also a means of assessing the impact of works on archaeological resources and ensuring that they are not destroyed unnecessarily. They are usually required in States where archaeological remains are protected by legislation.

Permits for research or rescue excavations are issued after consideration of a written submission on the project and assessment of the expertise of the particular practitioner. This submission, or archaeological proposal, is prepared by the archaeological consultant and discussed with the client.

In States where there is no legislation protecting sites, excavation is predominantly carried out by university teams or professional archaeologists working for the Australian Government on Commonwealth sites.

Active supervision of standards in archaeological proposals as well as monitoring them while in progress are essential components of the permit system.
What Is Involved in an Excavation

The popular image of an excavation — careful trowelling and bucketing on a site with pegs and string — presents only one component in a much longer process.

The stages of an excavation are:

1. Research Stage: historical and topographical information is collated in order to establish the heritage value of the site and its archaeological potential. To do this, the developer or client engages an archaeologist from a list of consultants supplied by the supervising authority.

2. Archaeological Proposal Stage: the archaeologist engaged for the excavation produces a proposal for the archaeological work. The developer may call on several consultants to supply archaeological proposals which will include both an outline of what the excavation will aim to achieve (called a research design) and cost quotations on a competitive basis. They also include practical details such as access to the site, duration of excavation and contingency arrangements. The successful proposal will have to satisfy the supervising authority as to the adequacy of the standards of work proposed as well as appealing to the client as to costs.

3. Preparatory Stage: once the decision is made to go ahead, an intervening period is required in which to prepare for the excavation in terms of staffing, facilities, permits, equipment, space and the length of digging time.

4. Excavation Stage: this is usually a continuous period ranging from one or two weeks to two or more months. Digging consists of removing the soil and recovering the archaeological evidence within it, recording what is happening by notes, photography and plans and compiling an inventory of the finds as they are recovered.

5. Post-Excavation or Analysis Stage: after the excavation phase is complete, the information it has yielded must be collated, analysed and interpreted. The report is written, the finds sorted, conserved and stored, and the information gathered prepared for publication.

The Purposes and Aims of the Excavation

Deciding why a site should be dug, what will be achieved, what is the best and most economical way to do it, what it will cost, what facilities it will need and how long it will take are essential preliminaries to all archaeological excavation. This information, presented in written form, forms the archaeological proposal.

An archaeological proposal for an excavation has two parts:

- the research design, setting out the archaeological aims and expectations on the basis of other historical information; and
- the excavation strategy, which describes how the site will be excavated, lists the resources required for the planned approach and contains the schedule of budgets, constraints, timetable and undertakings.

The proposal, and especially the research design contained within it, is then discussed and must be approved by the client before a permit is issued by the relevant State government authority.

Research excavations must present a case that:

- only excavation will provide the information sought;
- the results of the excavation will add significantly to existing knowledge;
- the archaeologist is properly qualified to conduct the investigation; and
- the strategy proposed is appropriate and adequately resourced.

The excavation strategy includes:

- estimated length of time;
- size of work force;
- organisation of tasks and facilities required;
- budget estimates and costing;
- contingency funding;
- arrangements for mechanical excavation and removal of spoil;
- access to and security on-site, safety and risk management;
- tea room, toilet and office facilities near or on-site;
- management of finds; and
- arrangements for site visitation and public access (active encouragement of community participation is a condition of excavation permits in some States).

Reasonable provision should be made in the initial proposal for changes in strategy in response to new developments, for extension of field time up to a set maximum and consequent increase in funding up to an agreed amount.

What Methods Are Used on Rescue Excavations?

Rescue excavations vary in site detail, but share some characteristics. They are often in city centres because that is where redevelopment is concentrated and where most historic sites are found. They often attract reasonable funding, so that good documentary research can be carried out, and the excavations can be quite large in terms of personnel. They are also frequently affected by time constraints so that total excavation by traditional methods is rarely an option.

Therefore, the approach of sampling the archaeological resources of the site should be considered before formulating the final digging methodology presented in the research design.

One option on a large site is to strip large areas by machinery rather than the much slower methods of manual

Fig. 28. Mechanical excavation may be required: archaeological supervision is essential. First Government House Site, Sydney, 1983. Courtesy NSW Dept of Planning. Photo by Leanne Gould.
excavation. The difficulty lies in knowing where to cease mechanical excavation and revert to manual excavation, which is more precise and better suited to significant archaeological deposits.

Some archaeologists remove all top layers mechanically, concentrating on the earliest features of the site where the most significant features are considered to be located. The danger is that essential data for both earlier and later periods will be lost.

Others excavate only a part of the site, either as a single area, or in a series of small trenches laid out so as to test for suspected features. The problem is that results may not provide sufficient details.

These methods may be combined by stripping a minimum of surface material mechanically from the whole site so as to reveal the tops of earlier features and deposits, and then make informed choices about selected areas in which to proceed with manual excavation.

On any excavation, the director has to make a balanced decision between opening areas that are too small to show any features properly, and areas so large that they cannot be finished in the time available.

Mechanical excavation, properly used, can be a valuable aid on rescue sites.

**Archaeological Monitoring and Salvage Briefs**

Where investigation suggests that there is some chance that archaeological remains or information of value will be found in the course of the development, however minimal, an archaeological monitoring brief may be useful.

The archaeologist is given a brief to monitor periods of demolition or mechanical excavation, with the power to divert work from sensitive areas if archaeological items are encountered. The diversion will allow time for the archaeologist to document and minimally investigate these items before their removal. A monitoring brief is intended to be of limited duration, and to cause the least possible obstruction to the progress of the development.

Experience has shown that, in the past, monitoring briefs often gave the illusion of protection without the reality. Monitoring briefs need to be written with care if the remains that appear are to be dealt with responsibly.

Even after the main archaeological recording on a site is completed, additional detail about earlier structures is often revealed in the course of mechanical demolition. Archaeological monitoring during relevant phases is one way of seeing that this is added to the record.

**Excavation Facilities**

During the preparation stage, the supervising archaeologist negotiates the amenities and facilities required during the excavation with the client/owner. On a development site, these can often be provided by the developer at minimal cost since they may be on-site already.

An excavation office is essential, whether separate or part of a larger covered workroom and storage area. Work space is required for:

- cleaning finds, sorting, analysis and data entry;
- secure storage of finds and equipment;
- archaeologists and volunteers in wet weather and at tea breaks, with tea-making facilities.

Toilets, telephone and water are required, and temporary fencing to restrict visitor access. A tall ladder is essential for excavation photography.

**Volunteers**

A vigorous volunteer program is an important feature of urban excavations. Volunteers are a valuable source of additional labour and encourage active participation by the community in the recovery of their archaeological heritage.

At least one additional staff member is needed to supervise the selection of volunteers. If professional standards are to be maintained, additional supervisors will be required on-site. Team members should be briefed to be particularly aware of volunteers’ needs.

*Fig. 29. Volunteers at work, Cadman’s Cottage, Sydney, 1988. This excavation conducted by the National Parks and Wildlife Service used a total of 272 volunteers over 14 weeks. Courtesy NSW National Parks and Wildlife Service (Fiona Weaver).*
Advance advertising for volunteers is desirable. Volunteers should be asked to notify organisers of any relevant special skills they possess. A minimum period of several days' attendance should be specified from the beginning. Where the response to advertising is good, selection on the basis of length of attendance, experience or special skills if possible. A varied team is desirable, including a component of young volunteers.

A structured briefing procedure is essential where a volunteer program is running. A regular site tour to keep volunteers informed of developments is essential, together with background information on the site, and an explicit set of briefing notes on the archaeological procedures in use.

A full record of volunteer participation is part of the excavation record. It may also be useful for future recruiting.

Duration of Excavations

The duration of rescue excavations is dictated largely by the developer's time frame and financial commitments as well as the minimum amount of time specified by the archaeologist and agreed to by the supervisory authority as appropriate for the work to be done.

Invariably, a compromise has to be struck between the developer's preference for a shorter, more intensive excavation, and the archaeologist's preference for a longer time frame.

Simply increasing the number of archaeologists and volunteers on-site so as to complete the work more quickly is often unsatisfactory. Delicate manual excavation is time-consuming and cannot be carried out by crowds of volunteers. Also, as documentation, recording and planning must keep pace with the excavation, to increase the pace of manual work may have an adverse effect on this important part of the project.

The allocated time for the excavation should only be extended when the purposes for which the excavation was undertaken have not been achieved and when there seems a good possibility that they will be achieved in the near future if work continues.

Access

In general, if a site is of sufficient value to be worthy of excavation then the site and the discoveries will be of interest to the public as well as other archaeologists.

Access to excavation sites in the city is normally restricted by the developers, who have already fenced the site prior to heavy construction work. Safety regulations may preclude open access and hard hats may be required for visitors as well as the excavation team.

Excavations not on development sites may also aim to restrict access. The aim is to avoid damage to excavated areas, vandalism to both site and excavation facilities, and theft of finds still in the ground. Even where security is not a problem, and there is open access to the site, some constraints are necessary. Equipment, finds, pegs and string are safety hazards on all excavations, and excavated areas and features should not be walked on.

Therefore, access is sometimes limited to archaeologists and volunteers actively involved in the excavation and other professional participants and supervisory staff.

Yet visitor attendance on archaeological sites is both necessary and desirable educational purposes, and special arrangements are needed to see that visitors are both welcome and safe. Efforts should be made to ensure that visitors can both see and understand what is happening on-site. Rope off excavated areas from visitor access areas and set up a vantage point from where they can take photographs.

Lectures and tours on public holidays or weekends are one way to control access. Site 'open days' have proved
popular and effective. Another option is regular daily tours such as during lunchtime when people are most likely to visit the site.

On open days, the site is opened to the public, with lots of people on hand to explain what is happening and conduct guided tours. Pamphlets should be available for visitors to take away. Open days occur on a regular basis during a long dig or may be one day only towards the end of the project when there are ample features to be seen.

Open days should be negotiated between the archaeologist and the developer prior to the beginning of the excavation. They should be consciously used to involve all parties, as well as the public, in the activities and objectives of the excavation.

They need to be well-advertised in advance through the local and metropolitan press and through local interest groups who can be encouraged to join in with compatible activities. Local historical societies should receive special invitations. If parking is a problem, this should be mentioned in the advertisement.

Clear signs should indicate entrances, viewing routes, toilets and restricted areas as well as identifying major structures and features found, and archaeological activities and processes. Site plans, brief background notes on historical research and an account both of what the excavation was aiming at and an outline of results should be written up as notes for distribution. A small entrance fee or charge to cover the cost of pamphlets and special arrangements may be appropriate.

Access should be limited to groups of twenty or so at a time, the remainder waiting at the entrance to the site. As a standard precaution, police should be informed in advance of the day.

Publicity

Publicity, information and media contact are traditionally the job of the supervising archaeologist, unless otherwise negotiated with the client. On a major excavation it may be more efficient to appoint a specific information officer to prepare media releases, arrange visits from the media at appropriate times and prepare pamphlets for visitors to the site.

Interviews, television appearances and public lectures which discuss the results of the excavation are again traditionally the responsibility of the supervising archaeologist. The archaeologist must ensure that the details of copyright in excavation information are clearly set out in the contract for the project.

Where the archaeologist is a subconsultant to another conservation practitioner, areas of responsibility, media and publication rights and acknowledgment relevant to the results of the excavation should be carefully specified in early negotiations with the major consultant.

Advance information about the excavation should be made available to the local community through local newspapers, radio stations and TV stations.

During the excavation, information should be updated and circulated to the local and general media, and to the excavation team, client and supervising authorities, especially local branches of the latter.

After the excavation, the archaeologist has continuing responsibilities to inform both the local community and the wider public of the results of the excavation. In practical terms, however, it is sometimes difficult to decide what format this information should take to have the maximum effect.

Usually a number of formats are required; for example, a brief factual report for client and supervising authority, some form of popular presentation (a book, pamphlet or exhibition) and a scholarly account in an archaeological journal. The excavation record itself — artefacts, plans, photographs and excavation notes — should be lodged as directed by the supervisory authority, and is thus available as a resource for further research.
Security

The components of the excavation record, whether photographs, notes and plans, or artefacts recovered, are an important scientific record. It is the archaeologist’s responsibility to see that they are properly looked after at all times, with adequate security arrangements.

Cameras and surveying equipment are also expensive items, which need to be locked away when not in use.

Security of the site itself is equally important. In addition to ordinary precautions such as fencing, it may be necessary to arrange for security guards overnight where there are sensitive deposits.

Subcontractors

Subcontractors required by an archaeological excavation may include:

- professional supervisory archaeological staff;
- materials conservation staff;
- soil scientists or geologists;
- archaeobotanists; and
- earth-moving contractors.

The special circumstances of each excavation will dictate which specialised skills are required. Contractual arrangements at all levels should allow for progress payment of subcontracting staff and expenses.

Among the many responsibilities of the archaeologist is the requirement to consult with other practitioners when other professional skills are required on-site or later, during analysis of the excavation.

What Happens after the Digging Is Over?

In many ways, the completion of the excavation signals the beginning, not the end, of the archaeological discovery. The next step is to analyse the information extracted from the artefacts in conjunction with the stratigraphic evidence from the site and historical research to form a picture of the history of the site’s use.

This stage of the archaeological project is generally called the analysis stage. It is always more time-consuming than the excavation itself, but it is especially so if for any reason insufficient historical research was carried out beforehand or if an unexpectedly large amount of material was found. Good preparation makes the task of interpreting results easier, since most of the possibilities will have been foreseen and discussed in advance.

The aim of the analysis is the synthesis and interpretation of the results of the excavation. This means going over the descriptions of the stratification (in other words, the order in which structures and finds were originally deposited), looking at what kinds of artefacts were found and how many of each kind, in the light of what is known historically about the site. The original research questions are looked at again, and answers to them are sought. Computers are now often part of this process and are used to enter all information into a database, which will allow for its appropriate manipulation.

References and Further Reading


Fig. 12. Archaeological excavations can produce large quantities of artefacts. Allowance must be made for storage. Courtesy Sydney Cove Authority.
8. SOURCES OF ADVICE

Historical archaeology is of increasing importance today in the heritage arena. The following information may assist those who wish to learn more about this field.

COMMONWEALTH BODIES

Department of Arts, Sport, the Environment, Tourism and Territories
GPO Box 787
Canberra ACT 2601
Telephone: (06) 274 1111
This department is responsible for national policy concerning the conservation of the environment, the protection of national heritage and the development of culture and the arts. The Australian Heritage Commission, the Museum of Australia and the Australian National Gallery are some of the bodies which come under this department. The Cultural Environment Division is responsible for formulating policy regarding historic sites and other aspects.

The Australian Heritage Commission
GPO Box 1567
Canberra ACT 2601
Telephone: (06) 271 2111
This statutory authority provides advice to the Minister for Arts, Heritage, the Environment and Territories on the National Estate. The commission maintains the Register of the National Estate and funds heritage programs throughout Australia through the National Estate grants program administered by the States and Territories. It also produces a number of important publications to guide authorities and heritage practitioners in conservation practice.

Fig. 33. Axonometric reconstruction of Barker's Mill, Darling Harbour, New South Wales. The site of this 1823 mill was excavated prior to the demolition of the remaining standing walls in 1986 by the Darling Harbour Redevelopment Authority. Courtesy Andrew Wilson.
STATE AND TERRITORY DEPARTMENTS

NEW SOUTH WALES

New South Wales Department of Planning
175 Liverpool Street
Sydney NSW 2000
Telephone: (02) 391 2000

The Department of Planning administers the
Environmental Planning and Assessment Act 1979 and the

Heritage Council of NSW
175 Liverpool St
Sydney NSW 2000
Telephone: (02) 391 2000

The Heritage Council, which is serviced by the
Department of Planning, provides advice to the Minister
for Planning on the Heritage Act, under which all non-
Aboriginal archaeological relics in NSW are protected.

NSW National Parks and Wildlife Service
PO Box 1967
Hurstville NSW 2220
Telephone: (02) 585 6444

The NSW National Parks and Wildlife Service (NPWS)
has statutory authority for the protection of Aboriginal
relics and sites. This authority also applies to relics and
sites dating since 1788 and the NPWS is responsible for
historic places on NPWS parks and reserves. The Cultural
Heritage Division deals with Aboriginal sites and historic
places.

The Director
Department of Planning
175 Liverpool St
Sydney NSW 2000

The Director of the Department of Planning is the delegate
to the Commonwealth Historic Shipwrecks Act.

NORTHERN TERRITORY

Conservation Commission
PO Box 496
Palmerston
Darwin NT 0831
Telephone: (089) 855 511

The commission is responsible for natural resource
management including the Northern Territory Archives,
the Environmental Assessment Unit and the Heritage Unit.

Museum of Arts and Sciences
PO Box 4646
Darwin NT 0801
Telephone: (089) 824 221

The museum is responsible for marine and land
archaeological surveys. A site register of archaeological
sites is kept by the Historical Section.

QUEENSLAND

Department of Environment and Heritage
PO Box 155
North Quay QLD 4002
Telephone: (07) 227 6491

The Cultural Heritage Branch of the department
administers the legislation concerning historic sites, and
has an historical archaeologist on staff.

SOUTH AUSTRALIA

Department of Environment and Planning
GPO Box 667
Adelaide SA 5001
Telephone: (08) 216 7777

The State Heritage Branch administers and provides
information on the South Australian Heritage Act 1978 and
the Historic Shipwrecks Act 1981.

The Planning Division is responsible for State policy on
planning and development.

TASMANIA

Department of Parks, Wildlife and Heritage
GPO Box 44A
Hobart TAS 7001
Telephone: (002) 303 387

The Heritage Branch has archaeologists on staff and
provides advice to the Minister and the public on heritage
matters.

Department of Environment and Planning
GPO Box 1396P
Hobart TAS 7001
Telephone: (002) 302 770

Tasmanian Museum and Art Gallery
5 Argyle St
Hobart TAS 7000
Telephone: (002) 231 422

The museum collects and conserves, where practicable,
relics from historical archaeological sites.
VICTORIA
Department of Conservation and the Environment
240 Victoria Parade
East Melbourne VIC 3002
Telephone: (03) 651 4011
The department is responsible for the management of Crown lands and their resources. It contains the Historic Places Branch, which governs historic sites on Crown land, and the Maritime and Historical Archaeological Unit.

Dept of Aboriginal Affairs
PO Box 262
Albert Park VIC 3206
Telephone: (03) 690 5322
The Maritime and Historical Archaeological Unit is responsible for carrying out excavations of and research into prehistoric and historical archaeological sites as well as shipwreck sites.

Department of Planning and Housing
477 Collins Street
Melbourne VIC 3000
Telephone: (03) 628 5448
The Heritage Branch is responsible for ensuring conservation of cultural heritage. The Historic Buildings Council keeps the Register of Historic Buildings and aims to protect threatened items.

WESTERN AUSTRALIA
Heritage Council of Western Australia
Jardine House
184 Saint Georges Terrace
Perth WA 6000
Telephone: (09) 322 4375/322 5852
The council keeps the Register of Heritage Places and is involved in the protection of historic places, negotiating heritage agreements with owners and providing assistance for conservation.

Western Australian Museum
Francis St
Perth WA 6000
Telephone: (09) 328 4411

Western Australian Maritime Museum
Cliff St
Fremantle WA 6160
Telephone: (09) 335 8211

ACT
Australian Capital Territory Department of Environment, Lands and Planning
GPO Box 1901
Canberra ACT 2601
Telephone: (06) 293 5111
The ACT Planning Authority administers the Territory Plan, which governs planning and development on Territory land in the ACT. The ACT Heritage Unit advises the Minister on heritage matters and administers community heritage grants as well as providing information to the public.

National Capital Planning Authority
GPO Box 373
Canberra ACT 2601
Telephone: (06) 271 2888
The National Capital Planning Authority (NCPA) is a statutory organisation responsible to the Commonwealth Minister for Territories. It administers the National Capital Plan and commissions public works relating to national land in the ACT.
VOLUNTARY ORGANISATIONS

The National Trust began as a private organisation in NSW in 1945. The trust is now incorporated in every State and Territory in Australia. The Australian Council of National Trusts coordinates the activities of all the trust bodies Australia-wide. The trust seeks to acquire, preserve and protect lands and buildings of historic, scientific, cultural, architectural and national interest and to encourage community enjoyment and knowledge. The trust advises government, developers and property owners on all aspects of conservation and maintains a Register of Classified Buildings, Sites and Landscapes.

The National Trust of Australia
Observatory Hill
GPO Box 518
Sydney NSW 2001
Telephone: (02) 258 0123
Its branches in other States and Territories are listed below.
6 Geills Court
Deakin ACT 2600
Telephone: (06) 281 0711
GPO Box 3520
Darwin NT 0801
Telephone: (089) 812 848
Old Government House
Brisbane QLD 4000
Telephone: (07) 229 1788
Ayern House
288 North Terrace
Adelaide SA 5000
Telephone: (08) 223 1196
Brisbane Street
Hobart TAS 7000
Telephone: (02) 235 200
Tasman Terrace
Parliament Place
Melbourne VIC 3000
Telephone: (03) 654 4711
The Old Observatory
4 Havelock Street
West Perth WA 6005
Telephone: (09) 321 6088

TERTIARY INSTITUTIONS

Australian National University
Department of Archaeology and Anthropology
Australian National University
Canberra ACT 2000
Telephone: (06) 249 4395 (archaeology)
(06) 249 3498 (anthropology)

Heads of department:
Prof. Isabel McBayde (archaeology)
N. Peterson (anthropology)

Courses offered by the department feature the study of material culture, archaeological practice, history and theory.

University of Canberra
PO Box 1
Belconnen ACT 2616
Telephone: (06) 252 2111
Dr Brian Egloff
Courses include Conservation of Cultural Materials and Cultural Heritage Management.

University of New England
Armidale NSW 2350
Telephone: (067) 733 333
Prof. Graham Connah
Department of Archaeology and Paleoanthropology

University of Sydney
Sydney NSW 2006
Telephone: (02) 692 222
Assoc. Prof. J. Birmingham
Departments of Archaeology and Historical Archaeology
The departments teach specific skills in historical archaeology including field and analytical techniques. The Centre for Historical Archaeology at the University of Sydney conducts research excavations with students and volunteers.

James Cook University
Townsville QLD 4811
Telephone: (077) 814 111
Prof. J. Campbell, Dr Paul Gorecki
Divisions of Archaeology and Anthropology, and Material Culture Unit
La Trobe University  
Bundoora VIC 3083  
Telephone: (03) 479 1111

The Department of Archaeology teaches the archaeology of ancient civilisations and prehistoric Australian cultures. Courses in historical archaeology combined with history are also available.

University of Western Australia  
Nedlands  
Perth WA 6009  
Telephone: (09) 380 3838  
Dr Sandra Bowdler  
Department of Archaeology

Flinders University of South Australia  
Bedford Park SA 5042  
Telephone: (08) 275 3911  
Ms Louise Dauth  
Visual Arts and Archaeology

PROFESSIONAL ORGANISATIONS

Australian Society for Historical Archaeology (ASHA)  
The Hon. Secretary  
Box 220  
Holme Bld  
University of Sydney NSW 2006  
The ASHA aims to instruct members and the public on the preservation of artefacts, the methods of recording sites and artefacts, and to provide information on exhibitions, field trips and digs. ASHA publishes books, a newsletter and a journal.

Australian Archaeological Association (AAA)  
c/o Jenny Smith  
Dept of Archaeology  
University of WA Nedlands WA 6009  
Telephone: (09) 380 2868  
Fax: (09) 380 1023  
The AAA members consist of professionals, students and interested amateurs. It produces a newsletter and journal and its committee keeps developments in archaeology under review.

Australian Association of Consulting Archaeologists  
PO Box 214  
Holme Building  
University of Sydney NSW 2006  
This is the association for professional consultants and it maintains a register of members which is distributed to government departments and developers.

Australia ICOMOS  
International Council on Monuments and Sites  
PO Box 77  
Grosvenor Place  
Sydney NSW 2000  
This non-government professional organisation promotes expertise in the conservation of cultural heritage by the application of sound theory, methodology and scientific techniques. It produced the Burra Charter for the conversation of places of cultural significance in Australia; it publishes a newsletter and journal.

Australian Institute of Maritime Archaeology (AIMA)  
Western Australian Museum  
Cliff St  
Fremantle WA 6160  
Telephone: (09) 335 8211  
The AIMA represents the interests of maritime archaeology at a national level and provides expert advice. It publishes a regular newsletter, biennial bulletin and other publications.
9. GUIDE TO LEGISLATION ABOUT HISTORICAL ARCHAEOLOGICAL SITES AND RELICS

Awareness of the significance of historical archaeological sites has increased throughout Australia in the last decade. This awareness has led governments to enact legislation to protect these and other heritage sites.

Heritage legislation is in place in New South Wales, South Australia, Queensland, Victoria, Western Australia, the Australian Capital Territory and the Northern Territory. Tasmania's legislation is imminent.

The willingness of governments to bind themselves by the same heritage protection controls they impose on others (as is the case in Western Australia and Victoria, for example) is an initiative that shows commitment to protecting such sites. The Commonwealth Government set an example here by requiring substantial research and excavation on its own sites on Norfolk Island, in Melbourne and in Sydney. Another Commonwealth initiative mirrored by many States was the introduction of legislation to protect historic shipwrecks in 1976.

This chapter aims to show how legislation can affect the ways historical archaeological sites and relics are identified, listed, protected and excavated.

Commonwealth Legislation

Commonwealth heritage legislation applies in all States and Territories, whether those States have their own heritage legislation or not. Protection offered by these laws is limited because the Commonwealth's power to legislate for the States is restricted by the Constitution. Some States have used Commonwealth legislation, or selections from it, as a model for their own heritage legislation.

Australian Heritage Commission Act 1975

This Act established the Australian Heritage Commission, the Commonwealth Government's advisory and administrative body for Australia's cultural and natural heritage. Its functions include preparation of the Register of the National Estate. The National Estate is defined as those places from Australia's cultural and natural environment which 'have aesthetic, historic, scientific or social significance or other special value for future generations, as well as for the present community.' Historical archaeological sites, depending on their nature, will fit into different aspects of these categories. The Act also regulates the behaviour of Commonwealth Ministers with regard to places in the register.

Historic Shipwrecks Act 1976

As of 1 April 1993, this Act provides protection for all shipwrecks and relics located in Australian waters which are over 75 years old. Those located from the low water mark to the continental shelf are protected, excluding the internal waters of the States and the Northern Territory. Much of the administration of the Act has been delegated to the States and the Northern Territory.

Aboriginal and Torres Strait Islander Heritage Protection Act 1984–1989

The purposes of the Act are to preserve, and protect from injury or desecration, areas and objects in Australia and in Australian waters, that are of particular significance to Aborigines in accordance with Aboriginal tradition. It can only be called into operation when the Minister for Aboriginal Affairs has been applied to by or on behalf of Aboriginal or Torres Strait Islander people. While sacred or traditional sites are most commonly affected by this Act, it has come into play concerning historical archaeological sites in Western Australia and Victoria.
Protection of Movable Cultural Heritage Act 1986

This Act governs the import and export of items of cultural property with both foreign and Australian heritage significance. Movable cultural property is defined as items of ethnological, archaeological, historic, literary and scientific importance, as well as fine art objects. Several of these definitions could be applied to relics from historical archaeological sites.


Identification

Under section 7 of the Australian Heritage Commission Act 1975, the Australian Heritage Commission is given the function of identifying places included in the National Estate and for the Register of the National Estate. It may engage in research and investigation for this purpose. The commission’s main activities in this area are establishing criteria for inclusion in the register, furthering public interest in the National Estate and developing survey, methodology and conservation techniques.

Section 10 of the Historic Shipwrecks Act 1976 empowers the Minister for the Arts and Territories to ascertain the location of shipwrecks and relics. Individuals who discover these are also directed to inform the Minister of their discovery.

Registers and Lists

The Australian Heritage Commission must keep a Register of the National Estate. Inclusion in the register does not guarantee protection of the site or relic (see below, under ‘Protection’). The register applies to places only. A place may be:

- a site, area or region;
- a building or other structure and its contents; or
- a group of buildings or other structures.

As at June 1990, 7279 historic places were listed in the register.

A Register of Historic Shipwrecks is kept under section 12(2) of the Historic Shipwrecks Act 1976.

Protection

The Australian Heritage Commission Act 1975 provides no direct legal constraints on private owners, or on State or local governments. An historical archaeological site will only be protected under the Act when it is entered on the Register of the National Estate and is threatened by an action of a Commonwealth Minister, department or authority (section 30). The Minister, department or authority must consult the commission about the proposed action and they are prohibited from adversely affecting the site unless there are no feasible and prudent alternatives; and, if there are no such alternatives, unless all reasonable measures are taken to minimise any adverse effect. In a recent decision on the meaning of section 30 in the Federal Court, it was held that ‘mere economic considerations cannot determine what is a “feasible and prudent alternative”.

Historic shipwrecks and their relics are protected by the Historic Shipwreck Act 1976 when:

- (s. 5) the Minister declares the wreck and/or relics to be historic;
- (s. 6) the Minister makes a provisional declaration that the wreck and/or relics are historic;

Fig. 35. The Bowditch Building, Geelong, Victoria. This 1910 woolstore was listed on the Register of the National Estate and was the first Australian building to be nominated for the World Heritage List. It was an innovative engineering structure and had important associations with Geelong's wool industry. However, it was demolished in 1990 despite community protest. Courtesy Australian Heritage Commission.
State Legislation

Provisions relevant to historical archaeological sites and their relics are to be found variously in legislation concerned with heritage, historic buildings, land use, planning and development, national parks and landscapes, and shipwrecks. Three States — New South Wales, Victoria and South Australia — have had comprehensive heritage legislation in place for more than a decade. New heritage legislation along similar lines has recently been introduced in Western Australia, Queensland, the Northern Territory and the Australian Capital Territory. Tasmanian legislation is imminent.

Provisions vary from State to State, but the features below should be looked for in legislation governing historical archaeological sites:

- a definition of historical archaeological sites as sites predominantly below-ground or otherwise;
- initiation of surveys to identify historical archaeological sites and/or relics;
- registers to be made of identified historical archaeological sites, works and/or areas of heritage significance;
- protection of identified sites, works and areas in the short or long term against demolition or change of land use;
- protection of unidentified sites and/or relics against alteration or demolition without notice;
- issue of excavation permits to control excavation or disturbance of either identified sites or all historic sites;
- provision for emergency stop-work orders if demolition or damage is in progress;
- provision for rescue investigation of sites where development threatens archaeological remains of heritage significance;
- protection of identified and/or unidentified underwater sites and/or relics;
- prevention of registered relics or classes of relics from being exported; and
- provision of penalties for infringements.

These provisions vary from State to State in the degree to which they are covered and also what legislative mechanisms are used. Frequently, State heritage legislation makes reference to current planning legislation and initiates control through the planning process (see chapter 3). The relevant legislation in each State and Territory is outlined below.

Relics

The Protection of Movable Cultural Heritage Act 1986 is the major Commonwealth Act relating to relics. It covers objects recovered from Australian soil and waters but is only effective in preventing their illegal export in the following situations:

- where an object is exported illegally, it will be forfeited and the perpetrator may be punished by a fine of up to $100,000 for an individual (or five years imprisonment), or $200,000 for a body corporate; and
- where funds from the National Cultural Heritage Fund are employed by the Government to purchase an object and prevent its export.
NEW SOUTH WALES

Legislation

Heritage Act 1977

This Act aims to conserve the heritage of NSW. It is administered through the Heritage Council of NSW which advises the Minister for Planning on action to be taken under the Act.

The Act provides for the conservation and promotion of items of environmental heritage (buildings, works, relics or places), a register of all items covered by conservation instruments and Heritage Council input to environmental studies and planning instruments.

The Heritage Act 1977 protects archaeological sites from disturbance by means of conservation instruments, and prohibits excavation on any site for the purposes of recovering relics without an excavation permit.

Environmental Planning and Assessment Act 1979

The aims of the Act are to encourage the management and conservation of natural and built resources, coordinate land use, provide and coordinate utility services, provide land for public purposes, coordinate community services and protect the environment. It is administered by the Minister for Planning.

The Act creates a three-tiered system of planning controls through State environmental planning policies, regional environmental plans and local environmental plans. It often devolves responsibility for managing of heritage items, including archaeological sites, to local government authorities.

The Act also allows archaeological sites to be identified and protected in schedules of regional and local planning instruments.

National Parks and Wildlife Act 1974

This Act is limited in its application to historical archaeological sites. It applies primarily to land owned or administered by the National Parks and Wildlife Service (NPWS) and which is designated as a national park, historic site or State recreation reserve, Aboriginal sites and relics. These are protected by the Act whether within a NPWS site or not. The same protection does not extend to historic sites and relics, even those within its own areas, and the NPWS in fact relies to some extent upon the Heritage Act 1977 for such protection.

Identification

Site identification programs are associated with planning legislation in New South Wales.

Programs include:

- **The State Heritage Inventory (SHIP):** This is intended to function as a mechanism for describing, assessing and collating the attributes of historical archaeological and other sites which are culturally significant.

- **Heritage Studies:** These identify heritage resources for local government authorities which are developing local or regional environmental plans, initiated by local government with joint funding.

- **Heritage and Conservation Registers:** Section 170 of the Heritage Act 1977 requires government instrumentalities to keep these registers. They list those items within their responsibility that are, or could become, the subject of conservation orders.

While historical archaeological sites and works are included within the scope of all these programs, there are budgetary limitations. However, many heritage studies now attempt to identify both above- and below-ground historical archaeological sites.

Registers and Lists

The NSW Heritage Act 1977 requires the maintenance of:

- the Heritage Council Register, which comprises all those buildings, works, relics and places on which conservation instruments have been placed; and

- State government instrumentalities heritage and conservation registers.

The Environmental Planning and Assessment Act 1979 requires the maintenance of local and regional environmental plan schedules of listed heritage items.

Protection

Historical archaeological sites are protected from disturbance and damage under the Heritage Act 1977 if they are:

- sites within or designated as heritage items or precincts under interim or permanent conservation orders (ss. 24–34, 35A–55B);
• sites under section 136 orders, where work has been stopped for forty days by order of the Minister or Chairman of the Heritage Council on the grounds that a relic or place is harmed or about to be harmed by development (ss. 136–7);

• sites on which a relic has been found or on which relics are expected to be found, where ‘relic’ means any deposit, object or material evidence relating to the non-Aboriginal settlement of New South Wales which is 50 years old or more (s. 139); or

• sites gazetted as an item or class of items with specified characteristics (s. 130).

Penalties for offences against the Act are a fine not exceeding $20,000 or imprisonment for a period not exceeding six months, or both (s. 157).

Historical archaeological sites can also be protected by the Environmental Planning and Assessment Act 1979 by scheduling archaeological sites as:

• heritage items of State, regional or local significance in regional or local environmental plans (ss. 24–72);

• sites in development control plans or subjecting them to development controls (ss. 37–9, 76); and

• applying planning controls such as a State environmental planning policies, or additional conservation provisions to sites (ss. 37–9, 76).

Offences against the Environmental Planning and Assessment Act 1979 are subject to specific penalties imposed or to a fine not exceeding $20,000 with a further daily penalty not exceeding $1000.

Historical archaeological sites are protected from disturbance in New South Wales through section 139 of the Heritage Act 1977. This states:

A person shall not disturb or excavate any land for the purpose of discovering, exposing or moving a relic, not being a relic subject to a conservation instrument, except in accordance with an excavation permit.

Where such disturbance inadvertently occurs, as in development, all work can be stopped for up to forty days under section 136 while rescue archaeology is carried out. More time for excavation can be provided by means of an interim conservation order.

Fig. 36. In 1991, during the refurbishment of the Sydney Town Hall, an early grave was uncovered. The grave dates from the 1790s when the site was the Sydney Burial Ground. Courtesy NSW Dept of Planning. Photo by Leanne Gould.
Excavation Permits

Before an archaeological excavation may be carried out on any site, a valid excavation permit for the site is required. Conditions of the permit require an interim report within six months, followed by a final report. After two years, the Heritage Council assumes a right to publish.

No permit is required for any archaeological activity, such as recording, that does not materially affect the site or relic and which does not contravene section 57 in respect of buildings, works, relics and places subject to conservation instruments, and section 139 for those that are not subject to any such instruments.

Relics

Post-contact artefacts are termed relics in the Heritage Act 1977. They are to be distinguished from Aboriginal artefacts which are protected by the National Parks and Wildlife Act 1974.

The following are the main provisions for protecting relics in the Heritage Act 1977:

- Relics may be the subject of conservation orders (s. 26(2)[b]; ss. 35A, 36, 37, 44).
- Relics are protected in the ground on all sites and precincts including those subject to conservation orders (s. 26(2)[a]; ss. 35A, 36, 37, 44).

- People locating relics are required to notify the Heritage Council of their location (s. 146).
- The Minister must be notified of relics recovered from excavations (s. 146A). There is no provision for a register of artefacts in NSW.
- The Minister may require that relics obtained from excavations be given (without compensation) to the Museum of Applied Arts and Sciences or to an approved repository (s. 146B).
- Relics are only required to be protected by being entered in a heritage and conservation register by government instrumentalities if they are, or could be, subject to conservation orders (s. 170).

The following are the main provisions regarding relics in the Environmental Planning and Assessment Act 1979:

- Relics fixed to land may be specified as heritage items in schedules and included in environmental planning instruments for which standard or other conservation provisions apply (ss. 24–74).
- Relics associated with heritage items in schedules may also be protected by standard or other conservation provisions (ss. 24–74).

Relics specified in, or associated with, heritage items covered by development control conditions are also included in those conditions.

Fig. 37. Woolshed at Cardillo Downs Station in the far north-east of South Australia. Courtesy SA Department of Environment and Planning (Peter Bell).
SOUTH AUSTRALIA

Legislation

There are primarily three Acts which govern historical archaeological sites and collections in South Australia. In addition to these, planning legislation has protective provisions corresponding to the heritage legislation which creates a cohesive system for the consideration of conservation objectives at the planning level.

South Australian Heritage Act 1978

This Act is administered by the State Heritage Branch of the Department of Environment and Planning. It established a process for registration of State heritage items, and set up a heritage committee to advise the Minister for Environment and Planning. It also provides for a higher level of protection for places through conservation orders made by the Minister. The Act is currently under review.

Planning Act 1982

This Act is administered by the Planning Division of the Department of Environment and Planning. It regulates the development of sites on the Register of State Heritage Items, or located in designated State heritage areas, and instituted a planning system of which heritage assessment is an integral part. This Act is also currently under review.

Historic Shipwrecks Act 1981

This Act governs the protection of certain shipwrecks and associated relics of historic significance in South Australian territorial waters. It is administered by the State Heritage Branch of the Department of Environment and Planning and requires a Register of Historic Shipwrecks and Historic Relics to be kept by the department.

Aboriginal Heritage Act 1988

Although applying to Aboriginal sites only, post-contact historical archaeological sites and objects of significance to Aboriginal archaeology, anthropology or history would also be covered by this Act. The Act established an Aboriginal Heritage Committee to advise the Minister, provides for a Register of Aboriginal Sites and Objects and protects these items by restriction of access, alteration and sale. The Act is administered by the Aboriginal Heritage Branch of the Department of Environment and Planning.

City of Adelaide Development Control Act 1976

This Act contains some specific provisions for the conservation of places within the City of Adelaide which are on the Register of State Heritage Items and its interim list. The new City of Adelaide Plan 1986–91 defines new principles regarding adaptation of heritage items and sites adjoining heritage items. It endorses the conservation principles and practices set out in the Burra Charter.

Identification

The main formal mechanisms for the identification of historical archaeological sites in South Australia are:

• the functions of the Minister for Environment and Planning under the Aboriginal Heritage Act 1988 in conducting or assisting searches for Aboriginal sites or objects (s. 5[b]). Failure to inform the Minister of the discovery of a site or object is an offence and carries a penalty of up to $10,000 or six months imprisonment for an individual and $50,000 for corporations (s. 20[1]). This does not apply to the traditional owners of the site;
• heritage surveys initiated by the State Heritage Branch of the Department of Environment and Planning; and
• s. 17 of the Historic Shipwrecks Act 1981 whereby any discovery of a ship or part of a ship must be reported to the Minister for Environment and Planning. Failing to do so is an offence. A reward may be payable for any discovery reported (s. 18).

Registers and Lists

Historical archaeological sites may be proposed for the following registers:

• the Register of State Heritage Items, which lists land, buildings and structures which are part of the environmental, social or cultural heritage of the State. An item deemed to be of archaeological interest may be placed on the register if it meets the general criteria, which are adapted from those of the Australian Heritage Commission;
• the Register of Aboriginal Sites and Objects, which is kept and maintained by the Aboriginal Heritage Committee. The only criterion applied is whether or not the site or object concerned is of significance to Aboriginal archaeology, anthropology or history; and
• the Register of Historic Shipwrecks, in which are entered those wrecks declared or provisionally declared by the Minister to be historic.
Protection

Historical archaeological sites may be protected by several legislative means:

- designation of an area or a site that is part of the environmental, social or cultural heritage of the State, and meets the other criteria under the South Australian Heritage Act 1978 as a State heritage area or item (ss. 12, 13). Such areas and items are then protected by provisions in the Planning Act 1982 which ensure that, if development is proposed, it must have the concurrence of the planning authority and the South Australian Planning Commission and be referred to the Minister for Environment and Planning for comment (ss. 47, 48). Within the City of Adelaide, the relevant planning act is the City of Adelaide Development Control Act 1976 (ss. 20–24);
- the making of an urgent conservation order on a place not previously evaluated for inclusion on the Register of State Heritage Items. This has the effect of protecting the place for sixty days (s. 22);
- provisions in the Aboriginal Heritage Act 1988 which make information on locations and the nature of Aboriginal sites and relics confidential to prevent vandalism (s. 10); and which allow the Minister to prohibit or restrict access and activities at a known Aboriginal site if necessary for its protection (s. 24); or by the acquisition of land containing an Aboriginal site (ss. 30, 31);
- the declaration by the Minister of an area as a protected zone wherein a historic shipwreck or relics are situated (s. 7 of Historic Shipwrecks Act 1981). Interfering with, damaging or disposing of any shipwreck or relic declared historic by the Minister is an offence under this Act; and
- the Minister(s) responsible for the administration of the Aboriginal Heritage Act 1988 and the South Australian Heritage Act 1978 entering into a heritage agreement with the owner of an item comprising land on which an Aboriginal site or object is situated, or a registered State heritage item or an item which the Minister for Environment and Planning considers should be preserved or enhanced (s. 16(a) of the South Australian Heritage Act 1978). A heritage agreement may bind the owner to refrain from activity on the site, or carry out preservation works or some other order.

The main offence under the South Australian Heritage Act 1978, damaging or destroying an item or State heritage area, carries a maximum penalty of $15,000 or imprisonment for up to four years. Under section 23 of the Aboriginal Heritage Act 1988 disturbing or interfering with an Aboriginal site, object or remains carries a penalty of up to $10,000 or six months imprisonment for an individual or $50,000 for a corporation. Failure to comply with protective orders on an Aboriginal site carries similar penalties (s. 26).

Under the Historic Shipwrecks Act 1981 penalties exist for failing to notify the Minister of having custody, control or discovery of a historic shipwreck or historic relic (ss. 9, 10), failing to comply with a Ministerial order for the preservation or exhibition of a historic shipwreck or article associated with it (s. 11), and damaging, disposing of or interfering with a historic shipwreck or article (s. 13).

Excavation Permits

There is no explicit provision for excavation permits on historic archaeological sites in South Australia. However, excavation of a place on the Register of State Heritage Items would be defined as ‘development’ under the Planning Act 1982 and would require planning approval which would be subject to any conditions the Minister or the Planning Commission might impose.

Permits for exploration or recovery of historic shipwrecks and relics are issued by the Minister under section 15 of the Historic Shipwrecks Act 1981.

Permission of the Minister is required before any excavation of an Aboriginal site may be carried out under sections 21 and 22 of the Aboriginal Heritage Act 1988.

Relics

The following Acts contain provisions relating to the registration and protection of relics from historical archaeological sites:

- The Aboriginal Heritage Act 1988. Relics are generally governed by the same provisions as sites and human remains. However, under section 23 the Minister may take possession of an object if required for its protection; under section 28 an object in a private or public collection must be protected from damage or penalties apply; and under section 29 the sale, disposal or removal from South Australia of an Aboriginal object without the Minister’s permission is an offence with penalties attached; and
- The Historic Shipwrecks Act 1981 protects shipwreck relics declared historic by the Minister under several provisions. People holding such relics are obliged to notify the Minister (s. 9); to comply with Ministerial orders for the preservation or exhibition of the relic (s.11); and damage, interference with or disposal of a historic relic is an offence.
VICTORIA

Legislation

Victoria's first enacted heritage legislation affecting non-Aboriginal sites was the Historic Buildings Act 1974. This has been amended on several occasions, most recently in 1989, when government buildings were made liable to the same protective laws as private property.

The Planning and Environment Act 1987 rationalised planning in Victoria and incorporated the conservation of buildings, areas and places of cultural value as a planning objective.

The main Acts of relevance to historical archaeological sites are listed below.

Archaeological and Aboriginal Relics Preservation Act 1972

This Act is administered by the Maritime and Historical Archaeological Unit under the Department of Aboriginal Affairs. Since the High Court decision of Onus v. Alcoa in 1961, it has been understood to cover historical as well as prehistoric archaeological sites. Under the Act, archaeological sites can be designated and protected as archaeological areas. The Act also requires the Maritime and Historical Archaeological Unit to keep a register and carry out research and investigation into relics.

Historic Buildings Act 1981

This Act repealed the original Act. It is administered by the Heritage Branch of the Department of Planning and Housing. The main features of the legislation are the institution of a Historic Buildings Council to advise the Minister and place conservation orders on significant items; and the maintenance of a Register of Historic Buildings. The council can recommend financial assistance for owners of historic buildings.

Historic Shipwrecks Act 1981

The Maritime and Historical Archaeological Unit is responsible for administering this Act, which is similar to shipwreck legislation in other States.

Planning and Environment Act 1987

The purpose of this Act is 'to establish a framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians.' It established a system of planning schemes based on municipal districts, with coordination at local, regional and State levels. The Act is administered by the Department of Planning and Housing. Conservation and enhancement of places, areas and buildings of special cultural value is stated as one of the planning objectives, which is implemented by heritage controls by municipal councils.

Crown Lands Reserves Act 1978

Forest Act 1958

National Parks Act 1975

These Acts recognise archaeological sites and have some power to protect them provided that they fall within their area of responsibility, have been identified and have been allocated sufficient funding. They are essentially concerned with sites on Crown land and are administered by the Department of Conservation and the Environment.

Identification

The Maritime and Historical Archaeological Unit and the Historic Places Branch of the Department of Conservation and the Environment direct their own survey programs for both Aboriginal and historical archaeological sites, with separate guidelines, recording and documentation forms, and assessment criteria. Archaeological sites are also identified by means of the Heritage Branch of the Department of Planning and Housing through its heritage studies. These are the means by which sites are protected by the planning controls administered by local government authorities.

Heritage studies have model briefs, criteria for assessment of significance and forms of documentation. They contain a clear directive for the inclusion of archaeological sites. The Maritime and Historical Archaeological Unit liaises with the Heritage Branch in the production of these heritage studies to ensure historical archaeological sites are included.

The Historic Shipwrecks Act 1981 makes the reporting of the discovery of a ship, or the remains or relics of a ship, to the Maritime and Historical Archaeological Unit compulsory. A reward may be payable for the information.

Registers and Lists

The Archaeological and Aboriginal Relics Preservation Act 1972 and the Historic Buildings Act 1981 specifically require the Maritime and Historical Archaeological Unit and the Historic Buildings Council to enter historic buildings and sites on their registers. The Planning and Environment Act 1987 has also initiated a municipal
program of heritage studies, with inventories of archaeological sites for incorporation in the planning documentation.

The Maritime and Historical Archaeological Unit is required to keep a register of sites and a register of relics (in the ground and in collections).

Maintaining and adding buildings of architectural or historic significance to the Register of Historic Buildings is the major role of the Historic Buildings Council. These can include old industrial structures or architectural complexes with an archaeological component.

The Protector of Historic Shipwrecks keeps a register in which are entered remains of or relics from any shipwreck sites.

**Protection**

Protection for historical archaeological sites under the *Archaeological and Aboriginal Relics Preservation Act 1972* follows on from their identification and designation as 'archaeological areas' at the recommendation of the Maritime and Historical Archaeological Unit. This designation is only done with the permission of the Minister for Lands or the relevant State authority (if Crown land) or the owner (if private land) (s. 15). Permission is required to enter an archaeological area (s. 17). Disturbing, defacing or excavating such sites without a permit are offences and carry a penalty of up to $1000 or imprisonment for up to three months or both (s. 28).

The *Historic Buildings Act 1981* defines 'building' as including 'part of a building and any structure, work or object or any part thereof or any appurtenances thereto.' Therefore, standing above-ground components of a historical archaeological site would be covered by the Act. Once such structures have been placed on the Register of Historic Buildings, they may not be removed, altered, developed, demolished or subdivided without a permit from the Historic Buildings Council (s. 26).

Historical archaeological structures may also be protected under this Act by being made the subject of an interim preservation order by the council (s. 40). These can be applied to threatened buildings which are not on the register, but which are of sufficient significance to be placed on it.

The *Historic Shipwrecks Act 1981* has provisions to protect those wrecks declared historic by the Minister or an area of water and/or land (within which lies a historic shipwreck) declared a protected zone. Once declared, interference with the wrecks or areas in which they lie is an offence under the Act with a penalty of $5000.

Protection for sites scheduled under the *Planning and Environment Act 1987* is administered through planning schemes instituted by local authorities. Authorities may (s. 2) regulate or prohibit the use or development of any land; designate land as being reserved for public purposes; and make it a condition to a permit to develop a site that the owner of the site is to enter into a covenant with the relevant Minister under section 41 of the *Historic Buildings Act 1981* for the preservation and maintenance of a registered building (s. 62(g)).

In preparing a planning scheme, the planning authority must take into account any significant effects which it considers the scheme or amendment might have on the environment or which the environment might have on any use or development envisaged (s. 12(2)b). Conservation plans or other strategic plans or policy documents may be considered in deciding on a development application (s. 60(b)(ii)).

Section 4(m) of the *Crown Land (Reserves) Act 1978* empowers the Governor-in-Council to reserve Crown land either temporarily or permanently, for public purposes or for the conservation of areas of historic or archaeological interest.

Section 17 of the *National Parks Act 1975* requires the Director to ensure that national parks in Victoria are managed so that any archaeological site in the park will be preserved and protected. A management plan should be made for each park providing for this consideration. Sites in unoccupied Crown land in certain scheduled regions, as well as in forest or timber reserves may be declared a historic area by the Governor-in-Council under section 50(1) of the *Forests Act 1958*.

**Excavation Permits**

Excavation permits are granted by the Minister for Planning and Housing under section 22 of the *Archaeological and Aboriginal Relics Preservation Act 1972*. People wanting to undertake an archaeological survey must notify the Maritime and Historical Archaeological Unit of that intention. If any sites are discovered, they must be reported to the unit and recorded on Maritime and Historical Archaeological Unit Site Record Cards. The Maritime and Archaeological Unit should be notified if no sites are found.

The Minister administering the *Historic Shipwrecks Act 1981* may grant a permit upon application by a person, authorising him or her to explore and recover shipwrecks and relics (s. 21).
Relics

The Archaeological and Aboriginal Relics Preservation Act 1972 requires the Maritime and Historical Archaeological Unit to keep a register of relics. The Act defines relics as those pertaining to the Aboriginal occupation of Victoria; a 1981 court decision confirmed that it applies to post-contact relics as well. The Act protects relics both in the ground and after removal. They are vested in the Crown and trade in them is prohibited. Disturbing or defacing a relic is an offence (s. 21).

Relics from declared historic shipwrecks are also protected by the Historic Shipwrecks Act 1981, as set out above. However, such relics may remain in private collections. A person holding such a relic may be required by the Minister to take positive action to preserve or exhibit it (s. 16).

Fig. 38. The stern section of the Batavia, which sunk in 1629, undergoing reconstruction in the WA Maritime Museum. Courtesy WA Maritime Museum.

WESTERN AUSTRALIA

Legislation

In 1977, the Western Australian Heritage Committee was formed to take over the financial and advisory roles of the State Policy Groups on the National Estate and the Interim Heritage Council. Increasing development pressure on heritage places in urban areas led to the introduction of heritage legislation into Parliament in 1987. It was not until 1991, however, that the Heritage of Western Australia Act 1990 finally became operative. This and other relevant acts are outlined below.

Heritage of Western Australia Act 1990

The principal objectives of the Act are to ‘identify and conserve places of cultural heritage significance’; to facilitate development that is in harmony with cultural heritage values; and to promote public awareness of cultural heritage. It is administered by the Heritage Council of Western Australia, which replaced the Heritage Committee mentioned above. The council will maintain a register of heritage places (which includes archaeological sites) and has powers to prevent the destruction or damage of heritage places.

The Acts Amendment (Heritage Council) Act 1990

This Act amended town planning and local government legislation to ensure that heritage values are taken into account when development applications are considered by planning and municipal bodies. It makes referral to the Heritage Council a necessary step in the process of approving or rejecting such applications. The Acts affected are the Metropolitan Region Town Planning Scheme Act 1959, Local Government Act 1960–1982 and Town Planning and Development Act 1928.

However, the actual decision-making process is not transferred to the Heritage Council. It remains at the planning level.

Aboriginal Heritage Act 1972–1980

This Act provides for the preservation of places and objects customarily used by or traditional to Aborigines, of both prehistoric and post-contact periods. Aboriginal sites are recorded and protected by the Western Australian Museum which administers the Act.

Maritime Archaeology Act 1973

This Act is also administered by the Western Australian Museum. It provides for the preservation of remnants of ships dating from pre-1900 and of associated relics.
Identification

The Heritage Council may undertake or assist others to undertake studies relevant to the cultural heritage of the State. Also, under section 44 of the Heritage of Western Australia Act 1990 local government must compile and maintain a survey of record of places which might relate to or be associated with cultural heritage. The Heritage Council will, in the near future, compile and maintain a database on which will be stored information about places with heritage significance, whether or not they are included in the Register of Heritage Places.

Under the Aboriginal Heritage Act 1972–1980 (s. 10), the Western Australian Museum has a duty to record and evaluate the significance of sites and objects within the terms of the Act.

Registers and Lists

The Heritage Council Register of Heritage Places will be a comprehensive list of places that meet the criteria for cultural heritage significance such as aesthetic, historic, scientific or social significance for the present community and future generations. Both private and Crown property may be entered on the register by the Minister on the recommendation of the Heritage Council and after a stated public submission period. Once entered on the register, an area or site is protected from development or alteration.

The Heritage of Western Australia Act 1990 also requires local government to compile and maintain, through a public consultation process, inventories of places in their districts which in their opinion are, or may become, of heritage significance.

Under the Aboriginal Heritage Act 1972–1980, the Registrar of Aboriginal sites is appointed by the Western Australian Museum, to keep a register of all protected areas, Aboriginal cultural material and other places and objects to which the Act applies (s. 37).

Protection

Under the Heritage of Western Australia Act 1990, a site may be protected under the following circumstances:

- when it is entered in the Register of Historic Places. All applications for development of the site must be referred to the Heritage Council for advice (s. 78);
- when the Minister issues a conservation order to protect the site, either with or without the consent of the owner (s. 59). An order may be issued for registered or non-registered sites; and
- when a heritage agreement is entered into between the owner of the site and the Heritage Council or a public authority. A heritage agreement may restrict use of the site, order certain work to be carried out or make provisions for conservation advice or transfer of custodianship.

Penalties of up to $10,000 and imprisonment for up to two years apply if a conservation order is contravened (s. 61). Damage or despoilation of a place entered in the register carries a penalty of $5000 (s. 79) and a daily penalty of $500. Selling a property that is entered in the register or is the subject of a heritage agreement without notifying the Heritage Council carries a penalty of $200 (s. 81). Additionally, where a person is convicted of contravening a conservation order on a particular site, the Governor may declare a ten-year moratorium on any use or development of that site (s. 80).

Under the Aboriginal Heritage Act 1972–1980, historical archaeological sites associated with Aboriginal occupation can be protected by the following provisions:

- ss. 16 and 17 state that only the Trustees of the Western Australian Museum may authorise excavation or alteration of a site and the removal of relics. It is an offence if any other person does this;
- s. 19 whereby the Minister may declare an area to be a ‘protected area’. Compensation is payable to the owner under this section; and
- by binding the owner in a covenant with the trustees that prohibits alteration of a site. This is binding on successors in title.

Penalties for offences against the Act are generally $500 or three months imprisonment, or both. There are harsher penalties for recurring offenders.

The Maritime Archaeology Act 1973 protects all historic shipwrecks, areas in which a relic is known to be located, and structures, composites, fortifications or other locations of historic interest known to have been associated with a historic ship. The protective features of the Act are:

- all historic ships and relics, and sites associated with them, are vested in the Western Australian Museum (s. 6); and
- in order to protect the above the area in which they are found may be declared a protected zone (s. 9).

Excavation Permits

Under s. 79(1) of the Heritage of Western Australia Act 1990, it is an offence to damage, despoil or remove any part of a registered site. A permit under s. 79(2) is required. Application to the Heritage Council of Western Australia under s. 79(2) is required for any action which might otherwise contravene s. 79(1).
Relics

The Heritage of Western Australia Act 1990 does protect relics in the ground at a site which is the subject of a conservation order. Under section 61(2)(b) penalties of $10,000 and two years imprisonment apply to the offence of removing any thing from the site. Also, a conservation order or heritage agreement may require that an excavation be carried out or that objects be conserved or stored in a safe place, such as a public collecting institution.

Under s. 6 of the Maritime Archaeology Act 1973, all relics recovered from or associated with a historic ship (with some specific exceptions) are the property of the Western Australian Museum.

Fig. 39. Excavation at Garden Point on the Tasman Peninsula. This was the site of the convict agricultural settlement which supplied the Port Arthur penal settlement. The surfaces and foundations of the Cow House are visible. The site is now a caravan park. Courtesy Department of Parks, Wildlife and Heritage, Tasmania (B. Prince).

TASMANIA

Legislation

At the time of publication, heritage legislation had yet to be enacted in Tasmania, although a Bill (the Tasmania Historic Heritage Bill) was introduced in 1991. It is understood that in its present form the Bill provides protection for sites and buildings but unfortunately not for relics. At present there is no legislation to identify or protect historical archaeological sites or relics on private property. The Department of Parks, Wildlife and Heritage administers the National Parks and Wildlife Act 1970 which governs Crown land reserves and unallocated Crown land. Individual councils may carry out heritage studies and site inventories with National Estate funds and encourage conservation principles in their planning schemes. However, it is rare that historical archaeological research is carried out on private land.

National Parks and Wildlife Act 1970

The Act makes provision for the establishment and management of national parks and other reserves, and for the conservation of archaeological resources as well as flora and fauna. It is administered by the Department of Parks, Wildlife and Heritage.

Local Government Act 1962

This contains a provision that may allow historic buildings to be preserved.

Crown Lands Act 1976

There is limited protection for historical archaeological sites under the present Act. However, this is in the process of being updated to increase protection. At present, the Act protects sites on public reserves by virtue of regulation 9(1)(a).

Identification

There are no legislative provisions for identification of sites.

Registers and Lists

There are no legislative provisions for registers or lists of sites. The National Trust of Australia (Tasmania) compiles and maintains its own register of historic sites and structures.

Protection

Under section 13(d) of the National Parks and Wildlife Act 1970, land can be set aside for the preservation on
protection of any features thereof, or buildings contained
therein, being features or buildings of historical,
archaeological, scientific or architectural interest.’
However, no land which is not Crown land can be
proclaimed a conservation area without the consent of the
owner (s. 14(1)).

Section 690(a) of the Local Government Act 1962 gives a
municipal authority the power to declare a building
historic on the advice of the National Trust. Following this,
the authority may place a preservation order on the
building to prevent it being demolished or damaged.

The National Trust of Australia (Tasmania) Act 1975
makes provision in s. 19 to place restrictive covenants on
land with the consent of the owner.

**Excavation Permits**

There is no legislative provision for excavation permits.
Interested people should contact the Heritage Section of
the Department of Parks, Wildlife and Heritage for further
information.

**Relics**

There are no legislative provisions for the protection or
ownership of relics. Interested people should contact the
Tasmanian Museum and Art Gallery, Hobart, for further
information.

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**QUEENSLAND**

**Legislation**

*Cultural Record (Landsceps Queensland and
Queensland Estate) Act 1987*

This Act’s stated objective is the ‘preservation and
management of components of Landscapes Queensland
and the Queensland Estate’.

‘Landscape Queensland’ is defined as:

areas or features within Queensland that a) have been or
are being used, altered, or affected in some way by man
(sic); and b) are of significance to man (sic) for any
anthropological, cultural, historic, prehistoric or societal
reason’ (s. 5).

‘Queensland Estate’ is defined as:

‘evidence of man’s (sic) occupation of the areas comprising
Queensland at any time that is at least 30 years in the past’.

The Act has been mainly used to issue archaeological
research and exploration permits to archaeologists working
on Aboriginal and Torres Strait Islander sites (s. 27(2)).
The Act continues to be used with some effect to protect
Aboriginal burial remains and significant cultural places (s.34).

*Fig. 40. Chillago, Queensland. At old mining sites there are many in situ
remains of mining. These are sometimes threatened by vandalism, soil
erosion and the grazing of animals. Archaeological recording and
assessment is necessary prior to undertaking works to stabilise the
remains. Courtesy Queensland Department of Environment and Heritage
(Howard Pearce).*
There is no specific provision for archaeological sites. The Act is administered by the Cultural Heritage Branch of the Department of Environment and Heritage.

Queensland Heritage Act was proclaimed in August 1992. It is Queensland's first permanent and comprehensive legislation to protect historical cultural heritage places, archaeological sites and associated relics. The Act provides for a protected register of places with cultural heritage significance (s. 20, 24) and an independent Heritage Council which is responsible for determining development and demolition applications for registered places (s. 8). Section 33 of the Act provides for controls to regulate development to registered places.

There are review and appeal provisions for objections to entry on the register and decisions on development applications (s. 26, 36). The Act provides for right of appeal to the Planning and Environment Court (s. 30, 36).

Identification

Identifying and recording places which are culturally significant to Aboriginal and Torres Strait Islander people or which are significant for the study of prehistory is required for Queensland environmental impact assessments.

Historical archaeological sites are also identified as a requirement of impact assessment studies. In addition, the Cultural Heritage Branch has identified a range of threatened historical place types and themes for survey as part of a long-term strategy for the development of a comprehensive State Heritage register. In this context, Statewide studies of mining and industrial heritage places, and places relating to past land use and settlement patterns have been given high priority. Historical archaeological sites are also identified as a component of regional heritage surveys.

Registers and Lists

The State Heritage Register contains entries for historical heritage places registered under the provisions of the Queensland Heritage Act 1992 (s. 20). The Act sets out criteria for entry of a place in the register and provides for the Heritage Council or any person to nominate a place for entry (s. 23, 24). If the Heritage Council is of the opinion that a place satisfies the criteria for entry it may provisionally enter the place and then allow the owner the right to object. An objection to the entry of a place in the register may only be made on the basis that the place is not of cultural heritage significance or that it does not satisfy the criteria for entry in the register (s. 26). There is a final right of appeal to the Planning and Environment Court against the decision of the Heritage Council.

Protection

The Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987 provides limited protection for places of significance to Aboriginal and Torres Strait Islander people particularly burial remains or areas declared as a 'Designated Landscape Area' (s. 17, 34).

Under the Queensland Heritage Act a maximum penalty of $1.02 million can be imposed for unauthorised development in relation to a registered place (s. 33). The Act also empowers the Minister to issue a stop work order if it is considered necessary to do so to preserve the cultural heritage significance of any place. A stop work order can be issued for up to 60 days and contravention carries the maximum penalty under the Act (s. 58, 59). Penalty provisions also apply for unauthorised interference with protected areas (s. 47). A Ministerial permit system applies to authorise work that would otherwise contravene the provisions of this section of the legislation (s. 52). If a permit application is refused an appeal can be made to the Planning and Environment Court.

Excavation Permits

The Cultural Record (Landscapes Queensland and Queensland Estate) Act contains provisions for 'surveys, excavation, examination and research. This applies to areas within a 'Designated Landscape Area' or any part of 'Landscapes Queensland or the Queensland Estate.' These activities can be initiated by the Minister or any person who obtains a permit from the Minister through the Cultural Heritage Branch.

Permits are also subject to the approval of the occupier of the site if it is Crown land or the owner if it is privately owned. The qualifications and financial resources of the applicant and the desirability of the project are also considered (s. 27, 28).

Relics

The Queensland Museum is the repository for all items determined to be the property of the Crown, recovered through excavation carried out under a permit. Section 33(3) of the Cultural Record (Landscapes Queensland and Queensland Estate) Act states that non-Aboriginal movable items of the 'Queensland Estate' which have no identifiable owner and which are found on, in or under land privately owned are the property of the Crown. However, this is qualified by section 33(5) which restricts this provision to items that have not been removed from that location before the commencement of the Act.
NORTHERN TERRITORY

Legislation

The Northern Territory Heritage Conservation Act became operational on 1 November 1991. The Act provides for:

- the identification, assessment, recording, conservation and protection of places (and associated and other movable objects) of prehistoric, protohistoric, historic, social, aesthetic, or scientific value, including geological structures, fossils, archaeological sites, ruins, buildings, gardens, landscapes, coastlines and plant and animal communities or ecosystems, of the Northern Territory.

The Act establishes a heritage advisory council to provide advise to the Minister on the administration of the Act. The council receives professional and administrative support from the Conservation Commission of the Northern Territory.

Environmental Assessment Act 1982

This Act is administered by the Environment Unit of the Conservation Commission. It provides for environmental impact statements (EISs) and preliminary environmental reports (PERs) to be carried out when development applications are submitted to the commission. These reports and statements may provide for archaeological investigation of a site.

Identification

Identification projects may be funded through the National Estate or Northern Territory heritage grants schemes.

Archaeological sites may also be identified by research and/or investigation required for an environmental impact statement or preliminary environmental report under the Environmental Assessment Act 1982.

Also, the Northern Territory Museum of Arts and Sciences conducts a survey of the coastline aimed at locating, protecting and recovering historic shipwreck material.

Registers and Lists

The National Trust of Australia (Northern Territory) has been operative since 1976 and it keeps a register of historic buildings and sites.

The Museum of Arts and Sciences keeps an Archaeological Sites Register.

Protection of Sites and Relics

The Heritage Conservation Act provides for the establishment of a Northern Territory register of declared, and protected heritage places and objects.

The Act also protects all prescribed archaeological places and objects. Most prehistoric sites are protected under these provisions (see excavation permits).

Excavation Permits

There are no specific requirements regarding excavation permits in Northern Territory legislation, but written permission is required to disturb any place on the register or any prescribed archaeological place or object. Permits should be sought from the Conservation Commission.

Fig. 41. One of several vernacular store structures at the site of the 1894-1912 police camp at Illamurra Springs, south of Hermannsburg, Northern Territory. Here an official attempt at conciliation towards the Aborigines was made following the activities of the notorious mounted Constable Wiltshire, by the offering of regular rations. Courtesy Judy Birmingham.
AUSTRALIAN CAPITAL TERRITORY

Legislation


The Land Act protects places of cultural heritage value including historical archaeological sites. It also provides for a heritage places register. The Heritage Objects Act protects certain types of historic objects including artefacts recovered under excavation permits.

Australian Capital Territory (Planning and Land Management) Act 1988

This Act was passed by the Commonwealth Government. It established a National Capital Planning Authority (NCPA) and a Territory Planning Authority (TPA). The NCPA prepares and administers the National Capital Plan, commissions works in accordance with the plan and fosters public awareness of the National Capital and its national significance.

The TPA prepares and administers the Territory Plan in accordance with the Interim Planning Act 1990 which provides for environmental impact studies and other planning controls.

Identification

There are no explicit provisions for identification of historical archaeological sites in the legislation. However, the legislation encompasses all Aboriginal, built and natural heritage.

Registers and Lists

The NCPA has compiled an inventory of sites of ecological and cultural significance in the Territory. Protection of these sites will be incorporated in the National Capital Plan.

The ACT Heritage Unit of the Department of Environment, Lands and Planning is compiling an inventory of sites including historical archaeological sites of an Interim Heritage Places Register.

The National Trust of Australia (ACT) researches, documents and records items of heritage significance in a Register of Classified Places.

Protection

Historical archaeological sites can be protected by including them in the Heritage Places Register (or interim register) as part of the Territory plan. Protection is effected by specifying activities which need to be controlled on the site; or by issuing orders. There are no historical archaeological places yet on the register.

Excavation Permits

An excavation permit may be required if archaeological investigation is a controlled activity of a registered site.

Relics

There are no provisions for the protection of relics from historical archaeological sites in the legislation.

References and Further Reading


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