

# Relics of local heritage significance: a guide for archaeological monitoring



Monitoring in Parramatta, (Photography by F. Barry, Heritage NSW).

## Introduction

This guideline sets out the requirements when undertaking archaeological monitoring involving limited impact to relics of local heritage significance, relying on exception 2(e) made under section 139(4) of the *Heritage Act 1977* (exception 2(e)), published in the NSW Gazette on 18 February 2022 (the order).

Under the *Heritage Act 1977*, a 'relic' means any deposit, artefact, object or material evidence that:

- relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- is of State or local heritage significance.

Relics are protected under the *Heritage Act 1977*. Excavation and disturbance of land may require an excavation permit under section 140 or otherwise fall within an exception under section 139(4).

Exception 2(e) provides an exception from the requirement to hold an excavation permit for:

“Any disturbance or excavation of land for archaeological monitoring of relics of local heritage significance completed in accordance with the guideline *Relics of local heritage significance: a guide for archaeological monitoring* published by Heritage NSW.

Archaeological monitoring relying on exception 2(e) must comply with this guideline. The works must also meet the general conditions prescribed for the exceptions. See the [order](#) published in the NSW Gazette for full details.

This guideline sets out the requirements for archaeological monitoring under exception 2(e), including:

1. what archaeological monitoring is,
2. how to conduct archaeological monitoring of relics of local heritage significance, and
3. how to ensure the work is of an appropriate standard and the results are clearly documented.

These exceptions **do not** apply to relics of State heritage significance. See the [s140 application](#) information on the Heritage NSW website if relics of State heritage significance are predicted.

Archaeological relics may also be listed on the State Heritage Register. These exceptions **do not** apply to any relic that is State Heritage Register listed or subject to an interim heritage order. See the [s60 application](#) information on the Heritage NSW website for further information.

There are penalties under the *Heritage Act 1977* for failing to obtain an approval, excavation permit or comply with a relevant exception, such as a fine of up to \$1.1 million, or in serious cases, imprisonment for up to 6 months. It is therefore important to ensure you understand the requirements that apply.

If Aboriginal objects are suspected to be present on the site, management under the *National Parks and Wildlife Act 1974* is required. See the Heritage NSW website for more information on managing [Aboriginal cultural heritage](#).

## What is archaeological monitoring?

Archaeological monitoring is a formal program of observation and investigation conducted during an operation carried out for non-archaeological reasons (e.g. development or maintenance). The purpose of archaeological monitoring under an exception is to complete small-scale monitoring to record and remove limited or disturbed relics of local heritage significance in accordance with the research design and archaeological work method statement provided below.

An archaeologist must direct the monitoring and recording of relics of local heritage significance during the operation. The relics may be part of a wider archaeological site or discrete features in the landscape. The program may result in the preparation of a report.

Exception 2(e) and this guideline does not apply to all archaeological monitoring. Archaeological monitoring may only be carried out under the exception:

- where limited archaeological relics of local heritage significance may be uncovered, or
- when a site is likely to have suffered a degree of disturbance and the location of relics or their survivability/likelihood is unclear.

Cumulative impact must also be considered. Information on assessing cumulative impact can be found below.

If the monitoring works cannot be carried out in accordance with this guideline, then a section 140 excavation permit may be required.

If your works may involve impact to, or monitoring of, relics of State heritage significance, this exception **does not** apply.

### Step 1: Understand the relics of local heritage significance

To conduct archaeological monitoring relying on exception 2(e) and this guideline, you must assess and document the relics in a heritage management document (a heritage impact statement, archaeological assessment, etc). This document must provide:

- a short description of the type of relics and their significance against the Heritage Council guideline *Assessing Significance for Historical Archaeological Sites and Relics*  
Note - If relics of State heritage significance are identified, or they are State Heritage Register listed, or subject to an interim heritage order, exceptions **DO NOT** apply.
- a short description of the proposed activities/works with at least one map or diagram
- an assessment of whether the activities/works impact the relics of local heritage significance (following the *Statements of Heritage Impact* guidelines)
- a prediction of the impact of archaeological monitoring on the relics
- a description of any previous archaeological works in the area and the cumulative impact of the works (see cumulative impact section below)
- an acknowledgement of the use of the research design and archaeological work method statement (see steps 2 and 3 below)
- the name and contact details of the historical archaeologist who will complete the archaeological works
- confirmation that information on the monitoring works will be submitted to the Heritage Council under section 146 of the *Heritage Act 1977* if relics are identified.

The Heritage Council has guidelines which provide information on preparation of an historical archaeological assessment in NSW *Archaeological Assessments 1996*, *Historical Archaeology Code of Practice 2006* and *Assessing Significance for Historical Archaeological Sites and Relics 2009*.

### Cumulative Impact

As archaeology is non-renewable, ongoing or repeated excavation and disturbance of archaeology will deplete this resource. Consequently, the cumulative impact of activities/works on archaeology must be assessed. A cumulative impact assessment must carefully analyse any previous works at the site and their impact over time, along with the effect of the proposed activities/works to be undertaken now.

One project by itself may be of minor impact, however several activities/works that impact archaeology, when combined, may present an unreasonable overall impact by eroding or entirely removing the resource or heritage value. Preparation for minor works using an exception must address the cumulative impact of the works. The works will not fall under the exception if they may generate more than a limited impact to relics of local heritage significance.

Strategies that can minimise cumulative impact must be considered when planning your work, such as:

- reusing existing service trenches and utility corridors,
- consolidating ground disturbance areas, or
- building up not down.

### Step 2: Prepare the archaeological monitoring research design

Archaeological monitoring must be directed by good research practice. The research design is the framework that identifies questions which will be considered during the archaeological investigations. The below research questions must be addressed as part of the monitoring program. They cover the essential requirements for a monitoring program. Additional questions may be added at the discretion of the archaeologist if they consider them to be warranted.

The required questions for the design of the monitoring program are:

- What was identified at the site, what kinds of features and deposits?
- When were these features or deposits created?
- What site formation processes have occurred?
- What happened at the site?
- How does this site compare to others?

### Step 3: Follow the archaeological work method statement

The following archaeological work method statement must be adhered to during works:

- the nominated archaeologist will be present undertaking the monitoring activity until all areas proposed for monitoring are completed,
- an excavator with a flat bucket will remove the soil layers under the direction of the archaeologist in uniform layers,



- should the archaeologist need to investigate features or relics further, machine excavation will stop, and hand excavation can occur until the feature is clearly understood and recorded within the area of impact only,
- the archaeologist will sign off that the archaeological monitoring of the area is completed when sterile deposits are reached or when investigation is complete to their satisfaction,
- if relics are to be removed because they are limited or in a disturbed context, (for example a small scatter of mixed relics) a catalogue of the removed relics is made and the notification of the discovery is made in accordance with the 'Discovery of a relic' section below. The relics should be retained on site with a copy of your records,
- relic records must include trench, feature, context and phase information,
- if relics are exposed which do not require removal, these must be protected by an appropriate medium (e.g. bidum/ geotechnical fabric) with measurements taken of the depth and location for final reporting,
- if at any time monitoring or project works uncover the following, works will stop, and the program will need to be reassessed:
  - burials
  - Aboriginal objects
  - relics not predicted in the documentation for the exception (for example but not limited to relics of State significance, relics that are more intact than predicted).

Site recording during monitoring must include:

- location information (spatial data recorded for the locations excavated, features identified and relational data to standing buildings and the relevant boundary/allotment for the site),
- site photography with north arrow and scale in every photograph,
- sketch plans to scale,
- stratigraphic matrix if applicable, and
- real levels reduced to Australian Height Datum for features and deposits recorded by the project including start and end levels.

## Step 4: Recordkeeping

If after reading this guideline, you consider the proposed archaeological monitoring meets the requirements of exception 2(e), you must document your decision and a summary of the archaeological monitoring and keep your records for a reasonable time in accordance with the general conditions. See the order published in the NSW Gazette for full details.

Heritage NSW has provided a template Record of Use form that may be used in the recording of exceptions.

### Discovery of a relic

You **do not** need to notify the Heritage Council if no relics are found. If relics are found, notification of the relic's location under section 146 of the *Heritage Act 1977* is required. As noted in general condition (h):

“A person who is aware or believes that he or she has discovered or located a relic, in any circumstances (including where works are carried out in reliance on an exception under section 139(4)), must notify the Heritage Council in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, additional assessment and approval under the *Heritage Act 1977* may be required prior to the recommencement of excavation in the affected area(s).”

Having used exception 2(e) the process of section 146 notification should occur within a reasonable time and take the form of an email to the Heritage Council [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au) identifying that the relic was discovered when relying on the exception referred to above and providing:

- the GPS location of the relic, and
- a photograph of the relic in its location (for context).

No formal acknowledgement of the notification will be provided.

If the archaeological monitoring identifies that further archaeological work is required, e.g. a salvage excavation, a section 140 excavation permit may be necessary. Refer to the [s140 information](#) on the Heritage NSW website. We recommend you submit any documentation relating to the exception, such as your completed Record of Use, with your application.