# Section 139(4) Exception Record of Use Form

## Instructions

This template is a tool that may be used to assist you when recording the use of exceptions under section 139(4) of the *Heritage Act 1977.* You should retain a copy of the completed form and any other relevant information for your records and to comply with the general conditions of use for exceptions. Some fields may not be necessary or relevant each time.

This form should **not** be used for items listed on the State Heritage Register.

## Important note

Use of exceptions under section 139(4) is self-assessed. In completing this form, you acknowledge that:

* you have read the specific conditions of the exceptions to subsections 139(1) and (2) of the *Heritage Act 1977* and any relevant associated guidelines (noting that the guidelines may specify documentation or record-keeping requirements other than this record of use)
* this record is not for assessment purposes
* this record does not represent an endorsement from the Heritage Council for the work or use of the exception
* this form may be requested as part of an audit or compliance investigation
* this form cannot be relied on as a defence to prosecution.

## Affected relic

|  |
| --- |
|  |

Name of relic:

|  |
| --- |
|  |

Location of relic (either street address, coordinates, or survey data. Attach a map):

Local Government Area relic is in: Choose an item.

|  |
| --- |
|  |

Local Environmental Plan item number (if applicable):

Description of relics:

|  |
| --- |
|  |

(Include at a minimum what the relic may be and the location).

Significance

|  |
| --- |
|  |

(Include a statement of significance, including confirmation of local significance).

## Relevant exception

|  |  |  |
| --- | --- | --- |
| **Exception** (only one exception should be relevant for each project) | | **Check** |
| 2a) | Any disturbance or excavation of land that has limited archaeological research potential, as demonstrated by a heritage management document, such as an Archaeological Assessment, completed within the last five years. | □ |
| 2b) | Any disturbance or excavation of land that constitutes minor works involving limited impact to relics of local heritage significance, in accordance with ‘Relics of local heritage significance: a guide for minor works with limited impact’ published by Heritage NSW. | □ |
| 2c) | Any disturbance or excavation of land that constitutes minor works involving limited impact to relics of local heritage significance as demonstrated by a heritage management document, such as an Archaeological Assessment, completed within the last five years. | □ |
| 2d) | Any disturbance or excavation of land for archaeological test excavation of relics of local heritage significance completed in accordance with the guideline ‘Relics of local heritage significance: a guide for archaeological test excavation’ published by Heritage NSW. | □ |
| 2e) | 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. |  |
| 2f) | Any disturbance or excavation of land: | □ |
| i) for the purpose of exposing underground utility services infrastructure which occurs within an existing service trench and will not affect any other relics; | □ |
| ii) to carry out inspections or emergency maintenance or repair on underground utility services with due care taken to avoid effects on any other relics; | □ |
| iii) to maintain, repair, or replace underground utility services to buildings which will not affect any other relics; | □ |
| iv) to maintain or repair the foundations of an existing building which will not affect any associated relics; or | □ |
| v) to expose survey marks for use in conducting a land survey. | □ |

## Activity/works proposal

Description of works:

|  |
| --- |
|  |

(Include at a minimum what the activity/work is, how it will be carried out, what parts of the relic it affects. These exceptions **do not** apply to relics of State heritage significance or to any relic that is State Heritage Register listed or subject to an interim heritage order.).

Was professional advice sought to use the exception (even if it was not required by the guidelines)?

Yes:  No:

If yes to either of the above questions on professional advice, complete the table below (add additional rows if required):

|  |  |  |
| --- | --- | --- |
| Name of company/person | Date of advice | Title of any advice document (attach the document to this record) |
|  |  |  |
|  |  |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Cost of works: | $ | Start date: | Click or tap to enter a date. | Completion date: | Click or tap to enter a date. |

Heritage controls: What measures were put in place to minimise or avoid impact from the activity/ work to relics?

## Contact information

|  |  |
| --- | --- |
| Name |  |
| Role/organisation |  |
| Postal Address: |  |
| Email: |  |
| Phone number: |  |

|  |  |
| --- | --- |
| Relics landowner (if different to project manager) |  |

Attachments:

|  |  |  |
| --- | --- | --- |
| Document Title | Author | Date |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

(List the names of any other documents or files that were used, in addition to this form).

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