

Appendix J

NPWS Guidelines for Approvals: Cultural Heritage Places, Buildings, Landscapes and Moveable Heritage Items on NPWS Estate

Guidelines for approvals: Cultural heritage places, buildings, landscapes & movable heritage items on NPWS estate

Introduction

This document has been prepared to guide the preparation and assessment of applications for works and activities to cultural heritage places, buildings (including current assets), landscapes and movable heritage items managed as part of the National Parks and Wildlife Service (NPWS) estate. The document outlines the assessment and approval requirements to fulfil NPWS's statutory and heritage management responsibilities under the *Environmental Planning and Assessment Act 1979* (EP&A Act), *Heritage Act 1977* (Heritage Act) and *National Parks and Wildlife Act 1974* (NPW Act) and provide additional advice to accompany NPWS's REF guidelines and EP&A Manual.

This document applies to works that have potential impacts on post-contact cultural heritage that relates to the non-Aboriginal settlement and occupation of NSW, ie not Aboriginal objects or Aboriginal places as they are defined under the National Parks and Wildlife Act. This document would, however, apply to historic places that have significant Aboriginal values or shared settler and Aboriginal cross-cultural interests, for example places associated with the pastoral industry in NSW.

For information regarding obligations for protection and management of Aboriginal objects and places under the NPW Act please refer to the *NPWS Aboriginal Cultural Heritage Standards and Guidelines Kit* and the *NPWS Aboriginal Place Declarations: Guidelines for their assessment*.

When and how to use these guidelines and table

This document should be used to guide the preparation of environmental assessments for all works and activities which will have:

- little/no impact (maintenance and repairs etc);
- minor impact (minor activities);
- major impact (major activities) proposed to and within the vicinity and/or curtilage of a cultural heritage items; or
- activities or works that are contentious in nature.

The requirements and necessary approvals for various scales and types of works and activities are listed in a table on pp 6-9 according to the four levels of impact (down the table in the left hand column) and three different levels of heritage listing (across the top of the table):

- State Heritage Register or items of state significance;
- s170 Heritage and Conservation Register or a Regional Cultural Heritage Management Strategy; and
- NPWS Historic Places Register or items more than 25 years old.

Noted within each cell of the table is the level of approval required and documents required to accompany an application. These documents depend on the nature of the work or activity and item. The 'must have' documentation is necessary whatever the type of item, whereas 'may require'/'may also require' documentation will vary according to the nature of the works or activities and potential impacts. For example, documentation for building works or a combination of building works with potential archaeological impacts will vary.

The table is a guide only. Specific case-by-case requirements should be decided in consultation with NPWS Conservation Planning and Programs Divisions (CPPD) and Cultural Heritage Division (CHD).

A guide has been produced on page 5 to assist staff in assessing impacts on cultural heritage items.

A glossary of terms used in the table is attached at the end of this document.

Proposed works and activities: legislative compliance and heritage management requirements

The table outlines all of the assessments, documentation and accompanying reports required to fulfil NPWS heritage management requirements under the EP&A Act, Heritage Act and NPW Act. The level and extent of documentation required will depend on the age of the place, the significance of the place, its listing on any heritage registers, including the *State Heritage Register*, *NPWS s170 Heritage and Conservation Register* *Regional Cultural Heritage Management Strategy*, *NPWS Historic Places Register* (held in CHD), or *NPWS Assets Maintenance System* - ie current assets over 25 years have heritage management requirements (held in CHD) and the extent and type of works or activities proposed.

Many works and activities will need approvals under both the Heritage Act and NPW Act. The documentation required for both applications is largely identical, and the approval processes can generally occur concurrently (refer to table for details).

Appendix A is a summary of NPWS statutory and heritage management obligations under the NPW Act, Heritage Act and EP&A Act in relation to post-contact cultural heritage.

Seeking appropriate heritage advice

Regions must seek appropriate professional design and heritage advice at an early stage to assist in the development of acceptable designs and documentation for activities to places, buildings (including current assets), landscapes or movable heritage items 25 years or older. The accountability for meeting NPWS's statutory obligations and heritage management requirements falls to the Region to ensure that all required statutory approvals have been gained prior to commencement of any activities.

CHD should be consulted at an early stage in relation to proposed works and designs for new works within the curtilage of historic places in order to assist and advise on their appropriateness and/or recommend that further professional heritage advice is sought.

Depending on the complexity and scope of activities proposed, the proponent will often require the input and guidance of a relevant heritage professional/s in the preparation of some or all of the documentation. Relevant heritage professionals will include, but not be limited to, conservation architects and engineers, landscape architects and historical and Aboriginal archaeologists and Aboriginal heritage consultants. Heritage professionals must demonstrate appropriate qualifications and experience to undertake and guide the documentation for the activities proposed, and be able to assess the acceptability or otherwise of any impacts on the significance of the place.

Standard of documentation for approval of activities

Applications submitted for approval to impact on cultural heritage items will need to be of an agreed standard as per current requirements of the NSW Heritage Office and NPWS. Documentation will need to be prepared to meet accepted minimum heritage and building industry standards as set out in the NSW Heritage Office Manual and other guidelines and documents prepared by NPWS and the NSW Heritage Office.

Appropriate documentation will vary from case to case, but will include a Statement of Heritage Impact prepared in accordance with NSW Heritage Office guidelines. Documentation should also generally include a schedule of works and/or drawings, with a technical works specification. Drawing documentation will generally be drafted to scale, completed to a recognised competent technical drawing standard and generally include, but not be limited to: a site plan and floor plans at 1:100 or 1:50, external/internal elevations, reflected ceiling plans, sections, and details where relevant.

Evidence of an agreed minimum standard of professional involvement must be visible in the development of the design for works and new works to cultural heritage places that satisfies aesthetic, functional, construction and ergonomic requirements and minimises heritage impacts. The design must also comply with or state exception from all relevant Australian ASA standards as appropriate, as well as Building Code Australia and other relevant legal requirements including and not limited to the *Occupational Health & Safety Act 2000*, *Residential Tenancies Act 1987* and the Heritage Act.

An agreed minimum level of documentation for all works, new works and activities as outlined in the attached table must be submitted as part of the application under the EP&A Act and Heritage Act.

Level of approval

All activities impacting on cultural heritage items will need some form of approval. At a minimum level, an Activity Application/REF signed off by the Regional Manager is required for maintenance activities and minor activities to items on the *NPWS Historic Places Register* and *NPWS s170 Heritage and Conservation Register*. CPPD sign off for approvals is required for major activities to items on the *NPWS Historic Places Register* and *NPWS s170 Heritage and Conservation Register*. CPPD approval will be required for all maintenance, minor and major activities to items listed on the State Heritage Register.

The NSW Heritage Council will also be a determining authority for activities to items listed on the SHR where the works are outside the scope of the approved CMP, or where a CMP has not been endorsed. It should be noted that a Regional Environmental Plan (REP) may require consultation with the Heritage Office but generally doesn't override SEPP4.

The Region and/or CPPD/Directorate must have the appropriate professional skills available to adequately assess impacts and applications for all activities proposed for cultural heritage places approved under the EP&A Act.

Associated documents

This document should be read in association with other current EP&A Act guidelines and the:

- *NPWS Environment Planning and Assessment Manual Volumes 1&2*
- *NPWS Review of Environmental Factors – Introduction* July 2001
- *NPWS Aboriginal Cultural Heritage Standards and Guidelines Kit*

- The *NSW Heritage Office Manual* (available for purchase from the NSW Heritage Office at approximately \$150) which includes guidelines on preparing a *Statement of Heritage Impact*.

The following NSW Heritage Office guidelines relevant to these guidelines and tables are available from Heritage Office at no cost over the NSW Heritage Office website: www.heritage.nsw.gov.au.

- *An Introduction to the Heritage Amendment Act*
- *Standard Exemptions for Works Requiring Heritage Council Approval*
- *Minimum Standards of Maintenance and Repair*
- *Application under Section 60*
- *Application under Section 140 for Excavation Permit*
- *Movable Heritage Principles*
- *How to Prepare Archival Records of Heritage Items*
- *Guidelines for Photographic Recording of Heritage Sites, Buildings and Structures*
- *How to Carry Out Work on Heritage Buildings and Sites*
- *A Guide to the Heritage System*

The following model NPWS consultant brief documents referred to in this guideline are available on the intranet or through CHD, Policy & Programs Unit:

- *Conservation Management Plan for Built Places*
- *Conservation Management Plan for historic, Aboriginal and Natural heritage values*
- *Heritage Assessment*
- *Conservation Analysis*
- *Maintenance Plan*
- *Archaeological Management Plan*
- *Archaeological Watching Brief*
- *Conservation Architectural Design & Documentation Brief*
- *Statement of Heritage Impact*
- *Completed REF for works including demolition, new works*
- *Completed Section 60 Application under the NSW Heritage Act*

Other related source material

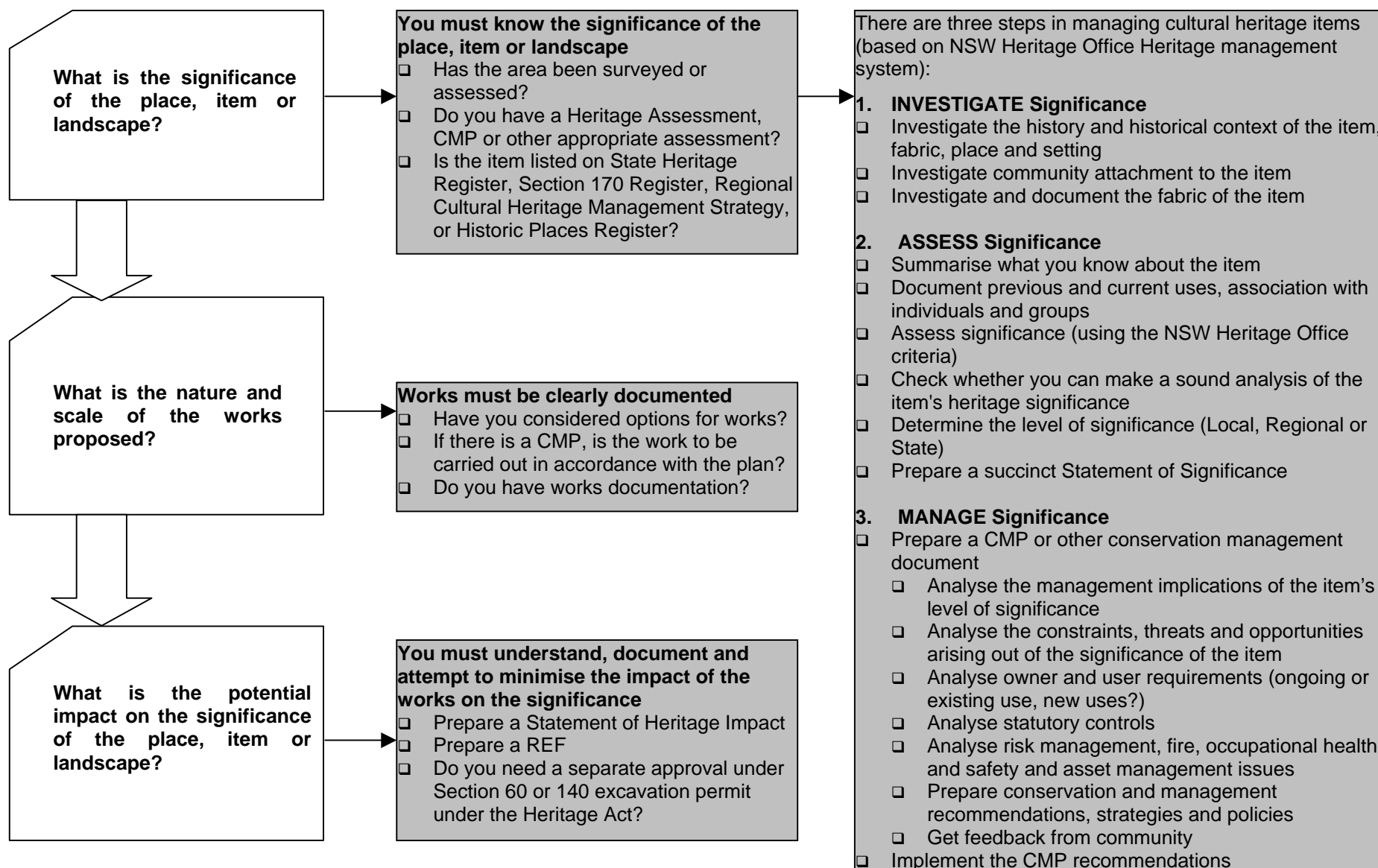
Other related source material that may be useful in the management of heritage places (but not directly referenced in these guidelines) include:

- *NPWS Guide to Building Conservation Works*
- *NPWS Aboriginal Place Declarations: Guidelines for their assessment*
- Additional NSW Heritage Office Guidelines available at no charge from the NSW Heritage Office website
- Additional NSW Heritage Office guidelines available for purchase from the NSW Heritage Office website
- Guidelines available for purchase from the Australian Heritage Commission website

Where to get further assistance

The CPPD for each Directorate and Cultural Heritage Division can assist with site specific application of these guidelines and tables.

Guide to Assessing Impacts



Description of Activity	Listed on the State Heritage Register or of State significance	Listed on the NPWS s170 Register or listed in Regional Cultural Heritage Management Strategy	Listed on the NPWS Historic Places Register or current NPWS Asset 25 years old or greater
<p>MAINTENANCE ACTIVITIES OR WORKS WITH LITTLE/NO IMPACT</p> <p>Activities or works that will have no/little threat/impact on fabric, movable objects, relics or setting where maintenance means 'the continuous protective care without causing damage or change to the existing fabric' (Heritage Office definition) including:</p> <ul style="list-style-type: none"> Maintenance, non-invasive repairs Emergency works and/or temporary and reversible nature urgently required to arrest an imminent threat to life, safety issues, public liability, threat to the fabric or property Building Code Australia (BCA), Occupation health and safety and/or other compliance requirements may trigger action. Maintenance works which include excavation, eg maintenance of existing underground service line. Works that may damage, deface, destroy or desecrate an item of Aboriginal heritage 	<p>REF REQUIRED – CPPD Determination</p> <p>Must have:</p> <ol style="list-style-type: none"> Maintenance Plan (to meet Heritage Office requirements) and/or Statement of Heritage Impact <p>May require:</p> <ol style="list-style-type: none"> Works Documentation Conservation Analysis <p>OR</p> <ol style="list-style-type: none"> Conservation Management Plan endorsed and adopted by Heritage Council and NPWS Executive including an Archaeological Management Plan; Design Guidelines and Development Control Guidelines if either or both required. Movable Heritage Plan (to meet Heritage Office requirements) Cultural Landscape Conservation Management Plan <p>Must have:</p> <ol style="list-style-type: none"> Archaeological Management Plan or CMP endorsed and adopted by Heritage Council and NPWS executive with Archaeological Assessment of ALL of the development area. If no areas of archaeological potential then NO EXCAVATION PERMIT REQUIRED (Standard Exemption 4 NSW Heritage Act 1977). If areas of high, some or low potential then EXCAVATION PERMIT IS REQUIRED, and Statement of Heritage Impact (only required to accompany an excavation permit) <p>May also require:</p> <ol style="list-style-type: none"> S90 (NPW Act) 	<p>Region Determination if NPWS is proponent (otherwise CPPD)</p> <p>Must have:</p> <ol style="list-style-type: none"> Statement of Heritage Impact <p>May require:</p> <ol style="list-style-type: none"> Works Documentation Maintenance Plan Heritage Assessment <p>OR</p> <ol style="list-style-type: none"> Conservation Analysis <p>Must have:</p> <ol style="list-style-type: none"> Archaeological Management Plan or CMP endorsed and adopted by NPWS executive with Archaeological Assessment of ALL of the development area. If no areas of archaeological potential then NO EXCAVATION PERMIT REQUIRED. If areas of high, some or low potential then EXCAVATION PERMIT IS REQUIRED, and Statement of Heritage Impact only required to accompany an excavation permit) <p>May also require:</p> <ol style="list-style-type: none"> S90 (NPW Act) 	<p>Region Determination if NPWS is proponent (otherwise CPPD)</p> <p>Must have:</p> <ol style="list-style-type: none"> Statement of Heritage Impact <p>May require:</p> <ol style="list-style-type: none"> Works Documentation Maintenance Plan Heritage Assessment <p>OR</p> <ol style="list-style-type: none"> Conservation Analysis <p>Must have:</p> <ol style="list-style-type: none"> Archaeological Assessment – if no areas of archaeological potential then NO EXCAVATION PERMIT REQUIRED. If areas of high, some or low potential then EXCAVATION PERMIT IS REQUIRED, and Statement of Heritage Impact (only required to accompany an excavation permit) <p>May also require:</p> <ol style="list-style-type: none"> S90 (NPW Act)

Description of Activity	Listed on the State Heritage Register or of State significance	Listed on the NPWS s170 Register or listed in Regional Cultural Heritage Management Strategy	Listed on the NPWS Historic Places Register or current NPWS Asset 25 years old or greater
<p>ACTIVITIES OR WORKS WITH MINOR IMPACT</p> <p>Activities and works that will have minimal/some threat/impact on fabric, movable objects, relics or setting including:</p> <ul style="list-style-type: none"> • Invasive repairs including disturbance of potential archaeological remains • Invasive research into fabric • Stabilisation works, that are not emergency works or temporary in nature. • Mothballing or securing and closing up of historic heritage places. • Minor underground or excavation works to maintain or repair existing infrastructure or services where may be potential archaeological remains and remains or in an area which has not been subject to an archaeological assessment. • Any minor works or activities to places listed on the NPWS S170 Heritage and Conservation Register that occur within the heritage curtilage, such as the introduction of new colour schemes, or new plantings. • Building Code Australia (BCA), Occupation health and safety and/or other compliance requirements may trigger action. • Any minor works or activities to places listed on the State Heritage Register that fall inside/outside the scope of the Conservation Management Plan (which has been endorsed and adopted by the NSW Heritage Council and NPWS). (Note: Separate and additional approvals/exemptions may also be required under the NSW Heritage Act. • Works that may damage, deface, destroy or desecrate an item of Aboriginal heritage 	<p>REF REQUIRED - CPPD Determination</p> <p>Must have:</p> <ol style="list-style-type: none"> 1. Conservation Management Plan endorsed and adopted by Heritage Council and NPWS Executive including an Archaeological Management Plan; Design Guidelines and Development Control Guidelines if either of both required. 2. Works Documentation 3. Statement of Heritage Impact <p>May require:</p> <ol style="list-style-type: none"> 1. Permit from the Heritage Council if proposal not in accordance with Conservation Management Plan 2. Cultural Landscape Conservation Management Plan 3. Movable Heritage Management Plan <p>May also require:</p> <ol style="list-style-type: none"> 1. Excavation Permit (s.60 NSW Heritage Act) <p>May also require:</p> <ol style="list-style-type: none"> 1. S90 (NPW Act) 	<p>REF REQUIRED - Region Determination if NPWS is proponent (otherwise CPPD)</p> <p>Must have:</p> <ol style="list-style-type: none"> 1. At least a Conservation Analysis endorsed by NPWS Executive 2. Works Documentation 3. Statement of Heritage Impact <p>May require:</p> <ol style="list-style-type: none"> 1. Conservation Management Plan endorsed and adopted by NPWS Executive including where relevant, an Archaeological Management Plan, Design Guidelines and Development Control Guidelines if either or both are required. 2. Cultural Landscape Conservation Management Plan 3. Movable Heritage Management Plan <p>May also require:</p> <ol style="list-style-type: none"> 1. Excavation Permit (s.140 NSW Heritage Act) <p>May also require:</p> <ol style="list-style-type: none"> 1. S90 (NPW Act) 	<p>REF REQUIRED – Region Determination if NPWS is proponent (otherwise CPPD)</p> <p>Must have:</p> <ol style="list-style-type: none"> 1. Works Documentation 2. Statement of Heritage Impact <p>May require:</p> <ol style="list-style-type: none"> 1. Heritage Assessment OR Conservation Analysis 2. Archaeological Assessment <p>May also require:</p> <ol style="list-style-type: none"> 1. Excavation Permit (s.140 NSW Heritage Act) <p>May also require:</p> <ol style="list-style-type: none"> 1. S90 (NPW Act)

Description of Activity	Listed on the State Heritage Register or of State significance	Listed on the NPWS s170 Register or listed in Regional Cultural Heritage Management Strategy	Listed on the NPWS Historic Places Register or current NPWS Asset 25 years old or greater
<p>ACTIVITIES OR WORKS WITH MAJOR IMPACT</p> <p>Activities or works that will have high threat/major impact on fabric, movable objects, relics or setting including:</p> <ul style="list-style-type: none"> Major conservation works including, Preservation, Reconstruction, Restoration and/ or Adaptive Works (as defined in the Burra Charter). Adaptive Works for new uses and upgrading works. Building Code Australia (BCA), Occupation health and safety and/or other compliance requirements may trigger action. Any major works or activities that occur within the heritage curtilage of a historic place or site that may impact on the significance or fabric of the place. Any major works or activities to places listed on the NPWS s170 Heritage and Conservation Register that occur within the heritage curtilage that may impact on the significance or fabric of the place. Removal or sale of all or part of a collection of movable object(s) that relate to a place and its context. Any major works or activities to historic heritage places listed on the State Heritage Register that fall/inside outside the scope of the Conservation Management Plan (which has been endorsed and adopted by the NSW Heritage Council and NPWS.) (Note: Separate & additional exemptions/ approvals may also be required under the NSW Heritage Act). Demolition/Removal –partial or total. Underground or sub-surface works where disturbance to potential relics & remains is high. Works that may damage, deface, destroy or desecrate an item of Aboriginal heritage 	<p>REF REQUIRED – CPPD Determination</p> <p>Must have:</p> <ol style="list-style-type: none"> Conservation Management Plan endorsed and adopted by Heritage Council and NPWS Executive including where relevant: an Archaeological Management Plan; Moveable Heritage Management Plan; Design Guidelines and Development Control Guidelines if either of both required. Works Documentation Statement of Heritage Impact <p>May require:</p> <ol style="list-style-type: none"> Permit from the Heritage Council if proposal not in accordance with Conservation Management Plan Cultural Landscape Management Plan <p>May also require:</p> <ol style="list-style-type: none"> Excavation Permit (s.60 NSW Heritage Act) <p>May also require:</p> <ol style="list-style-type: none"> S90 (NPW Act) 	<p>REF REQUIRED – CPPD Determination</p> <p>Must have:</p> <ol style="list-style-type: none"> Conservation Management Plan endorsed and adopted by NPWS Executive including where relevant an Archaeological Management Plan, Movable Heritage Management Plan, Design Guidelines and Development Control Guidelines Works Documentation Statement of Heritage Impact <p>May require:</p> <ol style="list-style-type: none"> Cultural Landscape Management Plan Movable Heritage Management Plan <p>May also require:</p> <ol style="list-style-type: none"> Excavation Permit (s.140 NSW Heritage Act) <p>May also require:</p> <ol style="list-style-type: none"> S90 (NPW Act) 	<p>REF REQUIRED – CPPD Determination</p> <p>Must have:</p> <ol style="list-style-type: none"> Heritage Assessment Works Documentation Statement of Heritage Impact <p>May require:</p> <ol style="list-style-type: none"> Conservation Analysis endorsed and adopted by NPWS Executive <p>OR</p> <ol style="list-style-type: none"> Conservation Management Plan endorsed and adopted by NPWS Executive including where relevant an Archaeological Management Plan, Movable Heritage Management Plan, Design Guidelines and Development Control Guidelines <p>May also require:</p> <ol style="list-style-type: none"> Archaeological Assessment Excavation Permit (s.140 NSW Heritage Act) <p>May also require:</p> <ol style="list-style-type: none"> S90 (NPW Act)

Description of Activity	Listed on the State Heritage Register or of State significance	Listed on the NPWS s170 Register or listed in Regional Cultural Heritage Management Strategy	Listed on the NPWS Historic Places Register or current NPWS Asset 25 years old or greater
<p>ACTIVITIES OR WORKS THAT ARE CONTENTIOUS IN NATURE</p> <p>Major or minor works or activities that may have high threat/major impact on fabric, setting, community values or that are contentious in nature and will benefit from public exhibition and comments - eg heritage and risk management issues associated with adaptive reuse of the Quarantine Station.</p> <p>Public comment/community consultation should be sought when there is a:</p> <ul style="list-style-type: none"> • High level of community interest. • High level of significance of the item eg: national and state significance • Significant impact on built fabric, landscape, archaeology. • Radical change in use. • Radical change in management strategies • Sensitivity of the receiving environment. • Social impact • Major public use and access issues • Other threats or concerns 	<p>EIS REQUIRED – CPPD Determination</p> <p>Generally same level of documentation and requirements as for Activities or Works with Major Impacts. In addition will require public exhibition and comment on the proposed activity.</p>	<p>EIS REQUIRED – CPPD Determination</p> <p>Generally same level of documentation and requirements as for Activities or Works with Major Impacts. In addition will require public exhibition and comment on the proposed activity.</p>	<p>EIS REQUIRED – CPPD Determination</p> <p>Generally same level of documentation and requirements as for Activities or Works with Major Impact. In addition will require public exhibition and comment on the proposed activity.</p>

Glossary

The following terms are referred to in this document:

Activity or Works

All work in, on, or under land or the use of land.

Adaptive Reuse Works

Refers to all upgrading/ modification works undertaken as part of the conservation of the building or place, that enable a new or continuing use to be introduced into the item. The Burra Charter (adopted by Australia ICOMOS in 1999), states 'Adaptation means to modify a place to suit the existing use or a proposed new use' (p.2 Article 1.9). Also can be referred to as new works (see definition - new works).

Archaeological Assessment

A report prepared in response to specific works or activities. The report should research and assess the likely presence of known or potential archaeological and sub-surface remains. It is usually prepared in response to a particular development, activity or work, in which case the assessment may consider options for minimising the impacts of the proposed development, work or activity on the archaeological resource. An archaeological assessment may involve limited test excavations.

Archaeological Management Plan (AMP)

An archaeological management plan is a document prepared specifically to guide the conservation and management of archaeological remains. It usually contains an archaeological zoning plan to identify the potential archaeological resource at the site, and how they should best be managed in the case of disturbance and impact of development, works or other activities; longer term conservation and the realisation of archaeological significance through research and interpretation. An AMP is usually be prepared for more complex or significant archaeological sites and may be prepared as part of a Conservation Management Plan (see CMP below).

Archaeological Watching Brief (Archaeological Monitoring)

Archaeological monitoring of a development, work or activity may be required as a condition for excavation permit approval. This is usually the case where there is a low to medium potential for a work or activity to disturb a relic. A watching brief details the nature of the works and the requirements for archaeological monitoring. Under a watching brief, an archaeologist is empowered to discontinue or halt the work or activity should archaeological deposits or relics be uncovered.

Archaeological Zoning Plan (AZP)

An archaeological zoning plan is generally prepared as part of another management document, such as a conservation management plan. It identifies the location of known and potential archaeological sites, relics or structures and evaluates their cultural significance. An archaeological zoning plan divides the study area into units of archaeological potential and sensitivity. General management strategies may be mapped on the zoning plan as a way of indicating minimum standards of recording of the archaeological resource. Specific actions or policies should address each of the identified units of archaeological potential.

Building Code Australia (BCA)

The BCA is a uniform set of technical provisions for the design and construction of buildings throughout Australia produced by the Australian Building Codes Board. It is the result of a cooperative arrangement between Commonwealth, State, Territory and Local Governments

and the building industry. In NSW it is the EP&A Act and Regulation that gives legal effect to the BCA.

NPWS generally complies with the BCA, but exemptions may be granted through the NSW Heritage Office for non-compliance for heritage places and buildings listed on the State Heritage Register in certain circumstances.

Conservation Analysis

Is a report prepared to investigate the significance of a place, site or building and provides general policy recommendations and is structured as a 'mini' Conservation Management Plan (see below). It is only recommended as a management tool for simple sites and/or places. The report includes an historical overview, description of the fabric, setting, identification of social values, a statement of significance, general conservation and management policies, and recommendations for the place.

Conservation Management Plan (CMP)

Is a report prepared to investigate the significance of a place and formulate appropriate long term conservation and management outcomes for the place supported by conservation policies and an implementation strategy. It is prepared in two sections; the first section contains an historical overview, description of the fabric, setting, identification of social values and a statement of significance; the second section considers the significance, condition, client requirements, and other opportunities and constraints and formulates conservation and management policies and implementation recommendations for the place. It is NPWS policy that all places listed on the NSW State Heritage Register require a Conservation Management Plan that is endorsed by the NPWS Executive and the NSW Heritage Council.

Conservation Management Plan - Cultural Landscape

Is a conservation management plan written specifically to guide the conservation and management of a cultural landscape (see CMP above).

Design Guidelines

Guidelines prepared separately or as part of a CMP or other planning or works document that guide and set parameters for appropriate design of new works, buildings or other features. Can also be prepared as part of Development Control Guidelines (see below).

Development Control Guidelines (DCG)

Are guidelines prepared on a site by site, or building by building basis to provide advice on appropriate location, form, massing, materials and design for new development within the curtilage of recognised heritage building/s, place or landscape. Can be prepared as part of a CMP or as a separate document.

Excavation Permit

An approval sought and granted under either Section 60 or Section 140 of the NSW Heritage Act for activities or works that may impact on sub-surface archaeological remains associated with a site, place, building or other item.

Feasibility Study

A report prepared to guide infill or new development or major works within the curtilage of a historic place. The report provides recommendations on appropriate siting, locations, massing and footprints and other pre-design factors for new developments or works.

Heritage Assessment

Is a report prepared to investigate the significance of a place, site or building. It includes an historical overview, description of the fabric, setting, identification of social values and a statement of significance. A Heritage Assessment can also be used as the first part of a Conservation Management Plan (see above).

Interim Heritage Order

Under the Heritage Act the Minister administering the Act or a delegated Local Council may place an Interim Heritage Order (IHO) over a cultural heritage item which may on further inquiry or investigation be found to be of State or local heritage significance. An IHO may remain in force for up to 12 months.

Maintenance Plan

A report prepared to guide the ongoing cyclical maintenance of a place, site or building. It is NPWS policy that all places listed on the NSW State Heritage Register require a Maintenance Plan.

Master Plan

An overview planning document that co-ordinates the conservation/development of a site, place or building, generally prepared on a broad scale.

Movable Heritage Management Plan

A conservation management plan prepared specifically to guide the conservation and management of movable heritage item/s or collection.

New Works

Any new work, design or construction that is not strictly conservation works initiated within the curtilage of an historic place, site or landscape; or to a movable heritage item.

Section 90

Permission requested and granted under s90 of the NPW Act to damage, deface, destroy or desecrate Aboriginal objects or Aboriginal Places.

Statement of Heritage Impact (SHI)

A short concise statement that identifies and assesses all likely impacts and their potential effects on the heritage or cultural significance of the place, site or item. It assesses the acceptability or not of the proposed impact in relation to the assessed significance of the place contained within either a Heritage Assessment, Conservation Analysis, Conservation Management Plan or other conservation management document. The statement of heritage impact must be prepared in accordance with guidelines set out in the Heritage Office Manual. It is generally prepared to accompany approvals for works or activities under the NSW Heritage Act and EP&A Act.

Works Documentation

All documentation prepared for new works (maintenance works, minor works or major works) which may include as appropriate sketch design and/or measured drawings, site plans, and detailed design drawings, schedules and/or works specifications. It is generally prepared to accompany approvals for works or activities under the NSW Heritage Act and EP&A Act.

Appendix A Summary of Relevant Legislation

National Parks and Wildlife (Land Management) Regulation 1995

The *National Parks and Wildlife (Land Management) Regulation 1995* (NPW-LM Reg) under Clause 13(4) requires the consent of a park authority for the interference or removal of non-Aboriginal cultural heritage more than 25 years old situated on National Park estate. If an activity requires consent under this Clause 13(4) then Part 5 of the EP&A Act is triggered and a Review of Environmental Factors (REF) must be undertaken. However, it should be noted that if a REF is being undertaken then consideration must be given to all impacts on the environment which includes all cultural heritage (Aboriginal and non-Aboriginal) regardless of age and regardless of whether the item is the trigger for which consent is being sought.

NPWS maintains a *NPWS Historic Places Register* of potential heritage places on NPWS estate through the Cultural Heritage Division. This document is relevant to all potential heritage items (including current built assets), landscapes and movable heritage items and those items over 25 years old situated on NPWS estate. The process it outlines will assist NPWS staff to meet NPWS heritage management requirements.

Although not directly related to this document it should be noted that Aboriginal objects and places are managed under Part 6 of the NPW Act. Section 87 permits for excavation, collection and movement as well as s90 permits for heritage impact are issued under this section of the NPW Act.

Heritage Act 1977

The Heritage Act provides for the management of NSW natural and cultural heritage. Although Aboriginal cultural heritage is primarily managed under the NPW Act, it may be subject to the provisions of the Heritage Act if the item is listed on the State Heritage Register or subject to an Interim Heritage Order (IHO).

The Heritage Act, provides for the listing of items, recognised as being of state significance, on the State Heritage Register (SHR). At present 32 items situated on NPWS estate are listed on the SHR. All works and activities to items listed on the SHR require an approval under section 60 of the Heritage Act. Approvals are not required for works and activities that are covered in a Conservation Management Plan (CMP) that has been endorsed by the NSW Heritage Council and NPWS Executive. Works or activities which fall outside the scope of the endorsed CMP require a separate section 60 approval.

Under section 170 of the Heritage Act, NPWS is required to keep a Heritage and Conservation Register of identified cultural and natural heritage items which are listed on the SHR; could be listed on the SHR; subject to an Interim Heritage Order or listed on an environmental planning instrument. The *NPWS s170 Heritage and Conservation Register* is still in preparation.

If an item is listed on the *NPWS s170 Heritage and Conservation Register*, NPWS must, under section 170A of the Heritage Act, give the NSW Heritage Council not less than 14 days written notice prior to the removal of the item from the register, transfer of ownership of the item, the cessation of occupation of the item, or the demolition of the item. It should be noted that Heritage Council consent for the activity is not required.

All relics across NSW (including NPWS estate) over 50 years old are managed under the Heritage Act. Any works or activities that may disturb relics must have a separate approval under the Heritage Act in the form of an Excavation Permit.

NPWS has the delegated authority through the Cultural Heritage Division to issue permits in most circumstances. Excavation permits issued under the Heritage Act are reviewed by the NPWS historical archaeologist and issued under delegation from the Heritage Office by the Manager, Cultural Heritage Division. Major excavation programs require joint approval by NPWS CHD and the Heritage Office. It should be noted that excavations which are likely to disturb relics that are 25 years old must obtain consent under the NPW-LM Reg.

Permit and s60 application forms can be downloaded from the Heritage Office website (<http://www.heritage.nsw.gov.au>). Excavation permit applications must be completed by a qualified historical archaeologist with demonstrated historic site excavation experience. When completing the application form, please note that the applicant is the NPWS project manager, and the archaeologist should be listed as the excavation director. A research design for the excavation and a current Curriculum Vitae (CV) for the excavation director should accompany all permit applications.

Environmental Planning & Assessment Act 1979

Under Part 5 of the EP&A Act, NPWS is required to assess the environmental impacts of a proposed activity (as defined by the EP&A Act) prior to giving approval to undertake the activity on reserved lands under the NPW Act.

All activities that may impact on a cultural heritage item of 25 years or older on NPWS estate will need to be assessed and approved through either Part 5 or Part 4 of the EP&A Act. Approval for activities on gazetted lands, either a Review of Environmental Factors (REF) or Environmental Impact Statement (EIS) is required in accordance with Part 5 of the EP&A Act. Activities on lands that have not been gazetted are assessed under Part 4 of the EP&A Act with approval issued by the Local Government Authority for the area. It should be noted that the EP&A Act requirements for NPWS approvals are in addition to separate approvals under the Heritage Act for items included on the SHR.

It should be noted that impacts on flora and fauna will also need to be assessed during the overall REF process.

The type and standard of documentation for activities, as outlined in the attached table, varies depending on the activity's nature and impact. Generally the completion of a REF form will provide sufficient information about impact for proposed works or activities to cultural heritage items for minor and most major activities. An EIS will be required where substantial impacts or controversial activities will occur. For more information on EIS preparation please refer to NPWS Environment Planning and Assessment Manual (EP&A Manual).

Under the EP&A Act, Local Government authorities are required to keep a schedule of heritage items as part of their Local Environment Plan (LEP). Places on gazetted NPWS estate may be listed on such a schedule and should also be listed on the *NPWS s170 Heritage and Conservation Register* even though State Environmental Planning Policy 4 (SEPP4) enables NPWS from complying with Local Government Planning regulations in certain circumstances.