

OBTAINING A Heritage Act Consent

HISTORICAL
ARCHAEOLOGY
INFORMATION
BROCHURE



This brochure has been developed to assist individuals or groups who are planning works that may affect a historical archaeological site. In Victoria, archaeological sites are protected under the Heritage Act and penalties apply for damaging or disturbing archaeological sites without a Consent. This information is designed to assist decision-making, compliance and successful project completion.



ABOVE: Ointment lid, 9 MacKenzie Street, Melbourne. Image courtesy of TerraCulture.

Victoria contains a diverse range of significant archaeological sites. The city and other townships contain evidence of the first phases of historic settlement. Homestead ruins reflect pastoral and agricultural activities, and other sites such as whaling stations, timber mills, lime kilns and factories are indicators of the early industries that shaped the state's history. Victoria has a rich gold mining heritage, and there are thousands of sites that relate to the discovery and working of the state's mineral resources. The information that can be learnt from the careful investigation of significant archaeological sites is important for all Victorians.

Archaeological sites are sometimes disturbed during infrastructure works such as roads or utilities construction, as part of new housing or industrial developments, or during smaller-scale building projects and renovations. In these cases, it is necessary to obtain a Heritage Act Consent before any archaeological remains are disturbed.

The brochure is presented in three sections, which reflects the three key phases of an archaeology project:

- 1 PLANNING** — makes recommendations about actions that should be taken in the early stages of project planning.
- 2 INVESTIGATING** — provides information about archaeological processes including excavations.
- 3 COMPLETING** — deals with project requirements that take place once archaeological work on-site is finished.

This advice relates only to the protection and management of historical archaeological sites. In Victoria, Aboriginal cultural heritage is protected under the Aboriginal Heritage Act 2006 and 2016 amendment. Aboriginal Victoria can be contacted on 1800 762 003 or email Aboriginalaffairs@dpc.vic.gov.au



Victoria's archaeological sites and artefacts provide a unique physical record of the state's settlement, from the early 1800s onwards, and the significant change and growth that has occurred since that time. Archaeological sites are protected by law because they contain information about our history that cannot be learned from other sources.



SECTION 1 / PLANNING

The presence of a historical archaeological site in a development area can have time and cost implications, and can affect the scheduling of other activities. It is important to identify and consider any historical archaeology issues at an early stage of project planning. If works are proposed that will disturb an archaeological site, a Consent under the Heritage Act must be obtained from Heritage Victoria.

Key steps to undertake when planning a development:

DOES THE PROJECT AREA CONTAIN A LISTED HISTORICAL ARCHAEOLOGICAL SITE?

- Consult Heritage Victoria's mapping layer, which identifies Heritage Inventory and Heritage Register places (see <http://services.land.vic.gov.au/maps/hermes.jsp>)
- A Heritage Certificate provides an official statement of a place's current Heritage Act status, including any archaeology listing. See the web site at www.heritage.vic.gov.au
- Contact Heritage Victoria's Archaeology team (email: archaeology.admin@delwp.vic.gov.au)

DOES THE PROJECT AREA CONTAIN ANY UNRECORDED HISTORICAL ARCHAEOLOGICAL SITES?

- Heritage Victoria regularly updates the Heritage Inventory to include new reports of sites, but not all sites have been identified and recorded. The Heritage Act protects all sites, even ones that are not known.
- It is important to avoid illegal disturbance to an unknown site. If the project area has the potential to contain a site, an appropriately qualified and experienced archaeology consultant should be engaged to conduct an assessment.

ENGAGE AN ARCHAEOLOGY CONSULTANT

- An archaeology consultant should be engaged to provide specialist advice at an early stage of project planning, if the works have the potential to affect a known or unrecorded historical archaeological site.
- The consultant can provide information about:
 - the legislative status of any known sites, and assess the potential of the place to contain unrecorded sites

- Consents under the Heritage Act that may be required, and facilitate the application process
- the management of any Aboriginal cultural heritage, including Cultural Heritage Management Plan requirements (voluntary or mandatory).

ASSISTANCE FROM HERITAGE VICTORIA

- Heritage Victoria maintains a Consultants Register for archaeology consultants (www.dtpli.vic.gov.au/heritage/consultant-and-contractor-directory). Proponents should ensure that a consultancy has an appropriate level of expertise and staff resources to undertake the required project works. Ask whether a consultant has successfully completed projects of similar or greater complexity in the past, and ask for relevant referees.
- Contact Heritage Victoria to discuss Consent requirements, or to ask whether specific archaeology consultants have professionally and effectively addressed Heritage Act requirements in the past.

All historical archaeological sites in Victoria are protected under the terms of the *Heritage Act 2017*, even if the site is not known or recorded by Heritage Victoria. All historical archaeological sites that have been identified — including more than 700 sites in the Melbourne CBD — are listed on the Victorian Heritage Inventory.



SECTION 2 / INVESTIGATING

If works are proposed that will result in the disturbance of a historical archaeological site, a Consent under the Heritage Act must be obtained from the Executive Director, Heritage Victoria. In most cases, a Consent to Excavate will be required to authorise the archaeological investigation or excavation, and recording of the site.

In Victoria, historical archaeological excavations typically take two to six weeks to complete, but longer timeframes may be needed for large or highly significant sites.

Once archaeological work is completed, a second approval — a Consent to Damage — will be required to allow site disturbance and development to proceed. In some cases, the Consent to Damage will include a condition requiring the archaeology consultant to monitor ground disturbance works in case unexpected archaeological remains come to light.

PREPARING AN APPLICATION FOR CONSENT

- It is recommended that a qualified and experienced archaeology consultant be engaged to prepare the Consent application. As part of the application the consultant must research the history of the place, assess the likely condition and significance of any archaeological remains, and consider the level of disturbance that will result from the works.
- The consultant must present a methodology that details how they propose to excavate and investigate the significant elements of the site.
- An archaeological excavation can be labour-intensive. The consultant must have relevant expertise and resources (staff numbers) to enable the investigation to be undertaken at a high standard.
- For complex projects, Heritage Victoria may require other specialists such as artefact conservators and analysts to be engaged.

INVESTIGATING THE SITE

- There are a number of different ways to investigate a historical archaeological site. Detailed excavation and recording is often required for highly significant sites. In other cases, it may only be necessary for the archaeology consultant to be on-site to monitor works, and record any important finds.
- The consultant and Heritage Victoria will, in most cases, be able to give an indication of how long a project will take, and the resources that will be required.

HERITAGE VICTORIA GUIDELINES

- Heritage Victoria and the Heritage Council Victoria have produced *Guidelines for Investigating Historical Archaeological Artefacts and Sites* (January 2014) which provide detailed requirements which must be addressed by archaeology consultants.



SECTION 3 / COMPLETING

An archaeology project does not finish when the site excavation is complete. Conditions on the Consents under the Heritage Act usually require archaeology consultants to analyse the discoveries made during the fieldwork and prepare a project report usually within 12 months. In some cases it will be necessary for significant excavated artefacts to be conserved, to prevent their deterioration.

- The archaeological investigation phase (Section 2) only represents part of a project's cost. Other likely costs include expenses for artefact cataloguing and specialist analysis, historical research, project reporting, and artefact conservation and management. Archaeology consultants should be asked to give indicative costs for these services as part of their engagement.
- It is usual for Heritage Victoria to require evidence that appropriate resourcing has been allocated for post-excavation work, as part of the issuing of the final Consent to Damage for a site.

HERITAGE INTERPRETATION SCHEMES

- Site remains (such as building foundations), artefacts and other information obtained from the archaeological investigation can be used as part of an on-site display, or Interpretation Scheme, to present the history of the place uncovered by the archaeological work. An Interpretation Scheme presents a unique opportunity for a new development to recognise and celebrate the history of a place in an engaging and authentic way. New and developing technologies, such as laser imaging and the 3D recording of sites and artefacts, are creating opportunities for archaeological discoveries to be presented in exciting and innovative ways.
- On some sites, the development of an Interpretation Scheme may be a Heritage Act requirement. The Heritage Council Victoria and Heritage Victoria are currently developing interpretation guidelines for historical archaeological sites, to assist the development of quality site interpretation outcomes.

An archaeology project can be an opportunity to promote the interesting history of a place, and any significant discoveries. Consider working with the archaeology consultant and Heritage Victoria to engage with the community, and present the findings to the public.

Images courtesy of Green Heritage Compliance and Research (Jacinta Bauer).

CONTACT HERITAGE VICTORIA

For more information about applying for and obtaining a Heritage Act Consent, Heritage Victoria's historical archaeology team can be contacted by email: archaeology.admin@delwp.vic.gov.au

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