

**SECTION 139(4) EXCAVATION EXCEPTION APPLICATION**

OR

**SECTION 146 NOTIFICATION OF A RELIC  
NSW HERITAGE ACT 1977**



All sections of this form must be completed before it can be assessed. The form is to be submitted to the Heritage Division, Office of Environment & Heritage in order to seek an exception from the need for an excavation permit issued by the Heritage Council of NSW which would otherwise be required under section 139(1) or (2) of the Heritage Act.

**For the purposes of registering this application, 1 original and 1 electronic copy must be submitted. All signatures on the hard copy form must be original.**

**If the Heritage Council or its Delegate is satisfied with relevant matters relating to the proposal, a copy of this form will be endorsed and returned to the Applicant.**

**THIS FORM AND ANY SUPPORTING DOCUMENTS SHOULD BE SENT TO:**

**The Heritage Council, C/- The Conservation Manager, Heritage Division, Office of Environment & Heritage.**

**Mail:** Locked Bag 5020, Parramatta NSW 2124. **DX:** DX 8225 Parramatta **Email:** heritage @heritage.nsw.gov.au

**1. SITE DESCRIPTION**

Name or number of property / shipwreck /relic: \_\_\_\_\_

Street: \_\_\_\_\_ Suburb/Town: \_\_\_\_\_

Council: \_\_\_\_\_ Postcode: \_\_\_\_\_

Lot/Section: \_\_\_\_\_ Strata/Deposited Plan: \_\_\_\_\_ Grid Ref: \_\_\_\_\_

**2. DESCRIPTION OF THE PROPOSAL OR RELIC**

**This MUST summarise the proposed works. Do not write 'See attached'. Drawings (A4 or A3) and photographs may also be attached to explain the proposal and assist a quick response**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COST OF PROPOSAL: \$ .....**

**SUBMISSION REQUIREMENTS ATTACHED**

**4. APPLICANT'S DETAILS**

**Title:** \_\_\_\_\_ **Name:** \_\_\_\_\_ **Position:** \_\_\_\_\_

**Company Name:** \_\_\_\_\_

**Street:** \_\_\_\_\_ **Suburb/Town:** \_\_\_\_\_

**Postcode:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Phone No.:** \_\_\_\_\_ **Fax No.:** \_\_\_\_\_ **Mobile No.:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**5. OWNER/S DETAILS AND CONSENT**

**Title:** \_\_\_\_\_ **Name/s:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**Company Name:** \_\_\_\_\_

**Street:** \_\_\_\_\_ **Suburb/Town:** \_\_\_\_\_

**Postcode:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Phone No.:** \_\_\_\_\_ **Fax No.:** \_\_\_\_\_ **Mobile No.:** \_\_\_\_\_

**Registered Owner/s Consent**

As the registered owner/s of the above property, I/We give consent to this application.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

TYPE OF EXCEPTION	SUBMISSION REQUIREMENTS
<input type="checkbox"/> <b>S139 (1B)</b> <i>The excavation or disturbance of land will have a minor impact on archaeological relics including the testing of land to verify the existence of relics without destroying or removing them; OR</i>	<p>1 copy (+ 1 electronic copy) of a brief Statement documenting the expected level of impact on the archaeological resource and proposed methodology for the relevant Archaeological work (e.g. Testing or Monitoring).</p> <p>1 copy (+ 1 electronic copy) of a schematic plan or drawing of the site and/or other documents necessary to describe the proposal.</p>
<input type="checkbox"/> <b>S139 (1C)</b> <i>A brief written statement describing the proposed excavation demonstrates that evidence relating to the history or nature of the site, such as its level of disturbance, indicates that the site has little likelihood of Relics or no archaeological research potential. *see NOTE below.</i>	<p>1 copy (+ 1 electronic copy) of a Statement documenting that the proposed excavation or disturbance will only involve the removal of material with little or no archaeological potential and no heritage significance.</p> <p>1 copy (+ 1 electronic copy) of a schematic plan or drawing of the site and/or other documents necessary to describe the proposal.</p>
TYPE OF NOTIFICATION	SUBMISSION REQUIREMENTS
<input type="checkbox"/> <b>S146 Discovery of a 'Relic'.</b> <i>A person has discovered or located a relic (in any circumstances and whether or not the person has been issued with a permit).</i>	<p>1 copy of a statement describing the circumstances of the discovery (including images such as photographs or sketch plans as relevant). The statement should also describe any assessment or mitigation measures undertaken prior to notification.</p>

## ENDORSEMENT BY HERITAGE COUNCIL (OR ITS DELEGATE)

The proposed disturbance or excavation of land described on this form has been assessed by the Heritage Council (or its Delegate). The proposal does not require an excavation permit under section 140 of the *Heritage Act, 1977*, as it is excepted under the exception granted under section 139(4) of the *Heritage Act, 1977*, by the Heritage Council by Order published in the Government Gazette, and the relevant criteria have been satisfied.

.....  
**DIRECTOR / MANAGER**  
Heritage Division (as delegate of NSW Heritage Council)

### GENERAL CONDITIONS FOR ENDORSEMENT OF AN EXCEPTION

**NOTE 1:**

Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately. Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed in accordance with Section 89A of the National Parks and Wildlife Act, 1974 (as amended). Aboriginal 'objects' must be managed in accordance with the National Parks and Wildlife Act, 1974.

**NOTE 2:**

This exception does not allow the removal of State significant Relics.

**NOTE 3:**

Where substantial intact archaeological relics of State or local significance not identified in the archaeological assessment or statements are unexpectedly discovered during excavation, work must cease in the affected area and the Heritage Division must be notified in writing in accordance with section 146 of the Heritage Act, 1977. Depending on the nature of the discovery, additional assessment and possibly an excavation permit may be required prior to the recommencement of excavation in the affected area.

**NOTE 4:**

Anything done pursuant to this exception must be specified, supervised and carried out by people with knowledge, skills and experience appropriate to the work.

**NOTE FOR EXCEPTION (1B):** Archaeological research potential of a site is the extent to which further study of relics likely to be found is expected to contribute to improved knowledge about NSW History which is not demonstrated by other sites or archaeological resources. Exception 1(B) could apply where:

- a site is suspected to exist, for example is identified and listed in an LEP or heritage study, but further assessment indicates it does not exist; exists at another location; or has been highly compromised/ disturbed; or
- the scale or nature of the proposed excavation will not affect significant areas/deposits of a known archaeological site for example, the excavation would only affect peripheral areas of a significant archaeological site.