



Heritage NSW

HMS Application ID: 1253

[REDACTED]
Jervis Bay Town Planning
4 DIADEM AV
VINCENTIA NSW 2540

Dear [REDACTED]

Re: s140 Excavation Permit – ID 1253 for Huskisson Church Graveyard topsoil stripping excavation at Lot 7 and Lot 8, Sec. 3, DP758530 Huskisson NSW (Shoalhaven LGA)

Reference is made to your application under Section 140 of the *Heritage Act 1977* (the Act), to undertake archaeological work at the above property.

Under delegated authority, approval is given for the S140 application for an archaeological excavation permit. Please note this permit is subject to the conditions attached. Acceptance of these statutory conditions by the Applicant and Excavation Director is a requirement of this permit. It should be noted that as the Applicant, this Approval (and the fulfilment of all subsequent conditions) rests with you and not the Land which is the subject of the works.

You are reminded that it is a condition of this permit that the Applicant is responsible for the safe keeping of 'relics' (including artefacts) recovered from this site. You are required to nominate a repository for archaeologically excavated material, as well as referencing the final location in the excavation report as per section 146(b) of the Act. This is to enable a record to be kept of the location of all archaeologically excavated material.

It should be noted that an approval for an archaeological permit under the Act covers only those archaeological works described in the application. Any additional archaeological investigations will require a further approval. It should also be noted that an approval for an archaeological permit under the Act is additional to those which may be required from other local, State or Commonwealth Government authorities. Inquiries about any other approvals needed should, in the first instance, be directed to the local council, State and Commonwealth Government where appropriate.

This permit, issued by the Heritage Council of NSW, does not give approval to harm Aboriginal objects. Aboriginal objects and Aboriginal places in NSW are protected under the *National Parks and Wildlife Act 1974* (NPW Act). It is an offence to do any of the following without an exemption or defence (penalties apply):

- knowingly harm or desecrate an Aboriginal object (the 'knowing' offence)
- harm or desecrate an Aboriginal object or Aboriginal place (the 'strict liability' offence)

The NPW Act provides a number of exemptions and defences to these offences and also excludes certain acts and omissions from the definition of harm. For more information about the regulation of Aboriginal cultural heritage, go to the Heritage NSW website:

<https://www.heritage.nsw.gov.au/permits-and-assessments/aboriginal-heritage-impact-permits/>



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This permit is issued to the applicant on the condition that the nominated Excavation Director is present at the site supervising all archaeological fieldwork activity likely to expose significant relics. Permits are not transferable without the written consent of the Heritage Council of New South Wales. Your attention is drawn to the right of appeal against these conditions in accordance with section 142 of the *Heritage Act, 1977*.

NOTIFICATION OF START AND END OF ARCHEOLOGICAL PROGRAM

The Approved Excavation Director shall write to advise HNSW 5 days before start of the archaeological program and 5 days following the end of the archaeological program. Communication should be made to: HERITAGEMAILBOX@environment.nsw.gov.au With a reference to the relevant Application No. (ie. HMS Id 1253). The Heritage Council and staff of Heritage NSW, Department of Premier & Cabinet authorised under section 148(1) of the Heritage Act, 1977, reserve the right to inspect the site and records at all times and to access any relics recovered from the site.

ADVICE

Your attention is drawn towards the powers of entry and inspection under s.148 of the Heritage Act 1977 for authorised persons. If entry and inspection are required, reasonable notice will be provided as per the Act. The owner could voluntarily agree to allow non-authorised persons, such as Heritage NSW (Department of Premier & Cabinet) staff who are acting in a supporting role to the authorised persons, to enter their property for the purpose of inspection. Owners may also voluntarily grant permission to take photograph, take samples or request records.

Inquiries on this matter may be directed to [REDACTED] on [REDACTED] or via email at [REDACTED]@environment.nsw.gov.au.

Yours sincerely

[REDACTED]

[REDACTED]
Manager, Assessments
Heritage NSW
Department of Planning & Environment
As Delegate of the Heritage Council of NSW
31 August 2022

Enclosure: Approval Conditions for S140 Permit

CC: Shoalhaven City Council: council@shoalhaven.nsw.gov.au
Excavation Director: [REDACTED]@australarch.com.au



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Huskisson Church Graveyard topsoil stripping excavation
Lot 7 and Lot 8, Sec. 3
DP758530 Huskisson NSW
Conditions of Approval: HMS ID 1253

Approved Archaeological Works

01. All works shall be in accordance with the approved research design and methodology outlined in 's140 Excavation Permit –Huskisson Church Graveyard scrape excavation at Lot 7 and Lot 8, Sec. 3, DP758530 Huskisson NSW (Shoalhaven)' (August 2022) prepared by [REDACTED] (Jervis Bay Town Planning) and 'Archaeological Research Design For 17 Hawke Street, Huskisson, New South Wales' (August 2022) prepared by [REDACTED] (Austral Archaeology)

except as amended by the following conditions:

02. This permit covers excavation of humic topsoil (to a depth of 300mm) to expose the tops of potential grave cuts, only. No relics of State significance are affected/allowed to be removed. No relics of Local significance are affected/allowed to be removed below 300mm. Grave cuts can only be exposed and must not be excavated.
03. If human skeletal remains are uncovered during the testing works, all work must stop on site and the remains protected. Heritage NSW must be notified within 5-days, as additional permit and/or variation may be required. Human remain must not be removed from the site.
04. This archaeological approval is valid for five (5) years from the date of approval. Requests for extensions beyond this time must be made in writing prior to expiry of the permit and should be lodged as a S144 variation.

Fieldwork:

05. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in 'Archaeological Research Design For 17 Hawke Street, Huskisson, New South Wales' (August 2022) prepared by [REDACTED] (Austral Archaeology), are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. To address this discovery, you need to lodge a s146 notification to the Heritage Council of NSW. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery. Advice would be provided in response to the lodged s146 notification.
06. Should any Aboriginal objects be uncovered by the work, excavation or disturbance of the area is to stop immediately and Heritage NSW (Enviroline 131 555) is to be notified in accordance with Section 89A of the *National Parks and Wildlife Act, 1974* (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by Heritage NSW.
07. The Primary Excavation Director nominated in the section 140 application 1253, [REDACTED] must consult with the local Aboriginal Community before commencing and throughout all archaeological works to help identify if there are Aboriginal burials within the study area.
08. The Heritage Council of NSW must approve any substantial deviations from the approved research design outlined in 'Archaeological Research Design For 17 Hawke Street, Huskisson, New South Wales' (August 2022) prepared by [REDACTED]

Locked Bag 5020 Parramatta NSW 2124
P: 02 9873 8500 ■ E: heritagemailbox@environment.nsw.gov.au

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(Austral Archaeology), including extent and techniques of excavations, as an application for the variation or revocation of a permit under section 144 of the *Heritage Act, 1977*.

09. The Applicant must ensure that the approved Excavation Director nominated in the section 140 application 1253, [REDACTED] is present at the site supervising all archaeological fieldwork activity likely to expose significant relics.
10. The Applicant must ensure that the approved Excavation Director nominated in the section 140 application 1253, [REDACTED], takes adequate steps to record in detail relics, structures and features discovered on the site during the archaeological works in accordance with current best practice. This work must be undertaken in accordance with relevant Heritage Council guidelines.
11. The Applicant must ensure that the nominated Excavation Director briefs all personnel involved in the project about the requirements of the NSW *Heritage Act, 1977* in relation to the proposed archaeological program. This briefing should be undertaken prior to the commencement of on-site excavation works.
12. The Applicant must ensure that the nominated Excavation Director and the excavation team is given adequate resources to allow full and detailed recording to be undertaken to the satisfaction of the Heritage Council.
13. The Applicant must ensure that the site under archaeological investigation is made secure and that the unexcavated artefacts, structures and features are not subject to deterioration, damage, destruction or theft during fieldwork.
14. The Applicant is responsible for the safe-keeping of all relics recovered from the site.

Archaeological site recording to include:

15. The Applicant must ensure that the Excavation Director oversee the taking and recording of survey levels on site, which will be reduced to Australian Height Datum (AHD), for all archaeological and topographical strata encountered as well as relevant modern ground levels (i.e. next to trenches, open area limits etc).

Analysis and Reporting

16. The Applicant must ensure that the approved Excavation Director or an appropriate specialist, cleans, stabilises, labels, analyses, catalogues and stores any artefacts recovered from the site in a way that allows them to be retrieved according to both type and provenance.

Final Reporting:

17. Reporting is required in accordance with section 146(b) of the *Heritage Act, 1977*. The Applicant must ensure that a final excavation report is written to publication standard, within one (1) year of the completion of the field based archaeological activity. It must be prepared in accordance with any Heritage Council of NSW Guidance or advice on the Heritage NSW website as issued from time to time. Any application to extend the due date for the final excavation report must be made before it is due, and lodged under s144 of the Act.
18. All digital resources (including reports, context and artefact data, scanned field notes, other datasets and documentation) should be lodged with a sustainable, online and open-access repository.



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Compliance

19. If requested, the Applicant and nominated Heritage Consultant may be required to participate in audits of Heritage Council approvals to confirm compliance with conditions of consent.

Site Specific Conditions:

20. The Applicant must ensure that a summary of the results of the field work, up to 500 words in length, is prepared by the approved Excavation Director, [REDACTED], and submitted to the Heritage Council of NSW within one (1) month of completion of archaeological field work. This information is required in accordance with section 146(b) of the Heritage Act, 1977.

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