



Richmond Valley Comprehensive Heritage Study

**HISTORIC NEW ITALY
VILLAGE AREA**

DISCLAIMER
The information displayed
is diagrammatic only and
should be used as a guide
only.

Richmond Valley Council 2008

Clause 5.10A Historic New Italy Village Area [local] - draft

Note.

Under section 139 of the *Heritage Act 1977* a permit is required to disturb or excavate any land where there is a reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed moved, damaged or destroyed.

The section states:

139 Excavation permit required in certain cases

- (1) A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.
- (2) A person must not disturb or excavate any land on which the person has discovered or exposed a relic except in accordance with an excavation permit.
- (3) This section does not apply to a relic that is subject to an interim heritage order made by the Minister or a listing on the State Heritage Register.
- (4) The Heritage Council may by order published in the Gazette create exceptions to this section, either unconditionally or subject to conditions, in respect of any of the following:
 - (a) any relic of a specified kind or description,
 - (b) any disturbance or excavation of a specified kind or description,
 - (c) any disturbance or excavation of land in a specified location or having specified features or attributes,
 - (d) any disturbance or excavation of land in respect of which an archaeological assessment approved by the Heritage Council indicates
 - (i) that there is little likelihood of there being any relics in the land, or
 - (ii) that any relics in the land are unlikely to have State or local heritage significance.
- (5) This section does not prevent a person from disturbing or excavating land in which a historic shipwreck is situated in accordance with a historic shipwrecks permit in force in respect of that shipwreck.

(1) Objectives

The objectives of this clause are to:

- (a) identify the Historic New Italy Village Area on a map,
- (b) provide for awareness of potential archaeology within the Historic New Italy Village Area,
- (c) establish a preliminary assessment process to determine whether there is likelihood that an item of archaeology, or a relic, would be exposed, moved, damaged, or destroyed by earthworks, including disturbance of ground, and
- (d) require development consent to expose, move, damage, or destroy an item of archaeology, or a relic.

(2) Land to which this clause applies

This clause applies to all land contained within the boundaries of the Historic New Italy Village Area as identified on the Heritage Map.

(3) Consent required

Consent is required to undertake any development that would expose, move, damage, or destroy an item of archaeology, or a relic.

(4) Preliminary assessment

- (a) A preliminary assessment is required prior to undertaking any development that would involve earthworks, including disturbing the ground.
- (b) A preliminary assessment involves the owner, or their representative, undertaking an examination or surveillance of their land, prior to undertaking earthworks, including disturbance of ground, to determine the likelihood that such development may expose, move, damage, or destroy an item of archaeology, or a relic.
- (c) Where the preliminary assessment determines that no archaeology or relics would be exposed, moved, damaged, or destroyed the development may proceed without consent under this clause, and subject to any other consents or approvals.
- (d) A development control plan may provide additional detail with regard to preparation of a preliminary assessment.

(5) Circumstances in which a preliminary assessment is not required

Preliminary assessment under subclause (4) is not required if:

- (a) a previously documented preliminary assessment, in accordance with this Plan, has been undertaken, or
- (b) the area to be disturbed or excavated was disturbed or excavated within the previous 20 years, or
- (c) an archaeological assessment of the area to be disturbed or excavated has been undertaken.

(6) Items of archaeology, or a relic, discovered during work

Where an item of archaeology, or a relic, is discovered or exposed while undertaking development:

- (a) works that may further expose or damage the item must cease immediately,
- (b) must notify Council, as soon as is reasonably possible, of the discovery, and
- (c) must not recommence work within the immediate vicinity of the item until advised by Council or the Department of Planning—Heritage Branch that it is appropriate to do so.

(7) Inconsistency

This clause shall prevail to the extent of any inconsistency with any other clause in this plan.

(8) Definitions

For the purposes of this clause:

Historic New Italy Village Area is an area identified on the Heritage Map which represents the area of land New Italy, parish of Donaldson, settled by Italian migrants in 1882 & 1883 following on from the ill-fated Marquis de Ray expedition of 1880.