

Aboriginal Heritage Impact Permit (AHIP) application



This form must be filled out if you want to apply for an **Aboriginal Heritage Impact Permit (AHIP)** prescribed under section 90A of the *National Parks and Wildlife Act 1974* (NPW Act).

This form must be used for all applications in relation to causing harm to Aboriginal objects and Aboriginal places.

It can be issued in relation to a specified Aboriginal object, Aboriginal place, land, activity or person or specified types or classes of Aboriginal objects, Aboriginal places, land, activities or persons.

If you need any help filling out the form, please contact the relevant section within the Office of Environment and Heritage (OEH) (contact details are listed at the end of this form).

You can also refer to Applying for an Aboriginal Heritage Impact Permit, Guide to Applicants 2010 and the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW for help.

Once completed and signed, send the form, together with the applicable fee and all supporting information, to your nearest OEH office.

Please note that if your application is incomplete you may be requested to provide further information.

If the information in your application is so insufficient that an assessment cannot be made, OEH may decide to refuse the application.

You will be given notice of this proposed refusal.

Completing this form

This form is divided into 5 parts:

1. information about you – the applicant and other contact details
2. proposed actions and the impacts on Aboriginal cultural heritage
3. accompanying/supporting documentation
4. fees and signatures
5. checklist and additional information.

1. Information about you, the applicant

Note: All information marked with an asterisk (*) will appear on the public register.

1.1 AHIP applicant

1.1.1 Name of proposed AHIP holder(s)

An AHIP can be issued to individual(s), a company, body corporate or public authority, but **not** a partnership or joint-venture. It is OEH's policy that where appropriate, an AHIP will be issued to the company responsible for the proposed works and not to individual archaeologists or consultants employed or contracted by the company.

Applicant 1

Full name*	Roads and Maritime Services		
Trading as*			
ACN/ABN	ACN:	ABN:76236371088	
Business address*/ other address	No:266	Street name:King Street	
	Suburb:Newcastle	State:NSW	Postcode:2300

Applicant 2

Full name*			
Trading as*			
ACN/ABN	ACN:	ABN:	
Business address*/ other address	No:	Street name:	
	Suburb:	State:	Postcode:

Please attach extra page(s) if more space is needed, or if there are more than 2 applicants.

Must be the registered business address as it appears in the ASIC register, for companies or individuals with an ABN.

1.1.2 Contact details for project manager

The project manager will be responsible for overseeing, for and on behalf of the AHIP holder, the actions relating to the AHIP. The project manager may be the AHIP holder, an archaeologist or another suitably qualified and experienced individual depending on the nature of the proposed activities.

Name	Title Mr	Given name: Daniel
	Surname: Evans	
Organisation	Roads and Maritime Services	
Position	Project Manager	
Phone numbers	Business: 02 4908 7671	Mobile: 0401714548
Email	Daniel.Evans@rms.nsw.gov.au	

1.1.3 Contact details for archaeologist (if different to project manager)

Name	Title Mr	Given name: Chris
	Surname: Langeluddecke	
Organisation	AMBS Ecology & Heritage	
Phone numbers	Business: 02 9518 4489	Mobile: 0421 613 149
Email	chris@ambs.com.au	

2. Proposed actions and the impacts on Aboriginal cultural heritage

Note: All information marked with an asterisk (*) will appear on the public register

2.1 General description of the actions that the AHIP will cover

2.1.1 Development/project name*

Insert the name of the overall development/project or a very brief description. Include reference to a stage if it is a staged project.

Upgrade of the Golden Highway at Mudies Creek - UXO investigation and clearance

2.1.2 Location*

Please provide the following details of the location of the land to which this application applies. A brief description followed by specific details.

Land description or Property name	Department of Defence - Singleton Military Area		
Street address	No:	Street name: Golden Highway	
	Town/Suburb: Singleton Military Area		Postcode: 2331
Title details	Portion/s:		Parish: Whittingham
	County: Northumberland		Lot & DP No: 2/1207737

2.1.3 Local government area*

Please provide the name of the local government area to which this application applies. If the project covers multiple local government areas, please list them all.

Local government area/s	Singleton
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2.1.4 Description of 'harm' to Aboriginal objects or places*

Please indicate in the following table the type/s of actions that you wish the AHIP to cover.

Please note that these are specific actions that will 'harm' Aboriginal objects or places. Harm, in relation to an Aboriginal object, includes movement, damage, destruction or defacement.

In relation to an Aboriginal place, harm includes damage, defacement or destruction. See the definition of harm under section 5(1) of the NPW Act.

I would like my AHIP to cover the following actions (check (X) all that apply):

a. Harm including movement of Aboriginal objects (including any movement, damage, defacement or destruction of Aboriginal objects)	
Movement only of certain Aboriginal objects	<input type="checkbox"/>
Test excavations ¹	<input type="checkbox"/>
Salvage excavations	<input type="checkbox"/>
Community collection	<input type="checkbox"/>
Harm to certain Aboriginal objects through the proposed works	<input type="checkbox"/>
Other action(s) causing harm	<input checked="" type="checkbox"/>
b. Areas where Aboriginal objects will not be harmed (i.e. certain Aboriginal objects and/or areas within the area of the AHIP application that will not be harmed)	<input type="checkbox"/>
c. Harm to an Aboriginal place (including any damage, defacement or destruction of the Aboriginal place)	<input type="checkbox"/>
Specify the harm:	Investigation and clearance of potential unexploded ordnances within a PAD and near a known site may cause inadvertant harm to Aboriginal objects

2.1.5 AHIP duration and term*

Please indicate the period for which you seek an AHIP (e.g. 2 years).

Period of the AHIP	12 months
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Please indicate the proposed term of the AHIP; start and end dates. The proposed term of an AHIP should closely mirror the period within which harm on Aboriginal objects and/or Aboriginal places will occur.

Proposed start date:	November 2018
Proposed end date:	November 2019

¹ Include only test excavations that cannot be carried out in accordance with the requirements of the *Code of Practice for Archaeological Investigation in New South Wales* (www.environment.nsw.gov.au/licences/archinvestigations.htm).

3. Accompanying/supporting documentation

3.1 Necessary consents

Please check (X) 'Yes' or 'No'

	Yes	No
Is development consent under Part 4 of the <i>Environmental Planning and Assessment Act 1974</i> (EP&A Act) or is another approval required (e.g. an approval under Part 5 of the EP&A Act – review of environmental factors, or a licence under the <i>Protection of the Environment Operations Act 1997</i>)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has consent or approval under the EP&A Act or other necessary approval been granted ² ? If 'Yes' you must attach a copy of the consent or other approval.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.2 Works on OEH national parks and reserves

Please check (X) 'Yes' or 'No'

	Yes	No
Does the application relate to land reserved, managed or acquired under the NPW Act or aquatic reserve under Division 2 of Part 7 of the <i>Fisheries Management Act 1994</i> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the application supported by the relevant National Parks and Wildlife Service Regional Manager or Manager Aquatic Protected Areas? If 'Yes' attach evidence of the relevant Manager's support.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.3 Aboriginal cultural heritage assessment report

Your application must be accompanied by an **Aboriginal Cultural Heritage Assessment Report**. The report must be provided in two formats:

1. Hard copy
2. Electronic copy as an unprotected PDF file.

The Guide to investigating, assessing, and reporting on Aboriginal cultural heritage in NSW (the Guide) explains what an Aboriginal Cultural Heritage Assessment Report should cover.

Use the checklist below to ensure that all the necessary information is included in your report.

Within my Aboriginal Cultural Heritage Assessment Report the following key pieces of information have been included:		Yes
1	Restricted information (Guide section 3.1) Have you clearly identified any information that is restricted because it is culturally sensitive? Note that you, the applicant, are responsible for ensuring the AHIMS (Aboriginal Heritage Information Management System) site card reflects that the information is restricted.	<input checked="" type="checkbox"/>
2	Confidentiality information (Guide Appendix D) Have you identified any information that is confidential for any reason (excluding restricted information under 1 above)?	<input checked="" type="checkbox"/>
3	Copyright (Guide Appendix D) Have you identified who owns the copyright to the Report? You should set out who prepared the Report and the circumstances under which the Report was prepared (e.g. is the author the copyright owner? Was the author retained by a commissioning party and if so did the agreement contain a clause about copyright ownership?).	<input checked="" type="checkbox"/>
	Have you signed the indemnity on the AHIMS Heritage Report Cover Sheet when submitting your report to AHIMS?	<input checked="" type="checkbox"/>

² If a consent or approval is required but has not yet been granted, OEH will not issue an AHIP in most circumstances.

Within my Aboriginal Cultural Heritage Assessment Report the following key pieces of information have been included:		Yes
4	Description of the proposed activity (Guide section 3.2) Have you described the nature, scope and objectives of the proposed activity (including research activities, if appropriate)?	<input checked="" type="checkbox"/>
5	Indicate the proposed term of the AHIP (Guide section 3.2) Have you provided a time period for how long you need the AHIP for (include start and end dates)? (see also question 2.1.5 in this form)	<input checked="" type="checkbox"/>
6	Description of the area where the proposed activities are to be undertaken, the subject of this AHIP application including exclusion areas, and maps (Guide sections 2.2.1, 3.1.2, 3.2)	
	Have you included the property name, street address, cadastre information such as lot and DP, local government area, parish and zone, subject of this AHIP application and also any exclusion areas?	<input checked="" type="checkbox"/>
	Have you described the environment/landscape relevant to the proposed activity including topography and geology?	<input checked="" type="checkbox"/>
	Have you included a topographic map clearly showing the location of the land that is the subject of this AHIP application and any exclusion areas, and development boundary (aerial photographs, detailed site maps and title plans may also be provided)? The map should provide clear cadastre information including a lot and DP number, the local government area, parish and zone (as applicable).	<input checked="" type="checkbox"/>
7	Description and identification of the Aboriginal objects and AHIMS sites (Guide sections 2, 2.2.2, 2.2.3, 3.1, 3.2, Appendix C)	
	Have you included a map of the heritage values present and the elements in the landscape associated with those values?	<input checked="" type="checkbox"/>
	Have you described Aboriginal peoples past and/or current use of the land, relevant to the activity and the surrounding areas?	<input checked="" type="checkbox"/>
	Have you included AHIMS site numbers?	<input checked="" type="checkbox"/>
8	Details of other applications for AHIPs within the area which is the subject of this AHIP application (Guide section 3.2)	
	Have you indicated whether any other AHIPs have been issued or refused relating to the area subject of this AHIP application?	<input checked="" type="checkbox"/>
	Have you included the AHIP number and status (e.g. current/expired/refused)?	<input type="checkbox"/>
9	Details of the consultation process (Guide sections 1.4, 2.3, 3.2)	
	Have you provided a description of the consultation process you conducted and how it meets requirements set out in clause 80C of the National Parks and Wildlife Regulation 2009? This is further explained in OEH's <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i> . Identify where you haven't been able to comply with the requirements in the regulation and provide any associated documented evidence such as letters and advertisements.	<input checked="" type="checkbox"/>
	Have you provided a list of the registered Aboriginal parties?	<input checked="" type="checkbox"/>
	Have you included copies of submissions received, issues raised and your responses? (It is recommended that this be presented in table format – name of person who made the submission, issue(s) raised and your responses to them).	<input checked="" type="checkbox"/>
10	Statement of significance of the cultural heritage values (Guide sections 2.4 and 3.2)	<input checked="" type="checkbox"/>
11	Description of the actual or likely harm (Guide sections 2.5 and 3.2)	<input checked="" type="checkbox"/>
12	Description of the measures to avoid harm (Guide sections 2.6 and 3.2)	<input checked="" type="checkbox"/>

Within my Aboriginal Cultural Heritage Assessment Report the following key pieces of information have been included:		Yes
13	Description of the measures to minimise harm including: (Guide sections 2.5, 2.7, 3.2)	
	Have you justified the measures chosen to minimise harm, including an explanation of all alternatives considered and why they were or were not included in the final proposal?	<input checked="" type="checkbox"/>
	Have you shown how ecological sustainable development principles have been considered?	<input checked="" type="checkbox"/>
	Have you described how cumulative harm has been considered?	<input checked="" type="checkbox"/>
14	Information about what you, the applicant, intends to do with salvaged and/or collected objects , for example, if objects will be transferred to an Aboriginal owner, or whether a care and control agreement will be sought under section 85A(1)(c) NPW Act.	<input checked="" type="checkbox"/>

Note: Any additional information that you may have that is not included in the checklist above should also be included in your Aboriginal Cultural Heritage Assessment Report.

3.4 Management of salvaged Aboriginal objects

Please provide information about what you, the applicant, intend to do with **salvaged** and/or **collected objects**, if applicable.

3.4.1 Temporary storage of certain Aboriginal objects

If the Aboriginal objects are proposed to be moved from the land, provide details of the temporary storage location in the table below.

Location name:	AMBS Ecology and Heritage
Address:	Level 1, 33 Booth Street, Annandale NSW 2038
Storage particulars:	

3.4.2 Long-term management of certain Aboriginal objects

Long-term management of Aboriginal objects should be negotiated between the applicant, the registered Aboriginal parties and any other relevant party. Provide information of any long-term management plans that have been agreed upon, including any written authority from registered Aboriginal parties or the Aboriginal owner.

Please check (X) 'Yes' if applicable

	Yes
Have you applied to the Australian Museum Trust, for it to hold the Aboriginal Objects collected under the terms of this AHIP? If 'yes' provide evidence of your contact with the Australian Museum. (Refer to the Australian Museum's <i>Archaeological Collection Lodgement Policy and Protocols for the Deposition of Archaeological Materials</i>).	<input type="checkbox"/>
Will objects be transferred to an Aboriginal owner ³ ?	<input type="checkbox"/>
Will objects be transferred under a Care and Control Agreement to an Aboriginal person or organisation representing Aboriginal people in accordance with section 85A(1)(c) of the NPW Act? If 'yes' you must apply for the transfer of Aboriginal objects for safekeeping under section 85A(1)(c) of the NPW Act (see <i>Care agreements</i> for the form and more information).	<input type="checkbox"/>
Do you intend to rebury or return Aboriginal objects to the location they originated from? If 'yes' reburial on site must be undertaken in accordance with Requirement 26 'Stone artefact deposition and storage' in the <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW</i> .	<input type="checkbox"/>

³ Aboriginal owner as defined under section 4(1) of the *Aboriginal Land Rights Act 1983*.

3.5 Aboriginal Heritage Information Management System (AHIMS) site information and proposed harm

Aboriginal Heritage Information Management System (AHIMS) contains details of Aboriginal objects, places and other heritage values across NSW. AHIMS also contains archaeological reports and site records. In the table below, provide the information of the sites in the area that your AHIP application covers as they are recorded in AHIMS. This will include the sites that you propose to harm as well as those sites where there will be no harm.

Note: This information must reflect the discussions you have had with the registered Aboriginal parties. You must also ensure that all AHIMS Site Recording Forms (site cards) are updated (if necessary) prior to completing the table below and submitting your application for an AHIP. This will include making sure that any information access restrictions are correct and that the details of any 'knowledge holder' or 'nominated trustee' are still current. For a **new site** that is not in AHIMS, heritage professionals will be required to complete an **AHIMS site recording form** when recording a site, in conjunction with the local Aboriginal community and relevant OEH officer.

For further information regarding AHIMS generally, call the AHIMS Administrator on (02) 9585 6345 or the OEH switchboard on (02) 9995 5000 or refer to the Aboriginal Heritage Information Management System.

For information on who can record sites and how to record sites, call the AHIMS Registrar on (02) 9585 6345 or email ahims@environment.nsw.gov.au.

AHIMS site information									Proposed harm		
Portion of site (whole or part – include map reference if part)	AHIMS site ID	Site feature (there may be more than one site feature per site ID)	Site name	Information access restriction and map reference? (Yes + map ref. or No)	Easting	Northing	Datum (AGD or GDA)	Zone	Type of harm ¹	Degree of harm ²	Consequence of harm ³
	37-6-3835	Five artefacts	Mudies Creek Artefact 01	No	331500	6387320	GDA	56	Will not be harmed	None	No loss of value

¹ 'Will not be harmed' / 'Movement (collection) only' / 'Excavation' / 'Community collection' / 'Directly harmed'

² 'Whole' / 'Partial' / 'None'

³ 'Total loss of value' / 'Partial loss of value' / 'No loss of value'

Attach an additional sheet if required.

4. Fees and signatures

4.1 Determining the fee for AHIP processing

Please indicate the estimated **total** cost of the development works to determine the relevant administrative fee. Payment of the fee (cheque or credit card authorisation) must be submitted with your application.

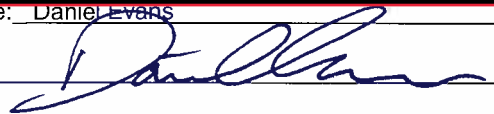
Please check (X) applicable fee.

Section 90A AHIP	Fee ⁴	
Work to an owner-occupied dwelling costing up to \$100,000	\$80	<input type="checkbox"/>
Other work costing up to \$100,000	\$133	<input type="checkbox"/>
Work between \$100,000 and \$250,000	\$200	<input type="checkbox"/>
Work between \$250,000 and \$500,000	\$332	<input type="checkbox"/>
Work between \$500,000 and \$1 million	\$532	<input type="checkbox"/>
Work between \$1 million and \$2 million	\$997	<input type="checkbox"/>
Work between \$2 million and \$5 million	\$1,330	<input type="checkbox"/>
Work over \$5 million	\$2,660	<input checked="" type="checkbox"/>

Please check the method of payment.

☐ Cheque enclosed. Make cheque payable to 'Office of Environment and Heritage'.

Card Name: Daniel Evans

Signature: 

Date: 3/10/18

⁴ Processing fees are exempt from GST by the Commonwealth Treasurer's Division 81 determination under *A New Tax System (Goods and Services Tax) Act 1999*.

4.2 Signature of proposed AHIP (holders)

This application may only be signed by a person(s) with legal authority to sign it. The various ways in which the application may be signed, and the people who may sign the application, are set out in categories below.

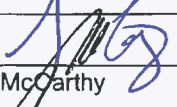
Please check (X) the box next to the category that describes how this application is being signed

If the proposed AHIP holder is:		The application must be signed and certified by one of the following:	
an individual	<input type="checkbox"/>	the individual.	
a company	<input type="checkbox"/>	the common seal being affixed in accordance with the <i>Corporations Act 2001</i> , or two directors, or a director and a company secretary, or if a proprietary company has a sole director who is also the sole company secretary – by that director.	
a public authority other than a council	<input checked="" type="checkbox"/>	the chief executive officer of the public authority, or their authorised delegate.	
a local council	<input type="checkbox"/>	the general manager in accordance with s.377 of the <i>Local Government Act 1993</i> (LG Act), or the seal of the council being affixed in a manner authorised under the LG Act.	

I/We (the proposed AHIP holder):

- apply for an AHIP
- declare that the information in this application form (including all the attachments) is not false or misleading
- declare that all the information required in the Checklist is attached.

Applicant 1

Signature		Signature	
Name (printed)	Jeff McCarthy	Name (printed)	
Position (in company or authority)	Executive Director Technical and Project Services Roads and Maritime Services	Position (in company or authority)	
Date	19/11/18	Date	

Seal (if signing under seal):

Applicant 2

Signature		Signature	
Name (printed)		Name (printed)	
Position (in company or authority)		Position (in company or authority)	
Date		Date	

Seal (if signing under seal):

Please complete the checklist (5.1) and read the additional information (5.2) before submitting this application.

5. Checklist and additional information

5.1 Checklist

This application must be accompanied by the documents and information listed in the checklist below.

If the listed documents are not provided OEH will notify you in writing and you may be required to provide further information.

	Yes
If applicable, have you attached a copy of any relevant Development Consent or other approval (question 3.1 above)	<input checked="" type="checkbox"/>
If applicable, have you attached the evidence of support from the relevant National Parks and Wildlife Service Regional Manager or Aquatic Protected Area Manager , where works will be on the OEH estate (question 3.2 above)	<input type="checkbox"/>
Have you attached the Aboriginal Cultural Heritage Assessment Report? (section 3.3 above) Have you provided your report to OEH in two formats: 1. Hard copy 2. Electronic copy as an unprotected PDF file	<input checked="" type="checkbox"/>
Have you filled in the Aboriginal Heritage Information Management System table template and also attached the AHIMS site recording form (for new sites, not recorded)? (section 3.5 above)	<input checked="" type="checkbox"/>
Have you paid the correct application fee , payable by cheque or credit card (section 4.1 above)	<input checked="" type="checkbox"/>
Has this application been signed and dated by the appropriate person (section 4.2 above)	<input checked="" type="checkbox"/>

5.2 Additional information

1. It is an offence under s169 (3) of the NPW Act to knowingly give any information in this form that is false or misleading in a material particular.
2. Details of the AHIP application will appear on OEH's Public Register.
3. OEH may make copies of any report provided in relation to this AHIP application and will include a copy of the report on the AHIMS register, which can be made available to members of the public on request. For information about how to access and use AHIMS refer to: Aboriginal Heritage Information Management System.
4. If OEH does not make a determination of the AHIP application within 60 days it is 'deemed to be refused'. 'Deemed to be refused' means that the applicant has the right to challenge OEH's decision to refuse the application, in the Land and Environment Court. Note, OEH can still continue to process the application after 60 days and grant or refuse the AHIP application. You should always contact OEH in the first instance if you have any queries regarding your application.
5. Send completed form (hard copy and electronic copy), fee and attachments to your nearest OEH office identified below.

Office of Environment and Heritage

Metro Branch

Greater Sydney Region

Senior Team Leader, Planning
PO Box 644
Parramatta NSW 2124
T: 02 8837 6000
F: 02 9995 6900

South Branch

Illawarra Region

Senior Team Leader, Planning
PO Box 513
Wollongong NSW 2520
T: 02 4224 9600
F: 02 4224 4199

North Branch

Hunter Central Coast Region

Senior Team Leader, Planning
PO Box 488G
Newcastle 2300
T: 02 4908 6800
F: 02 4908 6810

South East Region

Senior Team Leader, Planning

PO Box 733
Queanbeyan NSW 2620
T: 02 6229 7188
F: 02 6229 7006

North East Region

Senior Team Leader, Planning

Locked Bag 914
Coffs Harbour NSW 2450
T: 02 6659 8235
F: 02 6659 6187

South West Region

Senior Team Leader, Planning

PO Box 544
Albury NSW 2640
T: 02 6022 0600
F: 02 6022 0610

North West Region

Senior Team Leader, Planning

PO Box 2111
Dubbo NSW 2830
T: 02 6883 5330
F: 02 6881 6326

Office of Environment and Heritage, 59 Goulburn Street, Sydney South NSW 2000. Phone: 131 555
(environment information and publications requests); email: info@environment.nsw.gov.au;
Website: www.environment.nsw.gov.au. OEH 2017/0148; March 2017.