Aboriginal Heritage Impact Permit Application Form

Complete this form 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 cause 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.

Note: if your application is incomplete you may be requested to provide further information. If the information in your application is insufficient enough that an assessment cannot be made, we may decide to refuse the application. You will be given notice of this proposed refusal.

If you need any help filling out this form, please contact Heritage NSW Customer Concierge
on 02 9873 8500.

*You can* also refer to [Applying for an Aboriginal Heritage Impact Permit: Guide for Applicants](https://www.environment.nsw.gov.au/research-and-publications/publications-search/applying-for-an-aboriginal-heritage-impact-permit-guide-for-applicants) and the [Guide to Investigating, Assessing, and Reporting on Aboriginal Cultural Heritage in NSW.](https://www.environment.nsw.gov.au/research-and-publications/publications-search/guide-to-investigating-assessing-and-reporting-on-aboriginal-cultural-heritage-in-nsw)

Once completed and signed, email this form, together with all supporting information, to: heritagemailbox@environment.nsw.gov.au

# How to complete 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. Signatures
5. Submission requirements and payment form.
6. Information about you, the applicant

## 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 the Departments 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\* |  |
| Trading as\* |  |
| ACN/ABN | ACN:  | ABN:  |
| Business address\*/other address | No:  | Street name:  |
| Suburb:  | State:  | Postcode:  |

**Applicant 2**

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

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

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

## 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 experience individual depending on the nature of the proposed activities.

|  |  |
| --- | --- |
| Full name |   |
| Organisation |  |
| Position |  |
| Phone numbers | Business:  | Mobile:  |
| Email |  |

## 1.3 Contact details for archaeologist (if different to project manager)

|  |  |
| --- | --- |
| Full name |   |
| Organisation |  |
| Position |  |
| Phone numbers | Business:  | Mobile:  |
| Email |  |

1. Proposed actions and the impacts on Aboriginal cultural heritage

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

## 2.1 Development/project name

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

|  |
| --- |

## 2.2 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 |  |
|  |
| Street address | No:  | Street name:  |
| Town/suburb:  | State:  | Postcode:  |
| Title details | Portion/s:  | Parish:  |
| County:  |
| Lot & DP No:  |

## 2.3 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 |  |
| --- | --- |

## 2.4 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. See Table 1 for definitions of description choices.

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 (☒) all that apply):

|  |  |
| --- | --- |
| **Harm including movement of Aboriginal objects(including any movement, damage, defacement or destruction of Aboriginal objects)** | **AHIMS sites that relates to actions** |
| Movement only of certain Aboriginal objects |  [ ]  |  |
| Test excavations |  [ ]  |  |
| Salvage excavations |  [ ]  |  |
| Community collection |  [ ]  |  |
| Harm to certain Aboriginal objects through the proposed works |  [ ]  |  |
| Other action(s) causing harm |  [ ]  |  |
| Areas where Aboriginal objects will not be harmed |  [ ]  |  |
| Harm to an Aboriginal place |  [ ]  |  |
| Specify the harm: |  |  |

Table 1 Definitions of description choices

|  |  |
| --- | --- |
| Harm choice | Definition |
| Movement only of certain Aboriginal Objects | To allow limited movement of specific objects – movement of specified object(s) on the land from point A to point B to remove from the path of the proposed works. |
| Test excavations | An AHIP is required for those test excavations that cannot be carried out in accordance with the requirements of the [Code of Practice for Archaeological Investigation in New South Wales](https://www.environment.nsw.gov.au/research-and-publications/publications-search/code-of-practice-for-archaeological-investigation-of-aboriginal-objects-in-nsw)An AHIP for test excavations does not authorise harm and a separate AHIP for harm will need to be granted before any activity can take place that will harm objects. |
| Salvage excavations | An archaeological method of excavations that salvages Aboriginal objects in accordance with the methodology approved by this AHIP.  |
| Community collection | To allow an opportunity for community collection of objects to allow an opportunity for community collection of objects in accordance with the approved methodology. |
| Harm to certain Aboriginal objects through the proposed works | The proposed harm of Aboriginal objects to occur as a direct result of all the proposed works including archaeological/Aboriginal heritage management and construction/development  |
| Other action(s) causing harm | For site specific “other” types of actions that will harm Aboriginal objects that do not fit into – Movement, Test, Salvage, Community collection or Harm to certain Aboriginal objects through the proposed works. Examples include: conservation works that are not covered by an exemption or the analysis of an Aboriginal object in a laboratory that is not connected to an excavation. |
| Areas where Aboriginal objects will not be harmed | Certain Aboriginal objects and/or areas within the AHIP area that will not be harmed during the duration of the AHIP |
| Harm to an Aboriginal Place | This includes any damage, defacement or destruction of the Aboriginal Place  |

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

AHIMS contains details of Aboriginal objects, places and other heritage values across NSW. AHIMS also contains archaeological reports and site records. Use Table 2 to 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 submit this to AHIMS as soon as practicable. For further information regarding AHIMS, contact Customer Concierge on
(02) 98738500 or ahims@environment.nsw.gov.au, or visit our [AHIMS webpage](https://environment.nsw.gov.au/topics/heritage/search-heritage-databases/aboriginal-heritage-information-management-system).

Table 2 AHIMS site information and proposed harm

|  |  |
| --- | --- |
| **AHIMS site information** | **Proposed harm** |
| **Portion of site[[1]](#footnote-1)** | **AHIMS****site ID** | **Site feature[[2]](#footnote-2)** | **Site name** | **Information access restriction?** | **Easting** | **Northing** | **Datum (AGD or GDA)** | **Zone** | **Type of harm[[3]](#footnote-3)** | **Degree of harm[[4]](#footnote-4)** | **Consequence of harm[[5]](#footnote-5)** |
|  |  |  |  |  |  |  |  |  |  |  |  |
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## 2.6 AHIP duration and term

Please indicate the period of time for which you seek and AHIP (e.g. 2 years). Please indicate the proposed start and end dates. The proposed term of an AHIP should closely mirror the period within which harm on Aboriginal objects and/or Aboriginal place will occur.

|  |  |
| --- | --- |
| Proposed start date: |  |
| Proposed end date: |  |
| Duration:  |  |

# 3. Accompanying/supporting documentation

## 3.1 Necessary consents

Please check (☒) ‘Yes’ or ‘No’:

|  |  |  |
| --- | --- | --- |
| Is development consent under Part 4 of the *Environmental Planning and Assessment Act 1979* (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 *Protection of the Environment Operations Act 1997*)? | **Yes** [ ]  | **No** [ ]  |
| Has consent or approval under the EP&A Act or other necessary approval been granted2? If ‘Yes’ you must attach a copy of the consent or other approval. | **Yes** [ ]  | **No** [ ]  |

## 3.2 Works on NSW national parks and reserves

Please check (☒) ‘Yes’ or ‘No’:

|  |  |  |
| --- | --- | --- |
| Does the application relate to land reserved, managed or acquired under the *NPW Act 1974* or aquatic reserve under Division 2 of Part 7 of the *Fisheries Management Act 1994*? | **Yes** [ ]  | **No** [ ]  |
| Is the application supported by the relevant National Parks and Wildlife Service Regional Manager or Manager Aquatic Protected Areas?  | **Yes** [ ]  | **No** [ ]  |

## 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 an **electronic format as an unprotected PDF file.**

The [Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW](https://www.environment.nsw.gov.au/research-and-publications/publications-search/guide-to-investigating-assessing-and-reporting-on-aboriginal-cultural-heritage-in-nsw) explains what an Aboriginal Cultural Heritage Assessment Report should cover.

Use the checklist (Table 3) to ensure that all necessary information is included in your report.

Table 3 Check list

|  |  |
| --- | --- |
| **Within my Aboriginal cultural heritage assessment report the following key pieces of information have been included:** | **Tick** |
| 1 | **Restricted information** (Guide section 3.1)Have you clearly identified any information that is restricted because it is culturally sensitive? **Note** that the applicant is responsible for ensuring the AHIMS site card reflects that the information is restricted. |  |
| 2 | **Confidentiality information** (Guide Appendix D)Have you identified any information that is confidential for any reason (excluding restricted information under 1 above)? |  |
| 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?). |  |
| Have you signed the indemnity on the AHIMS Heritage Report Cover Sheet when submitting your report to AHIMS? Please ensure you submit your ACHAR with AHIMS separately.  |  |
| 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)? |  |
| 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) |  |
| 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 any exclusion areas? |  |
| Have you described the environment/landscape relevant to the proposed activity including topography, hydrology and geology? |  |
| Have you included a topographic map (jpeg) and a GIS shapefile that clearly shows 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, coordinates of AHIP boundary 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). |  |
| 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 Aboriginal cultural heritage values present and the elements in the landscape associated with those values? |  |
| Have you described Aboriginal peoples past and/or current use of the land, relevant to the activity and the surrounding areas? |  |
| Have you included AHIMS site numbers? |  |
| 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? |  |
| Have you included the AHIP number and status (e.g. current/expired/refused)? |  |
| 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 the *National Parks and Wildlife Regulation 2019*?This is further explained in The Department’s *Aboriginal Cultural Heritage Consultation Requirements for Proponents.* 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. |  |
| Have you provided a list of the Registered Aboriginal parties? |  |
| 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). |  |
| 10 | **Statement of significance of the cultural heritage values** (Guide sections 2.4 and 3.2) |  |
| 11 | **Description of the actual or likely harm** (Guide sections 2.5 and 3.2) |  |
| 12 | **Description of the measures to avoid harm** (Guide sections 2.6 and 3.2) |  |

## 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.

## 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 |  |
| Address |  |
| Storage particulars |  |

**Long-term managements of 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 ‘yes’ in the table below if applicable (þ)

|  |  |
| --- | --- |
|  | Tick |
| 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 *Archaeological Collection Lodgement Policy* and *Protocols for the Deposition of Archaeological Materials*). |  |
| Will objects be transferred to an Aboriginal owner (as defined under section 4(1) of the *Aboriginal Land Rights Act 1983*) in accordance with section 85A(1)(a)(b) of the NPW Act? |  |
| 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. |  |
| Do you intend to rebury or return Aboriginal objects to the location they originated from? If ‘yes’ reburial on site could follow requirement 26 or should follow an agreed upon approach guided by the Representative Aboriginal Parties involved. |  |

# 4 Signatures

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 (☒) 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 | [ ]  | the individual. |
| A company | [ ] [ ] [ ] [ ]  | the common seal being affixed in accordance with the *Corporations Act 2001*, ortwo directors, ora director and a company secretary, orif a proprietary company has a sole director who is also the sole company secretary – by that director. |
| A public authority other than a council | [ ]  | the chief executive officer of the public authority, or their authorised delegate. |
| A local council | [ ] [ ]  | the general manager in accordance with s.377 of the *Local Government Act 1993* (LG Act), orthe 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) |  | Name (printed) |  |
| Position |  | Position |  |
| Date |  | Date |  |

Seal (if signing under seal):

# Applicant 2

|  |  |  |  |
| --- | --- | --- | --- |
| Signature |  | Signature |  |
| Name (printed) |  | Name (printed) |  |
| Position |  | Position |  |
| Date |  | Date |  |

Seal (if signing under seal):

# 5. Submission requirements

This application must be accompanied by the documents and information listed in the checklist below. If the listed documents are not provided Heritage NSW will notify you in writing and you may be required to provide further information.

Please use the checklist below to confirm you have included all documents and information (þ)

|  |  |
| --- | --- |
| If applicable, have you attached a copy of any relevant approved Development Consent or other approval (question 3.1 above) |  |
| 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 NPWS estate (question 3.2 above) |  |
| Have you attached the finalised **Aboriginal Cultural Heritage Assessment Report?** (section 3.3 above) Have you provided your report to Heritage NSW in Electronic copy as an unprotected PDF file |  |
| Have you attached any relevant archaeological excavation methodology (salvage or test) (if applicable)? |  |
| GIS Data of the AHIP should be supplied to Heritage NSW as polygon datasets in one of the following file formats:* ESRI Shapefile
* ESRI File geodatabase or
* Map info TAB file
* Google Earth KML

The GIS data should be proposed AHIPs boundaries |  |
| Have you filled in the **Aboriginal Heritage Information Management System table template** and attached the **AHIMS site recording form** (for new sites, not recorded)? (section 3.5 above) |  |
| Have you paid the correct application **fee** by credit card or direct debit (payment form below) |  |
| Has this application been **signed and dated** by the appropriate person (section 4.2 above) |  |

# Notes

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 the Heritage NSW Public Register.
3. Heritage NSW 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 the Aboriginal Heritage Information Management System.
4. Applications lodged without electronic copies of required documents (specified in this form and the *Applying for an Aboriginal Heritage Impact Permit: Guide for Applicants*) may be refused, as the application lacks the information required to enable proper assessment and determination by Heritage NSW (in accordance with Section 90A of the *National Parks and Wildlife Act 1974*).
5. The statutory timeframe for the assessment of applications commences upon receipt of all required documentation.
6. If Heritage NSW 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 the Heritage NSW decision to refuse the application, in the Land and Environment Court. Note, Heritage NSW can still continue to process the application after 60 days and grant or refuse the AHIP application. You should always contact Heritage NSW in the first instance if you have any queries regarding your application.

**Once completed and signed, pay the fee and email this form with all supporting information to**: heritagemailbox@environment.nsw.gov.au.

Files that exceed email limits can be submitted using Dropbox. Please share the link with heritagemailbox@environment.nsw.gov.au

|  |
| --- |
| **Payment authorisation** |
| Determining the fee for AHIP processingPlease 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 tick the applicable fee.**

|  |  |
| --- | --- |
| **Section 90A AHIP** | **Fee\***  |
| Work to an owner-occupied dwelling costing up to $100,000 | $80 |
| Other work costing up to $100,000 | $133 |
| Work between $100,000 and $250,000 | $200 |
| Work between $250,000 and $500,000 | $332 |
| Work between $500,000 and $1 million | $532 |
| Work between $1 million and $2 million | $997 |
| Work between $2 million and $5 million | $1,330 |
| Work over $5 million | $2,660 |

\* Processing fees are exempt from GST by the Commonwealth Treasurer’s Division 81 determination under *A New Tax System (Goods and Services Tax) Act 1991*How to payPayment options include:* **Direct deposit**: Department of Planning and Environment, BSB: 032 001, Account No: 186 245. Once payment is made, please include the remittance advice with submission.
* **Credit card:** Please provide contact details below for a member of the Customer Concierge Team to contact you and take payment over the phone.
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|  |
| **Do you require a receipt?** | **Yes:** |  | **No:** |  |
| **Company name:** |
| **To the attention of:** |
| **Email:** | **Phone:** |

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| --- |
| **Contact details for credit card payment** |
| **Name on card:** |
| Visa and Mastercard only. American Express is not accepted. |
| **Contact name:** |  |  |  |
| **Contact phone number** |  |

ABN: **27 578 976 844**

Heritage NSW | Department of Climate Change, Energy, the Environment and Water | Locked Bag 5020 Parramatta NSW 2124 | Phone:02 9873 8500 Email: heritagemailbox@environment.nsw.gov.au | EHG 2022/0486 August 2022; updated January 2024

1. Describe as whole or part and include map as a reference is only part of the site is being harmed [↑](#footnote-ref-1)
2. There may be more than one site feature per site ID [↑](#footnote-ref-2)
3. Will not be harmed/ Movement (collection) only/ Excavation/ Community Collection / Directly Harmed [↑](#footnote-ref-3)
4. Whole/Partial/ None [↑](#footnote-ref-4)
5. Total loss of value/ Partial loss of value/ No loss of value

**\*Attach an additional sheet if required** [↑](#footnote-ref-5)