

Issue of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

Your reference: 12-0293fsc1
Our reference: AHIMS No. 3647 / FIL13/11185
Notice number: C0000361
Contact: Susan Harrison (02) 9995 6864

MARYLAND DEVELOPMENT COMPANY PTY LTD
45 069 368 896

30 Hickson Road
Walsh Bay, NSW 2000
Australia

NOTICE OF THE ISSUE OF ABORIGINAL HERITAGE IMPACT PERMIT C0000362

Issued pursuant to section 90C(4) of the *National Parks and Wildlife Act 1974*

BACKGROUND

- A. Maryland Development Company Pty Ltd (the applicant) applied to the Office of Environment and Heritage (OEH) under section 90A of the *National Parks and Wildlife Act 1974* (NPW Act) for an Aboriginal Heritage Impact Permit (AHIP). The AHIP application was in relation to the development of the St Marys Development Site, Central Precinct.
- B. OEH received the application on 20 November 2013 and further information was received on 24 January 2014 and 11 March 2014.

ISSUE OF ABORIGINAL HERITAGE IMPACT PERMIT

- 1. OEH has considered the application and supporting information provided, and matters under section 90K of the NPW Act and has decided to issue an AHIP #C0000362 subject to conditions.
- 2. The AHIP is attached.
- 3. You should read the AHIP carefully and ensure you comply with its conditions.

It is an offence under section 90J NPW Act to fail to comply with the conditions of the AHIP. The maximum penalty that a court may impose on an corporation for failing to comply with this AHIP is \$1.1m. OEH can also issue penalty notices for this offence.

Issue of Aboriginal Heritage Impact Permit

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S. Harrison

Susan Harrison

Senior Team Leader Planning

Greater Sydney Region

(by Delegation)

Date: 5 June 2014

INFORMATION ABOUT THIS NOTICE

- Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the NPW Act.

Variation of this AHIP

- This AHIP may only be varied on application by the AHIP holder or by OEH to correct typographical errors or resolve inconsistencies between conditions of the AHIP. A permit can only be varied by subsequent variation notices.

Appeals against this decision

- You can appeal to the Land and Environment Court against this decision. The deadline for lodging the appeal is 21 days after you were given notice of this decision.

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AHIP number: C0000362

(AHIMS Permit ID: 3647)

AHIP Issued To:

MARYLAND DEVELOPMENT COMPANY PTY LTD
45 069 368 896

30 Hickson Road
Walsh Bay, NSW 2000
Australia

OEH Office issuing this AHIP

Office of Environment and Heritage
Regional Operations
Greater Sydney
PO Box 644
Parramatta NSW 2124
Telephone number: (02) 8837 6000

Additional details for public register

a) Name of development or project	St Marys Development Site, Central Precinct (former ADI St Marys)
b) Location	Lot 1037 DP1149525
c) Local Government Area(s)	Penrith City Council
d) Description of harm authorised	<ul style="list-style-type: none">• Salvage excavations• Community collection• Harm to certain Aboriginal objects through the proposed works
e) AHIP commencement date and duration	<i>Commencement:</i> 5 June 2014 <i>Duration:</i> 15 years

AHIP TO HARM ABORIGINAL OBJECTS

A. Background

- (i) On 20 November 2013 an application was made to the Chief Executive of the Office of Environment and Heritage (OEH) for an Aboriginal Heritage Impact Permit (AHIP) pursuant to s.90 of the *National Parks and Wildlife Act 1974* (the Act).
- (ii) The development of the St Marys Development Site, Central Precinct will harm 41 registered Aboriginal sites and all other Aboriginal objects within the development area.
- (iii) OEH considered the application and supporting information provided, and matters under section 90K of the Act and decided to issue an AHIP subject to conditions.

B. AHIP issued subject to conditions

An AHIP is issued to harm Aboriginal objects identified in Schedules B and C, in accordance with the conditions of this AHIP.

This AHIP is issued pursuant to section 90 of the Act.

C. Commencement and duration of AHIP

This AHIP commences on the date it is signed unless otherwise provided by this AHIP.

Unless otherwise revoked in writing, this AHIP remains in force for 15 years from the date of commencement.

D. Proposed Works

The land is to be developed for a combination of residential, employment, open space uses) and associated infrastructure (roads, stormwater etc).

Note: A Dictionary at the end of the AHIP defines terms used in this document. Further information about this AHIP is also set out after the Dictionary.



Susan Harrison
Senior Team Leader Planning
Greater Sydney Region

(by Delegation)

DATED: 5 June 2014

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LAND TO WHICH THIS AHIP APPLIES

Land as shown in **Attachment 1: Land to which this AHIP applies.**

CONDITIONS

The conditions of this AHIP specify the actions that are permitted and/or required in relation to areas and Aboriginal objects, which are detailed in the Schedules that follow.

Administrative Conditions

Responsibility for compliance with conditions of AHIP

1. The AHIP holder must ensure that all persons involved in actions or works covered by this AHIP (whether employees, contractors, sub-contractors, agents or invitees) are made aware of and comply with the conditions of this AHIP.

Project manager to oversee the actions relating to this AHIP

2. A suitably qualified and experienced individual must be appointed as a project manager who is responsible for overseeing, for and on behalf of the AHIP holder, all the actions relating to this AHIP.
3. The individual appointed as project manager must be the project manager nominated in the application form.
4. If an alternative to the nominated project manager is appointed, OEH must be notified of their contact details within 14 days of this appointment.

Actions must be in accordance with AHIP application

5. All actions on the land must be carried out in accordance with the application except as otherwise expressly provided by a condition of this AHIP.

Operational Conditions

Certain Aboriginal objects must not be harmed

6. All human remains in, on or under the land must not be harmed, other than any human remains identified in Schedule B4.

Salvage excavations

7. Salvage excavations may be carried out in, on or under each salvage excavation area described in Schedule B2.
8. Aboriginal objects that are recovered during the excavations may be analysed on-site and/or may be taken off-site for further analysis.
9. The excavations and analysis of Aboriginal objects must be carried out in accordance with **Attachment 2: SMDS Central Precinct Salvage Excavation Archaeological Research**

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Design (ARD) included at Appendix F of the *St Marys Development Site, Central Precinct. Aboriginal Cultural Heritage Assessment Report* prepared by Godden Mackay Logan Heritage Consultants & Jo McDonald CHM for Maryland Development Company Pty Ltd, dated November 2013, that was provided with the application.

10. The excavations must be completed in an area before any harm of Aboriginal objects described in Schedule C can commence in that same area.

Community collection

11. The Registered Aboriginal Parties must be provided with an opportunity to collect Aboriginal objects within the 'community collection areas' described in Schedule B3.
12. The opportunity for community collection must be provided:
 - (a) in accordance with **Attachment 3: SMDS, Central Precinct AHIP Application – Methodology for Community Collection of Aboriginal Stone Objects**, dated March 2014, that was provided with the application, and
 - (b) before any harm of Aboriginal objects described in Schedule C can commence in the area.
13. Aboriginal objects that are recovered during the community collection may be analysed on-site and/or may be taken off-site for further analysis as decided by the Registered Aboriginal Parties.
14. If an opportunity for community collection has been provided and this collection does not occur, the AHIP holder may proceed with any actions to harm Aboriginal objects described in Schedule C, in accordance with the conditions of this AHIP.

Harm of certain Aboriginal objects through the proposed works

15. The Aboriginal objects described in Schedule C may be harmed. Nothing in this condition authorised harm to Aboriginal objects described in Schedule A (whether human remains, Aboriginal objects or 'no-harm areas').
16. Aboriginal objects described in Schedule C must not be harmed unless:
 - (a) all excavations described in Schedule B2 have been completed in the area, and
 - (b) all opportunities for community collection of Aboriginal objects described in Schedule B3 have been provided in the area.

Temporary storage of certain Aboriginal objects

17. Any Aboriginal objects that are removed from the land by actions authorised by this AHIP, must be moved as soon as practicable to the temporary storage location in the table below, pending any agreement reached about the long term management of the Aboriginal objects.
18. The temporary storage location is as follows:

Location 1 name:	Godden Mackay Logan Office
Address:	78 George Street Redfern
Storage particulars:	In a locked cupboard
Location 2 name:	Beth White Office

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Address:	15 Heathcote Street Picton
Storage particulars:	In a locked cupboard

19. Any Aboriginal objects stored at the temporary storage location must not be further harmed, except in accordance with the conditions of this AHIP.

Notification and Reporting Conditions

Notification of commencement and completion of actions

20. Written notice must be provided to the OEH office at least 7 days prior to the commencement of actions authorised by this AHIP.
21. Written notice must be provided to the OEH office within 7 days of the completion of actions authorised by this AHIP.

Copy of this AHIP and notices to be provided to Registered Aboriginal Parties

22. A copy of this AHIP must be provided to each Registered Aboriginal Party, within 14 days of receipt of the AHIP from OEH.
23. Where this AHIP is varied or transferred, a copy of the AHIP variation or transfer notice must be provided to each Registered Aboriginal Party, within 14 days of receipt of the notice.

Human remains

24. If any human remains (other than any human remains described in Schedule B4) are discovered and/or harmed in, on or under the land, the AHIP holder must:
- (a) not further harm these remains
 - (b) immediately cease all work at the particular location
 - (c) secure the area so as to avoid further harm to the remains
 - (d) notify the local police and OEH's Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location, and
 - (e) not recommence any work at the particular location unless authorised in writing by OEH.

Incidents which may breach the Act or AHIP

25. The AHIP holder must notify the OEH office in writing as soon as practicable after becoming aware of:
- (a) any contravention of s.86 of the Act not authorised by an AHIP, and/or
 - (b) any contravention of the conditions of this AHIP.

Reports about incidents which may breach the Act or AHIP

26. Where OEH suspects that an incident has occurred which may have breached the Act or AHIP, OEH may request a written incident report, which includes the following:
- (a) the nature of the incident
 - (b) the actual or likely impact of the incident on Aboriginal objects and/or Aboriginal places
 - (c) the nature and location of these Aboriginal objects and/or Aboriginal places, referring to and providing maps and photos where appropriate

- (d) any conditions of an AHIP which may have been breached, and
- (e) the measures which have been taken or will be taken to prevent a recurrence of the incident.

27. The incident report must be provided to the OEH office within the timeframe specified in the request.

Provision of Aboriginal Site Impact Recording Form

28. An Aboriginal Site Impact Recording Form must be completed and submitted to the AHIMS Registrar, for each AHIMS site identified in Schedules B within 4 months of the completion of the Community Collection and Salvage Excavation, and annually for each AHIMS site identified in Schedule C following actions authorised by this AHIP.

Note:

- (i) The Aboriginal Site Impact Recording Form can be found on the OEH website:
<http://www.environment.nsw.gov.au/licences/DECCAHISSiteRecordingForm.htm>
- (ii) Contact details for the AHIMS Registrar can be found on the OEH website:
<http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm>

Report about harm to Aboriginal objects (Salvage Excavation Report)

29. A Salvage Excavation Report must be prepared about the actions relating to the harm of Aboriginal objects (as permitted by this AHIP). The report must:
- (a) include a short summary of the report
 - (b) describe any ongoing consultation with or involvement of representatives of Registered Aboriginal Parties in relation to this AHIP
 - (c) provide details of the Aboriginal objects which were fully or partially harmed in the course of undertaking the actions
 - (d) provide a description of the methods and results of the salvage excavation
 - (e) detail any community collection of Aboriginal objects undertaken by the Registered Aboriginal Parties
 - (f) comment on the effectiveness of any mitigation measures that were implemented
 - (g) comment on the effectiveness of any management plan which was in place
 - (h) if any Aboriginal objects were moved to a temporary storage location, a description of the nature and types of Aboriginal objects which are now at that location
 - (i) detail the results of any analysis of Aboriginal objects
 - (j) detail the long term management arrangements for any Aboriginal objects, and
 - (k) include a statement confirming that all Aboriginal Site Impact Recording Forms have been completed and submitted to the AHIMS Registrar.
30. The Salvage Excavation Report must be submitted to the OEH office within 2 years of the completion of the Salvage Excavation authorised by this AHIP.
31. A copy of the Salvage Excavation Report, including a summary of the report in plain English, must be sent by registered post to each Registered Aboriginal Party within 14 days of the report being submitted to OEH

General Conditions

Indemnity

32. The AHIP holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the Act, the Director-General of OEH, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from and against all actions, demands, claims, proceedings, losses, damages, costs (including legal costs), charges or expenses suffered or incurred by them resulting from:
- (a) any damage or destruction to any real or personal property; and
 - (b) injury suffered or sustained (including death) by any persons arising out of or in connection with any actions undertaken pursuant to this AHIP.

Release

33. The AHIP holder agrees to release to the full extent permitted by law, the Crown in right of NSW, the Minister administering the Act, the Director-General of OEH, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from all suits, actions, demands and claims of every kind resulting from:
- (a) any damage or destruction to any real or personal property; and
 - (b) injury suffered or sustained (including death) by any persons arising from or in connection with any actions undertaken pursuant to this AHIP.

Written notice

34. Any requirement to provide written notice to the OEH office in this AHIP may be complied with by faxing the notice to the OEH office's fax number or by sending by registered post to the OEH office's address. The OEH office's contact details are specified at the front of this AHIP.

SCHEDULES

The following schedules identify the areas and Aboriginal objects that are subject to the conditions of this AHIP.

Schedule A: Aboriginal objects which must not be harmed

A1 Human remains

All human remains in, on or under the land must not be harmed, other than any human remains identified in Schedule B4, as specified by the conditions of this AHIP.

A2 Aboriginal objects that are identified on AHIMS

N/A

A3 No-harm areas

N/A

Schedule B: Aboriginal objects that may be harmed through the certain actions

B1 Movement only

N/A

B2 Salvage excavations

Salvage excavations may be carried out in the areas marked "Salvage Excavation", on **Attachment 4: Salvage Excavation and Community Collection Areas**, but only in accordance with the conditions of this AHIP.

The salvage excavation areas comprise the following known Aboriginal objects, as identified on AHIMS (excluding any Aboriginal objects described in Schedule A):

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Whole	45-5-4339	PAD	SMDS-CP1	N	292320	6265695	GDA
Whole	45-5-4340	PAD	SMDS-CP3	N	292278	6265345	GDA
Whole	45-5-4341	PAD	SMDS-CD4	N	292231	6264421	GDA
Whole	45-5-4342	PAD	SMDS-CP6	N	291994	6266084	GDA

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B3 Community collection

Community collection may be carried out in the areas marked "community collection", on **Attachment 4: Salvage Excavation and Community Collection Areas** in accordance with the conditions of this AHIP.

The community collection area includes the following known Aboriginal objects, as identified on AHIMS (excluding any Aboriginal objects described in Schedule A):

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Whole	45-5-3589	Open Artefact Scatter	ADI-CP1	N	291334	6264431	GDA
Whole	45-5-3590	Open Artefact Scatter	ADI-CP3	N	291475	6264729	GDA
Whole	45-5-3591	Open Artefact Scatter	ADI-CP4	N	291428	6264759	GDA
Whole	45-5-3592	Open Artefact Scatter	ADI-CP5	N	291527	6264837	GDA
Whole	45-5-3593	Open Artefact Scatter	ADI-CP6	N	291544	6264762	GDA
Whole	45-5-3596	Open Artefact Scatter	ADI-CP7	N	291446	6265020	GDA
Whole	45-5-3594	Isolated Find	ADI-CP8	N	292208	6265715	GDA
Whole	45-5-3595	Open Artefact Scatter	ADI-CP9	N	290909	6264677	GDA
Whole	45-5-3613	Open Artefact Scatter	ADI-FF14	N	290884	6264650	GDA
Whole	45-5-3614	Open Artefact Scatter	ADI-FF15	N	291018	6264772	GDA
Whole	45-5-3617	Open Artefact Scatter	ADI-FF18	N	291612	6265859	GDA
Whole	45-5-3618	Open Artefact Scatter	ADI-FF19	N	292249	6265526	GDA
Whole	45-5-	Isolated	ADI-FF20	N	290749	6265178	GDA

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	3588	Find					
Whole	45-5-3601	Open Artefact Scatter	ADI: FF/33	N	291296	6264733	GDA
Whole	45-5-3334 (duplicate of 45-5-3601)	Open Artefact Scatter	ADI/FF-33	N	291296	6264733	GDA
Whole	45-5-3602	Open Artefact Scatter	ADI: FF/34	N	291251	6264291	GDA
Whole	45-5-3335 (duplicate of 45-5-3602)	Open Artefact Scatter	ADI/FF-34	N	291251	6264291	GDA
Whole	45-5-0704	Open Artefact Scatter	WD65	N	290800	6264550	GDA
Whole	45-5-0711	Open Artefact Scatter	WD-72	N	290490	6264290	GDA
Whole	45-5-0712	Open Artefact Scatter	WD73	N	290730	6264390	GDA
Whole	45-5-0713	Open Artefact Scatter	WD74	N	291240	6264650	GDA
Whole	45-5-0714	Open Artefact Scatter	WD75	N	291400	6264610	GDA
Whole	45-5-1016	Open Artefact Scatter	ADI-8	N	292280	6265700	GDA
Whole	45-5-1017	Open Artefact Scatter	ADI-9	N	292100	6264280	GDA
Whole	45-5-1018	Open Artefact Scatter	ADI-10	N	291650	6264180	GDA
Whole	45-5-1019	Open Artefact Scatter	ADI-11	N	291800	6264300	GDA
Whole	45-5-	Open Artefact	Western Sydney 4	N	292275	6264625	GDA

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	3316	Scatter/P AD	and PAD (WS4 + PAD)				
Whole	45-5- 0266	Open Artefact Scatter	South Creek	N	291550	6264470	GDA
Whole	45-5- 4331	Isolated Find	IF25-1	N	290605	6264570	GDA
Whole	45-5- 4335	Isolated Find	CP13-2	N	292222	6266138	GDA
Whole	45-5- 4336	Isolated Find	CP13-3	N	292123	6265995	GDA
Whole	45-5- 4337	Isolated Find	CP13-5	N	292148	6265663	GDA
Whole	45-5- 4338	Isolated Find	CP13-9	N	292336	6264523	GDA
Whole	45-5- 4334	Open Artefact Scatter	ADI-CP10	N	291694	6264917	GDA
Whole	45-5- 4360	PAD	SMDS- CP2	N	291961	6265444	GDA

B4 Other

N/A

Schedule C: Aboriginal objects which may be harmed through the proposed works

The Aboriginal objects described in this schedule may be harmed, but only in accordance with the conditions of this AHIP (excluding any Aboriginal objects described in Schedule A).

C1 Harm of Aboriginal objects identified on AHIMS

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Whole	45-5- 3589	Open Artefact Scatter	ADI-CP1	N	291334	6264431	GDA
Whole	45-5- 3590	Open Artefact Scatter	ADI-CP3	N	291475	6264729	GDA
Whole	45-5- 3591	Open Artefact Scatter	ADI-CP4	N	291428	6264759	GDA

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Whole	45-5-3592	Open Artefact Scatter	ADI-CP5	N	291527	6264837	GDA
Whole	45-5-3593	Open Artefact Scatter	ADI-CP6	N	291544	6264762	GDA
Whole	45-5-3596	Open Artefact Scatter	ADI-CP7	N	291446	6265020	GDA
Whole	45-5-3594	Isolated Find	ADI-CP8	N	292208	6265715	GDA
Whole	45-5-3595	Open Artefact Scatter	ADI-CP9	N	290909	6264677	GDA
Whole	45-5-3613	Open Artefact Scatter	ADI-FF14	N	290884	6264650	GDA
Whole	45-5-3614	Open Artefact Scatter	ADI-FF15	N	291018	6264772	GDA
Whole	45-5-3617	Open Artefact Scatter	ADI-FF18	N	291612	6265859	GDA
Whole	45-5-3618	Open Artefact Scatter	ADI-FF19	N	292249	6265526	GDA
Whole	45-5-3588	Isolated Find	ADI-FF20	N	290749	6265178	GDA
Whole	45-5-3601	Open Artefact Scatter	ADI: FF/33	N	291296	6264733	GDA
Whole	45-5-3334 (duplicate of 45-5-3601)	Open Artefact Scatter	ADI/FF-33	N	291296	6264733	GDA
Whole	45-5-3602	Open Artefact Scatter	ADI: FF/34	N	291251	6264291	GDA
Whole	45-5-3335 (duplicate of 45-5-3602)	Open Artefact Scatter	ADI/FF-34	N	291251	6264291	GDA
Whole	45-5-	Open Artefact	WD65	N	290800	6264550	GDA

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	0704	Scatter					
Whole	45-5-0711	Open Artefact Scatter	WD-72	N	290490	6264290	GDA
Whole	45-5-0712	Open Artefact Scatter	WD73	N	290730	6264390	GDA
Whole	45-5-0713	Open Artefact Scatter	WD74	N	291240	6264650	GDA
Whole	45-5-0714	Open Artefact Scatter	WD75	N	291400	6264610	GDA
Whole	45-5-1016	Open Artefact Scatter	ADI-8	N	292280	6265700	GDA
Whole	45-5-1017	Open Artefact Scatter	ADI-9	N	292100	6264280	GDA
Whole	45-5-1018	Open Artefact Scatter	ADI-10	N	291650	6264180	GDA
Whole	45-5-1019	Open Artefact Scatter	ADI-11	N	291800	6264300	GDA
Whole	45-5-3316	Open Artefact Scatter/P AD	Western Sydney 4 and PAD (WS4 + PAD)	N	292275	6264625	GDA
Whole	45-5-0266	Open Artefact Scatter	South Creek	N	291550	6264470	GDA
Whole	45-5-4331	Isolated Find	IF25-1	N	290605	6264570	GDA
Whole	45-5-4332	Open Artefact Scatter/P AD	PAD FF2	N	291510	6265700	GDA
Whole	45-5-4333	PAD	PAD FF4	N	292302	6265898	GDA
Whole	45-5-4334	Open Artefact Scatter	ADI-CP10	N	291694	6264917	GDA
Whole	45-5-4339	PAD	SMDS-CP1	N	292320	6265695	GDA

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Whole	45-5-4360	PAD	SMDS-CP2	N	291961	6265444	GDA
Whole	45-5-4340	PAD	SMDS-CP3	N	292278	6265345	GDA
Whole	45-5-4341	PAD	SMDS-CD4	N	292231	6264421	GDA
Whole	45-5-4342	PAD	SMDS-CP6	N	291994	6266084	GDA
Whole	45-5-4335	Isolated Find	CP13-2	N	292222	6266138	GDA
Whole	45-5-4336	Isolated Find	CP13-3	N	292123	6265995	GDA
Whole	45-5-4337	Isolated Find	CP13-5	N	292148	6265663	GDA
Whole	45-5-4338	Isolated Find	CP13-9	N	292336	6264523	GDA

C2 Areas where harm of Aboriginal objects is authorised

All Aboriginal objects in, on or under the land illustrated in **Attachment 1: Land to which this AHIP applies.**

DICTIONARY

In this AHIP, unless the contrary is indicated the terms below have the following meanings:

Aboriginal object	has the same meaning as in the Act.
Act	means the <i>National Parks and Wildlife Act 1974</i> .
AHIMS	means the Aboriginal Heritage Information Management System maintained by OEH, as defined in s.90Q of the Act.
AHIP	means Aboriginal Heritage Impact Permit
AHIP holder	means the entity or person listed on the cover page under the heading "AHIP issued to".
Application	means the completed application form and all other documents in written or electronic form which accompanied the application when it was lodged or which were subsequently submitted in support of the application.
Community collection	means the collection of Aboriginal objects by one or all Registered Aboriginal Parties or their representatives.
Community collection area	means an area described as a community collection area in Schedule B3
Harm	has the same meaning as in the Act. In relation to Aboriginal objects, harm means the movement, damage, defacement and/or destruction of Aboriginal objects. In relation to an Aboriginal place, harm means the damage, defacement and/or destruction of the Aboriginal place.
Land	means the land described under the heading "Land to which this AHIP applies".
No-harm areas	means those areas described in Schedule A3.
OEH	Office of Environment and Heritage (NSW).
OEH office	means the office listed on the cover page of this AHIP.
Proposed works	means the works described under the heading "D. Proposed Works" at the front of this AHIP.
Public register	means the public register established under s.188F of the Act, that contains details of AHIPs issued by the Director-General DPC, as described under the heading "Information about this AHIP".
Registered Aboriginal Parties	means the Registered Aboriginal Parties listed in the application.
Salvage excavation	means an archaeological excavation carried out in accordance with the methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of salvage excavation is to recover a sample of Aboriginal objects as an archival record of Aboriginal life from a site that will be destroyed.
Salvage excavation area	means any area described as a salvage excavation area in Schedule B2.
Test excavation	means an archaeological excavation carried out in accordance with

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methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of test excavation is to collect a sample of Aboriginal objects, in order to establish the nature and extent of sub-surface Aboriginal objects and to assist in the assessment of management options for the site.

Test excavation area means any area described as a test excavation area in Schedule B2

INFORMATION ABOUT THIS AHIP

Public Register

Under section 188F of the Act, the Director-General is required to keep a public register containing the details of each AHIP issued. The details of this AHIP that will be published on the public register are outlined on the front page of this AHIP.

The public register is available online at www.environment.nsw.gov.au

Appeals

Under section 90L of the Act, the AHIP holder may appeal to the Land and Environment Court if they are dissatisfied with any condition of this AHIP. The appeal must be lodged within 21 days of the date this AHIP was issued.

Penalties for breach of the Act or AHIP condition

Significant penalties can be imposed by the Land and Environment Court for harm to an Aboriginal object or Aboriginal Place other than as authorised by a condition of an AHIP, or for a breach of an AHIP condition. OEH can also issue penalty notices for a breach of the Act or AHIP condition.

Responsibility for obtaining all approvals and compliance with applicable laws

The AHIP holder is responsible for obtaining and complying with all approvals necessary to lawfully carry out the work referred to in this AHIP, including but not limited to development consents.

Other relevant provisions of the *National Parks and Wildlife Act*

Newly identified Aboriginal objects must be notified to the Director-General under s.89A of the Act using the form available online at www.environment.nsw.gov.au

Stop work orders, interim protection orders and remediation directions may be issued in certain circumstances to protect Aboriginal objects or places.

Obligation to report Aboriginal remains under Commonwealth laws

The AHIP holder may have additional obligations to report any discovery of Aboriginal remains under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

Exercise of investigation and compliance powers

Officers appointed or authorised under the Act may exercise certain powers and functions, including the power to enter land.

Duration of AHIP

This AHIP remains in force for the period specified in the AHIP.

Variation of AHIP

The AHIP holder may apply to the OEH office for a variation of any conditions of an AHIP, using the AHIP variation application form available online at www.environment.nsw.gov.au. Requests for significant variations must be accompanied by evidence of further consultation with Registered Aboriginal Parties and may include payment of fees.

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



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The conditions of an AHIP may be varied at any time by the Director General in order to correct a typographical error or to resolve an inconsistency between conditions. The AHIP holder may appeal a decision of the Director General to vary the conditions of the AHIP.

Transfer of AHIP

The AHIP holder may apply to transfer this AHIP to another person by using the AHIP transfer application form available online at www.environment.nsw.gov.au.

Surrender of AHIP

The AHIP holder may apply to surrender this AHIP by using the AHIP surrender application form available online at www.environment.nsw.gov.au. The surrender must be approved by the Director-General and may be subject to conditions.

Suspension and revocation of AHIP

An AHIP may be suspended or revoked at any time at the discretion of the Director-General. Prior to suspending or revoking the AHIP, the AHIP holder will be given notice and an opportunity to make submissions. The AHIP holder will be notified in writing of the final decision. The AHIP holder may appeal a decision to revoke the AHIP.

Entry to land

An AHIP does not automatically entitle its holder to enter land for the purpose of conducting work related to the AHIP. The AHIP holder is responsible for obtaining permission to enter land from the owner and/or occupier of the land.

Disclosure of information pursuant to lawful requirement

This AHIP does not prevent the disclosure of any information or document in OEH's possession in accordance with any lawful requirement.

Making copies of reports

By providing a report, the AHIP holder acknowledges that OEH can use the information in that report to inform its regulatory functions, note details of that report in AHIMS and include a copy of the report in its library which may be available to members of the public.

OEH is able to make copies of any reports provided to OEH under this AHIP.

