

New South Wales Archaeology Pty Ltd ACN 106044366

**Revised
Coraki Quarry,
Seelems Road, Coraki NSW
Aboriginal Cultural Heritage Management Plan**

Date: 21 November 2017
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Proponent: Quarry Solutions
Local Government Area: Richmond Valley Council



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EXECUTIVE SUMMARY

Quarry Solutions Pty Ltd propose to establish the Coraki Quarry, located at Seelems Road, Coraki. The site is located approximately two kilometres north-west of the township, on the Far North Coast of New South Wales.

The proposal would include land encompassed by the existing Petersons Quarry and Lot 401 DP633427, located immediately to the north. Petersons Quarry is a hard rock basalt quarry owned by Richmond Valley Council (RVC) and has been in operation since 1916, supplying crushed basalt for road construction and private sale.

New South Wales Archaeology Pty Ltd conducted an Aboriginal cultural heritage assessment for the project in 2015 (Dibden 2015). Two Aboriginal heritage areas were identified. The report recommended that an Aboriginal Heritage Management Plan (AHMP) be developed which would set out procedures relating to the management and mitigation of development impacts, a protocol for the management of unexpected archaeological finds and the conservation of areas outside the extraction footprint.

In particular, the heritage report concluded and recommended that:

- No Aboriginal objects were recorded in impact areas.
- One area classified as a Sensitive Archaeological Landform (SAL 1) was identified during the field inspection. This area would be excluded from any impacts associated with the development and formally set aside as an Indigenous Heritage Non-Disturbance Zone.
- A previously identified AHIMS site was identified on the site of the existing Petersons Quarry. This area is currently protected in an Indigenous Heritage Non-Disturbance Zone which would be retained and respected during the proposed Coraki Quarry project.
- An Aboriginal Heritage Management Plan (AHMP) would be developed by the project archaeologist, in consultation with the NSW OEH and Registered Aboriginal Parties. The Cultural Heritage Management Plan would set out procedures relating to the management and mitigation of development impacts, a protocol for the management of unexpected archaeological finds and the conservation of areas outside the extraction footprint.

This document is a revised document following a review process with the proponent, Registered Aboriginal Parties (RAPs), NSW OEH and the NSW Department of Planning and Environment (DPE). It is noted that no comments were received in regard to the original draft document. More recently endorsement of the AHMP has been received from Bogal Local Aboriginal Land Council. Endorsement of the AHMP with certain qualifications has been received from Billy Drew on behalf of the Bandjalang

Aboriginal Corporation Prescribed Body Corporate RNTBC (see further below). Email correspondence with agencies and groups is presented in Appendix 1.

The AHMP will comprise an appendix to the Construction Environmental Management Plan.

1. INTRODUCTION

NSW Archaeology Pty Ltd has been commissioned by Quarry Solutions Pty Ltd to prepare an Aboriginal Heritage Management Plan (AHMP) to guide the management and mitigation of impacts to Aboriginal cultural heritage during the construction and operation of the Coraki Quarry.

The proponent has obtained Development Consent under section 89E of the Environmental Planning and Assessment Act 1979 (EP&A Act) from the Minister of Planning, NSW, on 18 April 2016.

This AHMP plan is based on the Aboriginal Cultural Heritage Assessment Report prepared by NSW Archaeology Pty Ltd during the Environmental Impact Assessment conducted for the development application (Dibden 2015).

During the Aboriginal heritage study, background research and a field survey was undertaken, in conjunction with a process of Aboriginal consultation.

Bogal Local Aboriginal Land Council is a Registered Aboriginal Party (RAP) in the formal NSW OEH process of consultation for the project.

A draft AHMP was provided to the Bogal Local Aboriginal Land Council and the NSW Office of Environment and Heritage (NSW OEH) for review; no comments were originally received. More recently endorsement of the AHMP has been received from Bogal Local Aboriginal Land Council (see Appendix 1). Endorsement of the AHMP with certain qualifications have been obtained from Billy Drew on behalf of the Bandjalang Aboriginal Corporation Prescribed Body Corporate RNTBC (see further below).

The AHMP sets out strategies for the inclusion of the relevant Aboriginal stakeholders in the management of their cultural heritage. During the assessment process, attempts were made to consult with Bandjalang Aboriginal Corporation Prescribed Body Corporate. While this was initially unsuccessful, recently contact has been made and it is intended that an ongoing communications strategy is in place so that this Native Title group can be kept informed regarding the project.



Figure 1 Location of the proposal (supplied by proponent).

2. LEGISLATIVE CONTEXT

The National Parks and Wildlife Act 1974 (NPW Act) is the primary legislation for the protection of some aspects of Aboriginal cultural heritage in NSW. One of the objectives of the NPW Act is:

... the conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including but not limited to: (i) places, objects and features of significance to Aboriginal people ... (s.2A(1)(b))

Part 6 of the NPW Act is administered by the NSW OEH and provides specific protection for Aboriginal objects and declared Aboriginal places by establishing offences of harm. Harm is defined to mean destroying, defacing or damaging an Aboriginal object or declared Aboriginal place, or moving an object from the land. Anyone proposing to carry out an activity that may harm an Aboriginal object or declared Aboriginal place must investigate, assess and report on harm that may be caused by the activity they propose.

An Aboriginal Heritage Impact Permit (AHIP) may be required if harm to Aboriginal objects and declared Aboriginal places is proposed.

Section 86 of the NPW Act, *Harming or desecrating Aboriginal objects and Aboriginal places*, sets out the penalties for harming an Aboriginal object. For an individual, the penalty for harming an object the person knows is an Aboriginal object, is imprisonment for up to 2 years and a significant fine (>\$200,000). For corporations, the penalties exceed \$1,000,000.

Part 6 of the National Parks and Wildlife Act 1974 (NPW Act) provides specific protection for Aboriginal objects and declared Aboriginal places by establishing offences of harm. There are a number of defences and exemptions to the offence of harming an Aboriginal object or place. One of the defences is that the harm is carried out under an Aboriginal Heritage Impact Permit (AHIP).

However, under Section 89J of the Environmental Planning and Assessment Act 1979, the following authorisations are not required for State Significant Development that is authorised by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply):

an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974.

A number of other aspects of the NPW Act are relevant:

Under Section 89A Notification of sites of Aboriginal objects. A person who is aware of the location of an Aboriginal object that is the property of the Crown or, not being the property of the Crown, is real property, and does not, in the prescribed manner, notify the Director-General thereof within a reasonable time after the person first becomes aware of that location is guilty of an offence against this Act unless the person believes on reasonable grounds that the Director-General is aware of the location of that Aboriginal object. An Aboriginal Site Recording Form allows for primary site recording (see link in Appendix 2). Aboriginal Site Recording Forms are provided to the Aboriginal Heritage Information Management System (AHIMS) which is maintained by NSW OEH.

An Aboriginal Site Impact Recording Form has been developed to ensure that current information about the status of AHIMS sites is maintained and an accurate picture of the condition of all registered Aboriginal sites is always available. The form must be completed after authorised impacts to AHIMS sites occur. Once completed, the forms must be sent to the AHIMS Registrar. Authorised impacts are those:

- which occur as a result of test excavation carried out in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW;
- allowed by an AHIP issued by the NSW OEH;
- undertaken for the purpose of complying with Director-General Requirements issued by the Department of Planning and Infrastructure for State Significant Development (SSD – Part 4), State Significant Infrastructure (SSI – Part 5.1) or a Major Project (Part 3A – now repealed) under the Environmental Protection and Assessment Act 1979 – EP&A Act); or
- allowed by an SSD/SSI/Part 3A consent/approval under the EP&A Act.

Many Aboriginal communities wish to have care of Aboriginal objects which have been excavated, disturbed or moved by development activities, erosion or other processes. Under Section 85A of the NP&W Act 1974, the transfer of Aboriginal objects from a site to an Aboriginal person or organisation for safe keeping is allowed. The person or organisation must enter into an agreement with the NSW OEH. A Care Agreement Application Form must be completed and sent to the relevant NSW OEH regional office. A link to the form can be found in Appendix 2.

Links to various relevant web sites relating to Aboriginal heritage regulation in NSW are provided in Appendix 2.

3. RATIONALE FOR THE AHMP

3.1 Background

One previously recorded Aboriginal site is in the proposal area: AHIMS 04-4-142 *Spring Hill Coraki* - located on the western end of Lot 402 DP802985. This site is in an existing *Indigenous Heritage Non-Disturbance Zone* and will not be subject to impacts. This site has had an Aboriginal Place nomination prepared (Ashley Moran OEH pers comm 25/8/15).

Consultation with Billy Drew via telephone on 7/7/16, representing the Bandjalang Aboriginal Corporation Prescribed Body Corporate RNTBC, has provided information about this site which was not previously available. Furthermore, Mr Drew has requested that this information be included in this document (discussed further below).

A cultural heritage and archaeological survey for Aboriginal areas, objects and places has been conducted by archaeologists Julie Dibden and Andrew Pearce, NSW Archaeology Pty Ltd and Daryl Knight, Bogal Local Aboriginal Land Council. The assessment is documented in Dibden (2015) and summarised below.

No Aboriginal stone objects were recorded during the field assessment. However, Survey Unit 4, a very gently inclined simple slope adjacent to a wetland was predicted to contain artefact density in a low/moderate distribution. This survey unit is defined as Sensitive Archaeological Landform (SAL 1). During the heritage assessment it was negotiated with the proponent that Survey Unit 4 would be set aside from impact and formalised as an Indigenous Heritage Non-Disturbance Zone.

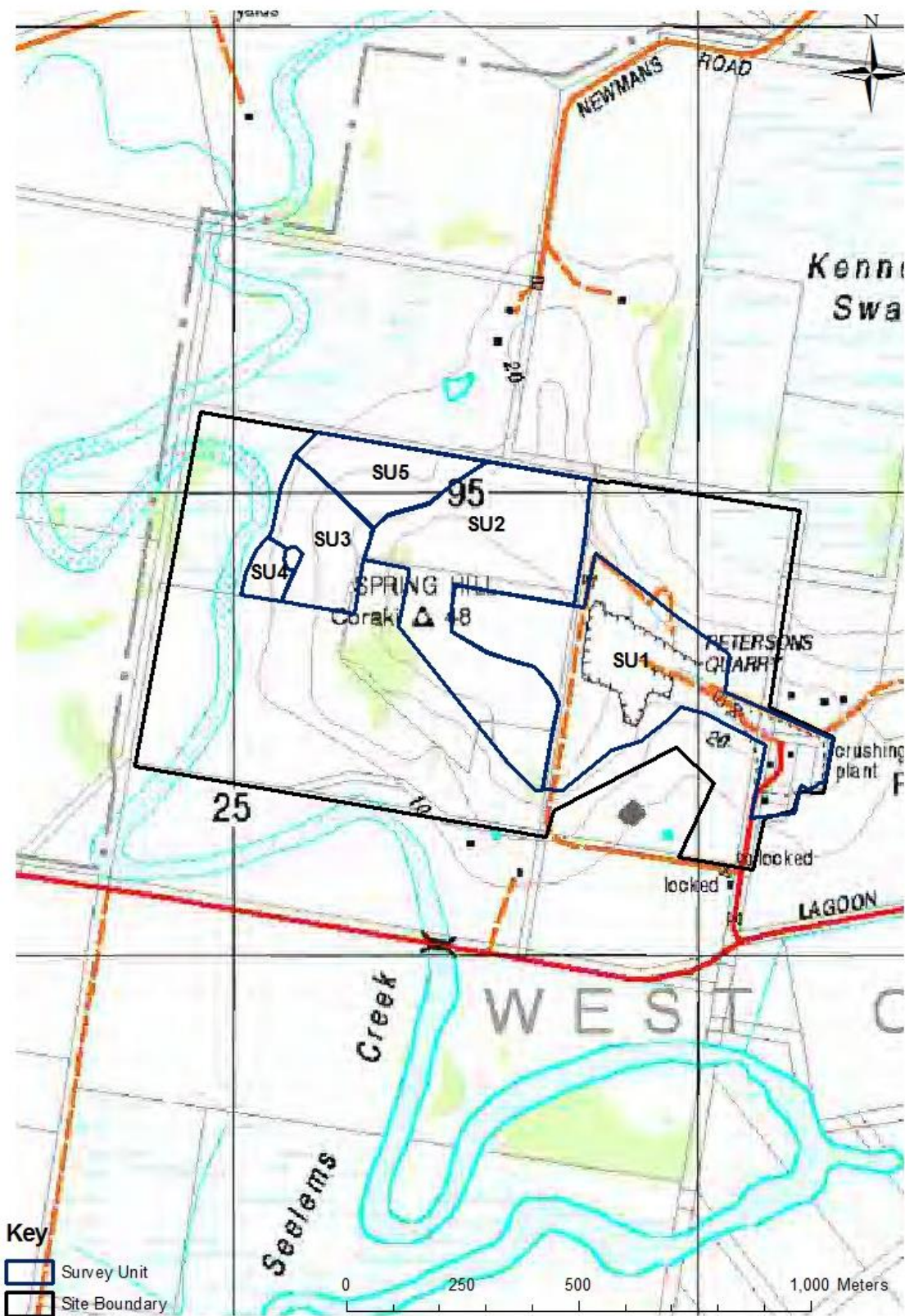


Figure 2 Location of Survey Unit 4 (the Sensitive Archaeological Landform 1) recorded during the field assessment.

3.2 Planning Consent Conditions

The NSW DP&E has issued the following conditions within the Development Consent document:

The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:

- a) be prepared in consultation with NSW OEH and the Aboriginal community, and be submitted to the Secretary for approval prior to the commencement of operations; and
- b) include:
 - a detailed description of the measures that would be implemented to protect Aboriginal sites outside the quarry disturbance area including the two Indigenous Non-Disturbance Zones;
 - a description of the measures that would be implemented if any new Aboriginal objects or skeletal remains are discovered during quarrying operations; and
 - protocol for the ongoing consultation and involvement of the Aboriginal community in the conservation and management of Aboriginal cultural heritage on the site.

The Applicant must implement the approved management plan as approved from time to time by the Secretary.

If any item or object of Aboriginal heritage significance is identified on land associated with the development, the Applicant must ensure that:

- a) all work in the immediate vicinity of the Aboriginal item or object ceases immediately;
- b) a 10m buffer area around the item or object is cordoned off with high visibility flagging tape, or the like; and
- c) the NSW OEH is contacted immediately.

Work in the vicinity of the Aboriginal item object may only commence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

3.3 The Purpose of the AHMP

This AHMP aims to outline the appropriate responsibilities and actions that the proponent shall undertake for the purposes of managing impacts to Aboriginal heritage. The AHMP forms a part of the conditions of the Development Consent.

The AHMP describes:

- a) The procedures for the management of identified objects within the development site.
- b) The procedures to be followed if any unidentified objects and/or human remains are identified during the development works.
- c) The process for how the AHMP procedures will be managed and adhered to during the construction and operation of the project.
- d) The process that will be followed for continuing consultation with the Aboriginal stakeholders and the NSW OEH, where required.

This AHMP seeks to provide the proponent with an appropriate means of meeting its obligations regarding the requirements as outlined above.

4. CONSULTATION PROCESS

4.1 Consultation

The Aboriginal consultation undertaken for this project commenced in 2015 and has been conducted in accordance with the guidelines as set out in the OEH *Aboriginal cultural heritage consultation requirements for proponents 2010* (NSW DECCW 2010b).

Bogal Local Aboriginal Land Council is a Registered Aboriginal Party (RAP) in the formal NSW OEH process of consultation for the project. Endorsement of the AHMP has been received from Bogal Local Aboriginal Land Council in an email dated 6/7/16 as presented in Appendix 1 (note, this email has been forwarded to the NSW DP&E).

The Bandjalang Aboriginal Corporation Prescribed Body Corporate RNTBC administers land on behalf of the Bandjalang People. Their native title rights and interests were first recognised in the Bandjalang People #2 native title determinations of 2013. This matter recognises the Bandjalang people as having non-exclusive native title rights and interests over traditional lands on the north coast of New South Wales, at and around Evans Head.

Enquires were made of ntscorp on numerous occasions in an attempt to make contact with the Bandjalang Aboriginal Corporation Prescribed Body Corporate. However, there was no success in this regard. We discussed this matter with Ms Rosalie Neve, NSW OEH on 12 June 2015. It was discussed that in regard to the Aboriginal site on Lot 402, an Aboriginal place nomination was in progress but not yet determined. Ms Neve advised that while no response has been received from the Bandjalang Aboriginal Corporation and we may therefore reasonably assume that there are not any issues, we should ensure that the proposal does not undermine any possible future aspirations the Corporation may have in regard to the site. She advised that we ensure an ongoing communications strategy is in place.

Most recently, endorsement of the AHMP has been received from Bogal Local Aboriginal Land Council. Endorsement of the AHMP with certain qualifications has been obtained from Billy Drew on behalf of the Bandjalang Aboriginal Corporation Prescribed Body Corporate RNTBC Billy Drew (pers. comm 7/7/16).

Mr Drew expressed his desire for the significance of the Spring Hill site to be described in this AHMP document and, furthermore, he wanted the document to acknowledge confirmation that the two Indigenous Heritage Non-Disturbance Zones would not be impacted at any time in the future. He suggested that a sunset clause which would define protection for a 99 year period might be appropriate.

The *Spring Hill* site is deeply significant to local Aboriginal people. It is the site where Nanna Wilson was born on the side of the hill. This is the area that now resides within

the existing Indigenous Heritage Non-Disturbance Zone that has been in place at the Petersons Quarry for some time. Mr Drew discusses the significance of the site in terms of its springs and the healing properties of the water. He says that at some time in the past, that despite the faeries and secret healing springs, the man who had been tribal caretaker of the land had sold the site against tribal law to a mayor of Coraki. Mr Drew indicated that quarry operations including blasting, have caused spiritual pain.

Mr Drew indicated that the AHMP paperwork would suffice, but that he held residual concern that the quarry operator would want to extract from the sensitive areas eventually. It is in this regard that he emphasises the need for a firm commitment that no extraction would occur in the Spring Hill site for at least 99 years.

It is noted that the area of concern to Mr Drew is contained within the existing Petersons Quarry land owned by Richmond Shire Council. The approved plan for Petersons Quarry provides protection for that area. The Coraki Quarry has consent for operations during a limited period of time only. However, the proponent would ensure that no extraction or other impacts would occur during that time.

4.2 AHMP Consultation Framework

Consultation with the Registered Aboriginal Party and Bandjalang Aboriginal Corporation Prescribed Body Corporate (via ntscorp) would be ongoing during the life of the development. This would include, but not be limited to:

- Consultation regarding processes and strategies as outlined in this AHMP;
- On-going consultation through updates to the Quarry Solutions website, newspaper articles and community events;
- Consultation in the event of any unexpected Aboriginal objects or burials being found during the construction and operation of the quarry.

5. ABORIGINAL HERITAGE MANAGEMENT PROCEDURES

5.1 Further Archaeological Investigations

No areas of the proposal area have been identified which warrant further archaeological investigation to formulate appropriate management and mitigation strategies. Based on a consideration of the predictive model of site type applicable to the environmental context in which impacts are proposed, the archaeological potential of the proposed impact areas is assessed not to warrant further investigation.

It is possible that Aboriginal objects with potential conservation value may be present in the subject area (ie Survey Unit 4). However, given it is recommended that this be conserved, test excavation conducted under OEH's *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010: 24) has not been considered necessary.

5.2 Management of Identified Aboriginal Heritage

The two Indigenous Non-Disturbance Zones are shown on Figure 1. No impacts are to occur in these areas during the life of the development, nor at any time in the future.

It is noted that AHIMS 04-4-142 *Spring Hill Coraki* is in an existing *Indigenous Heritage Non Disturbance Zone* and will not be subject to impacts. It is contained within the existing Petersons Quarry land owned by Richmond Shire Council. The approved plan for Petersons Quarry provides on-going protection for that area.

The location of both sites to be protected are clearly shown on quarry operation plans in order to ensure that do not suffer inadvertent impacts. Specific commitments are outlined in Section 6.

The exclusion zones would be complied with for the duration of the quarry operation. It is noted that in respect of AHIMS 04-4-142 *Spring Hill Coraki*, the Petersons Quarry approval has been amended to reflect the exclusion zone.

5.3 Management of Unidentified Aboriginal Objects and/or Burials

If any item or object of Aboriginal heritage significance is identified on land associated with the development, the Applicant must ensure that:

- all work in the immediate vicinity of the Aboriginal item or object ceases immediately;
- a 10m buffer area around the item or object is cordoned off with high visibility flagging tape, or the like; and
- the NSW OEH is contacted immediately.

Work in the vicinity of the Aboriginal item object may only commence in accordance with the provisions of Part 6 of the National Parks and Wildlife Act 1974.

Should suspected ancestral human remains be encountered, the following process should be adhered to:

- Do not further disturb or move the remains;
- Immediately cease work in the vicinity and cordon area off;
- Notify the NSW Police;
- Notify the project archaeologist and the NSW OEH Environment Line on 131 555 as soon as practicable and provide available details of the remains and their location; and
- Do not re-commence work in the area unless authorised in writing by NSW OEH.

NSW OEH contact details are:

Rosalie Neve

Aboriginal Heritage Planning Officer, North East Branch

Regional Operations Division

Office of Environment and Heritage

Locked Bag 914, Coffs Harbour, NSW 2450

5.4 Aboriginal Heritage Induction

In order for site workers and contractors to be able to know what processes to follow in regard to this AHMP, they would be provided with induction training.

The construction contractor would provide induction training on the following matters:

1. The identification Aboriginal objects and skeletal material;
2. Aboriginal cultural awareness;
3. The significance of the Aboriginal sites within the property; and
4. The AHMP procedures to be followed during the operational life of the project.

Induction would be conducted prior to employees commencing work activities on the project site. Records would be kept documenting when inductions have been conducted, the inductees and any other relevant matters. In particular, the induction would focus on requirements relating to the Indigenous Non-Disturbance Zones and the procedures to be implemented if objects or remains are found.

5.5 Protocol for Continued Aboriginal Community Consultation

A copy of a AHMP has been provided to the RAP and Bandjalang Aboriginal Corporation Prescribed Body Corporate (via ntscorp) for review, input and concurrence.

Consultation with the RAP and Bandjalang Aboriginal Corporation Prescribed Body Corporate (via ntscorp) would be on-going during the life of the project. Engagement

would be conducted through updates to the Quarry Solutions website, newspaper articles and community events.

Aboriginal access to the Indigenous Heritage Non-Disturbance Zones would be available upon request from the Aboriginal party or person. Access would then be facilitated by Quarry Solutions. It is emphasised that the areas are outside the operational quarry areas and are, therefore, able to be accessed.

The clean water swale would not impact on the Indigenous Heritage Non-Disturbance Zones, nor would it hamper access. The exclusion zones are shown on the operation plan of the quarry. This document is the approved plan attached to the consent.

Community engagement and a complaints process will be included in the revised Environmental Management Strategy which will be approved by the NSW DP&E.

In the event that any of the following incidents, the proponent will contact the project archaeologist, NSW OEH and the RAP and the Bandjalang Aboriginal Corporation Prescribed Body Corporate (via ntscorp) within 24 hours:

1. If any breaches to the procedures as set out in this AHMP occur;
2. If any unexpected Aboriginal objects and/or Aboriginal skeletal remains are found;
or
3. If any areas are to be impacted that have not as yet been surveyed for the presence of Aboriginal sites.

The contact details for NSW OEH are as follows:

Rosalie Neve
Aboriginal Heritage Planning Officer, North East Branch
Regional Operations Division
Office of Environment and Heritage
Locked Bag 914, Coffs Harbour, NSW 2450

6. COMMITMENTS

The commitments outlined in the Development Consent must be complied with.

The following specific commitments are outlined:

1. No-go zones would be defined around the two Indigenous Non-Disturbance Zones.

These no-go zones are marked as such on construction plans. Consideration would be given to whether they require fencing and signage so as to ensure that inadvertent impacts do not occur.

2. An annual review and independent audit of Aboriginal Cultural Heritage matters would be undertaken.

7. REFERENCES

Dibden, J. 2015 Coraki Quarry, Seelems Road, Coraki NSW Aboriginal Cultural Heritage Assessment Report.

New South Wales Department of Environment, Climate Change and Water 2010a Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales 2010.

New South Wales Department of Environment, Climate Change and Water 2010b Aboriginal cultural heritage consultation requirements for proponents 2010.

APPENDIX 1 CORRESPONDENCE WITH AGENCIES/GROUPS

Email to OEH seeking a review of the AHMP:

From: Julie Dibden [<mailto:julie@nswarchaeology.com.au>]
Sent: Wednesday, 15 June 2016 5:01 PM
To: 'Dimitri.Young@environment.nsw.gov.au'
Subject: Coraki Quarry

Dear Dimitri

I provided a draft copy of the Aboriginal Heritage Management Plan to you for your review and concurrence on 6/5/16. I have attached a copy to this email.

The Department of Planning and Environment has confirmed that written confirmation (either e-mail or letter) from OEH is required for them to approved the ACHMP.

Would you be able to do this please.

If required, please call to discuss.

regards Julie

Dr Julie Dibden
0427074901
NSW Archaeology Pty Ltd
www.nswarchaeology.com.au

Email to Bandjalang Corporation:

From: Julie Dibden [<mailto:julie@nswarchaeology.com.au>]
Sent: Thursday, 21 July 2016 3:16 PM
To: 'bandjalangcorporation@gmail.com'; 'bujalungw@gmail.com'
Cc: 'frusso@ntscorp.com.au'; 'schalmers@ntscorp.com.au'; 'aromano@ntscorp.com.au'; 'arotumah@ntscorp.com.au'
Subject: Coraki Quarry Aboriginal Heritage Management Plan

Attention: Stephanie Ferguson and Billy Drew

Dear Stephanie and Billy

Please find attached a revised draft Aboriginal Heritage Management Plan for the Coraki Quarry that I have prepared following my conversation with Billy earlier this month. Please don't hesitate to get in touch to discuss and if your require clarification or further amendments. If you are happy with this plan, could you please indicate this in an email of letter.

Yours faithfully

Julie

Dr Julie Dibden
0427074901
NSW Archaeology Pty Ltd
www.nswarchaeology.com.au

Email from Bogal LALC

From: Bogal LALC [<mailto:bogallalc@bigpond.com>]
Sent: Wednesday, 6 July 2016 2:04 PM
To: 'Julie Dibden'
Subject: RE: Coraki Quarry

Thanks Julie

I think that the recommendations are fine as I can see so far in your report. Yes accepted
Robyn

APPENDIX 2 LINKS RELATING TO ABORIGINAL HERITAGE REGULATION IN NSW

General Aboriginal Heritage regulation

- General info about the changes to Aboriginal Heritage regulation can be found at:
<http://www.environment.nsw.gov.au/licences/achregulation.htm>

Amendment Act and Regulations

- The *National Parks and Wildlife Act 1974* is the primary act that manages Aboriginal heritage in NSW. The Aboriginal heritage provisions of the Act were amended in October 2010. Full details of the Act can be found at:
<http://www.legislation.nsw.gov.au/maintop/view/inforce/act+80+1974+cd+0+N>
- The *National Parks and Wildlife Regulation 2009* also contains regulations dealing with Aboriginal cultural heritage in NSW. See:
<http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+427+2009+cd+0+N>

Aboriginal Heritage Information Management System (AHIMS)

- The following link provides general information about the types of information you can obtain from the Aboriginal Heritage Information Management System (AHIMS) and also provides a table on the service fees:
<http://www.environment.nsw.gov.au/licences/WhatInformationCanYouObtainFromAHIMS.htm>
- If you wish to undertake [a free basic search](#) using the internet yourself, you can access AHIMS through the following link:
<http://www.environment.nsw.gov.au/awssapp/login.aspx>. If you are a first time user you will need to register using an email address. You will be asked to fill in some details and a password. If you have previously used the system you will need to enter your email address and password. You will then need to enter the details of the search or service you want to request.
- If you require assistance with the AHIMS database the AHIMS Registrar can be contacted on:
Phone: 02 9585 6345
Fax: 02 9585 6094
Email: ahims@environment.nsw.gov.au
Street address: Level 6, 43 Bridge Street, Hurstville NSW
Postal address: PO Box 1967, Hurstville NSW 2220
- The AHIMS Basic Search will tell you whether there are any Aboriginal sites recorded in the search area.
- If the results of your AHIMS Basic Search indicate that there is an Aboriginal site in the area of your proposed activity, you will need to seek further information in order to determine the precise nature of the Aboriginal site. This would involve conducting

an Extensive Search; a fee may apply. Further details of this search are available on the same website.

- If the results of your AHIMS Basic Search indicate that there are no Aboriginal sites in the area of any proposed activity, you would do not need to carry out an Extensive Search.

Declared Aboriginal Places

- General information about declared Aboriginal Places can be found at: <http://www.environment.nsw.gov.au/conservation/AboriginalPlacesNSW.htm>
- The Atlas of declared Aboriginal Places comprises a map and table of declared Aboriginal Places in NSW. For each Aboriginal place you will find information describing the place and a summary of why it is important to Aboriginal people. See: <http://www.environment.nsw.gov.au/AboriginalPlaces/>

Aboriginal Sites Decision Support Tool (ASDST)

- The Aboriginal sites decision support tool (ASDST) has been developed to support the assessment of Aboriginal sites issues in NSW at the landscape-scale: <http://www.environment.nsw.gov.au/licences/AboriginalSitesDecisionSupportTool.htm>
- A direct link to the maps can be found at: <http://mapdata1.environment.nsw.gov.au/asdst/default.aspx>
- For further information and support in interpreting the ASDST products, please contact: asds.tool@environment.nsw.gov.au

Due Diligence

- The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010) can be used by individuals or organisations who are contemplating undertaking activities which could harm Aboriginal objects. This Due Diligence Code provides a process whereby a reasonable determination can be made whether or not Aboriginal objects will be harmed by an activity, whether further investigation is warranted and whether the activity requires an AHIP application. A copy of this Due Diligence Code can be found at: <http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf>

Industry Specific Due Diligence Codes:

- Other industry specific codes of practice adopted by the NPW Regulation. The industry specific codes of practice must meet minimum standards which have been set by the Director General. These standards were published in the Government Gazette on 10 September 2010. (The Plantations and Reafforestation Code and the Private Native Forestry Code of Practice are existing statutory codes and currently do not need to meet these minimum standards).

- These codes are:
 1. the [Plantations and Reafforestation Code \(being the Appendix to the Plantations and Reafforestation \(Code\) Regulation 2001\)](#) as in force on 15 June 2010,
 2. the [Private Native Forestry Code of Practice](#) approved by the Minister for Climate Change, Environment and Water and published in the Gazette on 8 February 2008,
 3. the [NSW Minerals Industry Due Diligence Code of Practice for the Protection of Aboriginal Objects](#) published by NSW Minerals Council Ltd and dated 13 September 2010,
 4. the [Aboriginal Objects Due Diligence Code for Plantation Officers Administering the Plantations and Reafforestation \(Code\) Regulation 2001](#) published by the Department of Industry and Investment and dated 13 September 2010,
 5. the [Operational Guidelines for Aboriginal Cultural Heritage Management](#) published by Forests NSW and dated 13 September 2010.

Archaeological surveys and assessments

- Anyone proposing to carry out an activity that may harm an Aboriginal object or a declared Aboriginal place must investigate, assess and report on the harm that may be caused by that activity. An Aboriginal cultural heritage assessment report is the written report detailing the results of the assessment and recommendations for actions to be taken before, during and after an activity to manage and protect any identified Aboriginal objects or declared Aboriginal places. The Aboriginal cultural heritage assessment report is required to support any application made to OEH for an Aboriginal Heritage Impact Permit (AHIP) where harm cannot be avoided. The *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* outlines the requirements of an Aboriginal cultural heritage assessment report. See: <http://www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf>
- Some test excavations can be carried out without the requirement for an AHIP provided they are done in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal objects in NSW*. This Code sets out the minimum standards for archaeological investigation undertaken in NSW under the National Parks and Wildlife Act 1974 (NPW Act). See: <http://www.environment.nsw.gov.au/resources/cultureheritage/10783FinalArchCoP.pdf>

Aboriginal community consultation

- OEH has produced some background information that sets out the requirements for consulting with those Aboriginal people who can provide information about the significance of Aboriginal cultural heritage as part of the heritage assessment process that informs any application for an Aboriginal Heritage Impact Permit (AHIP). See: <http://www.environment.nsw.gov.au/licences/consultation.htm>
- The OEH policy for Aboriginal community consultation, *Aboriginal Cultural Heritage Consultation Requirements for proponents*, can be found at: <http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf>.

Local Aboriginal land Councils

- Information relating to boundaries of Local Aboriginal Land Councils can be obtained via State Land Council at: <http://www.alc.org.au/land-councils/lalc-regions-boundaries.aspx>
- Information relating to contact details for Local Aboriginal Land Councils can also be obtained via State Land Council at: <http://www.alc.org.au/land-councils/lalc-contact-details.aspx>

Aboriginal Site Recording Forms (site cards):

- General information in relation to recording Aboriginal objects and sites can be found at:
<http://www.environment.nsw.gov.au/licences/DECCAHISSiteRecordingForm.htm>
- Access to the Aboriginal Site Recording Form itself (also known as a site card) can be found at:
http://www.environment.nsw.gov.au/resources/parks/SiteCardMainV1_1.pdf
- Information on how to fill in an Aboriginal site recording form can be found at:
<http://www.environment.nsw.gov.au/resources/parks/20121008SiteRecordGuide.pdf>

Aboriginal Heritage Impact Permits (AHIPs):

- Recent changes to the NPW Act allow a single permit (referred to as an Aboriginal Heritage Impact Permit or AHIP) to be issued in relation to impacts to Aboriginal objects and Aboriginal places, or types or classes of Aboriginal objects and Aboriginal places. See: <http://www.environment.nsw.gov.au/licences/Section87Section90.htm>
- There is also a Guide titled “*Applying for an Aboriginal Heritage Impact Permit: Guide for applicants*” on the OEH website that may assist in the process for applying for an AHIP if one is required for your project. See:
<http://www.environment.nsw.gov.au/resources/cultureheritage/20110280AHIPguideforapplicants.pdf>
- Aboriginal Heritage Impact Permit (AHIP) application form.
See:<http://www.environment.nsw.gov.au/resources/cultureheritage/20110734AHIPapplication.pdf>
- AHIPs may also be varied or transferred. Application forms to vary transfer an AHIP can be found at:
<http://www.environment.nsw.gov.au/licences/AHIPforms.htm>

Care Agreements

- Many Aboriginal communities wish to have care of Aboriginal objects which have been excavated, disturbed or moved by development activities, erosion or other processes.
- The NPW Act allows the transfer of Aboriginal objects to an Aboriginal person or Aboriginal organisation for safekeeping. The person or organisation must enter into a care agreement with OEH.
- A care agreement is a document that sets out the obligations of OEH and the Aboriginal person or Aboriginal organisation for the long-term safekeeping of the

transferred Aboriginal object(s). The Aboriginal person or organisation does not become the owner of the Aboriginal objects.

- A person or organisation wanting to be a custodian for objects can apply for a transfer of those objects to themselves using the application form below. There is no cost to do this.
- If you are applying to be custodian of Aboriginal objects that are also subject to an Aboriginal Heritage Impact Permit (AHIP) or an application for an AHIP, it is important that you discuss the management of the objects with the Registered Aboriginal Parties for that application.
- Link to further information on Care Agreements:
<http://www.environment.nsw.gov.au/licences/CareAgreements.htm>

Public Register

- The Public Register under the National Parks and Wildlife Act (NPW Act) provides the public with information related to Aboriginal heritage and other regulatory functions under the NPW Act and the Threatened Species Conservation Act (TSC Act). This register supports OEH's broad principle of ensuring that where possible, the department's decisions are publicly available and transparent. It contains:
 1. [applications for Aboriginal heritage impact permits \(AHIPs\)](#) and other decisions made by the Director General of the Department of Premier and Cabinet regarding AHIPs.
 2. [convictions in prosecutions under the NPW Act or the TSC Act](#) initiated by OEH
 3. [the results of civil proceedings before the Land and Environment Court](#) under the NPW Act or the TSC Act by or against OEH
 4. Aboriginal Places <http://www.environment.nsw.gov.au/AboriginalPlaces/>
 5. remediation directions issued by the Director General

OEH internal guidance material

- OEH staff use internal policy and guidance to assist them in regulating Aboriginal cultural heritage, including assessing applications for Aboriginal heritage impact permits (AHIPs).
- These documents are intended as internal OEH policy documents only and should not be used for any other purpose.
 1. [Operational Policy: Protecting Aboriginal cultural heritage](#) (110396oppolach.pdf; 239 KB): This document provides an operational framework for OEH staff regulating Aboriginal cultural heritage, which is practical, legally appropriate and consistent across the state.
 2. [Guide to Aboriginal Heritage Impact Permit Processes and Decision-making](#) (110397guideahipprocess.pdf; 577 KB): This guide aims to ensure OEH decisions on Aboriginal heritage impact permits (AHIPs) are transparent and defensible and that any AHIPs issued are appropriate, reasonable and enforceable.

Aboriginal Cultural Heritage Fact Sheets

- **Fact sheet 1 - New Aboriginal heritage provisions**
(<http://www.environment.nsw.gov.au/resources/cultureheritage/NPWAct/10701npwfacts1.pdf>)

- **Fact sheet 2 - Providing certainty for the protection of Aboriginal heritage through due diligence**
(<http://www.environment.nsw.gov.au/resources/cultureheritage/NPWAct/10702npwfacts2.pdf>)
- **Fact sheet 3 - Better law enforcement for the protection of Aboriginal heritage, national parks and threatened species in New South Wales**
(<http://www.environment.nsw.gov.au/resources/cultureheritage/NPWAct/10703npwfacts3.pdf>)
- **Fact sheet 4 - New procedures for boards of management for Aboriginal - owned parks**
(<http://www.environment.nsw.gov.au/resources/cultureheritage/NPWAct/10704npwfacts4.pdf>)
- **Fact sheet 5 - Summary of miscellaneous provisions**
(<http://www.environment.nsw.gov.au/resources/cultureheritage/NPWAct/10705npwfacts5.pdf>)
- **Fact sheet 6 – The Low Impact Activity Defence**
(<http://www.environment.nsw.gov.au/resources/cultureheritage/NPWAct/110103npwfacts6.pdf>)
- **Fact sheet 7 – Aboriginal Heritage Impact Permits**
(<http://www.environment.nsw.gov.au/resources/cultureheritage/NPWAct/110104npwfacts7.pdf>)
- **Fact sheet 8 – The Aboriginal Heritage Information Management System**
(<http://www.environment.nsw.gov.au/resources/cultureheritage/NPWAct/110105npwfacts8.pdf>)