

Lot 30 DP1198692 George Evans and Jonsson Roads, Mundamia via Nowra
Aboriginal Heritage – Further Information

Date: 14 May 2014

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Proponent: Twynam Mundamia Pty Ltd

Local Government Area: Shoalhaven City Council

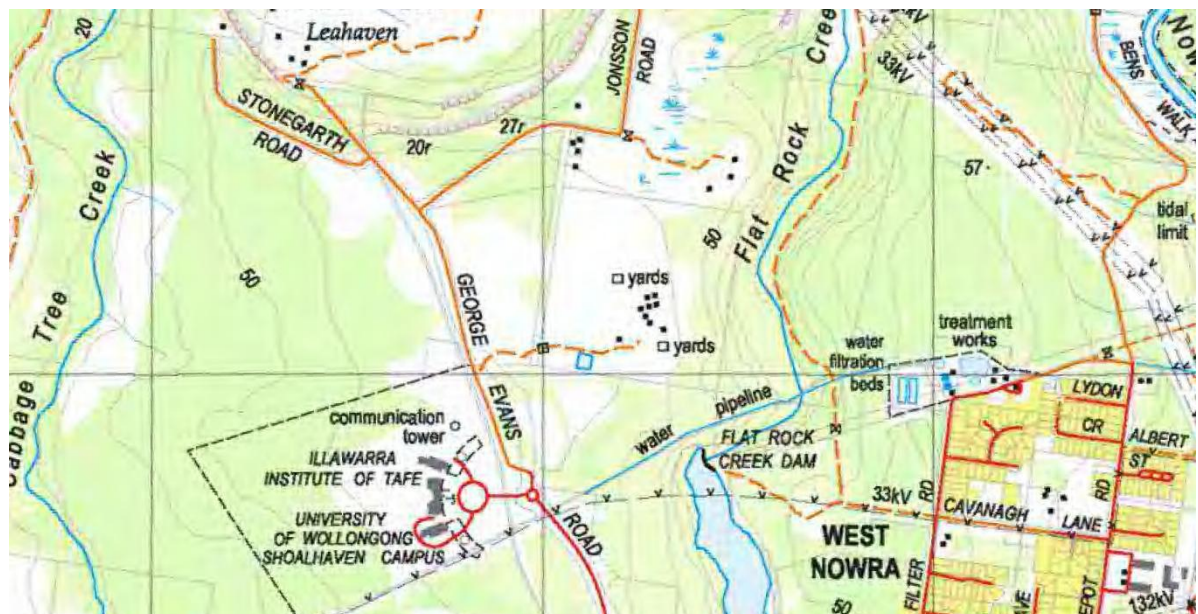


TABLE OF CONTENTS

INTRODUCTION	1
1. NSW OEH AHIMS SEARCH.....	2
2. NSW OEH REPORT SEARCH.....	3
3. LEGISLATION.....	4
4. CONCLUSIONS AND RECOMMENDATIONS	6
5. REFERENCES.....	7
APPENDIX 1 – AHIMS DATABASE SEARCH.....	8
APPENDIX 2 LINKS RELATING TO ABORIGINAL HERITAGE REGULATION IN NSW	12

TABLE OF FIGURES

Figure 1 Location of AHIMS sites from search #133892.	2
Figure 2 Screen shot of the report search.	3

INTRODUCTION

NSW Archaeology Pty Ltd has been engaged to prepare additional Aboriginal heritage information in respect of a proposed subdivision of Lot 30 DP1198692 George Evans and Jonsson Roads, Mundamia.

The subdivision is currently being assessed for planning approval by the NSW Department of Planning and Infrastructure as a Major Project (MP08_0141).

An Aboriginal Heritage Assessment of the subdivision was undertaken in 2007/08 by South East Archaeology Pty Limited. No Aboriginal heritage sites were identified during the investigation. The absence of recorded heritage was explained to be a factor of high previous disturbance and that artefact density is likely to be low to very low.

In 2013, the NSW Office of Environment and Heritage (NSW OEH) responded to the public exhibition of the Environmental Assessment of the proposed subdivision. In regard to Aboriginal heritage, NSW OEH requested:

- An updated NSW OEH Aboriginal Heritage Information Management System (AHIMS) site search;
- A review of more recent archaeological reports in the vicinity of the area in order to determine if the predictive model of site location has changed and which might result in modification to the management and mitigation measures proposed previously; *and that*
- The proponent ensures familiarization with recent changes in Aboriginal heritage legislation.

This report documents the additional information as requested by NSW OEH.

The following is a summary of the results of the new searches:

- A new AHIMS site search indicates there are no sites recorded in the proposed subdivision area;
- An AHIMS report search indicates there are no relevant, recent reports in the general vicinity of the subdivision area.
- It is concluded therefore that the original assessment of the archaeological potential and status of the proposal area remains valid.

1. NSW OEH AHIMS SEARCH

A search of the NSW OEH Aboriginal Heritage Information Management System (AHIMS) has been undertaken (AHIMS Search ID #133892). The search covered an area of 48 square kilometres, encompassed by Eastings: 257000–281000 and Northings: 6132000–6140000, with a buffer of 50 metres (Appendix 1). The location of the Aboriginal object sites listed on the AHIMS search and in close proximity to the proposal area are shown in Figure 1 (compare with Figure 1 in the South East Archaeology report). None of these sites occur in the subdivision area.

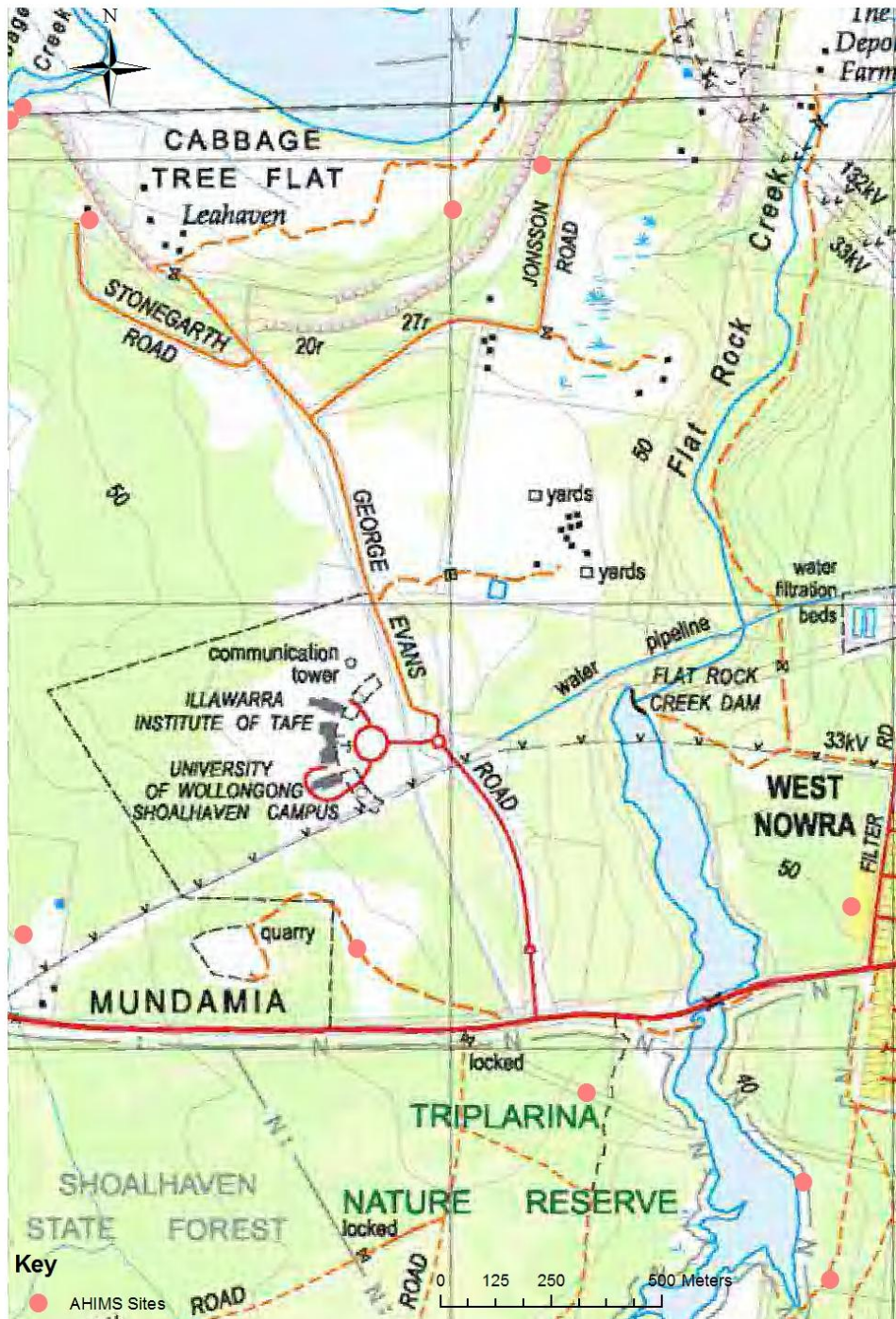


Figure 1 Location of AHIMS sites as per search #133892.

2. NSW OEH REPORT SEARCH

A report search has been undertaken (Figure 2 below). Report ID 102506 (Kayandel Archaeological Services 2011) is a recent report. However, the environmental context of the study area documented in that report has no comparability or direct relevance to the current assessment.

It is concluded in this regard, that the original predictive model as clarified by South East Archaeology Pty Ltd (2008), remains relevant, unchanged and sound.

Archaeological Reports Found based on Extensive Search ID : 133892

Select	Report ID	Title	Author	Published Date	Digital Copy Available	Pages
<input type="checkbox"/>	1961	The Shoalhaven River skull : Report on study of a skull found along the banksof the Shoalhaven River, NSW [report prepared for NPWS] by Denise Donlon SPECIAL COLLECTION see Head A.H.I.U	(1) Denise Donlon	01/01/1991	<input checked="" type="checkbox"/>	1
<input type="checkbox"/>	2048	Archaeological assesement of Aboriginal and Historic sites on the proposed North Kiama by pass between Dunmore and Bombo, Kiama, NSW [report to Connell Wagner Pty Ltd] by R. Silcox	(1) Rex Silcox	01/12/1990	<input checked="" type="checkbox"/>	34
<input type="checkbox"/>	2092	South East Region Rock Art Conservation Project Volume 1 : An evaluation of the significance conservation and management by Kelvin L. C. Officer	(1) Mr.Kelvin Officer	01/04/1991	<input checked="" type="checkbox"/>	434
<input type="checkbox"/>	98150	An Archaeological Assessment of Proposed Development Works at the Toorooro Rest Area	(1) Cultural Heritage Management Australia - (Australian Archaeological Survey Consultants)	01/07/1999	<input checked="" type="checkbox"/>	57
<input type="checkbox"/>	98511	Bomaderry Creek Bushland Aboriginal Cultural Heritage.	(1) Philip Boot (2) Terry Barratt	01/01/2001	<input checked="" type="checkbox"/>	13
<input type="checkbox"/>	99979	Gas Power facility and Associated Infrastructure at Bamerang, Nowra, NSW	(1) Navin Officer Heritage Consultants Pty Ltd	01/11/2005	<input checked="" type="checkbox"/>	78
<input type="checkbox"/>	102111	Management recommendations for the Nowra Creek Rockshelter, Nowra, South Coast, New South Wales	(1) N.K Hall	01/12/1989	<input checked="" type="checkbox"/>	33
<input type="checkbox"/>	102506	Shoalhaven Starches Gas Pipeline Scheme: Aboriginal and Historic Heritage Assessment	(1) Kayandel Archaeological Services	01/06/2011	<input checked="" type="checkbox"/>	65

[Request](#)

Figure 2 Screen shot of the report search.

3. LEGISLATION

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 Office of Environment and Heritage (NSW OEH) and provides specific protection for Aboriginal objects and declared Aboriginal places by establishing offences of harm. Under Section 86, harm is defined to mean any act or omission that destroys, defaces or damages an Aboriginal object or declared Aboriginal place, moves an object from the land or causes or permits an object to be harmed.

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.

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. When this is the case, an Aboriginal Cultural Heritage Assessment Report (ACHAR) is required to support the AHIP application.

However, the current subdivision project is classed as a Major Project (transitional) and the following authorisations are not required:

- an Aboriginal Heritage Impact Permit under section 90 of the National Parks and Wildlife Act 1974.

Nevertheless, a number of other sections of the National Parks and Wildlife Act 1974 remain relevant to Aboriginal heritage and may be applicable to the project. These are listed below.

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.

4. CONCLUSIONS AND RECOMMENDATIONS

1. No new AHIMS sites have been identified to be present in the subdivision area.
2. The report search did not result in any modification of the relevant predictive model for the subdivision area.
3. It is concluded that the original conclusions and recommendations as outlined in the South East Archaeology Pty Ltd (2008) report are sound and remain relevant.
4. It is noted that NSW OEH has made an explicit recommendations regarding the preparation and implementation of an Aboriginal Heritage Management Plan and that this should be included as a specific condition in the Statements of Commitments (set out on pages 5-6 of the correspondence from OEH dated 12.6.2013).

5. REFERENCES

Kayandel Archaeological Services 2011 Shoalhaven Starches Gas Pipeline Scheme: Aboriginal and Historic Heritage Assessment.

South East Archaeology Pty Limited 2008 Mundamia Investigation Area, West Nowra: Aboriginal Heritage Assessment. A report to Malbec Properties Pty Limited.

APPENDIX 1 – AHIMS DATABASE SEARCH



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AHIMS Web Services (AWS) Extensive search - Site list report

Your Ref Number : Mundamia

Client Service ID : 133892

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
52-5-0005	Calymea Creek	AGD	56	272450	6134520	Closed site	Valid	Artefact : 4, Art (Pigment or Engraved) : -, Grinding Groove : -	Axe Grinding Groove, Shelter with Art, Shelter with Deposit	
	Contact							Permits		
52-5-0017	Wogamia;	AGD	56	275900	6138530	Closed site	Valid	Art (Pigment or Engraved) : -	Shelter with Art	102506
	Contact							Permits		
52-5-0018	Wogamia; Mundamia Ck;	AGD	56	276160	6137932	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	102506
	Contact							Permits		
52-5-0086	Nowra;	AGD	56	280249	6139294	Closed site	Valid	Artefact : -	Shelter with Deposit	2048,102506
	Contact							Permits		
52-5-0087	Nowra;	AGD	56	280161	6139109	Closed site	Valid	Artefact : -	Shelter with Deposit	2048,102506
	Contact							Permits		
52-5-0088	Nowra;	AGD	56	279252	6138817	Closed site	Valid	Artefact : -	Shelter with Deposit	2048,102506
	Contact							Permits		
52-5-0089	Nowra;	AGD	56	276610	6138307	Closed site	Valid	Artefact : -	Shelter with Deposit	2048,102506
	Contact							Permits		
52-5-0090	Nowra;	AGD	56	280002	6137917	Closed site	Valid	Artefact : -	Shelter with Deposit	2048,102506
	Contact							Permits		
52-5-0091	Wogamia;	AGD	56	275975	6138019	Closed site	Valid	Artefact : -	Shelter with Deposit	2048,102506
	Contact							Permits		
52-5-0093	Bamarong; Punt;	AGD	56	272733	6135485	Open site	Valid	Grinding Groove : -	Axe Grinding Groove	2048
	Contact							Permits		
52-5-0019	Wogamia;	AGD	56	275900	6137600	Open site	Valid	Stone Arrangement : -	Stone Arrangement	102506
	Contact							Permits		
52-5-0020	Wogamia; Mundamia Creek; SR6;	AGD	56	275700	6137800	Closed site	Valid	Art (Pigment or Engraved) : 3	Shelter with Art	102506
	Contact							Permits		
52-5-0258	Cabbage Tree Flat;	AGD	56	277100	6138200	Open site	Valid	Burial : -	Burial/s	1961,102506

Report generated by AHIMS Web Service on 07/05/2014 for Julie Dibden for the following area at Datum :GDA, Zone : 56, Eastings : 257000 - 281000, Northings : 6132000 - 6140000 with a Buffer of 50 meters. Additional Info : Archaeological Assessment. Number of Aboriginal sites and Aboriginal objects found is 52

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Page 1 of 4



AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref Number : Mundamia

Client Service ID : 133892

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	Contact	Recorders	Denise Donlon					Permits		
52-5-0110	Nowra;	AGD	56	279837	6136999	Closed site	Valid	Art (Pigment or Engraved) : -	Shelter with Art	2048
	Contact	Recorders	P Brass					Permits		
52-5-0022	Nowra;	AGD	56	277080	6137676	Closed site	Valid	Art (Pigment or Engraved) : -	Shelter with Art	102506
	Contact	Recorders	ASRSYS					Permits		
52-5-0023	Nowra;	AGD	56	276900	6137900	Open site	Valid	Grinding Groove : -	Axe Grinding Groove	102506
	Contact	Recorders	Unknown Author					Permits		
52-5-0024	Nowra;	AGD	56	276930	6137930	Open site	Valid	Grinding Groove : -	Axe Grinding Groove	102506
	Contact	Recorders	Mr.P Bindon					Permits		
52-5-0025	Nowra;	AGD	56	277900	6137700	Closed site	Valid	Artefact : -, Art (Pigment or Engraved) : -	Shelter with Art, Shelter with Deposit	102506
	Contact	Recorders	ASRSYS					Permits		
52-5-0026	Nowra;	AGD	56	278100	6137800	Closed site	Valid	Art (Pigment or Engraved) : -	Shelter with Art	102506
	Contact	Recorders	ASRSYS					Permits		
52-5-0028	Nowra;	AGD	56	278900	6138900	Closed site	Valid	Artefact : -, Art (Pigment or Engraved) : -	Shelter with Art, Shelter with Deposit	102506
	Contact	Recorders	Mr.P Bindon					Permits		
52-5-0029	Nowra;	AGD	56	279500	6137750	Closed site	Valid	Artefact : -	Shelter with Deposit	102506
	Contact	Recorders	Mr.P Bindon					Permits		
52-5-0030	Nowra;	AGD	56	279550	6137950	Open site	Valid	Grinding Groove : -	Axe Grinding Groove	102506
	Contact	Recorders	ASRSYS					Permits		
52-5-0032	Nowra;	AGD	56	279600	6137300	Closed site	Valid	Art (Pigment or Engraved) : -	Shelter with Art	2092, 102111, 102506
	Contact	Recorders	ASRSYS					Permits		
52-5-0034	Nowra; Hidden Valley;	AGD	56	279700	6137200	Closed site	Valid	Art (Pigment or Engraved) : -	Shelter with Art	102506
	Contact	Recorders	Mr.P Bindon					Permits		
52-5-0146	Calymea Creek; Bamarang Dam; Bamarang Dam 2;	AGD	56	272025	6134281	Closed site	Valid	Artefact : -	Shelter with Deposit	
	Contact	Recorders	Val Attenbrow					Permits		

Report generated by AHIMS Web Service on 07/05/2014 for Julie Dibden for the following area at Datum : GDA, Zone : 56, Eastings : 257000 - 281000, Northings : 6132000 - 6140000 with a Buffer of 50 meters. Additional Info : Archaeological Assessment. Number of Aboriginal sites and Aboriginal objects found is 52

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AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref Number : Mundamia

Client Service ID : 133892

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
52-5-0158	Calymea Creek;Bamarang Dam 1;	AGD	56	272440	6134620	Closed site	Valid	Artefact : -	Shelter with Deposit	
	Contact		Recorders	Val Attenbrow				Permits		
52-5-0305	EGP 3-26;Cabbage Tree Creek;Eastern Gas Pipeline;	AGD	56	276620	6137510	Closed site	Valid	Artefact : -	Shelter with Deposit	102506
	Contact		Recorders	Kerry Navin,Mr.Kelvin Officer				Permits		
52-5-0306	EGP 3-27;Humbag Reach shoalhaven;Eastern Gas Pipeline;	AGD	56	276620	6138360	Open site	Valid	Artefact : -	Open Camp Site	102506
	Contact		Recorders	Kerry Navin,Mr.Kelvin Officer				Permits		
52-5-0369	Duke Four (duplicat refer to 52-5-0375)	AGD	56	274590	6133420	Closed site	Valid	Artefact : 7	Shelter with PAD	
	Contact		Recorders	Cultural Heritage Management Australia - (Australian Archaeological Survey Const				Permits		
52-5-0094	Bamarong;	AGD	56	274104	6135512	Open site	Valid	Grinding Groove : -	Axe Grinding Groove	2048
	Contact		Recorders	Unknown Author				Permits		
52-5-0033	Nowra;Bundanon Punt;	AGD	56	280022	6136911	Closed site	Valid	Grinding Groove : -, Artefact : -, Art (Pigment or Engraved) : -	Axe Grinding Groove,Shelter with Art,Shelter with Deposit	102506
	Contact		Recorders	C.C Towle				Permits	879	
52-5-0368	Duke 2	AGD	56	275640	6135700	Closed site	Valid	Artefact : 1	Shelter with Deposit	102506
	Contact		Recorders	Cultural Heritage Management Australia - (Australian Archaeological Survey Const				Permits		
52-5-0371	Duke 1	AGD	56	275760	6135860	Open site	Valid	Artefact : 1	Isolated Find	102506
	Contact		Recorders	Cultural Heritage Management Australia - (Australian Archaeological Survey Const				Permits		
52-5-0373	Duke 6	AGD	56	274430	6133270	Open site	Valid	Artefact : 1	Isolated Find	
	Contact		Recorders	Cultural Heritage Management Australia - (Australian Archaeological Survey Const				Permits		
52-5-0374	Duke 3	AGD	56	274680	6133620	Closed site	Valid	Artefact : 4	Shelter with Deposit	
	Contact		Recorders	Cultural Heritage Management Australia - (Australian Archaeological Survey Const				Permits		
52-5-0375	Duke 4	AGD	56	274590	6133420	Closed site	Valid	Artefact : -	Shelter with Deposit	
	Contact		Recorders	Cultural Heritage Management Australia - (Australian Archaeological Survey Const				Permits		
45-6-2540	Cabbage Tree Lane 2; Duplicate of 52-2-1875	AGD	56	276950	6133650	Open site	Deleted	Artefact : -	Isolated Find	
	Contact		Recorders	Mr.Peter Kuskie				Permits		
52-2-1874	Cabbage Tree Lane 1;	AGD	56	276700	6134750	Open site	Valid	Artefact : -	Isolated Find	
	Contact		Recorders	Mr.Peter Kuskie				Permits		
52-2-1875	Cabbage Tree Lane 2;	AGD	56	276950	6133650	Open site	Valid	Artefact : -	Isolated Find	
	Contact		Recorders	Mr.Peter Kuskie				Permits		
52-5-0535	BIF-01	GDA	56	272312	6134030	Open site	Valid	Artefact : 1		

Report generated by AHIMS Web Service on 07/05/2014 for Julie Dibden for the following area at Datum :GDA, Zone : 56, Eastings : 257000 - 281000, Northings : 6132000 - 6140000 with a Buffer of 50 meters. Additional Info : Archaeological Assessment. Number of Aboriginal sites and Aboriginal objects found is 52
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Extensive search - Site list report

Your Ref Number : Mundamia
Client Service ID : 133892

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	Contact	Recorders								
52-5-0536	B-OS1	GDA	56	273127	6133985	Open site	Valid	Artefact : 2		
	Contact	Recorders								
52-5-0537	BIF-02	GDA	56	273207	6133966	Open site	Valid	Artefact : 1		
	Contact	Recorders								
52-4-0284	TAS 1 (Toorooroo Rest Area)	AGD	56	261500	6132800	Open site	Valid	Artefact : -		98150
	Contact	Recorders								
52-5-0388	Big Bend 3	AGD	56	280100	6139850	Open site	Valid	Habitation Structure :-		98511,102506
	Contact	Recorders								
52-5-0456	BA5/B	AGD	56	275700	6137890	Closed site	Valid	Artefact : 2		102506
	Contact T Russell	Recorders								
52-5-0457	BA2/A	AGD	56	272410	6134480	Open site	Valid	Artefact : 2		
	Contact T Russell	Recorders								
52-5-0459	TR3/A	AGD	56	278200	6135710	Open site	Valid	Artefact : 1		102506
	Contact T Russell	Recorders								
52-5-0460	TR2/A	AGD	56	278750	6135290	Open site	Valid	Artefact : 1		102506
	Contact T Russell	Recorders								
52-5-0461	TR1/A	AGD	56	278690	6135510	Open site	Valid	Artefact : 4		102506
	Contact T Russell	Recorders								
52-5-0466	Bamarang Gas 1 (BG1)	AGD	56	276931	6136067	Open site	Valid	Artefact : -		99979,102506
	Contact T Russell	Recorders								
52-5-0467	Bamarang Gas 2 (BG2)	AGD	56	277684	6136035	Open site	Valid	Artefact : -		99979,102506
	Contact T Russell	Recorders								
52-5-0468	Bamarang Gas 3 (BG3)	AGD	56	278799	6136129	Open site	Valid	Modified Tree (Carved or Scarred) : -		99979,102506
	Contact T Russell	Recorders								

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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/DECCAHiMSSiteRecordingForm.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>)