

Aboriginal Heritage Impact Permit

AHIP number (AHIMS Permit ID): 4667

AHIP Issued To:

Health Administration Corporation
Level 14, 77 Pacific Highway
North Sydney NSW 2060

Heritage NSW Office issuing this AHIP
Heritage NSW
Aboriginal Cultural Heritage Regulation – South
Telephone number: (02) 9873 8500
Email: heritagemailbox@environment.nsw.gov.au

Additional details for public register

a) Name of development or project	Griffith Base Hospital Redevelopment
b) Location	Griffith Base Hospital 5-39 Animoo Avenue Griffith NSW 2680
c) Local Government Area(s)	Griffith
d) Description of harm authorised	<ul style="list-style-type: none"> • Salvage excavations • Harm to certain Aboriginal objects through the proposed works • Other action causing harm
e) AHIP commencement date and duration	<i>Commencement:</i> 12 November 2020 <i>Duration:</i> 10 years

AHIP TO HARM ABORIGINAL OBJECTS

A. Background

- (i) On 16 September 2020 an application was made to the Secretary of Department of Premier and Cabinet for an Aboriginal Heritage Impact Permit (AHIP) pursuant to s.90 of the *National Parks and Wildlife Act 1974* (the Act).
- (ii) The AHIP application was in relation to salvage excavation and harm to Aboriginal objects through the proposed works of the redevelopment of the Griffith Base Hospital.
- (iii) Further information was received on 21 and 23 October 2020.
- (iv) Heritage NSW 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:

- (i) 10 years from the date of commencement, that is, **until 12 November 2030**.

D. Proposed Works

The proposed redevelopment works will provide expanded inpatient, surgical, ambulatory care and critical care services to Griffith Base Hospital. It will also enable the consolidation of several ageing and dislocated buildings into an integrated and contemporary healthcare facility.

A Review of Environmental Factors (REF) was prepared by Health Infrastructure as the determining authority in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979*. The REF was approved on 7 August 2020.

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.



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Jackie Taylor

Senior Team Leader

Aboriginal Cultural Heritage Regulation – South

Heritage NSW

DATED: 12 November 2020

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LAND TO WHICH THIS AHIP APPLIES

The land to which this AHIP applies comprises Part of Lot 2 DP 1043580 Parish of Jondaryan, County of Cooper, within the City of Griffith local government area and shown in the figures in Appendix 1.

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, Heritage NSW 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.
7. The Aboriginal objects described in Schedule A must not be harmed.

Salvage excavations

8. Salvage excavations may be carried out in, on or under each salvage excavation area described in Schedule B2.
9. Aboriginal objects that are recovered during the excavations may be analysed on-site and/or may be taken off-site for further analysis.
10. The excavations and analysis of Aboriginal objects, must be carried out in accordance with the 'Griffith Base Hospital: Aboriginal Archaeological Salvage Excavation Research Design' (Comber Consultants August 2020) and responses to request for further information on 21

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and 23 October 2020 that were provided with the application, with the following specifications:

- (a) Salvage excavation is to be contained within PAD 1 and PAD 2. These PADs are shown in Appendix 1, Figure 2.
 - (b) The maximum area of hand excavation of the combined PADs 1 and 2 is 250m². Extensions beyond this would require a variation application.
 - (c) Mechanical excavation is not permitted in areas of intact archaeological deposits during the salvage program. Mechanical excavation may only be employed during the salvage program in areas of imported gravels in accordance with the methodology and further information provided with the application.
 - (d) Appropriate sediment control measures must be installed, operated and maintained, until which time the archaeological salvage program is completed.
 - (e) Vehicles will be prevented from being driven on or in the immediate vicinity of Aboriginal objects until the archaeological salvage program is complete, through the use of signage and/or barriers or temporary fencing.
11. The excavations must be completed in an area before any harm of Aboriginal objects described in Schedule C can commence in that same area.

Other – Scientific dating

12. Scientific dating of Aboriginal objects in Schedule B2 excluding human remains is permitted.

Harm of certain Aboriginal objects through the proposed works

13. 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').
14. Aboriginal objects described in Schedule C must not be harmed unless:
- (a) all excavations described in Schedule B2 have been completed in the area.

Temporary storage of certain Aboriginal objects

15. 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.
16. The temporary storage location is as follows:

Location name:	Comber Consultants office
Address:	76 Edwin Street North, Croydon, NSW 2132
Storage particulars:	In a locked room

The second temporary storage location during analysis is as follows:

Location name:	Dr Beth White's office
Address:	15 Heathcote Road, Picton, NSW 2571
Storage particulars:	In a secure and lockable building

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

Long term management of certain Aboriginal objects

18. The long term management of objects will be in accordance with a care agreement for the transfer of Aboriginal objects for safekeeping. Refer to the agreement for details.

Access routes

19. Where practicable, existing access routes to parts of the land where actions relating to this AHIP are to be carried out must be used.

Notification and Reporting Conditions

Notification of commencement and completion of actions

20. Written notice must be provided to Heritage NSW at least 7 days prior to the commencement of actions authorised by this AHIP.
21. Written notice must be provided to Heritage NSW 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 Heritage NSW.
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 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 Heritage NSW.

Incidents which may breach the Act or AHIP

25. The AHIP holder must notify the Heritage NSW 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.

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Reports about incidents which may breach the Act or AHIP

26. Where Heritage NSW suspects that an incident has occurred which may have breached the Act or AHIP, Heritage NSW 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 Heritage NSW 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 and C, within 4 months of the completion of the salvage actions authorised by this AHIP.

Note:

- (i) The Aboriginal Site Impact Recording Form can be found on the website:
<https://www.heritage.nsw.gov.au/protecting-our-heritage/record-aboriginal-sites/>
- (ii) Contact details for the AHIMS Registrar can be found on the website:
<https://www.heritage.nsw.gov.au/search-for-heritage/aboriginal-heritage-information-management-system/>

Report about harm to Aboriginal objects (Salvage Report)

29. A summary of the preliminary findings of maximum 300 words must be submitted to the Heritage NSW office within 1 month of the completion of the field salvage program.
30. A Salvage 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) map and describe the extent of the imported gravels
 - (f) comment on the effectiveness of any mitigation measures that were implemented including the Archaeological Salvage Excavation and Interpretation Strategy and Plan
 - (g) 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
 - (h) detail the results of any analysis of Aboriginal objects
 - (i) detail the long term management arrangements for any Aboriginal objects, and

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- (j) include a statement confirming that all Aboriginal Site Impact Recording Forms have been completed and submitted to the AHIMS Registrar.
- 31. The Salvage Report must be submitted to the Heritage NSW office within 12 months of the completion of the field salvage program authorised by this AHIP.
- 32. A copy of the Salvage 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 Heritage NSW

General Conditions

Indemnity

- 33. The AHIP holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the Act, the Secretary of Department of Premier and Cabinet, 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

- 34. 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 Secretary of Department of Premier and Cabinet, and, 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

- 35. Any requirement to provide written notice to Heritage NSW in this AHIP may be complied with by emailing the notice to Heritage NSW email address or by sending by registered post to the Heritage NSW address. The Heritage NSW'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 as specified by the conditions of this AHIP.

A2 Aboriginal objects that are identified on AHIMS

Not applicable

A3 No-harm areas

Not applicable

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

B1 Movement only

Not applicable

B2 Salvage excavations

Salvage excavations may be carried out in the area marked PAD 1 and PAD 2 in Figure 2, Appendix 1, but only in accordance with the conditions of this AHIP.

The salvage excavation area comprises 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	49-2-0180	Artefact	Griffith Base Hospital Site 01	N	411965	6206147	GDA

B3 Community collection

Not applicable

B4 Other – Scientific dating

Scientific dating of Aboriginal objects in Schedule B2 excluding human remains is permitted.

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	49-2-0180	Artefact	Griffith Base Hospital Site 01	N	411965	6206147	GDA

C2 Areas where harm of Aboriginal objects is authorised

All Aboriginal objects in, on or under the land which is identified on Figure 1: AHIP Area in Appendix 1.

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 Heritage NSW, 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
DPC	means the Department of Premier and Cabinet
Heritage NSW office	means the office listed on the cover page of this AHIP.
No-harm areas	means those areas described in Schedule A3.
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 Heritage NSW, 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 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, Heritage NSW 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 <https://www.heritage.nsw.gov.au/protecting-our-heritage/aboriginal-heritage-impact-permit-public-register/>

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. Heritage NSW 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 Secretary of DPC under s.89A of the Act using the form available online at www.heritage.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 Heritage NSW office for a variation of any conditions of an AHIP, using the AHIP variation application form available online at www.heritage.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.

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The conditions of an AHIP may be varied at any time by the Secretary of DPC in order to correct a typographical error or to resolve an inconsistency between conditions. The AHIP holder may appeal a decision of the Secretary of DPC 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.heritage.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.heritage.nsw.gov.au. The surrender must be approved by the Secretary of DPC 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 Secretary of DPC. 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 Heritage NSW's possession in accordance with any lawful requirement.

Making copies of reports

By providing a report, the AHIP holder acknowledges that Heritage NSW 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.

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

APPENDIX 1: Land to which this AHIP applies

The land to which this AHIP applies is shown in Figure 1.

The indicative location of archaeological salvage excavation trenches is shown in Figure 2.

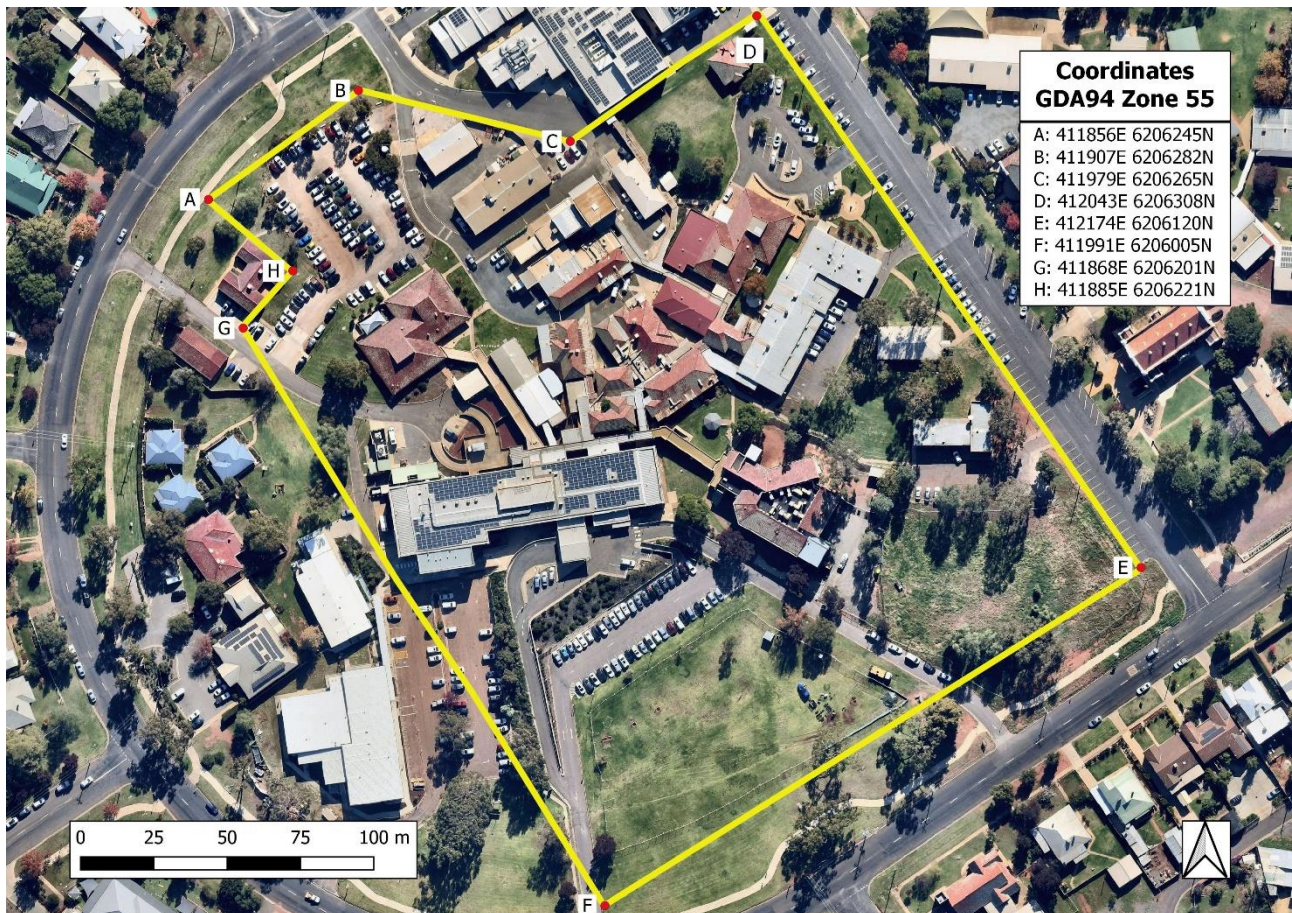


Figure 1: AHIP area with boundary marked by yellow line and coordinates of boundary points (Source: Comber Consultants 2020)



Figure 2: Indicative location for archaeological salvage excavation trenches and known underground services in PADs 1 and 2 (Comber Consultants 2020).