

Guidelines administered by Heritage NSW in order to implement the *National Park and Wildlife Act 1974*

- Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales
- Aboriginal cultural heritage consultation requirements for proponents 2010
- Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW
- Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales
- Applying for an Aboriginal Heritage Impact Permit: Guide for applicants
- Virtus Heritage - Products / Reports

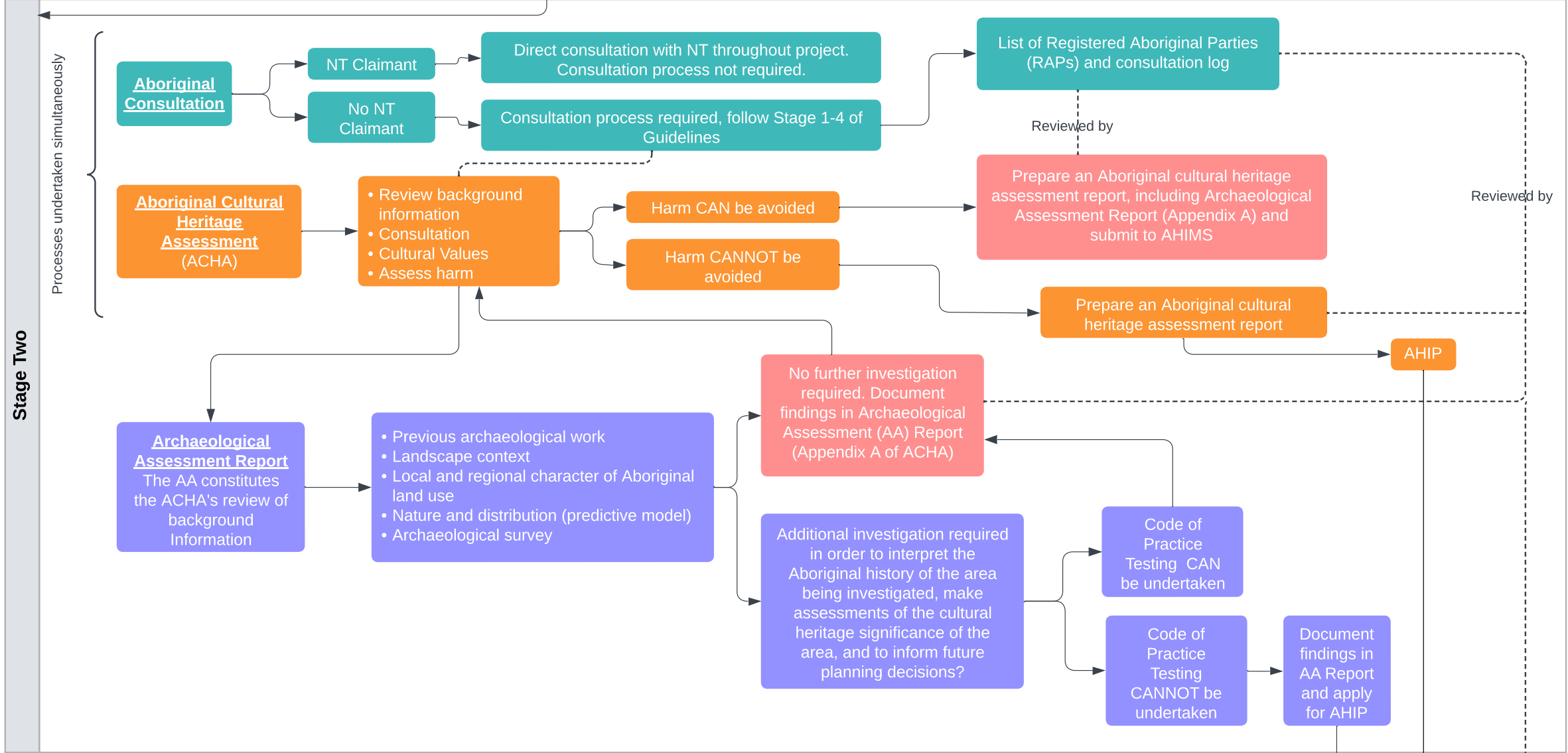
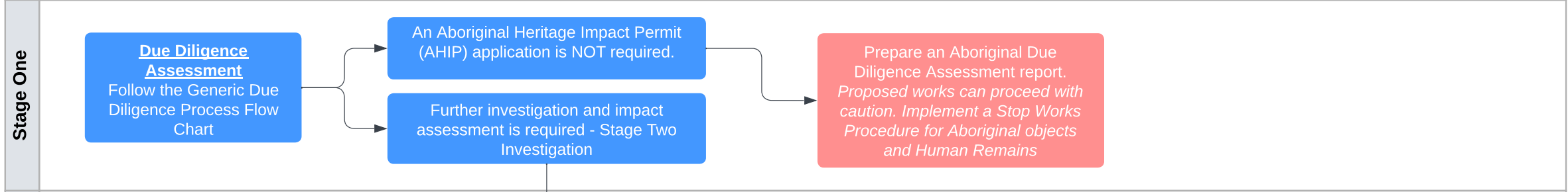
Diagram Key

- Process
- Relationship between steps
- Instruction

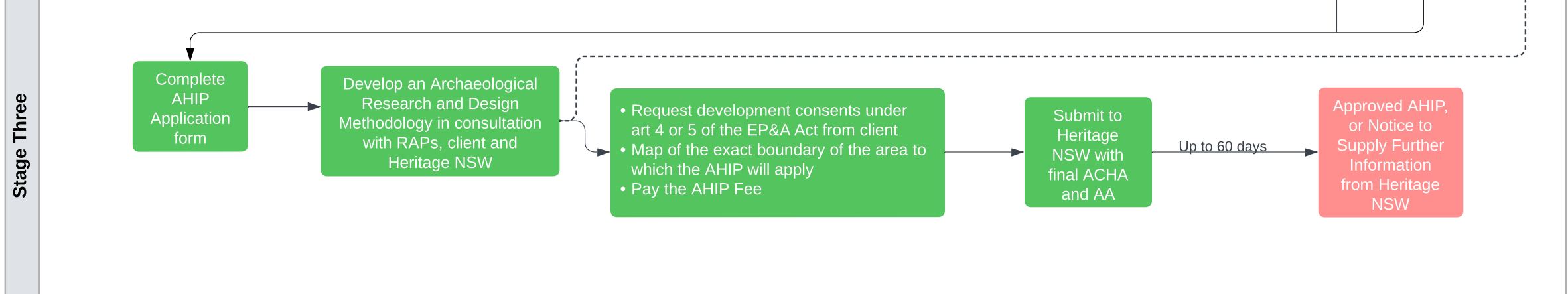
► For development under Part 4 EP&A Act and activities under Part 5 EP&A Act commence at Stage One investigation, to accompany documents such as a Review of Environment Factors or Environmental Impact Statement.

► If a development is already known to be impacting or has the potential to impact an Aboriginal object (including registered AHIMS sites) or Aboriginal Place proceed to Stage Two investigation.

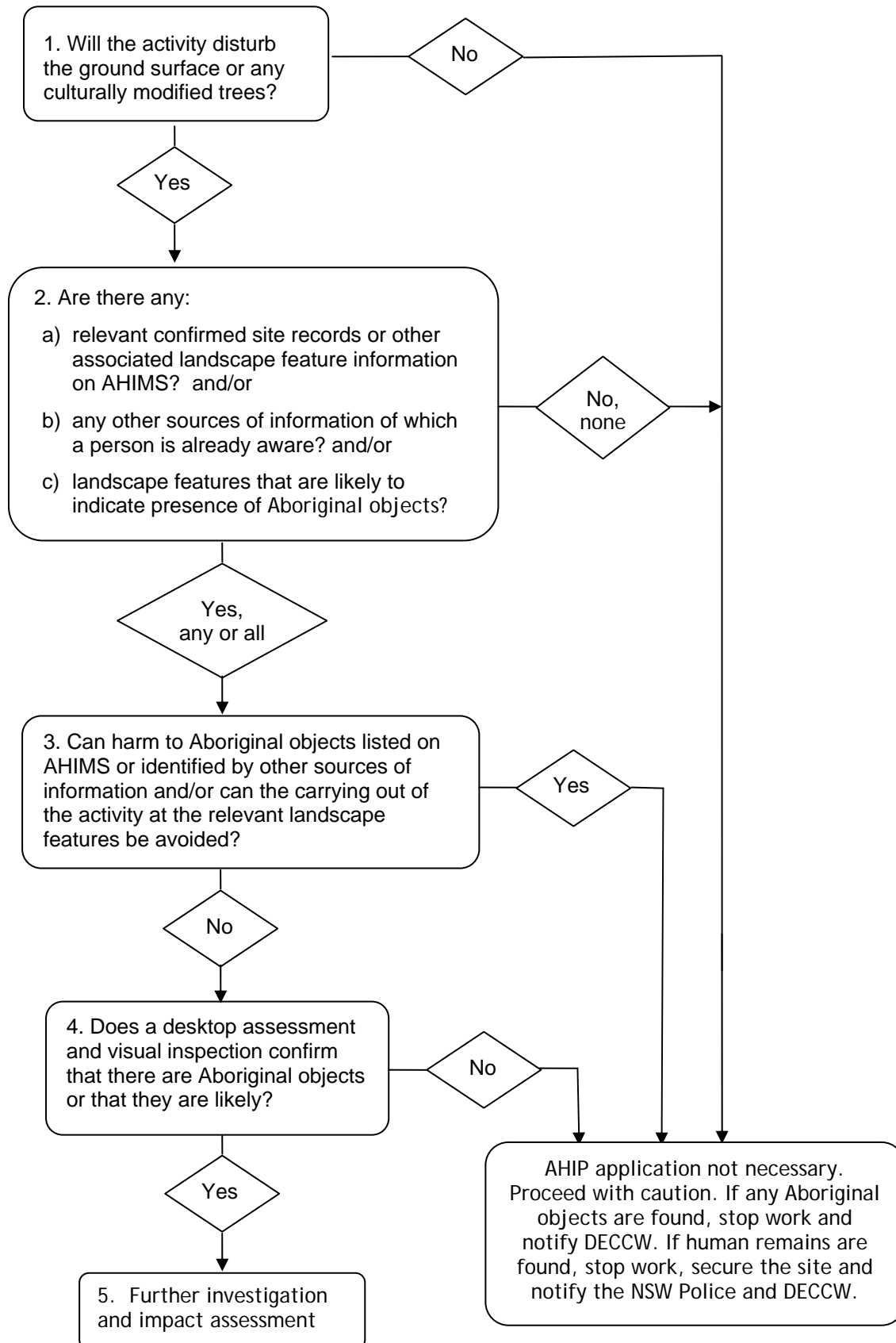
► For State significant developments (SSI and SSD) proceed to Stage Two investigation.



Aboriginal Heritage Impact Permits under Section 90 of the *National Park and Wildlife Act* are turned off during the assessment of State significant projects (SSD or SSI). Instead, Department Secretary's Environmental Assessment Requirements (SEARs) are issued. For these projects an Aboriginal Cultural Heritage Assessment Report may be all that is required.



8 The generic due diligence process



Summary of the consultation process



Stage 1

Notification of project proposal and registration of interest

Proponents must compile a list of Aboriginal people who may have an interest in the proposed project area and hold knowledge relevant to determining the cultural significance of Aboriginal *objects* and/or *places* from reasonable sources of information, which include writing to:

- the relevant DECCW EPRG regional office
- the relevant Local Aboriginal Land Council(s) (LALC)
- the Registrar, *Aboriginal Land Rights Act*
- the National Native Title Tribunal
- Native Title Services Corporation (NTSCorp)
- relevant local council(s)
- relevant catchment management authorities.

The notification by letter and in the newspaper must include:

- the name and contact details of the proponent
- a brief overview of the proposed project that may be the subject of an application for an AHIP, including the location of the proposed project
- a statement that the purpose of community consultation with Aboriginal people is to assist the proposed applicant in preparing an application for an AHIP and to assist the Director General of DECCW in his or her consideration and determination of the application
- an invitation for Aboriginal people who hold knowledge relevant to determining the cultural significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation with the proposed applicant regarding the proposed activity
- a closing date for the registration of interests.

Proponent writes to the Aboriginal people whose names were provided by organisations **a to g** and LALC(s) to notify them of the proposed project and opportunity to be involved in consultation and places notification in the local newspaper.

Aboriginal people have a minimum of 14 days after the letter was sent or the notice was published in the newspaper to register an interest.

Proponent records names of Aboriginal people who have registered an interest in being involved in consultation – the 'registered Aboriginal parties'.

Stage 2

Presentation of information about the proposed project

Proponent presents and/or provides proposed project information to registered Aboriginal parties.

Proponent may create an opportunity for registered Aboriginal parties to visit the proposed project site.

Proponent provides a copy of the notification and record of the registered Aboriginal parties to DECCW and relevant LALC within 28 days of the closing date for registering an interest.

Proponent records or documents that information on the proposed project has been presented. This record or documentation should include any agreed outcomes and/or contentious issues that may require further discussion (where applicable).

Proponent should provide a copy of this record or documentation to registered Aboriginal parties.

Stage 3

Gathering information about cultural significance

Proponent presents and/or provides the proposed methodology(s) for the cultural heritage assessment to the registered Aboriginal parties for comment.

Registered Aboriginal parties have a minimum of 28 days after the proponent provides the methodology(s) to provide written or oral comment.

Proponent considers input provided by registered Aboriginal parties and finalises methodology for implementation. Proponent documents how the input has been considered.

Proponent seeks information from registered Aboriginal parties to identify:

- whether there are any Aboriginal objects of cultural value
- whether there are places of cultural value (whether or not they are Aboriginal places declared under Section 84 of the NPW Act).

Proponent seeks input from registered Aboriginal parties on potential management options.

Stage 4

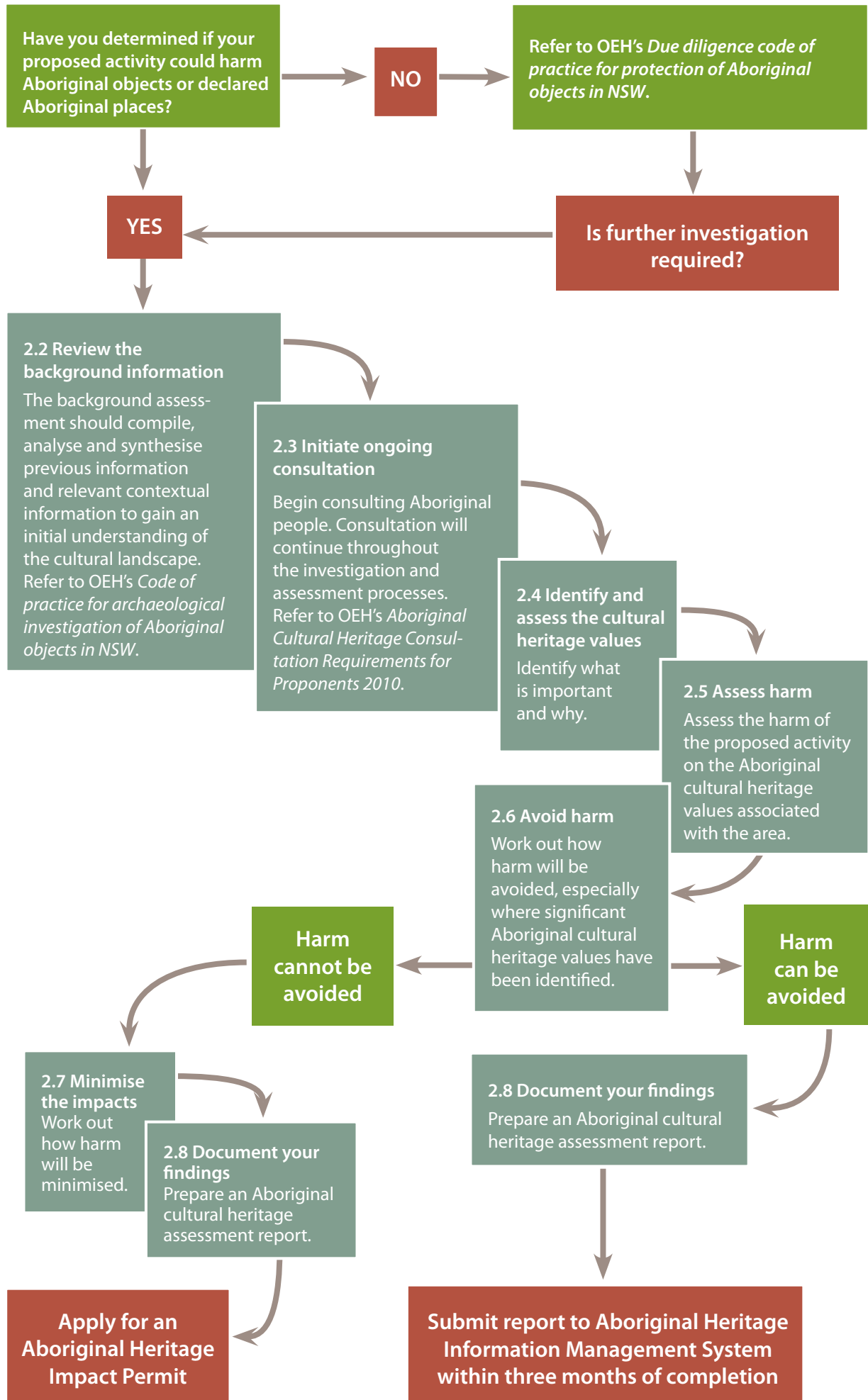
Review of draft cultural heritage assessment report

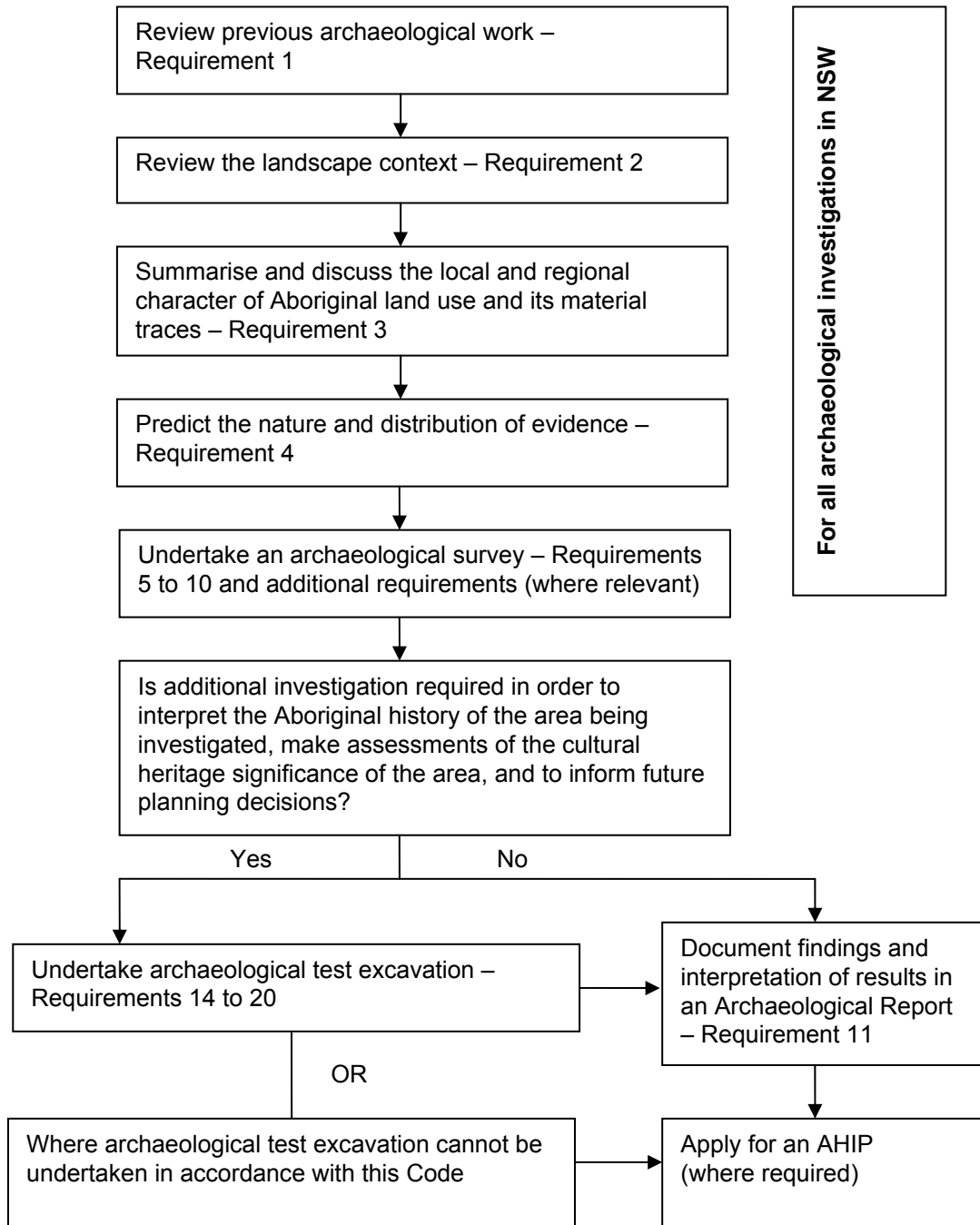
Proponent prepares draft cultural heritage assessment report and provides it to the registered Aboriginal parties for review and comment.

Registered Aboriginal parties have a minimum of 28 days after the proponent provides the draft report to review and provide written or oral comment.

Proponent provides/makes available the final cultural heritage assessment report and AHIP application to the registered Aboriginal parties and relevant LALCs within 14 days of an AHIP application being made to DECCW.

Proponent finalises cultural heritage assessment report. The final report is submitted to DECCW for consideration with the proponent's AHIP application.





Other requirements

In addition to the requirements of this Code, you may also need to comply with the requirements of other legislation.