

AHIP variation application



This is an application to vary an Aboriginal Heritage Impact Permit (AHIP) under section 90D of the *National Parks and Wildlife Act 1974* (NPW Act).

A variation includes the substitution, omission or amendment of an existing condition, or attaching a new condition to an AHIP. If an AHIP holder wishes to seek a variation to the conditions of their AHIP, this application form needs to be filled in. You can also refer to *Applying for an Aboriginal Heritage Impact Permit, Guide to Applicants 2010* (www.environment.nsw.gov.au/licences/applyforahip.htm) for guidance.

This form should be completed, signed and sent, together with the applicable fee, to the relevant section within the Office of Environment and Heritage (OEH) (contact details are listed at the end of this form). OEH will then make a determination as to whether the variation(s) can be made. Please note that if your application is incomplete you may be requested to provide further information. If the information in your application is so insufficient that an assessment cannot be made, OEH may decide to refuse the application. You will be given notice of this proposed refusal.

Note: If you wish to transfer this AHIP, in addition to varying the AHIP conditions, you will need to apply to OEH separately using an AHIP Transfer Application form and supply any required additional information. An AHIP Variation Application will either need to be submitted to OEH prior to a transfer by the current AHIP holder, **or** by the new AHIP holder after a transfer has been granted by OEH. OEH cannot process a transfer application and a variation simultaneously, as only the AHIP holder can apply for a variation. More information on AHIP transfers is available at www.environment.nsw.gov.au/licences/applyforahip.htm, or contact your local OEH office (contact details at the end of this form).

1. Details of AHIP to be varied

1.1 AHIP number

AHIP number	
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1.2 Name of current AHIP holder(s)

Full name(s) of AHIP holder(s)			
ACN/ABN (if applicable)	ACN:	ABN:	
Business address [#] / other address	No:	Street name:	
	Suburb:	State:	Postcode:

2. Proposed changes required to the AHIP

Please tick (✓) 'Yes' or 'No' to indicate which changes are applicable		Yes	No
Timeframes	The timeframes for undertaking the actions under the AHIP have changed and I request that these are reflected in the AHIP (see section 2.1)		
Actions	I am applying to change the actions that are to be carried out under this AHIP (see section 2.2) Note: if the changes sought are substantial, you may need to apply for a new AHIP		
Area of land	I would like the AHIP to be extended beyond the existing area of land, or to be varied in some other way, and my original AHIP application included information about how I assessed and consulted on the likely impacts on that area. Note: A new AHIP application will be required if the area of land was not previously the subject of an Aboriginal Cultural Heritage Assessment and community consultation.		
Other	Other changes not listed above are requested (see section 2.4)		

[#] Must be the registered business address as it appears in the ASIC register, for companies or individuals with an ABN.

2.1 Changes to timeframes

Please detail and provide justification for any changes required to the timeframes already outlined in the AHIP, including any extension of the time period of the AHIP.

Details of changes required to timeframes	
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Please attach extra page(s) if more space is needed.

2.2 Changes required to the current AHIP or new actions proposed

2.2.1 Description of the actions covered

Write down a description of the changes that you are applying for, which would allow you to carry out the actions that are not currently covered under your existing AHIP.

Description of actions	
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Please attach extra page(s) if more space is needed.

2.2.2 Date for additional actions to commence

If additional actions are proposed, please answer the following question:

When are these additional actions intended to commence?	day/month/year
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2.3 Identification of additional areas of land

If you are applying for the AHIP to cover additional areas of land, please answer the following question:

<p>Describe the property name, street address, cadastre information such as lot and DP, local government area, parish and zone, where there are changes to this information in the existing AHIP.</p>	
<p>Include a topographic map clearly showing:</p> <ul style="list-style-type: none">a) the location of the land that is currently subject of the AHIP, andb) the new area that is the subject of this AHIP variation application (aerial photographs, detailed site maps and title plans may also be provided). <p>The map should provide clear cadastre information including a lot and DP number, the local government area, parish and zone (as applicable).</p>	

Please attach extra page(s) if more space is needed.

2.4 Details of other changes required

Your AHIP can be varied by deleting or amending a condition, or substituting one condition for another. Please provide details of any other proposed variations required which are not covered previously in this application. All proposed changes must be justified. Please note that if changes are substantial, a new AHIP may be required.

AHIP condition number (as appropriate)	Details of proposed change	Reason for proposed change

Please attach extra page(s) if more space is needed.

3. Development consent

Please tick (✓) 'Yes' or 'No'.

Original AHIP	Yes	No
Was the original AHIP issued as part of the Integrated Development Approvals (IDA) process under the <i>Environmental Planning and Assessment Act 1974</i> (EP&A Act)?		
If 'YES', what date was the development consent granted? *	Date:	

* Note: if the original AHIP was issued as part of an integrated development approval (IDA) under the EP&A Act in the past three years, any variation and conditions of the AHIP cannot be inconsistent with the development consent.

Current proposed variation	Yes	No
Is development consent under the EP&A Act or another approval required (e.g. Property Vegetation Plan or approval under Part 5 EP&A Act)?		
Has development consent (or other approval) been granted?		
If 'YES', have you attached a copy of the development consent or other approval.		

4. Impacts of the variation

Please tick (✓) 'Yes' or 'No'.

	Yes	No
Does the variation increase harm to Aboriginal objects, which are not already provided for in your existing AHIP?		
If yes, have you consulted in any way on the additional actions or other proposed changes, for example, with the registered Aboriginal parties that were identified during the consultation process for the original AHIP?		

If 'Yes', please attach a copy of any additional evidence of the consultation process you undertook including letters, meeting minutes, submissions or feedback you received.

Note: Under clause 80E of the National Parks and Wildlife Regulation 2009, if the Director General (DG) is satisfied that the variation will result in a significant increase in harm to Aboriginal objects or places concerned, the DG will require the applicant to carry out additional consultation and determine the form of that consultation.

5. Determining the fee for AHIP variation processing

Please indicate the estimated **changes** to the original proposed development works to determine the relevant administrative fee. Payment of the fee (cheque or credit card authorisation) must be submitted with your application.

Please tick (✓) applicable fee.

Section 90D AHIP variation	Fee *		
Minor changes including timeframes, typographical errors	\$80		
All other changes	\$400		

* Processing fees are exempt from GST by the Commonwealth Treasurer's Division 81 determination under *A New Tax System (Goods and Services Tax) Act 1999*.

Please tick the method of payment.

Cheque enclosed. Make cheque payable to 'Office of Environment and Heritage'.

Please debit my VISA/ MASTERCARD credit card in the amount of \$_____

Card no: _____ Expiry date: ___ / ___ / ___

Cardholder's name: _____

Signature: _____ Date: ___ / ___ / ___

6. Signature of AHIP holder

Under section 90D NPW Act, an AHIP may only be varied on application of the holder of the permit.

This application may only be signed by a person(s) with the legal authority to sign it. The various ways in which the application may be signed, and the people who may sign the application, are set out in the categories below.

Please tick (✓) the box next to the category that describes how this application is being signed.

The AHIP holder is:	The application must be signed and certified by one of the following:
<input type="checkbox"/> an individual	<input type="checkbox"/> the individual.
<input type="checkbox"/> a company	<input type="checkbox"/> the common seal being affixed in accordance with the <i>Corporations Act 2001</i> , or two directors, or a director and a company secretary, or if a proprietary company that has a sole director who is also the sole company secretary – by that director.
<input type="checkbox"/> a public authority other than a council	<input type="checkbox"/> the chief executive officer of the public authority, or their authorised delegate (Please note: a copy of the relevant instrument of delegation must be attached to this application).
<input type="checkbox"/> a local council	<input type="checkbox"/> the general manager in accordance with s.377 of the <i>Local Government Act 1993</i> (LG Act), or the seal of the council being affixed in a manner authorised under the LG Act.

I/We (the AHIP holder/s):

- **would like to apply for the variation of the AHIP listed in Section 1**
- **declare that the information in this form (including any attachment) is not false or misleading.**

Applicant 1 (AHIP holder)

Signature		Signature	
Name (printed)		Name (printed)	
Position (in company or authority)		Position (in company or authority)	
Date		Date	

Seal (if signing under seal):

Applicant 2 (AHIP holder)

Signature		Signature	
Name (printed)		Name (printed)	
Position (in company or authority)		Position (in company or authority)	
Date		Date	

Seal (if signing under seal):

Additional information

1. It is an offence under s169(3) of the NPW Act to knowingly give any information in this form that is false or misleading in a material particular.
2. Details of the AHIP variation notice will appear on OEHS Public Register. OEHS can be asked by any person to provide reasons for refusing or granting an AHIP variation application.
3. OEHS may make copies of any report provided in relation to this AHIP variation application and may include a copy of the report on the AHIMS register. For information about how to access and use AHIMS refer to [insert link to AHIMS page].
4. If OEHS does not make a determination of the AHIP variation application within 60 days it is 'deemed to be refused'. 'Deemed to be refused' means that the applicant has the right to challenge OEHS's decision to refuse the application, in the Land and Environment Court. Note, OEHS can still continue to process the application after 60 days and grant or refuse the AHIP variation application. You should always contact OEHS in the first instance if you have any queries regarding your application.
5. Send completed form, fee and attachments to your nearest OEHS office identified below.

Office of Environment and Heritage

Metro Branch

Greater Sydney Region

Senior Team Leader, Planning
PO Box 644
Parramatta NSW 2124
T: 02 8837 6000
F: 02 9995 6900

North Branch

Hunter Central Coast Region

Senior Team Leader, Planning
PO Box 488G
Newcastle 2300
T: 02 4908 6800
F: 02 4908 6810

North East Region

Senior Team Leader, Planning
Locked Bag 914
Coffs Harbour NSW 2450
T: 02 6659 8235
F: 02 6659 6187

North West Region

Senior Team Leader, Planning
PO Box 2111
Dubbo NSW 2830
T: 02 6883 5330
F: 02 6881 6326

South Branch

Illawarra Region

Senior Team Leader, Planning
PO Box 513
Wollongong NSW 2520
T: 02 4224 9600
F: 02 4224 4199

South East Region

Senior Team Leader, Planning
PO Box 733
Queanbeyan NSW 2620
T: 02 6229 7188
F: 02 6229 7006

South West Region

Senior Team Leader, Planning
PO Box 544
Albury NSW 2640
T: 02 6022 0600
F: 02 6022 0610