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| Project name: | Insert project name |  | Project No: |  |

### Need for a due diligence assessment:

This due diligence assessment sets out the reasonable and practicable steps which Ausgrid has taken to:

* identify whether or not [Aboriginal objects](https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Aboriginal-cultural-heritage/due-diligence-code-of-practice-aboriginal-objects-protection-100798.pdf) are, or are likely to be, present in an area
* determine whether or not their activities are likely to harm Aboriginal objects (if present)
* determine whether a specialist assessment is required to determine the need for an Aboriginal Heritage Impact Permit (AHIP).

A due diligence assessment is required for **high risk works** in **Aboriginal heritage sensitive areas**:

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| High risk works | Aboriginal heritage sensitive areas |
| Works that involve disturbance of the ground surface including rock outcrops and ground cover.  Vehicle and plant movements that cannot be confined to existing roadways or access tracks.  Use of plant and equipment with non-rubber tyres.  Impacts to native trees unless all of the following apply:   * Works are for the purposes of vegetation maintenance. * Works are undertaken in accordance with ISSC 3, NS179 Vegetation Management and Ausgrid’s Tree Safety Management Plan. * Clearing is restricted to the minimum extent necessary to maintain existing and regularly maintained clearances (ie no new clearance envelopes). | Within the buffer of known Aboriginal heritage or within an AHIP area (as identified by WebGIS EL report, developer/client assessments, consultation process, site inspection and other means).  Natural rock outcrops.  Undisturbed land with the following landscape features:   * within 200m of waters, or * within a sand dune system, or * on a ridge top, ridge line or headland, or * within 200m below or above a cliff face, or * within 20m of or in a cave, rock shelter, or a cave mouth. |

### Due diligence assessment:

The due diligence assessment must be carried out by an Environmental Services officer who has:

 undertaken an Office of Environment and Heritage (OEH), or equivalent Aboriginal Awareness training **AND**

 at least three years of post-graduate experience in project work or undertaking environmental assessments.

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| STEP 1 – Determine potential impacts | Response | Requirement | Comment |
| 1. Describe the activity and location. | Design attached  WebGIS EL Report < 6months | Describe the activity.  Ensure ancillary activities such as impacts to native trees, site compounds, parking and access are considered. |  |
| 2. Review relevant [site cards](https://ausgrid.sharepoint.com/sites/grpo365_environmentalservices/Shared%20Documents/Forms/AllItems.aspx?newTargetListUrl=%2Fsites%2Fgrpo365%5Fenvironmentalservices%2FShared%20Documents&viewpath=%2Fsites%2Fgrpo365%5Fenvironmentalservices%2FShared%20Documents%2FForms%2FAllItems%2Easpx&id=%2Fsites%2Fgrpo365%5Fenvironmentalservices%2FShared%20Documents%2FIssues%5FHeritage%20Aboriginal%2FAboriginal%20Site%20Cards&viewid=57e25103%2Db7d8%2D4306%2Daf69%2Deefa5ca0caff) and associated information.  A site visit is required unless;   * a site is confirmed destroyed or outside of study area * wholly within sealed surfaces * M-ES Approval given * Site inspection done by qualified archaeologist | No relevant site card  Site confirmed outside of study area  Site confirmed destroyed  Site confirmed within study area  Site not confirmed | List and describe the site cards. Provide details and attach photos of any site visit.  If not available, explain why not, including attempts to clarify status with OEH or a qualified archaeologist. | [DELETE ONCE COMPLETED \*\*Please ensure copies of all site cards and associated reports are saved in [ESU database](https://ausgrid.sharepoint.com/sites/grpo365_environmentalservices/Shared%20Documents/Forms/AllItems.aspx?newTargetListUrl=%2Fsites%2Fgrpo365%5Fenvironmentalservices%2FShared%20Documents&viewpath=%2Fsites%2Fgrpo365%5Fenvironmentalservices%2FShared%20Documents%2FForms%2FAllItems%2Easpx&id=%2Fsites%2Fgrpo365%5Fenvironmentalservices%2FShared%20Documents%2FIssues%5FHeritage%20Aboriginal%2FAboriginal%20Site%20Cards&viewid=57e25103%2Db7d8%2D4306%2Daf69%2Deefa5ca0caff) \*\*] |
| 3. Obtain and review any relevant assessment(s) by a qualified archaeologist. | No relevant assessment  Assessment adequately covers scope of works  Assessment partially covers scope of works | Describe the previous assessments available for the proposal or within the assessment area. |  |
| 4. Obtain and review any existing [AHIP(s)](https://www.environment.nsw.gov.au/topics/heritage/apply-for-heritage-approvals-and-permits/aboriginal-objects-and-places/ahip-public-register). | No AHIP  AHIP expired – constraints absent  AHIP expired – constraints possible  AHIP valid | Check WebGIS EL Report for current and expired AHIPs.  If expired – provide details about the potential constraints concerning the proposal.  If valid – provide details to confirm the proposal is within AHIP area and any other relevant information from AHIP to determine project risk (such as AHIP holder, consultation, expiry date, excavation methodology, monitoring, conservation areas, and background). | [DELETE ONCE COMPLETED \*\*Please ensure copies of all AHIPs are saved in [ESU database](https://ausgrid.sharepoint.com/sites/grpo365_environmentalservices/Shared%20Documents/Forms/AllItems.aspx?id=%2Fsites%2Fgrpo365%5Fenvironmentalservices%2FShared%20Documents%2FIssues%5FHeritage%20Aboriginal%2FAHIPS&viewid=57e25103%2Db7d8%2D4306%2Daf69%2Deefa5ca0caff) \*\*] |
| 5. Determine if you are working within an Aboriginal Place. | Works confirmed not within an Aboriginal Place  Works confirmed within an Aboriginal Place | Check WebGIS EL Report.  NB there is no buffer on Aboriginal Places on the WebGIS EL. |  |
| 6. Review undisturbed areas and trees (Natural landscape features and rock outcrops) for evidence of aboriginal objects or culturally modified trees.  A site visit is required unless;   * Wholly within disturbed areas * M-ES Approval given * Site inspection done by qualified archaeologist | Worksite not within undisturbed areas  No evidence of Aboriginal objects or culturally modified trees  Evidence of Aboriginal objects or cultural modified trees | Provide details and attach photos of any site visit. |  |

**If you have ticked any red triggers, proceed to STEP 2, otherwise proceed to authorisation.**

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| STEP 2 – Assess potential impacts | Response | Requirement | Comment |
| 1. Will an ‘Aboriginal place’ be impacted?  (The due diligence defence does not apply to ‘places’.) | No  Yes | **If Yes**, obtain advice from a qualified archaeologist. |  |
| 2. Can harm be avoided to Aboriginal heritage?  Ensure ancillary activities such as impacts to native trees, site compounds, parking and access are considered.  (The Environmental Services due diligence Assessor may need to meet the SER Assessor / Project Manager / Site supervisor on site to discuss the scope of the activities.) | No  Yes | **If No**, comply with the existing AHIP, vary the existing AHIP, or obtain a new AHIP or archaeologist advice.  **If Yes**, provide reasons for your decision and ensure there are appropriate warning/controls regarding the presence of potential/known Aboriginal objects in this due diligence assessment and any other associated planning documentation. |  |
| 3. Is an AHIP required or applicable?  If a new AHIP is required, refer to [EGN400](https://cdn.ausgrid.com.au/-/media/Files/Environment-and-Community/Environmental-Planning/EGN-400-Typical-Approval-Timeframes.pdf?rev=6d1893f2d2044060b5d60f3f3bfe1c8e) for timeframes and additional information about planning requirements. Regulatory requirements and application instructions are [here](https://www.environment.nsw.gov.au/topics/heritage/apply-for-heritage-approvals-and-permits/aboriginal-objects-and-places/apply-for-an-ahip).  If an AHIP variation is required, consult with AHIP holder, complete a [variation application](https://www.environment.nsw.gov.au/topics/heritage/apply-for-heritage-approvals-and-permits/aboriginal-objects-and-places/transfer-vary-surrender-ahip) and liaise with Regulator. | No  Yes – work covered by existing AHIP  Yes – new or varied AHIP required | **If No**, and in an AHIP area:   * Obtain M-ES Approval * Consider written confirmation by a qualified archaeologist.   **If Yes**, and an AHIP applies, obtain written confirmation of requirements from:   * the AHIP holder, and * where required, the project archaeologist. |  |
| 4. Has this due diligence assessment been discussed with the SER Assessor (where EIA is required), or project manager/site supervisor (where exempt development)? | Yes | Record name(s), dates and times. Go to the **Authorisation** section and provide appropriate warning advice and/or controls for workers. |  |

### Authorisation:

#### Conclusion

All persons working on site that are involved in ground disturbing works should be made aware that it is an offence under Section 86 of the NPW Act to harm or desecrate an Aboriginal object unless that harm or desecration is the subject of an approved AHIP.

Work can proceed with caution and subject to the control measures in Ausgrid’s NS174C Environmental Handbook, WebGIS EL and the relevant environmental assessment / other project documentation. All staff working on the proposal must be notified to:

[modify to suit proposed works and outcome from the due diligence assessment]

* be aware of the potential for Aboriginal heritage objects
* not disturb the ground surface including rock outcrops and ground cover [within area xx]
* restrict vehicle and plant movements to existing roadways or access tracks
* only use plant and equipment that have rubber tyres
* No impacts to native trees unless all of the following apply:
  + Works are for the purpose of vegetation maintenance.
  + Works are undertaken in accordance with ISSC3, NS179 Vegetation management and Ausgrid’s Tree Safety Management Plan.
  + Clearing is restricted to existing and regularly maintained clearances (ie. No new clearance envelopes).
* [INSERT OTHER CONDITIONS AS REQUIRED]

The works are covered by AHIP [INSERT NUMBER]. ALL WORKS MUST COMPLY WITH THE CONDITIONS OF THIS AHIP.

**IMPORTANT:** Works are in the vicinity of an Aboriginal object. If you think you have discovered an Aboriginal heritage object or evidence of Aboriginal occupation you must stop work immediately, restrict access and notify your Supervisor to ensure the regulator is contacted. Ausgrid employees should contact Ausgrid’s Environmental Services. In these cases Environmental Services will contact the regulator.

#### Attachments

 WebGIS EL Report

 route/site plan

 site photos

 site cards

 Due diligence assessment carried out by a suitably qualified archaeologist in accordance with OEH’s Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW, 2010)

 [other]

#### Sign-off

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| --- | --- | --- | --- |
| Version | Date of Issue | Due Diligence Assessor - Environmental Officer | |
| Name | Signature |
| 1 | 17 June 2024 |  |  |